



AGENDA & Notice of Joint City of Newport Planning Commission & Lincoln County Planning Commission Work Session Meeting

The Planning Commission of the City of Newport and the Planning Commission of Lincoln County will hold a joint work session meeting at **6:00 p.m., Monday, November 26, 2012**, at the Newport City Hall, Council Chambers, 169 SW Coast Hwy., Newport, OR 97365. A copy of the meeting agenda follows.

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 in advance of the meeting to Peggy Hawker, City Recorder, 541-574-0613.

The City of Newport Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session.

JOINT CITY OF NEWPORT PLANNING COMMISSION & LINCOLN COUNTY PLANNING COMMISSION Monday, November 26, 2012, 6:00 P.M.

AGENDA

A. Topics of Discussion.

1. Newport annexation of Big Creek Reservoirs.
2. Proposed amendments to the Territorial Sea Plan (*potential action item*).
3. South Beach Transportation Overlay Zone.

B. Adjournment.

Memorandum

To: Newport and Lincoln County Planning Commissions
From: Derrick Tokos, Community Development Director
Onno Husing, Lincoln County Planning Director
Date: November 21, 2012
Re: Reservoir Urban Growth Boundary Expansion

The City is exploring the possibility of expanding the Newport Urban Growth Boundary (UGB) and city limits to include all of its water treatment plant, the storage reservoirs for its domestic water supply, and lands within the immediate watershed.

A rationale for the amendments, relevant criteria, and options for sizing the expansion area are outlined in a November 16, 2012 memorandum prepared by ECONorthwest. An email from the Department of Land Conservation and Development (DLCD) and the "Administration" Element of the Newport Comprehensive Plan provide further information regarding the criteria and process for expanding the UGB. A surface water assessment of the City's water supply, prepared by the Department of Environmental Quality (DEQ) and the Oregon Health Division (OHD) provides information about potential contamination sources which could inform a deliberation about how much land should be brought into the UGB. All of these documents are enclosed.

Preliminary discussions have occurred between the Newport City Council and Lincoln County Board of Commissioners on this issue. The Board of Commissioners was receptive to an expansion provided recreational fishing would continue to be permitted and that the City take on additional responsibilities with respect to maintenance and/or ownership of Big Creek Road. The Newport Planning Commission has held a couple of work sessions where they provided preliminary direction on how the City should proceed.

Both the City and County must consent to the UGB amendments. This work session is an opportunity for Commission members to discuss the proposal, ask questions of staff, and to share thoughts regarding the options available for sizing the expansion area. The concept is still preliminary and no specific action is being requested of either Commission. Feedback from this meeting will be disseminated by City staff and its consultant and an application will be prepared for consideration by the Newport Planning Commission at a future meeting. The Newport Planning Commission could then formally initiate the UGB amendment process once it believes the application is ready.

Attachments

DATE: 16 November, 2012
TO: Derrick Tokos, Community Development Director
FROM: Bob Parker and Beth Goodman
SUBJECT: OUTLINE OF RATIONALE FOR UGB EXPANSION OPTIONS

The City of Newport is considering an Urban Growth Boundary (UGB) amendment and subsequent annexation to include all of the city's water treatment plant (which is only partially within the city limits) and the city water storage reservoirs for domestic water supply. In general terms, the rationale underlying the proposed UGB expansion is twofold:

1. The City may be forced to reconstruct one or both of the water storage reservoirs in the coming years to address structural deficiencies. The reconstruction would include new water intake facilities, distribution lines, pumping stations, and a radio transmission tower for the municipal water metering system.
2. The subject property is well-suited for use as a public park and is identified in the City's adopted Parks Master Plan as a site for a regional park.

The justification for a UGB amendment is a two-step process: (1) Land Need; and (2) Boundary Location. Local governments must address both parts in the UGB application and associated findings. While the statements above provide a general rationale for the expansion, they lack sufficient specificity to justify the need for the expansion.

One of the key issues to be resolved is the exact extent of the boundary amendment. This memorandum summarizes three potential boundary options and outlines the rationale for each. The emphasis is on addressing the specific state legal requirements for justifying land need.

Assumptions

The analysis in this memorandum makes several assumptions (that should become foundational elements of the boundary amendment proposal if we've correctly stated them):

- City-owned land that is included in a boundary amendment will be annexed as part of the UGB action or soon after. Any other lands would be annexed as they become available.
- The population estimates adopted as part of the Housing Study will be the coordinated figures and provide the foundation for Need Factor 1.
- All lands included in the proposal will be designated “public” and will only be available for public uses at the time of the expansion and in perpetuity. In short, the city does not desire to allow urban development (housing or employment) to occur in the expansion area now or at any time in the future.
- The existing and proposed uses are allowed uses in a forest zone (OAR 660-006-0025(1)(c), (4)(f), (4)(l), and (4)(m)) provided the City comply with OAR 660-006-0025(5). Specifically, the reconstruction of the storage reservoirs would require the city comply with OAR 660-006-0025(5)(c) which states:

A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in subsections (4)(e), (m), (s), (t) and (w) of this rule.

- The requirement of a deed restriction or written contract with the county is unacceptable to the city.
- Avoiding the deed / contract requirement of OAR 660-006-0025(5)(c) is not a legal rationale for adding the land to the UGB. Note that we request a legal opinion on this assumption.
- The City desires to meet all of the 75-acre deficit of regional parkland identified in the Parks Master Plan at the reservoir site.
- The City will wish to develop the parkland with urban park amenities (such as flush toilets). Developing park facilities on resource land (e.g., land outside the UGB) will severely restrict the types of facilities the city can build and will potentially preclude urban services such as drinking water and wastewater treatment through the city systems.
- The City desires to acquire privately-held lands within any areas included in a boundary amendment.

- Information about the structural deficiencies of the dams came to light after the 2008 Water System Master Plan was completed. The water system projects will need to be identified in the water system master plan as long-range projects within the next 20 years as required in 660-011-0020 and 660-011-0025. The timing of the project is based on the condition of the facilities as well as long-term population growth consistent with 660-011-0025(1) (see appendix).

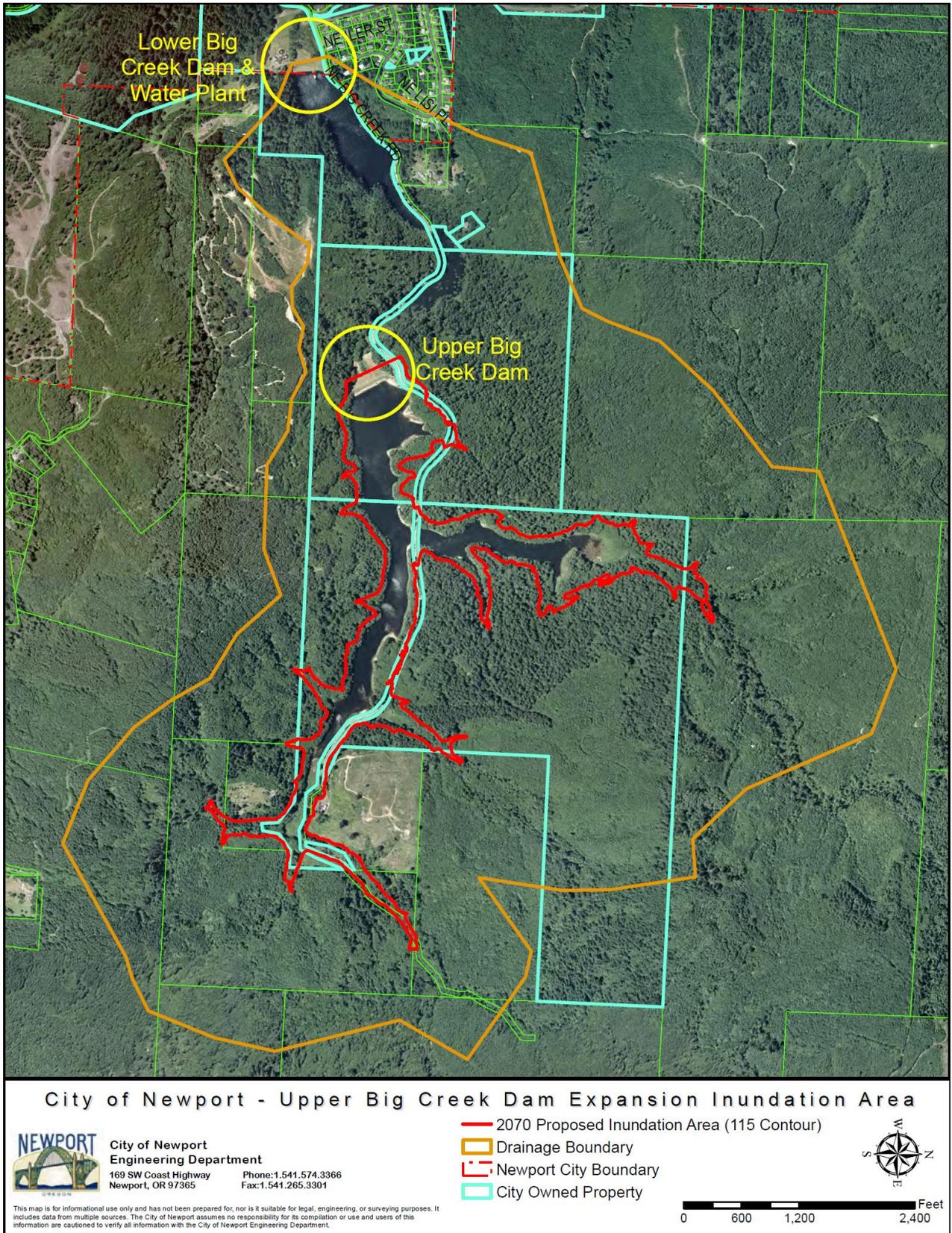
This is a preliminary list of assumptions; it is possible that some are inaccurate. We anticipate discussion with city staff and legal counsel on these assumptions and will modify the assumptions as necessary.

Options

The city is exploring three potential options, all of which would include the city's water treatment plant and water storage reservoirs. The key variation hinges on how much additional land in the Upper Big Creek watershed is included in the UGB boundary proposal. Map 1 shows the three boundary options:

- Option 1: Minimal expansion to include the reservoirs and park site. This would presumably include a buffer of a specified width (for example, 100') around the reservoirs as well as the area(s) dedicated for public park use. Based on data provided by the City, this proposal would require an estimated expansion of less than 250 acres (including both reservoirs and land for the park).
- Option 2: Inclusion of all city-owned property (the tax lots outlined in light blue in Map 1). This would involve four tax lots and approximately 511 acres.
- Option 3: Inclusion of all lands within the Upper Big Creek watershed. This proposal would include some private holdings. Note that a review of contours in Google Earth suggests that the watershed is larger than the boundary shown on Map 1. We estimate the area to be 750 to 1,000 acres.

Map 1. Potential UGB Expansion Options



Rationale

The emphasis of this memorandum is to lay out the rationale for the boundary expansion. We attempt to be comprehensive in the potential reasons; not all of them may be relevant in addressing the Goal 14 need criteria. To provide context, we first review the relevant need criteria.

Goal 14: Urbanization - Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection

In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.

Need Factor 1

In 2011, ECONorthwest assisted the City with a housing needs analysis. That study required a population forecast. Counties are required to coordinate population forecasts among the cities and unincorporated areas within the County (ORS 195.036). As of 2011, Lincoln County did not have a coordinated, adopted population forecast for the cities within the County. As a result, Newport developed a population forecast for the urban growth boundary (UGB).

OAR 660-024 provides “safe harbor” approaches for forecasting population in cities that do not have a coordinated, adopted population forecast. A city may adopt a 20-year population forecast based on the Oregon Office of Economic Analysis’s (OEA) population forecast for the County, assuming that the urban area’s share of the forecast population will remain constant over the planning period (OAR 660-024-0030(4)(b)).

Based on the revised PSU estimates, Newport’s 2010 population accounted for 21.7% of Lincoln County’s population. Table 1 shows a population forecast for Newport for the 2011 to 2031 period based on the assumption that Newport continues to account for 21.7% of Lincoln County’s population over the 20-year period. Table 4 shows that Newport’s population would grow by 1,466 people over the 20-year period.

Table 1. Population forecast, Newport, 2011 to 2031

Year	Lincoln County (OEA)	Newport
2011	47,306	10,285
2031	54,051	11,751
Change 2011 to 2031		
Number	6,745	1,466
Percent	14%	14%
AAGR	0.7%	0.7%

Source: ECONorthwest, based on the Office of Economic Analysis forecast for Lincoln County
 Note: Population for 2011 and 2031 was extrapolated based on the growth rates used between 2010-2015 (for 2011) and 2030-2035 (for 2031).
 Note: AAGR is average annual growth rate

The City adopted the population forecasts along with the housing needs analysis and related policies in 2011. Three additional points about the population forecast:

1. The City is in the process of finalizing the coordination of the figures through consultation with the County and other incorporated cities as required by ORS 195.034(3)(a).
2. The population forecast in the adopted water system plan is considerably higher, but cannot be relied on as evidence in this process because the figures are not coordinated.
3. The city will need to extrapolate the figures for the 2013-2023 to be consistent with OAR 660-024-0040(2)(a) (in other words, we assume the city intends to complete the process in 2013)

In summary, we see Need Factor 1 as being more of a procedural requirement than key evidence supporting the boundary amendment. However, part of the argument needs to be delivering water to both *current* and *future* residents. Need Factor 2 is where the main justification occurs.

Need Factor 2

All three of the proposals would be justified, in part, through the combination of need for public facilities and parks/open space. We address the rationale for each below.

- **Public facility need:** The public facility need would derive from the projects being identified in the City's public facilities plan, water system master plan, or capital improvement program as required by OAR 660-006-0020 and 0030. The weakness with this argument is that the facilities already exist outside the UGB. Part of this argument would hinge on the fact that rebuilding the facilities in the T-C zone would be a conditional use process through the county. Part of the argument should also be that the city desires control over the property so it can directly regulate development and operations of the facilities under the Newport Comprehensive Plan and Development Ordinances.

What this need does not address is the specific size of the expansion. We discuss that issue in more detail below.

- **Park/open space need:** The park need is justified by the 1993 Newport Park System Master Plan. The Plan identifies the city-owned reservoir site (535 acres) as "other city lands" on page III-5. The Plan establishes a level of service standard for regional parks of 6.0 acres per 1,000 persons and identifies a need for 75 acres. The Plan also identifies the reservoir site as a potential site to meet the need (under the comments section on page V-8):

The recommended standard of 6.0 acres per 1,000 population means that by the near 2010, there will be a need for approximately 75 acres of land. This additional need could be satisfied by developing a portion of the land around the reservoir into a regional park.

Moreover, a conceptual plan for the Regional Park is included on page VII-12 of the Port System Master Plan.

The 2010 population was just under 10,000 which would justify a need for approximately 60 acres. The 2031 forecast is for 11,151 persons which would justify a need for 70.5 acres. Depending on the option selected, the City may have some flexibility for the size of the park; the specific configuration would depend on a variety of factors including what types of recreational activities and amenities the city decides to provide.

Additional justification factors

Many strong arguments for including the properties do not directly address the legal framework. Following is a list of those arguments; we propose reviewing them with the city legal counsel.

- **Risk of Natural Disaster.** Our understanding is that the reservoirs were not constructed to contemporary seismic standards. In short, if a Cascadia subduction zone earthquake occurs, the facilities may fail and inundate urban development downstream. This consideration is in line with the “new information” provision of statewide planning Goal 7 (Natural Hazards) which requires cities to respond to new information on risk.
- **Water Quality.** This would be a key argument in justifying Option 2 (including all of the city-owned properties) or Option 3 (including the entire watershed). There appears to be some authority for control of properties within watersheds that provide for domestic water supply:

448.295 Jurisdiction of cities over property used for system or sources. Subject to the authority of the Oregon Health Authority, for the purpose of protecting from pollution their domestic water supply sources, cities shall have jurisdiction over all property:

(1) Occupied by the distribution system or by the domestic water supply sources by and from which the city or any person or corporation provides water to the inhabitants of the city.

(2) Acquired, owned or occupied for the purpose of preserving or protecting the purity of the domestic water supply source.

*(3) Acquired, owned or occupied by cities within the areas draining into the domestic water supply sources.
[Formerly 449.305; 1983 c.740 §170; 2009 c.595 §862]*

One interpretation would be that city-owned property is city-controlled. We'll need legal advice on how the state might perceive the relationship between ORS 448.295 and UGBs.

- **Water Quantity.** Data provided by the city suggest that reconstruction of the upper reservoir will include expansion of the facility to meet water needs through 2070. Moreover, analysis

shows that lower reservoir is a total loss and that the subsurface conditions are such that it is not practical to reconstruct at this location. As proposed, the upper reservoir would cover approximately 107 acres.

- **Requirement for Deed Restrictions or Contracts.** One of our assumptions is that this does not provide a legal rationale for inclusion of the properties in the UGB. However, the ORS 448.295 and OAR 660-006-0025(5)(c) creates an interesting dilemma. This issue is worth further discussion.
- **Long-term desire to control all property in the watershed.** This is an assumption we made about watershed management and land acquisition. If the city were to pursue this option, it may obviate the need to bring the entire watershed into the UGB (as well as Option 2 – all city-owned property) since it would control the land. To justify this would likely require a policy under the Public Facilities element of the plan.
- **Certainty.** The reconstruction of the water facilities represents a multi-million dollar investment for the city. Any delays in permitting or construction could significantly add to those costs. Including the land in the UGB and city limits assures the city control over the process and increases certainty.
- **Efficiency.** The water intake and storage facilities are urban facilities. Including the properties in the UGB will improve the efficiency of public works operations now and in the future.

Buffer Widths

If the city selects Option 1 (buffers with the park), it will need to determine the extent of the buffer (usually measured in feet) and the rationale to support the buffer. It will also need to determine how the buffer will be measured (horizontally from the bank, or as a distance no matter the slope). A set of case studies on buffers is presented in Appendix B.

In the context of water quality protection, a buffer is a vegetated area (a "buffer strip") near a waterway that is usually forested or vegetated, which helps shade and partially protect a stream from the impact of adjacent land uses. Vegetative buffers play a key role in protecting water quality in nearby waterways.

The Environmental Protection Agency (EPA) recommends buffers of 50 feet to 200 feet from water storage facilities. It recommends similar buffers for waterways that feed storage facilities in its model surface water

protection ordinance.¹ Some jurisdictions (such as Highland Lakes Texas) have buffers of up to 300 feet.

In the context of the Oregon land use system, buffers directly relate to Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), Goal 6 (Land, Air and Water Quality) and Goal 7 (Natural Hazards). The Goal 5 safe harbor for riparian protection is 50 feet for waterways with discharge less than 1,000 cubic feet per second (OAR 660-023-0090(5)(b)). The Oregon Forest Practices Act generally requires buffers of 50 feet to 100 feet (see table in Appendix).

A source water assessment conducted by the Oregon Department of Environmental Quality and the Oregon Health Division (City of Newport, PWS #4100566) concludes that a 1,000 foot buffer would be appropriate in “sensitive areas:”

A total of ten potential contaminant sources were identified in City of Newport's drinking water protection area. Nine of these are located in the sensitive areas and are high- to moderate-risk sources within “sensitive areas”. The sensitive areas within the City of Newport drinking water protection area include areas with high soil permeability, high soil erosion potential, high runoff potential and areas within 1000' from the river/streams.

As a general principle, the larger the buffer, the more protection it will potentially offer. Thus, if the city uses this option, we recommend that it establish the largest defensible buffer. Based on our review, a 200 foot buffer would be easily justifiable as the EPA recommends this width in its model surface water protection ordinance; a larger buffer of up to 1,000 feet based on the DEQ/OHS would be justifiable based on the source water assessment.

¹ <http://www.epa.gov/owow/NPS/ordinance/mol7.htm#surfacewater>

Appendix: Selected Statutes and Rules

Public facilities

660-011-0020

Public Facility Inventory and Determination of Future Facility Projects

(1) The public facility plan shall include an inventory of significant public facility systems. Where the acknowledged comprehensive plan, background document or one or more of the plans or programs listed in OAR 660-011-0010(3) contains such an inventory, that inventory may be incorporated by reference. The inventory shall include:

- (a) Mapped location of the facility or service area;
- (b) Facility capacity or size; and
- (c) General assessment of condition of the facility (e.g., very good, good, fair, poor, very poor).

(2) The public facility plan shall identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. The public facility plan shall list the title of the project and describe each public facility project in terms of the type of facility, service area, and facility capacity.

(3) Project descriptions within the facility plan may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or site availability. The public facility plan should anticipate these changes as specified in OAR 660-011-0045.

Stat. Auth.: ORS 183 & [ORS 197](#)

Stats. Implemented: [ORS 197.712](#)

Hist.: LCDC 4-1984, f. & ef. 10-18-84

660-011-0025

Timing of Required Public Facilities

(1) The public facilities plan shall include a general estimate of the timing for the planned public facility projects. This timing component of the public facilities plan can be met in several ways depending on whether the project is anticipated in the short term or long term. The timing of projects may be related directly to population growth, e.g., the expansion or new construction of water treatment facilities. Other facility projects can be related to a measure of the facility's service level being met or exceeded, e.g., a major arterial or intersection reaching a maximum vehicle-per-day standard. Development of other projects may be more long term and tied neither to specific population levels nor measures of service

levels, e.g., sewer projects to correct infiltration and inflow problems. These projects can take place over a long period of time and may be tied to the availability of long-term funding. The timing of projects may also be tied to specific years.

(2) Given the different methods used to estimate the timing of public facilities, the public facility plan shall identify projects as occurring in either the short term or long term, based on those factors which are related to project development. For those projects designated for development in the short term, the public facility plan shall identify an approximate year for development. For those projects designated for development over the long term, the public facility plan shall provide a general estimate as to when the need for project development would exist, e.g., population level, service level standards, etc. Timing provisions for public facility projects shall be consistent with the acknowledged comprehensive plan's projected growth estimates. The public facility plan shall consider the relationships between facilities in providing for development.

(3) Anticipated timing provisions for public facilities are not considered land use decisions as specified in [ORS 197.712\(2\)\(e\)](#), and, therefore, cannot be the basis of appeal under [ORS 197.610\(1\)](#) and (2) or [197.835\(4\)](#).

Stat. Auth.: ORS 183 & [ORS 197](#)
Stats. Implemented: [ORS 197.712](#)
Hist.: LCDC 4-1984, f. & ef. 10-18-84

660-011-0030

Location of Public Facility Projects

(1) The public facility plan shall identify the general location of the public facility project in specificity appropriate for the facility. Locations of projects anticipated to be carried out in the short term can be specified more precisely than the locations of projects anticipated for development in the long term.

(2) Anticipated locations for public facilities may require modifications based on subsequent environmental impact studies, design studies, facility master plans, capital improvement programs, or land availability. The public facility plan should anticipate those changes as specified in OAR 660-011-0045.

Stat. Auth.: ORS 183 & [ORS 197](#)
Stats. Implemented: [ORS 197.712](#)
Hist.: LCDC 4-1984, f. & ef. 10-18-84

Municipal Water Systems

448.295 Jurisdiction of cities over property used for system or sources.
Subject to the authority of the Oregon Health Authority, for the purpose of protecting from pollution their domestic water supply sources, cities shall have

jurisdiction over all property:

(1) Occupied by the distribution system or by the domestic water supply sources by and from which the city or any person or corporation provides water to the inhabitants of the city.

(2) Acquired, owned or occupied for the purpose of preserving or protecting the purity of the domestic water supply source.

(3) Acquired, owned or occupied by cities within the areas draining into the domestic water supply sources. [Formerly 449.305; 1983 c.740 §170; 2009 c.595 §862]

448.300 City ordinance authority. Cities may prescribe by ordinance what acts constitute offenses against the purity of the water supply and the punishment or penalties therefor and may enforce those ordinances within their corporate limits and on property described in ORS 448.295. [Formerly 449.310]

448.305 Special ordinance authority of certain cities. (1) Subject to subsection (2) of this section, by ordinance a city may prohibit or restrict access for purposes of fishing, hunting, camping, hiking, picnicking, trapping of wild animals or birds, harvesting of timber or mining or removal of minerals or carrying on any other activity in its watershed area, or by ordinance may permit any such activity in its watershed area upon conditions specified in the ordinance. However, no ordinance passed under authority of this section shall prohibit the hunting or trapping of fur-bearing or predatory mammals doing damage to public or private property or prohibit the hunting or trapping of any bird or mammal for scientific purposes, as defined in ORS 497.298 (3).

(2) Subsection (1) of this section applies only to cities with respect to watershed areas which are the subject of an agreement between the city and the United States or any department or agency thereof, which agreement authorizes such action by the city.

(3) Violation of an ordinance adopted by any city pursuant to this section is a Class C misdemeanor.

(4) After adoption of an ordinance pursuant to subsection (1) of this section, a city shall post the area with suitable signs setting forth the prohibition of access or the conditions of limited access imposed by the ordinance. Failure to post the area as required in this subsection shall be a defense in any prosecution under an ordinance adopted by any city under authority of this section. [Formerly 449.327; 2011 c.597 §198]

Appendix B: Buffer Case Studies

Following are several buffer strategies. These were taken from work conducted by the University of Oregon Community Planning Workshop for the Eugene Water and Electric Board.

EPA Reservoir Protection Overlay Zone²

The EPA model ordinance designates a Reservoir Protection Overlay Zone. The zone prohibits hazardous materials, as well as hazardous activities including service stations and junkyards. The ordinance requires that land-use applications for areas within the zone include an impact study conducted by a registered professional engineer. The ordinance requires that application be reviewed to prevent runoff, erosion, and vegetation removal. Businesses must submit a spill control plan if they are using hazardous materials and have received a special-use permit. In addition, the ordinance recommends stream buffers of 200'. The buffer can be modified to an absolute minimum of 75' if the applicant can show that the reduced buffer will provide the same level of protection as the full buffer.

Oregon DEQ Surface Water Drinking Water Protection Overlay Zone³

This ordinance describes a Surface Water Drinking Water Protection Overlay Zone (DWP). The DWP prohibits the storage, use or production of hazardous materials and limits approval of non-conforming uses to activities that do not increase threats to water quality. Existing business and new developments within the zone are required to prepare and submit a Safe Drinking Water Plan (SDWP), which includes erosion and runoff controls. Developments with lesser impact (such as less impervious surface area) are exempted from the SDWP. In addition, owners of septic systems within the DWP are required to have their septic system inspected within one year of the ordinance's effective date and every five years thereafter.

NFIP Community Rating System (CRS)⁴

Though not intended to protect water quality, the CRS includes a series of recommendations that limit development related impacts to water

² <http://www.epa.gov/owow/nps/ordinance/mol7.htm>

³ <http://www.deq.state.or.us/wq/pubs/factsheets/drinkingwater/ModelOrdinanceSurfaceWater.pdf>

⁴ <http://training.fema.gov/EMIWeb/CRS/>

quality. The CRS is an incentive program that encourages community floodplain management activities that exceed the minimum National Flood Insurance Program (NFIP) requirements by providing discounted flood insurance rates. Among the regulations that CRS incentivizes are prohibitions to floodplain activities that may be hazardous to public health and prohibitions to fill in the floodplain; and low-density zoning. The prohibition on activities hazardous to public health is particularly important because it includes water quality measures in addition to property protection.

Metropolitan North Georgia Water District⁵

The ordinance requires that an undisturbed vegetative buffer is maintained on 50 feet of each bank and impervious cover prohibited for an additional 25 feet. Septic tanks are prohibited within the buffer or setback. Site plans are required before permits are issued for any development within the buffer or setback. The ordinance allows for “grandfathered” variances, but requires that those development activities have mitigation plans. In addition, variances are prohibited except when the shape or topography of a parcel prevents implementation of the buffer or setback.

Highland Lakes Watershed Ordinance, Texas (HLWO)⁶

The HLWO requires permits for development or redevelopment that creates more than 10,000 sq. ft. of impervious surface, disturbs more than one acre of land or activities that dredge more than 500 cubic feet of soil. Developments causing lesser effects must either provide written notification of the project or have no additional development requirements. The ordinance requires a BMP Maintenance Permit be issued to the developer at the completion of construction. Multi-family developments over 20 acres and commercial developments over 3 acres must undertake pre-development planning before applying for a development permit. The HLWO provides permitting incentives for developments that limit impervious cover and manage stormwater. The ordinance requires riparian buffers that increase according to the size of the body of water, up to 300 ft. from the centerline for rivers draining more than 640 acres. Finally, the HLWO requires erosion and sedimentation controls.

⁵ http://www.northgeorgiawater.com/files/mngwprd_floodplainmodord.pdf

⁶ maps.lcra.org/getPDF.aspx?ID=96&MapPath=WatershedManagerRegions.pdf

Appendix C: Forest Practices Act Buffers

Table 1: Oregon Riparian Management Areas (RMAs) for Forestry & Agriculture

Land Use	Stream Size and Type ^a	RMA Width	No Harvest	Retain All Understory
Private Forestland	Large Type F	100 ft	20 ft	10 ft
Private Forestland	Large Type D	70 ft	20 ft	10 ft
Private Forestland	Large Type N	70 ft	20 ft	10 ft
Private Forestland	Med Type F	70 ft	20 ft	10 ft
Private Forestland	Med Type D	50 ft	20 ft	10 ft
Private Forestland	Med Type N	50 ft	20 ft	10 ft
Private Forestland	Small Type F	50 ft	20 ft	10 ft
Private Forestland	Small Type D	20 ft	20 ft	10 ft
Private Forestland	Small Type N	0 ft	0 ft	0 or 10 ft ^b
State Forestland	All perennial	170 ft	0-25 ft/ light thinning only from 25-100 ft	25 ft
Federal Forestland ^c (USFS & BLM)	Perennial Intermittent	~320 ft (2SPT) ^d ~160 ft (1SPT)	Harvest for restoration only	N/A
Agriculture	All perennial	Varies by Sub-Basin ^e	Varies by Sub-Basin ^e	Varies by Sub-Basin ^e

a. Three types of streams (perennial or intermittent):

- Type F Streams = has salmonids and/or game fish; may also be used for domestic water.
- Type D Streams = within 300ft of domestic water intake and has no protected fish.
- Type N Streams = includes all other perennial streams.

Three sizes of streams (perennial or intermittent):

- Small = average annual flow of 2 cubic feet per second (cfs) or less or any stream with a drainage area less than 200 acres. Small streams generally have widths of 4 feet or less.
- Medium = average annual flow greater than 2 and less than 10cfs. Medium streams generally have widths of 4-10 feet.
- Large = average annual flow greater than 10cfs. Large streams generally have widths of greater than 10 feet.

b. Retention zone of 10 feet required in E. Cascades and Blue Mountains regions. Retention zone of 10 feet required in some cases in the S. Coast, Interior, and Siskiyou regions.

c. USFS manages their lands according the Northwest Forest Plan (NWFP). BLM will manage new western Oregon projects according to the Western Oregon Plan Revision (WOPR) while projects developed prior to WOPR will be managed according to the NWFP.

d. SPT=Site Potential Tree Height. One SPT is the height that a typical conifer attains in 100 years on a given site. It varies from site to site and can be up to 160 feet.

e. There are 39 sub-basins with individual Agriculture Water Quality Rules. Generally, the rules require riparian areas to have “vegetation appropriate to site capability” and to be capable of providing riparian functions such as shade and sediment/nutrient filtration. The riparian zone width used by some entities is 25 feet, but there is no required width established by rule. The rules do not require a set buffer width to provide flexibility to achieve pollution control dependent on the source of potential pollution, the size of the stream, the volume of water expected in the stream, and the climate of the area of concern.

NEWPORT UGB EXPANSION FOR WATER STORAGE AND RESERVOIR SITE – NECESSARY ANALYSIS

Prepared by Gordon Howard
DLCD Urban Specialist
October 15, 2012

DISCLAIMER: This memo represents my own interpretation of the McMinnville Court of Appeals decision from July, 2011. The “Need” section is customized to reflect Newport’s particular public facility issue, but the “Location” section is generic, to be used for all urban growth boundary expansions. I cannot guarantee that this interpretation is authoritative or final.

NEED

1. PREPARE AND ADOPT A POPULATION FORECAST
2. DEMONSTRATE A NEED FOR THE PUBLIC FACILITY USE AND THE REASON SUCH USE MUST BE LOCATED INSIDE AN URBAN GROWTH BOUNDARY
3. SPECIFY CHARACTERISTICS SUCH AS PARCEL SIZE, PROXIMITY, OR TOPOGRAPHY, NECESSARY FOR LAND TO BE SUITABLE FOR THE IDENTIFIED NEED
4. DEMONSTRATE THAT THE NEED CANNOT BE ACCOMMODATED ON LAND THAT IS ALREADY INSIDE THE URBAN GROWTH BOUNDARY

LOCATION

1. START WITH AMOUNT OF NEEDED LANDS
2. DETERMINE STUDY AREA OF CANDIDATE LANDS – CATEGORIZE CANDIDATE LANDS UNDER THE FOUR PRIORITIES OF 197.298(1) (URBAN RESERVE, EXCEPTION+COMPLETELY SURROUNDED RESOURCE LANDS EXCEPT FOR HIGH-VALUE FARMLAND, MARGINAL LAND, RESOURCE LANDS)
3. LOOK AT FIRST PRIORITY – URBAN RESERVE LANDS
 - A. APPLY THE FOLLOWING FACTORS TO EXCLUDE (OR INCLUDE LOWER PRIORITY) LANDS FROM THE UGB:
 - a. Exclude lands that are not buildable
 - b. Exclude lands based upon specific land needs (197.298(3)(a))
 - c. Exclude lands based upon inability to reasonably provide urban services due to physical constraints (197.298(3)(b))
 - d. Include lower priority lands needed to include or provide services to urban reserve lands (197.298(3)(c))
 - e. Exclude lands based upon analysis of comparative ESEE consequences (Goal 14, Boundary Location, Factor 3)
 - f. Exclude lands based upon analysis of compatibility with agricultural & forest activities (Goal 14, Boundary Location, Factor 4)

- B. IF THE AMOUNT OF LAND REMAINING AFTER EXCLUSIONS GREATER THAN THE AMOUNT OF NEEDED LANDS, THEN:

Apply the following factors to pick and choose among the land remaining after exclusions:

- a. Efficient accommodation of identified land needs (Goal 14, Boundary Location, Factor 1)
- b. Orderly and economic provision of services (Goal 14, Boundary Location, Factor 2)
- c. Comparative ESEE consequences (Goal 14, Boundary Location, Factor 3)
- d. Compatibility with agricultural and forest activities (Goal 14, Boundary Location, Factor 4)

- C. IF THE AMOUNT OF LAND REMAINING AFTER EXCLUSIONS IS LESS THAN THE AMOUNT OF NEEDED LANDS, THEN GO TO THE NEXT LOWER PRIORITY – EXCEPTION LANDS

4. IF NECESSARY, REPEAT PROCESS UNDER #3 FOR SECOND PRIORITY (EXCEPTION) LANDS

5. IF NECESSARY, REPEAT PROCESS UNDER #3 FOR THIRD PRIORITY (MARGINAL) LANDS

6. IF NECESSARY, REPEAT PROCESS UNDER #3 FOR FOURTH PRIORITY (RESOURCE) LANDS AS FOLLOWS:

- A. For agricultural lands: class VIII Soils, then class VII, ... finally class I.
- B. For forest lands: cubic foot site class VII, then VI, ... finally class I.

From: [Howard, Gordon](#)
To: [Derrick Tokos;](#)
cc: [Wingard, Patrick;](#)
Subject: RE: Newport Reservoir and Water Storage Urban Growth Boundary process
Date: Tuesday, October 16, 2012 10:19:43 AM

Thank you, Derrick, for sending me your memo and requesting comments. Your memo addresses the reservoir, and I understand that there is also a proposal to add a water storage facility at the north end of the city – my comments below are therefore limited to the reservoir issue at this point, but are probably also applicable to the second proposal. Here’s what I can provide you:

1. The key threshold issue for Newport to address is: Why does the reservoir need to be within the Urban Growth Boundary? You address this at the beginning of your memo, but your findings should provide greater detail on this issue. Questions that arise (there may be others):
 - a. What specifically are the county’s conditional use criteria for such uses in a forest zone?
 - b. Would putting the reservoir site within the UGB eliminate the need to discuss the impact on forest zoned land adjacent when modifying the facility?
 - c. How would the deed restrictions to protect adjacent forest uses affect reservoir operations?
 - d. Is there a deficiency in park acreage, or in a particular type of park acreage, that can justify a UGB expansion?
 - e. Are all of the lands proposed for addition to the UGB owned by the city? If not, what are the effects on these properties?
2. Once you get past this issue, the arguments for choosing this reservoir site, with an existing reservoir, over other potential reservoir sites, is pretty straightforward. However, your memo addresses the Newport comprehensive plan policies, which are based upon an old version of Goal 14. We would be looking for an analysis based upon the McMinnville decision, the format for which I outlined in my memo to you, that reflects the “new” Goal 14. The new language has only four locational factors instead of seven, and no longer has the “exception” factor from Goal 2. State law requires you to address the current goal language even if your comprehensive plan doesn’t include it – however, your existing analysis in the memo may also be necessary to show compliance with your own comp plan.
3. You make mention that the reservoir site may qualify as an “urban reserve.” Unless Newport has formally adopted an urban reserve pursuant to state law and rules, the urban reserve designation does not apply, and

thus this wouldn't be a "first priority" under ORS 197.298. The later part of your memo seems to acknowledge this anyway.

4. As a practical matter, before you get to this reservoir site, you will need to look at alternative sites in the following order:

- a. Sites within the current UGB
- b. Sites on exception lands
- c. Sites on forest land that has a lower productivity classification than the existing reservoir site

As I mentioned, you will probably be able to easily eliminate these sites because of the costs and impracticability of relocating a large water reservoir, but you will need to go through this analysis.

I hope this email is helpful to you. I will be in the Salem office today, and then in the Portland office on Wednesday all day and Thursday morning, so please email any response or question to me any of those days, or call me in Salem today.

Gordon Howard | Urban Planning Specialist
Community Services Division
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Office: (503) 373-0050 ext. 259 | Fax: (503) 378-5518
gordon.howard@state.or.us | www.oregon.gov/LCD

From: Derrick Tokos [mailto:D.Tokos@NewportOregon.gov]
Sent: Tuesday, October 16, 2012 9:03 AM
To: Howard, Gordon
Cc: Wingard, Patrick
Subject: RE: Newport Reservoir and Water Storage Urban Growth Boundary process
Importance: High

Gordon,

Thanks for the information. I don't anticipate any process issues, and the City is prepared to address ORS 197.298, as the statute has been interpreted by the courts, as well as the applicable provisions of its Comprehensive Plan.

What would be helpful is if you could provide preliminary feedback on the substance of our reasoning as to how the statutory requirements can be satisfied, as outlined in the memo that I provided (see attached). This will help us to further develop the proposal before we initiate the UGB amendment process.

Our Planning Commission is meeting on 10/22 to further discuss the proposal. If I can get your feedback by close of business tomorrow (or first thing Thursday morning) I can get it into their meeting packets.

Thank you,

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0626
fax: 541.574.0644
d.tokos@newportoregon.gov

From: Howard, Gordon [<mailto:gordon.howard@state.or.us>]
Sent: Monday, October 15, 2012 2:44 PM
To: Derrick Tokos
Cc: Wingard, Patrick
Subject: Newport Reservoir and Water Storage Urban Growth Boundary process

Derrick and Patrick, I've attached a short memo outlining the Urban Growth Boundary amendment process, as I see it, for Newport regarding the reservoir and water storage facility. It reflects the *McMinnville* decision from the Court of Appeals in 2011, along with the changes to Goal 14 that were made in 2005 (which eliminated the "exceptions" process). Please feel free to contact me if you have any questions, either by email or by telephone. If by telephone, please note that I will be in the Portland office on Wednesday and Thursday, so an email would be best, and I can call you back.

Gordon Howard | Urban Planning Specialist
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ADMINISTRATION OF THE PLAN

Introduction:

Planning is a process. Because conditions change, the planning process should remain dynamic. Oregon's statewide planning program addresses this need in two ways: First, a post acknowledgement review process exists to assure that local amendments to a state acknowledged plan or implementing ordinance comply with the statewide planning goals; second, a periodic review program mandates the maintenance of local comprehensive plans. Cities must submit their plans every four to seven years to the state, who in turn reviews the plans for consistency and compliance with new rules and statutes.

In addition to state requirements, local jurisdictions should have a well defined review and amendment process. That process should attempt to strike a balance between changing circumstances and the need to provide certainty in the rules. This section presents such a process.

There are two types of comprehensive plan changes, text and map.

Text Amendments

Changes to the text of the plan shall be considered legislative acts and processed accordingly. These include conclusions, data, goals and policies, or any other portion of the plan that involves the written word.

Map Amendments¹

There are three official maps within this plan. They are (1) the General Land Use Plan Map (commonly called the "Comp Plan Map"), (2) the Yaquina Bay Estuary and Shorelands Map (page 272), and (3) the Ocean Shorelands Map (page 50).

Three types of amendments are possible to each of these maps. The first involves wide areas of the map and many different properties, and these are considered major, legislative changes (see the urbanization section on page 273 for definitions). The second usually involves small areas and affects only a few pieces of property. These amendments are considered minor (again, see the urbanization section for definitions), and are quasi-judicial in nature. The third amendment is an amendment based on a demonstrated error in a map designation of a property or the establishment of

¹ Map Amendments Section amended by Ordinance No. 1868 (February 17, 2004).

boundaries on one of the maps. Errors may include, but are not limited to cartographic mistakes, scrivener's errors in a description of a designation or boundary, incorrect map designations of property based on an erroneous assumption of property ownership, the need to reconcile conflicts between a comprehensive plan map designation and a zoning map designation of a property, or the need to adjust comprehensive plan designations or boundaries based on the correction of errors in the Urban Growth Boundary under the Newport Comprehensive Plan process for resolution of errors in the Urban Growth Boundary.

Major, minor, and error amendments to any of the three maps shall be processed consistent with the procedure established in 2-6-1/"Procedural Requirements" of the Zoning Ordinance (No. 1308, as amended). Major, minor, and error amendments to the maps shall be accompanied by findings addressing the following:

A. Major Amendments:

- 1.) A significant change in one or more goal or policy; and
- 2.) A demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities; and
- 3.) The orderly and economic provision of key public facilities; and
- 4.) Environmental, energy, economic, and social consequences; and
- 5.) The compatibility of the proposed change with the community; and
- 6.) All applicable Statewide Planning Goals.

B. Minor Amendments:

- 1.) A change in one or more goal or policy; and
- 2.) A demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or change in community attitudes; and
- 3.) The orderly and economic provision of key public facilities; and
- 4.) The ability to serve the subject property(s) with city services without an undue burden on the general population; and
- 5.) The compatibility of the proposed change with the

surrounding neighborhood and the community.

C. Error Amendments:

- 1.) An error was made in the establishment of a map designation or boundary; and,
- 2.) The correction of the error by the amendment of a map designation or boundary is necessary to resolve an issue created by the error.

Initiation:

A comprehensive plan text revision may be initiated by the Newport City Council, the Newport Planning Commission, the owner (or his/her authorized representative) of any property included in the urban growth boundary, or any resident. Changes proposed by a property owner or resident shall be initiated by the filing of an application for such change. The application shall be on a form prescribed by the City of Newport. Accompanying the application shall be a fee. The City Council shall from time to time set, by resolution, the fees for comprehensive plan changes.

All modifications initiated by a motion of the City Council or an application from a property owner or resident shall be forwarded to the Planning Commission for review and recommendation, who shall review the request and send a recommendation back to the City Council.

Hearings and Notification:

All changes shall be considered by the Planning Commission and City Council at public hearings. Notices and other procedural requirements shall be made in accordance with Section 2-6-1 of the Zoning Ordinance.

The City Council shall hear the matter at a regularly scheduled meeting. If the Council approves the request, they shall pass an ordinance reflecting the change. Denial may be made upon a motion duly seconded and passed by a majority of the Council voting.

Findings of Fact:

All requests for amendments to the data, text, inventories, graphics, conclusions, goals and policies, or implementation strategies shall be accompanied by findings that address the following:

A. Data, Text, Inventories or Graphics:

1.) New or updated information.

B. Conclusions:

1.) A change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information.

C. Goals and Policies:

1.) A significant change in one or more conclusion; or

2.) A public need for the change; or

3.) A significant change in community attitudes or priorities; or

4.) A demonstrated conflict with another plan goal or policy that has a higher priority; or

5.) A change in a statute or statewide agency plan; and

6.) All the Statewide Planning Goals.

D. Implementation Strategies:

1.) A change in one or more goal or policy; or

2.) A new or better strategy that will result in better accomplishment of the goal or policy; or

3.) A demonstrated ineffectiveness of the existing implementation strategy; or

4.) A change in the statute or state agency plan; or

5.) A fiscal reason that prohibits implementation of the strategy.

Interpretations:

It may become necessary from time to time to interpret the meaning of a word or phrase or the boundaries of a map. Whenever such an interpretation involves the use of factual, policy, or legal discretion, a public hearing before the Planning Commission consistent with the procedural requirements contained in Section 2-6-1 of the Zoning Ordinance (No. 1308, as amended) shall be held.

A ruling for an interpretation shall be approved only if findings are presented that comply with the following:

- > The interpretation does not change any conclusion, goal, policy, or implementation strategy.
- > The interpretation is based on sound planning, engineering, or legal principles.
- > The interpretation is consistent with the Comprehensive Plan.

Additional Map Information:

The official maps shall be identified by the City Council and shall be on file with the City of Newport's Department of Community Planning and Development. A correct and up-to-date original of each map shall be maintained by the planning department. Regardless of the existence of copies of the official maps that may be made or published, the official maps shall be the final authority for determining boundaries for various districts and features.

In the event that an official map becomes damaged, destroyed, lost, difficult to interpret, or outdated, the City Council shall, by ordinance, adopt a new official map, which shall supersede the old one. Adoption of a new official map shall be a legislative matter and shall be processed as such.

Where uncertainty exists as to the boundaries of districts shown on the official maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following shore lines shall be construed to follow the mean higher high water line of such shore lines. In the event of change in the shore line, the boundary shall be construed as moving with the actual shore line.
- E. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- F. Areas below the mean higher high water line or the line of non-aquatic vegetation, whichever is most landward in the

estuarine area, shall be considered to be in the estuarine management unit rather than the adjacent shoreland zone.

- G. Boundaries indicated as parallel to or extensions of geographic features indicated in subsections 1 through 6, above, shall be so construed.
- H. Distances not specifically indicated on the official maps shall be determined by the scale of the map.

Citizen Involvement:

It is important to involve a cross section of the citizens of Newport in the development and execution of this Comprehensive Plan and its implementing ordinances. For this purpose, a process must be established to assure that citizen involvement is effective. This section is designed to outline such a procedure for the City of Newport.

The City of Newport contains a wide variety of people with many different interests. When developing new plan policies and implementing laws, it is vital to consider the various view of the community or neighborhood that will be affected by the proposal.

Timing is crucial. Too often citizens do not become involved in the planning process until a specific project is proposed. By then it is frequently more difficult to have an affect on the outcome of the project. This is compounded by the legal requirements of quasi-judicial hearings. The complicated criterion and procedural mandates are not "user friendly" and add to the frustration of persons not familiar with the process. As a result, citizens may feel that the planning does not work and they are left with a bad experience.

For developers, the perception is similar. Public hearings place an element of uncertainty in their projects. Sometimes seemingly arbitrary decisions are made, discouraging investment and innovation. Once again, planning is seen as an impediment, a necessary and expensive paper hoop that must be jumped through.

How then can a citizen involvement program be effective? For Newport, with a strong tradition of community pride and awareness, the answer lies in citizen participation in the planning of the community rather than the administration of the plan and ordinances. That means the emphasis should be placed in citizen participation in the legislative, rather than the quasi-judicial, aspect of the planning process.

When the emphasis for citizen involvement is shifted from the quasi-judicial to the legislative, the adversarial nature of the program is reduced. It is no longer the neighborhood versus the

developer but a group of concerned citizens who want a well planned community. The accent is also changed from the strict, legal procedures to more informal fact finding. All voices are encouraged. People have the freedom to explore all the alternatives and consider them fully.

Once a neighborhood or community consensus can be built, ordinances can be formulated that offer clear direction for development. As long as a developer is willing to comply with the community goals, s/he can be assured that approval will be given. Innovation can be considered on a case-by-case basis and looked at in light of objective policy.

With this system, there is a unified approach to community development. This can save the general public and development community a great deal of time and money, not to mention frustration. Planning can then be a positive.

This is not to say that problems and conflicts will not arise. It would be foolish to assume that all community goals and policies will be without ambiguity and that all developers will voluntarily comply with those standards. But the point is to shift the priority away from the antagonistic view of planning and more to the cooperative.

GOALS/POLICIES/IMPLEMENTATION
FOR CITIZEN INVOLVEMENT

Goal 1: To involve citizens in the development and implementation of the city's Comprehensive Plan and its implementing ordinances.

Policy 1: The city shall develop methods of community outreach that encourage participation in the planning process.

Implementation Measure #1: The Planning Commission shall serve as the official citizens' advisory committee to the City Council. Whenever a major change (as determined by the Commission) to the Comprehensive Plan or an implementing ordinance is under consideration, three persons from the community at large shall be designated by the Planning Commission as a Citizens' Advisory Committee.

Implementation Measure #2: The city may promote or assist neighborhood organizations to assist in decision making. When appropriate, the Planning Commission and/or

City Council may hold meetings in neighborhoods affected by the issues under consideration.

Implementation Measure #3: If an important issue needs study, then the Planning Commission or the City Council may call for the formation of an ad hoc committee. The committee shall be appointed by the Mayor and confirmed by the City Council. Effort shall be made to select persons from different sides of the issue.

Policy 2: The city will encourage the participation of citizens in the legislative rather than the quasi-judicial stage of plan development and implementation.

Implementation Measure #1: The city will make reasonable attempts to contact and solicit input in the formulation of comprehensive plan elements and ordinance provisions. The city may use the neighborhood organizations to discuss specific proposals. The media will be used as much as possible to make citizens aware of city policy and actions.

Implementation Measure #2: The city will develop clear and objective standards by which to review development proposals. Those standards should be developed only after a concerted effort by the city to involve citizens in the formulation process.

Implementation Measure #3: The city will rely on its staff to administer the plan and ordinances if clear and objective standards can be developed. If, however, administration of a plan or implementing ordinance provision involves a legal, factual, or policy decision, the decision shall be made by the Planning Commission and/or the City Council after adequate public notice to interested or affected persons.

Implementation Measure #4: The Planning Commission shall serve as the official Committee for Citizen Involvement (CCI). On matters of neighborhood or city-wide significance, the Planning Commission shall make an effort to solicit the input of citizens.

SOURCE WATER ASSESSMENT SUMMARY BROCHURE

CITY OF NEWPORT

PWS # 4100566

WHAT IS A SOURCE WATER ASSESSMENT?

The Source Water Assessment was recently completed by the Department of Environmental Quality (DEQ) and the Oregon Health Division (OHD) to identify the surface areas (and/or subsurface areas) that supply water to City of Newport's public water system intake and to inventory the potential contaminant sources that may impact the water supply.

WHY WAS IT COMPLETED?

The Source Water Assessment was completed to provide information so that City of Newport's public water system staff/operator, consumers, and community citizens can begin developing strategies to protect the source of their drinking water, and to minimize future public expenditures for drinking water treatment. The assessment was prepared under the requirements and guidelines of the Federal Safe Drinking Water Act (SDWA).

WHAT AREAS ARE INCLUDED IN CITY OF NEWPORT'S DRINKING WATER PROTECTION AREA?

The drinking water for the City of Newport is supplied by intakes on the Siletz River and Big Creek. This public water system serves approximately 10,200 citizens. The combination of the geographic areas contributing to the Siletz River and Big Creeks intakes make-up Newport's drinking water protection area. The boundaries of the Drinking Water Protection Area are illustrated on the figure attached to this summary.

In addition, the protection areas for the Siletz River upstream of Newport's Siletz River intake are also included in the drinking water protection area. This source water assessment addresses only the geographic area providing water to Newport's Siletz River intake between Newport's intake and the upstream intake for City of Siletz. In addition, the Toledo Water Utilities drinking water intake is located on the

Siletz River downstream of Newport's intake. Activities and impacts in the Newport and Siletz drinking water protection area have the potential to also impact downstream users. A schematic of Siletz-Yaquina Sub-Basin Drinking Water Protection Areas is shown in this summary brochure.

Newport's Siletz River intake is located in the Lower Siletz River Watershed and the Big Creek intake is located in the Moolack Creek Watershed. Both watersheds are located in the Siletz-Yaquina Sub-Basin of the Northern Oregon Coastal Basin. The Siletz River and Big Creek intakes are located at approximate elevations of 100 feet and 45 feet, respectively. The streams that contribute to the Big Creek intake extend upstream a total of approximately 11.4 miles (including reservoir centerline) and encompass a total area of approximately 3.2 square miles. The Siletz River within Newport and Siletz's protection areas extends upstream approximately 480 miles from the Siletz River intake and the watershed includes approximately 206 square miles. The Siletz and Newport protection area within an 8-hour travel time from the Siletz River intake extends approximately 16 miles upstream of the intake.

WHAT ARE THE POTENTIAL SOURCES OF CONTAMINATION TO CITY OF NEWPORT'S PUBLIC DRINKING WATER SUPPLY?

The primary intent of this inventory was to identify and locate significant potential sources of contaminants of concern. The delineated drinking water protection area is primarily dominated by managed forestlands. The potential contaminant sources identified in the Big Creek delineation include upstream reservoirs, rural homesteads, a water treatment plant, clear cuts, recreation areas, and future development areas. The potential contaminant sources identified within the Siletz River delineation include rural homesteads, Highway 229, grazing animals, and clear cuts. This

provides a quick look at the existing potential sources of contamination that could, if improperly managed or released, impact the water quality in the watershed.

WHAT ARE THE RISKS FOR OUR SYSTEM?

A total of ten potential contaminant sources were identified in City of Newport's drinking water protection area. Nine of these are located in the sensitive areas and are high- to moderate-risk sources within "sensitive areas". The sensitive areas within the City of Newport drinking water protection area include areas with high soil permeability, high soil erosion potential, high runoff potential and areas within 1000' from the river/streams. The sensitive areas are those where the potential contamination sources, if present, have a greater potential to impact the

water supply. The information in this assessment provides a basis for prioritizing areas in and around our community that are most vulnerable to potential impacts and can be used by the City of Newport community to develop a voluntary Drinking Water Protection Plan.

NEED MORE INFORMATION?

City of Newport's Source Water Assessment Report provides additional details on the methodology and results of this assessment. The full report is available for review at:

Contact the City of Newport staff if you would like additional information on Newport's Source Water Assessment results.

Source Water Assessment Results

City of Newport's Drinking Water Protection Area with Sensitive Areas and Potential Contamination Sources

PWS 4100566

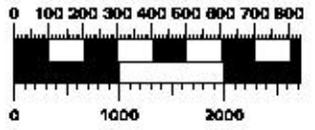
-  Drinking Water Protection Area
-  Drinking Water Intake - Surface Water
-  Sensitive Areas

-  Area Feature (see Note 2)
-  Point Feature (see Note 2)

Notes on Potential Contaminant Sources

Note 1: Sites and areas noted in this figure are potential sources of contamination to the drinking water protection identified by Oregon drinking water protection staff. Environmental contamination is not likely to occur when contaminants are used and managed properly.

Note 2: Feature identification markers correspond to the potential contaminant source numbers in the SWA Report. The area features represent the approximate area where the land use or activity occurs and is marked at the point closest to the intake. The point features represent the approximate point where the land use or activity occurs.



Printed March, 2002
Oregon Department of Environmental Quality GIS

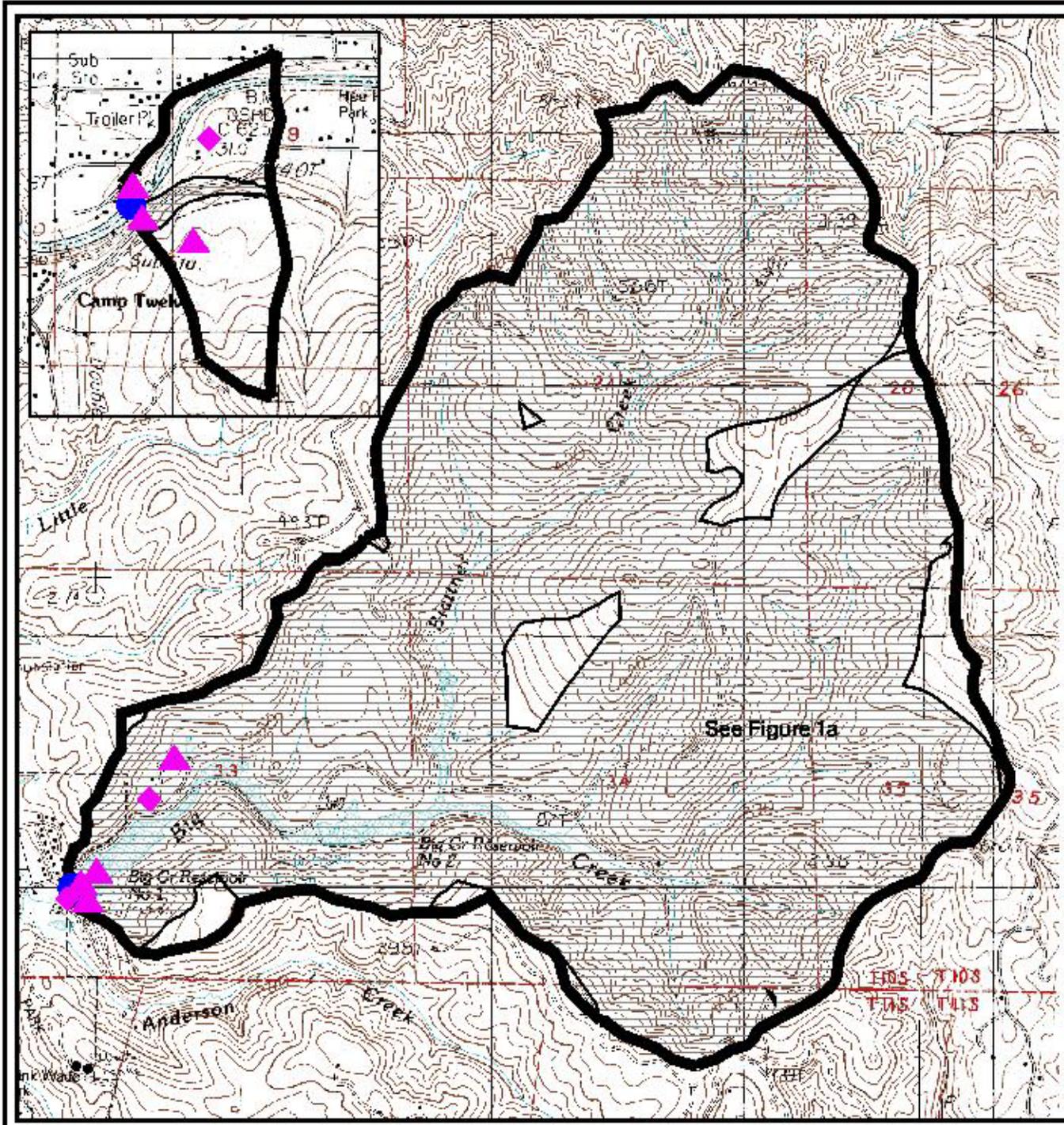


TABLE 2. INVENTORY RESULTS - LIST OF POTENTIAL CONTAMINANT SOURCES

PWS# 4100566 NEWPORT, CITY OF

Reference No. (See Figure)	Potential Contaminant Source Type	Name	Approximate Location	City	Method for Listing	Proximity to Sensitive Areas	Relative Risk Level (1)	Potential Impacts	Comments
1	Wells/Abandoned Wells	Rural	Along the west side of Siletz River -North of	Siletz	Field-Observation	Within sensitive	Moderate	Improperly installed or maintained wells and abandoned wells may provide a direct conduit for contamination to groundwater and drinking water source.	
	Homesteads - Rural - Septic Systems (< 1/acre)						Lower	If not properly sited, designed, installed, and maintained, septic systems can impact drinking water. Use of drain cleaners and dumping household hazardous wastes can result in groundwater	
2	Transportation - Freeways/State Highways/Other Heavy Use Roads	State Highway	Runs along east side of Siletz River	Siletz	Field-Observation	Within sensitive	Higher	Vehicle use increases the risk for leaks or spills of fuel & other haz. materials. Road building, maintenance & use can increase erosion/slope failure causing turbidity. Over-application or improper handling of pesticides/fertilizers may impact water.	
3	Grazing Animals (> 5 large animals or equivalent/acre)	Grazing Animals	East side of Siletz River. Northeast of intake	Siletz	Field-Observation	Within sensitive	Moderate	Improper storage and management of animal wastes may impact drinking water supply. Concentrated livestock may contribute to erosion and sedimentation of surface water bodies.	Grazing animals in close proximity to the Siletz River. Risk reduced to Moderate because -a very small number of animals observed.
	Crops - Nonirrigated (inc. Christmas trees, grains, grass seed, pasture)						Lower	Over-application or improper handling of pesticides/fertilizers may impact drinking water. Some agricultural practices may result in excess sediments discharging to surface waters, but non-irrigated crops are generally considered to be a low risk.	Grazing animals in close proximity to the Siletz River. Risk reduced to Moderate because -a very small number of animals observed.
4	Managed Forest Land - Clearcut Harvest (< 35 yrs.)	Clear Cuts	Southeast of intake	Siletz	Field-Observation	Within sensitive	Higher	Cutting and yarding of trees may contribute to increased erosion, resulting in turbidity and chemical changes in drinking water supply. Over-application or improper handling of pesticides or fertilizers may impact drinking water source.	

Note: Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) Where multiple potential contaminant sources exist at a site, the highest level of risk is used.

(2) See Table 3 for database listings (if necessary).

TABLE 2. INVENTORY RESULTS - LIST OF POTENTIAL CONTAMINANT SOURCES

PWS# 4100566 NEWPORT, CITY OF

Reference No. (See Figure)	Potential Contaminant Source Type	Name	Approximate Location	City	Method for Listing	Proximity to Sensitive Areas	Relative Risk Level (1)	Potential Impacts	Comments
5	Upstream Reservoirs/Dams	Big Creek Reservoirs	East of intake	Newport	Field-Observation	Within sensitive	Moderate	During major storm events, reservoirs may contribute to prolonged turbidity for downstream intakes for drinking water. Construction, fluctuating water levels, and heavy waterside use can increase erosion and turbidity in reservoir/drinking water source.	Two reservoirs are located east of intake.
6	Wells/Abandoned Wells	Rural	Northwest of intake	Newport	Field-Observation	Within sensitive	Moderate	Improperly installed or maintained wells and abandoned wells may provide a direct conduit for contamination to groundwater and drinking water source.	Four homes on septic/wells
	Homesteads - Rural - Septic Systems (< 1/acre)						Lower	If not properly sited, designed, installed, and maintained, septic systems can impact drinking water. Use of drain cleaners and dumping household hazardous wastes can result in groundwater	Four homes on septic/wells
7	Drinking Water Treatment Plants	Newport Water Treatment Plant	Just Outside DWPA	Newport	Database (2) Field-Observation	Outside sensitive areas.	Moderate	Treatment chemicals and equipment maintenance materials may impact groundwater or surface water source.	Site is located beyond DWPA but it may impact the DWPA.
8	Managed Forest Land - Clearcut Harvest (< 35 yrs.)	Clear Cuts	Throughout DWPA	Newport	Field-Observation	Within sensitive	Higher	Cutting and yarding of trees may contribute to increased erosion, resulting in turbidity and chemical changes in drinking water supply. Over-application or improper handling of pesticides or fertilizers may impact drinking water source.	
9	River Recreation - Heavy Use (inc. campgrounds)	Recreation	Big Creek Reservoir 1 and 2	Newport	Field-Observation Interview	Within sensitive	Moderate	Inadequate disposal of human wastes may contribute bacteria and nutrients to the drinking water supply. Heavy use may contribute to streambank erosion causing turbidity. Fuel spills and emissions may also contribute to contamination.	Oregon Dept Fish and Wildlife stocks both reservoirs with fish. Main recreation is fishing, no motor boats allowed.

Note: Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) Where multiple potential contaminant sources exist at a site, the highest level of risk is used.

(2) See Table 3 for database listings (if necessary).

TABLE 2. INVENTORY RESULTS - LIST OF POTENTIAL CONTAMINANT SOURCES

PWS# 4100566 NEWPORT, CITY OF

Reference No. (See Figure)	Potential Contaminant Source Type	Name	Approximate Location	City	Method for Listing	Proximity to Sensitive Areas	Relative Risk Level (1)	Potential Impacts	Comments
10	Other --Trail	Future Land Development	Around both reservoirs	Newport	Field-Observation	Within sensitive	Moderate	The impacts of this potential contaminant source will be addressed during the enhanced inventory.	City of Newport proposing to put a trail system around both reservoirs. Contact indicates concern about increase numbers of visitors to lake and

Note: Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) Where multiple potential contaminant sources exist at a site, the highest level of risk is used.

(2) See Table 3 for database listings (if necessary).

Memorandum

To: Newport and Lincoln County Planning Commissions
From: Derrick Tokos, Community Development Director
Onno Husing, Lincoln County Planning Director
Date: November 21, 2012
Re: Territorial Sea Plan Updates

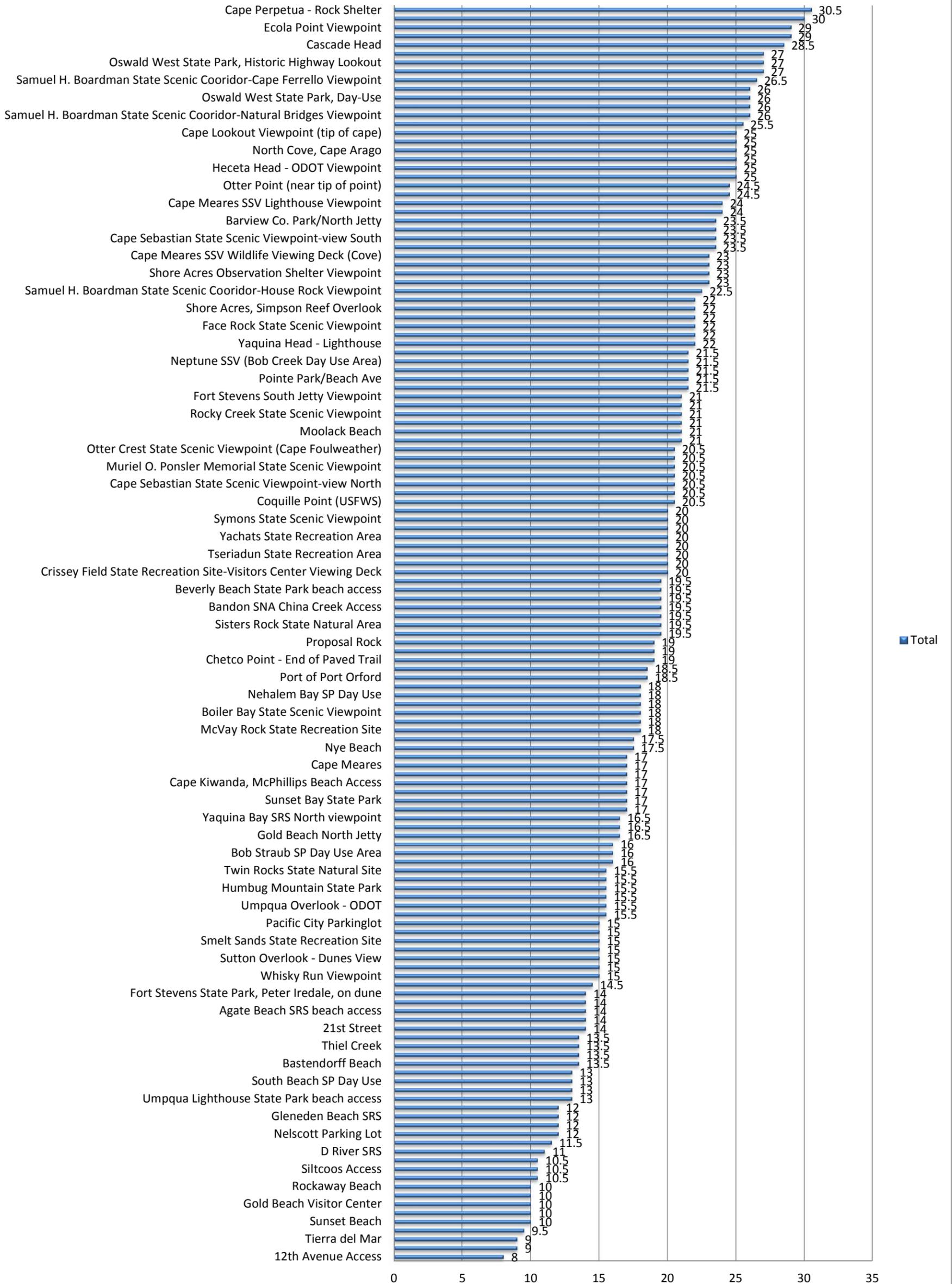
The Department of Land Conservation and Development (DLCD) recently completed a Visual Resource Inventory of scenic sites along the Oregon coast and scored the sites in terms of their scenic quality. A summary list of the sites and scores along with a composite map illustrating the viewsheds is enclosed. More detailed information on each site is available in their baseline report, which has been posted on the City of Newport's website at: <http://thecityofnewport.net/dept/pln/default.asp>. DLCD has also prepared a methodology for how wave energy projects will be evaluated for scenic impacts considering the scoring. This is discussed in the document titled "Visual Resource Management System for the Oregon Territorial Sea," which is also attached. DLCD staff is making some final changes to the methodology, which they will try to provide for distribution at the work session on Monday.

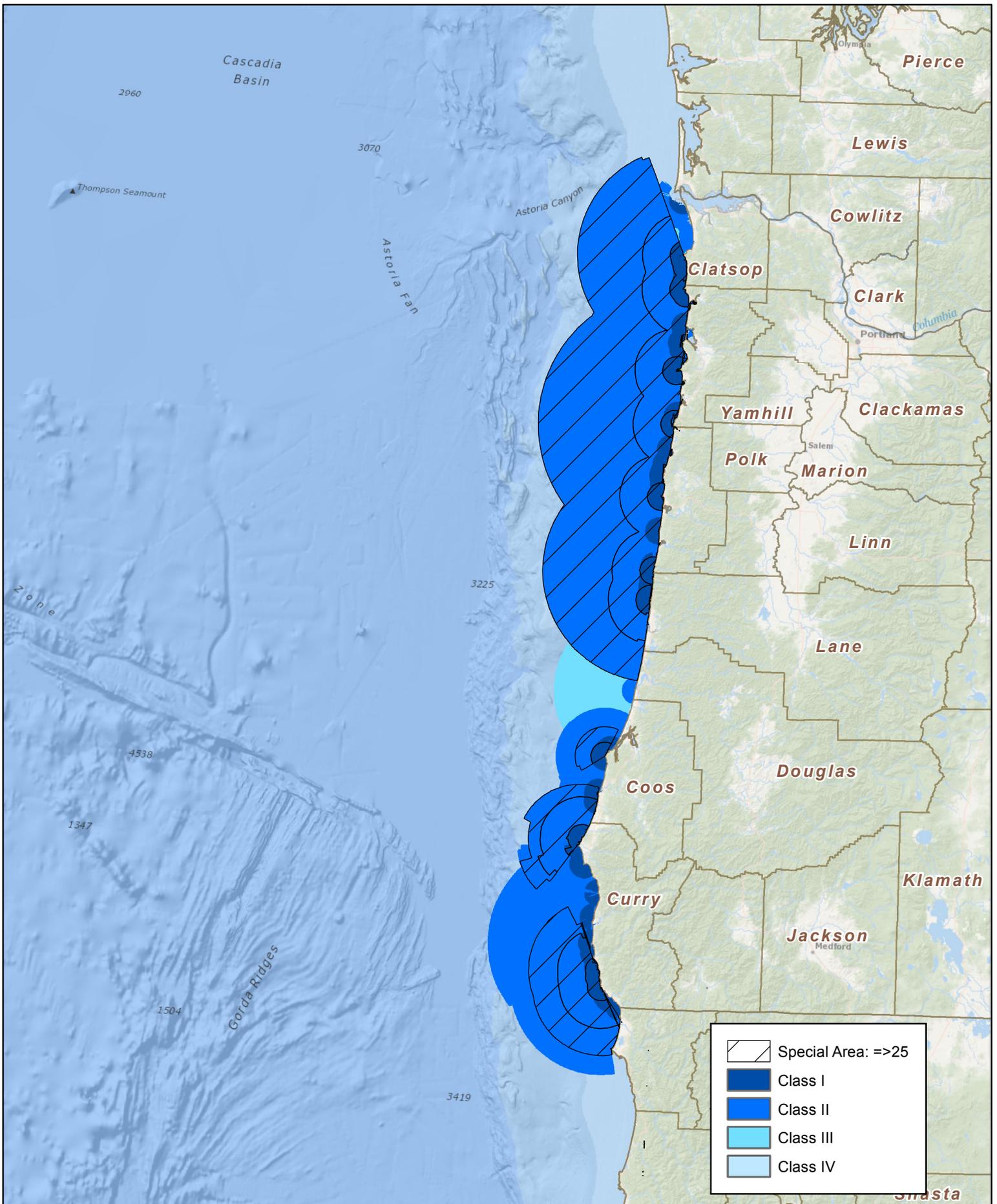
This information is currently out for public comment. Planning Commission members should review the materials and deliberate on whether or not they want to independently, or jointly provide comment to DLCD. Feedback received by DLCD by the end of the month will be distributed to the Ocean Policy Advisory Council at its December 4, 2012 meeting.

Also enclosed is an article from the November 21, 2012 edition of the Newport News-Times regarding a parallel process where the State is identifying offshore locations suitable for wave energy development, subject to the review for scenic impacts and other relevant factors. At this point, there is no consensus as to where the sites should be located or how they should be configured. The Territorial Sea Plan Advisory Committee will try to reach general consensus on appropriate sites at its December 6, 2012 meeting.

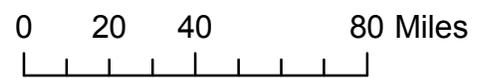
Attachments

Territorial Sea Visual Resource Inventory Scenic Quality Evaluation Draft Scores





Composite Viewshed Analysis





Visual Resource Management System for the Oregon Territorial Sea

Public Review Draft, November 1, 2012

Produced by the Department of Land Conservation and Development and the Oregon Parks and Recreation Department for use by the Territorial Sea Plan Advisory Committee and the Ocean Policy Advisory Council in the conduct of the Territorial Sea Plan Amendment Process.

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DRAFT

Visual Resource Management System for the Oregon Territorial Sea

Andy Lanier, Laurel Hillmann, Paul Manson

Introduction

The Oregon Coast is an internationally recognized tourist destination. Over 20 million visits occur to our coastal parks each year (OPRD, 2011). Scenic enjoyment is the 3rd most commonly stated primary recreational activity (following walking and stationary relaxing) that visitors say they engage in at Oregon's coastal beaches (Shelby and Tokarczyk, 2002). In addition, the Oregon Coast highway (Pacific Coast Scenic Byway) has been federally recognized by the National Scenic Byways program, established by Congress and administered by the U.S. Department of Transportation's Federal Highway Administration. In addition to being one of the first Scenic Byways in the country, it has also been designated an "All American Road", which recognizes US 101 as possessing "multiple intrinsic qualities that are nationally significant and have one-of-a-kind features that do not exist elsewhere (FHWA, 2011)." Oregon's coastline is also unique in that it has over 70 state parks running along the highway, providing "public access and resource protection in a way that is unrivaled by any other U.S. coastline park system (CH2MHill, 1997)."

Oregon's Statewide Planning Goal 19 states that agencies, through programs, approvals, and other actions, shall "protect and encourage the beneficial uses of ocean resources such as...aesthetic enjoyment." This is reiterated in Part 5 of the Territorial Sea Plan (TSP). Oregon's Ocean Shore Management Plan, a FERC approved "comprehensive plan" notes that Oregon Parks and Recreation Department (OPRD) "may identify important 'scenic features' that should be protected from development or other impacts for their scenic value (OPRD, 2005)." The most recent round of Territorial Sea Plan (TSP) Working Group public meetings underscored the importance of considering aesthetic (e.g., viewshed) impacts during the TSP amendment process. The Territorial Sea Plan Advisory Committee (TSPAC) assigned a subcommittee to work on the refinement of the visual resource management process. That subcommittee has worked on the adaptation of the original methods for the application of the system to Oregon's ocean environment. The methods described below are the product of that subcommittee and are under review by the TSPAC as it looks to finalize the TSP amendment process.

Background

There are several accepted methodologies for managing scenic resources used by federal land management agencies (BLM, 1980a; BLM, 1980b; USFS, 1995). These methods involve conducting inventories of scenic resources and evaluating potential changes based on established criteria and objectives. The degree to which a renewable energy facility (or other development) in Oregon's Territorial Sea impacts aesthetic recreational resources depends on a variety of factors, many of which are very similar to those used in the land-based scenic impact assessments. Modeling and slightly adapting these visual subordination standards for projects proposed in the Territorial Sea will allow the state to "provide time-tested qualitative benchmarks that can be measured using objective methods (Apostol, 2009)."

Methods

The Visual Resource Management System can be thought of as two discrete processes, the Planning Phase and the Project Phase. During the planning phase the work is done to collect baseline information and to adopt the standards that will be applied in any review of a project during the Project Phase. Those processes are described below, as modified from the original methods for the application of the VRMS to marine renewable energy development applications within the Territorial Sea.

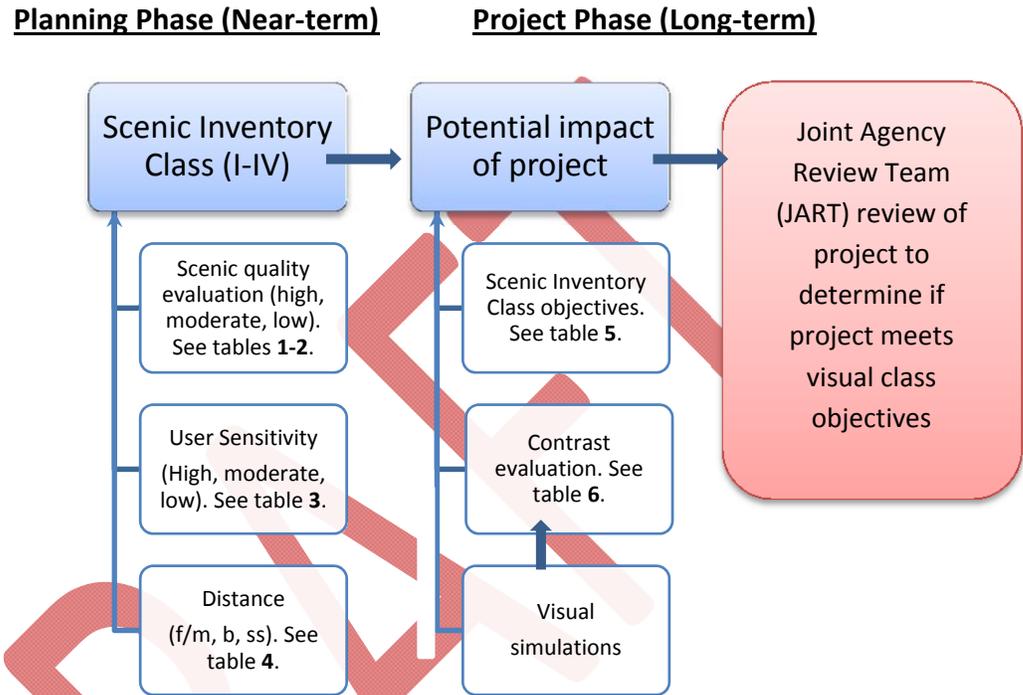


Figure 1. Scenic inventory and visual impact analysis overview (based on BLM methodology)

Planning Phase

Scenic Quality Evaluation

Scenic quality is a measure of the visual appeal of a park area and its viewshed. Viewpoints are given an A, B, or C rating based on scenic quality which is determined using the following key factors: *seascape, vegetation, color, adjacent scenery, scarcity, and cultural modification* (BLM, 1980a). For the purposes of this document, *seascape* is defined as the coastal landscape and adjoining areas of ocean, including views from the land to sea and along the coastline (DTI, 2005). See [tables 1-2](#) for details.

The scenic quality evaluation and rating methods (Tables 1&2 below) were reviewed and approved by the TSPAC subcommittee on visual resources, after which time the visual resource inventories assessments were conducted to survey each site. This required field visits to viewpoints along the coast to gather detailed descriptions of individual viewpoints, GIS coordinates matched to a specific viewpoint/photo point, photos and other information necessary to determine scenic quality of the seascape at the viewpoints. For the purposes of our study the viewpoint locations were chosen based upon feedback from local cities and counties, from a public access point, and were conducted in locations which would be viewed by the highest number of visitors. The draft results from the surveys are available for review in Appendix A.

Table 1. Scenic Quality-Explanation of Rating Criteria (modified from BLM, 1980a)

Scenic Quality - Explanation of Rating Criteria	
Seascape/Landform	
	The ocean seascape, which includes adjacent topography and landforms, becomes more interesting as it gets more dramatic, or more severely or universally sculptured. Outstanding landforms may be monumental, as the coastal headlands, large offshore rocks and the Oregon coast range, or they may be exceedingly artistic and subtle as certain dunes, small offshore rocks and pinnacles, arches, and other extraordinary formations. Consider things such as shoreline type, offshore and onshore focal features, and elevation/slope.
Vegetation	
	Give primary consideration to the variety of patterns, forms, and textures created by plant life. Consider short-lived displays when they are known to be recurring or spectacular. Consider also smaller scale vegetational features which add striking and intriguing detail elements to the seascape.
Water	
	That ingredient which adds movement or serenity to a scene. The degree to which water dominates the scene is the primary consideration in selecting the rating score.
Color	
	Consider the overall color(s) of the basic components of the seascape (e.g., soil, rock, vegetation) as they appear during seasons or periods of high use. Key factors to use when rating "color" are variety, contrast, and harmony.
Adjacent Scenery	
	Degree to which scenery outside the scenery unit being rated enhances the overall impression of the scenery within the area. The distance which adjacent scenery will influence scenery within the area will normally range from 0-5 miles, depending upon the characteristics of the topography, the vegetative cover, and other such factors. This factor is generally applied to units which would normally rate very low in score, but the influence of the adjacent area would enhance the visual quality and raise the score.
Scarcity	
	This factor provides an opportunity to give added importance to one or all of the scenic features that appear to be relatively unique or rare along the Oregon coast. There may also be cases where a separate evaluation of each of the key factors does not give a true picture of the overall scenic quality of an area.

Often it is a number of not so spectacular elements in the proper combination that produces the most pleasing and memorable scenery - the scarcity factor can be used to recognize this type of area and give it the added emphasis it needs.

Cultural Modifications

Cultural modifications in the seascape, vegetation, and addition of structures should be considered and may detract from the scenery in the form of a negative intrusion or complement or improve the scenic quality of an area.

Table 2. Scenic Quality Inventory and Evaluation Chart (modified from BLM, 1980a)

Key factors	Rating Criteria and Score		
Seascape/ Landform	High vertical relief as expressed in prominent headlands, large rock outcrops, or severe surface variation; or detail features dominant and exceptionally striking and intriguing. 5	Variety in size and shape of landforms; or detail features which are interesting though not dominant or exceptional. 3	Few or no interesting seascape features. 1
Vegetation	A variety of vegetative types as expressed in interesting forms, textures, and patterns. 5	Some variety of vegetation, but only one or two major types. 3	Little or no variety or contrast in vegetation. 1
Water	Water is a dominant factor in the seascape. There are interesting and dominant water feature(s) (e.g., rivers, streams, waterfalls on cliffs, waves crashing on rocks) in addition to the ocean as part of the seascape. 5	Flowing, or still, but not dominant in the seascape. There may be additional features but they are not dominant. 3	There are no additional water features in the seascape. 0
Color	Rich color combinations, variety or vivid color; or pleasing contrasts in the soil, rock, vegetation, and	Some intensity or variety in colors and contrast of the soil, rock	Subtle color variations, contrast, or interest;

	water. 5	and vegetation, but not a dominant scenic element. 3	generally mute tones. 1
Influence of adjacent scenery	Adjacent scenery greatly enhances visual quality. 5	Adjacent scenery moderately enhances overall visual quality. 3	Adjacent scenery has little or no influence on overall visual quality. 0
Scarcity	One of a kind; or unusually memorable, or very rare along the coast. * 5+	Distinctive, though somewhat similar to others along the coast. 3	Interesting within its setting, but fairly common along the coast. 1
Cultural modifications	Modifications add favorably to visual variety while promoting visual harmony. 2	Modifications add little or no visual variety to the area, and introduce no discordant elements. 0	Modifications add variety but are very discordant and promote strong disharmony. -4

NOTE: Values for each rating criteria are maximum and minimum scores only. It is also possible to assign scores within these ranges. * A rating of greater than 5 can be given but must be supported by written justification.

Scenic quality overall rating: A = 19 or more, B = 12-18.5, C = 11 or less.

User Sensitivity

Sensitivity levels are a measure of public concern for scenic quality. A sensitivity level analysis is conducted for public lands where they are assigned high, medium, or low sensitivity levels by analyzing various indicators of public concern. Rating is based on the following key factors: *type of users, amount of use, public interest, adjacent land use, special areas, and other factors* (BLM, 1980a). See [table 3](#) for details.

The identification of user sensitivity, as described in Table 3 below, was a topic of much discussion at the subcommittee and after some consideration the group recommended that all locations within the TSP Visual Resources Inventory would be considered to have a “high sensitivity.” This recommendation was based upon both the amount of use and the public interest criteria.

The main concern in taking this action was that it would result in less flexibility when determining viewshed class values from the combination of scenic evaluation scores and distance classes. This concern was somewhat mitigated through a change in the scoring table (Table 5) which was made to account for the effect of distance on class values in the background and seldom seen areas of a Class A viewshed.

Table 3. Sensitivity criteria (modified from BLM, 1980a)

<p>a) Type of Users. Sensitivity will vary with the type of users. For example, recreational sightseers may be highly sensitive to any changes in visual quality. <i>Maintenance of visual quality is:</i></p> <ul style="list-style-type: none"> - a major concern for most users.....high - a moderate concern for most users.....moderate - a low concern for most users.....low
<p>b) Amount of Use. Areas seen and used by large numbers of people are potentially more sensitive. However, this is just one factor considered in sensitivity analysis because there are cases where few viewers may have high sensitivity (e.g., wilderness areas). Protection of visual values <i>usually</i> becomes more important as the number of viewers increase*.</p> <ul style="list-style-type: none"> - high level of use (500,000+ visitors/year).....high - moderate level of use (100,000-500,000 visitors/year).....moderate - low level of use (under 100,000 visitors/year).....low
<p>c) Public Interest. The visual quality of an area may be of concern to local, State, or National groups. Indicators of this concern are usually expressed in public meetings, letters, newspaper or magazine articles, newsletters, land-use plans, etc. Public controversy created in response to proposed activities that would change the seascape character should also be considered. <i>Maintenance of visual quality is:</i></p> <ul style="list-style-type: none"> - a major public issue.....high - a moderate public issue.....moderate - a minor public issue.....low
<p>d) Adjacent Land Uses. The interrelationship with land uses in adjacent lands can affect the visual sensitivity of an area. For example, an area within the viewshed of a park area may be very sensitive, whereas an area surrounded by developed lands may not be as visually sensitive. <i>Maintenance of visual quality to sustain adjacent land use objectives is:</i></p> <ul style="list-style-type: none"> - very important.....high - moderately important.....moderate - slightly important.....low
<p>e) Special Areas. Management objectives for special areas such as parks, natural areas, wilderness areas, scenic areas, scenic roads or trails, and designated Historic Areas frequently require special consideration for the protection of the visual values. This does not necessarily mean that these areas are scenic, but rather that one of the management objectives may be to preserve the natural seascape setting. The management objectives for these areas may be used as a basis for assigning sensitivity levels. <i>Maintenance of visual quality to sustain special area management objectives is:</i></p> <ul style="list-style-type: none"> - very important.....high - moderately important.....moderate - slightly important.....low
<p>f) Other Factors. Consider any other information such as research or studies that includes indicators of visual sensitivity.</p>

***Note:** These numbers were modified to accommodate the much higher use of Oregon’s coastal parks. The figures used by the BLM were much too low for coastal park visitation.

Distance zones

For classification, analysis, and simplification of data, seascapes are subdivided into distanced zones based on relative visibility from travel routes or observation points. The zones are: *foreground/midleground, background, and seldom seen* (BLM, 1980a). See [table 4](#) for details. For the purposes of modeling the viewshed classes the following distances were used for the zones listed above, respectively (f/m:0-5 miles, b:5-15 miles, ss:15 miles – horizon).

Table 4. Distance Zones (modified from BLM, 1980a)

Foreground-Midleground Zone This is the area that can be seen from each travel route or observation point for a distance of 3 to 5 miles where management activities might be viewed in detail. The outer boundary of this distance zone is defined as the point where the texture and form of individual plants are no longer apparent in the seascape. In some areas, atmospheric conditions can reduce visibility and shorten the distance normally covered by each zone. Also, where the foreground-midleground zone from one travel route overlaps the background from another route, use only the foreground-midleground designation.
Background Zone This is the remaining area which can be seen from each travel route or observation point to approximately 15 miles. Do not include areas in the background which are so far distant that the only thing discernible is the form or outline. In order to be included within this distance zone, vegetation should be visible at least as patterns of light and dark.
Seldom-Seen Zone These are areas that are not visible within the foreground-midleground and background zones and areas beyond the background zones.

Special Areas Determination

Special area management objectives for visual resources within the Territorial Sea did not previously exist. For the purposes of this system, it was proposed that a special area would be determined by selecting sites that scored higher than a 25 when evaluated for their scenic quality. This would objectively designate locations along the coast that had high intrinsic qualities and provide for an additional measure of protection for those “special areas” of Oregon’s Territorial Sea. A list of all sites and their scenic quality evaluation scores is shown in Appendix B.

Visual Resource Scenic Classes

Combine scenic quality and distance zone to determine visual resource classes (BLM, 1980b). See Table 5 for details. Geographic Information Systems modeling was conducted to produce a Visual Class Composite Viewshed Analysis Map (Appendix C).

- **Class I.** Class I is assigned to all *special areas* and to the fore and mid-ground (0-5mi) of a site designated Class A.
- **Classes II.** Class II is assigned to the background and seldom seen areas of a Class A viewshed and the fore and mid-ground of a site designated Class B.

- **Class III.** Class III is assigned to the background and seldom seen areas of a Class B viewshed and the fore and mid-ground of a site designated Class C.
- **Class IV.** Class IV areas are located in the background and seldom seen areas of a Class C viewsheds.

Table 5. Visual Resource Classes (modified from BLM, 1980a)— as modified by the TSPAC visual resource subcommittee on Sept 6 2012.

Special Areas		I	I	I
Scenic Quality	A	I	II	II
	B	II	III	III*
				IV*
	C	III	IV	IV
		f/m	b	s/s
	Distance zones			

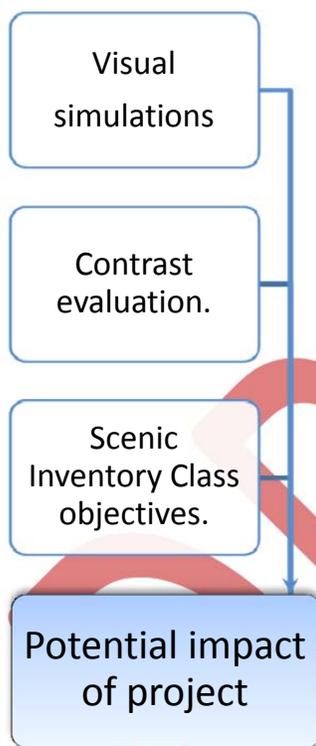
* If adjacent areas is Class III or lower assign Class III, if higher assign Class IV

Objectives for Visual Resource Classes (BLM, 1980a):

- **Class I:** The objective of this class is to preserve the existing character of the seascape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic seascape should be very low and must not attract attention.
- **Class II:** The objective of this class is to retain the existing character of the seascape. The level of change to the characteristic seascape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic seascape.
- **Class III:** The objective of this class is to partially retain the existing character of the seascape. The level of change to the characteristic seascape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic seascape.
- **Class IV:** The objective of this class is to provide for management activities which require major modifications of the existing character of the seascape. The level of change to the characteristic seascape can be high. These management activities may dominate the view and be the major focus of viewer attention. However, every attempt should be made to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

Project Phase (i.e., when developments are proposed)

All applications for development will be required to complete a Visual Impacts Analysis (VIA) as part of application process. The VIA will combine the conduct of visual simulations, a contrast analysis, and an evaluation of Scenic Inventory Class objectives in the determination of the potential visual impact of a project within context of Oregon's Territorial Sea. The applicant will be required to produce the elements of the VIA for review and evaluation by the TSP Joint Agency Review Team (JART) to determine whether the impact of the project aligns with the objective for that class of resource. This process will begin once an application for development has been received by the Department of State Lands and the JART has been convened. The process and methods for each step in the process is described below.



Visual Simulations

During the initial meeting of the JART, the project location will be reviewed in the context of the Visual Resource Inventory Assessment (VRIA) locations, and the JART will select Key Viewing Areas (KVAs) from these locations. The applicant will be required to conduct visual simulation(s) for the chosen KVA's. These locations will be selected to represent the range of scenic quality class values and distances, if present. At a minimum, the KVA's should include all VRIA locations where the application is within the fore and mid-ground distance.

Contrast Evaluation

The applicant will then conduct a contrast evaluation of the proposed development and draft a review of the impacts to the KVAs. Factors to consider will include (at a minimum): Distance from viewpoint(s), angle(s) of observation, time factor(s), relative size or number, seasonality, lighting, spatial relationships, atmospheric conditions, motion/lights/color, shore-based facilities. Table 6 provides a description of the contrast ratings that should be determined for the project, using the visual simulations

produced as supporting evidence of the ratings.

Factors to be considered. At a minimum, consider the following factors when applying the contrast criteria to the portion of the project that is visible (modified from BLM, 1980b):

Distance from viewpoint. The contrast created by a project usually is less as viewing distance increases.

- Angle of Observation. The apparent size of a project is directly related to the angle between the viewer's line-of-sight and the slope upon which the project is to take place.

- Length of Time the Project Is In View. If the viewer has only a brief glimpse of the project, the contrast may not be of great concern. If, however, the project is subject to view for a long period, as from an overlook, the contrast may be very significant.
-

Table 6. Contrast rating criteria (modified from BLM, 1980b; USFS, 1995; DTI, 2005*; Apostle, 2009)

Degree of Contrast or Magnitude (BLM/USFS/DTI)	Criteria/Definition	Descriptors (DTI, 2005)	Notes
None/Retention/ Negligible	The element contrast would not be visible or perceived. There is no legible change. It is visually subordinate.	Weak, not legible, near limit of acuity of human eye	A development that remains sub-dominant (visually subordinate) may have a low to moderate impact, depending on the sensitivity of the viewpoint. However, even development with weak contrast at a <i>very high-quality viewpoint with high viewer sensitivity</i> may have high impacts on visual resources (Apostle, 2009).
Weak/ Partial retention/ Very Small	The element contrast could be seen but isn't so prominent or contrasting that it attracts attention and becomes a dominant element. It remains subordinate.	Lacking sharpness of definition, not obvious, indistinct, not clear, obscure, blurred, indefinite, subtle	
Moderate/ Modification/ Moderate	The element contrast begins to attract attention and begins to dominate the characteristic seascape. Proposed development causes "moderate alteration to elements/features/characteristics of the baseline seascape or visual conditions...such that there is a distinct change (DTI, 2005)." It is no longer subordinate.	Noticeable, distinct, catching the eye or attention, clearly visible, well defined	A development that has moderate or strong contrast seen from a highly sensitive viewpoint or corridor would likely have a moderate to high impact (Apostle, 2009). However, development that has moderate contrast at a location with low sensitivity might have a low to moderate impact.
Strong / Unacceptable Modification/ Very Large	The element contrast demands attention, will not be overlooked, and is dominant in the seascape. It is no longer subordinate. Proposed development would cause very large "alterations to key elements/features/characteristics of the baseline seascape or visual conditions...such that there is a fundamental change (DTI, 2005)."	Commanding, controlling the view, foremost feature, prevailing, overriding	

*The UK guidance document has additional categories (DTI, 2005).

- Relative Size or Scale. The contrast created by the project is directly related to its size and scale as compared to the surroundings in which it is place. This should include consideration of size of the development (e.g., number of devices) along with size of the individual devices and associated structures along with layout and spacing. For example, minimizing horizontal spread of the layout may reduce contrast (DTI, 2005).
- Season of Use. Contrast ratings should consider the physical conditions that exist during the heaviest or most critical visitor use season.
- Light Conditions. The amount of contrast can be substantially affected by the light conditions. The direction and angle of lighting can affect color intensity, reflection, shadow, from, texture, and many

other visual aspects of the seascape. Light conditions during heavy use periods must be a consideration in contrast ratings.

- Spatial Relationships. The spatial relationship within a seascape is a major factor in determining the degree of contrast. For example, projects in areas that are the “focus of key views” like a headland or large offshore rocks could have a higher contrast (DTI, 2005).
- Atmospheric Conditions. The visibility of projects due to atmospheric conditions such as fog or natural haze should be considered.
- Motion, lights and color. Movement and lighting draw attention to a project and vary depending on conditions and time of day and night. Surface treatment (e.g., color) may increase or decrease visibility.
- Shore-based facilities. Associated shore-based facilities (e.g., buildings, cables etc.) should also be considered in the visual impact analysis (DTI, 2005).

Scenic Inventory Class Objectives Evaluation

The applicant will provide an evaluation of the potential impact of the proposed development, using the visual simulations, contrast evaluation, and objectives of the scenic inventory classes to make a determination of standards compliance. This will include comparing visual contrast to the visual resource class objectives for each KVA location selected by the JART. The applicant should produce a table like the one below (Table 7.) to assist the JART in their decision making process.

- **Table 7. Template for the Visual resource impact analysis**

Viewpoint (Park name)	Class (I-IV)	Contrast (None-strong)	Impact (None, Low, Moderate, High)	Meets visual resource objectives (Y/N)

Joint Agency Review Team Review:

The JART will review the draft VIA products (visual simulations, contrast analysis, scenic class objectives determination) for completeness and accuracy and provide a recommendation to DSL for the approval or denial of the application based upon an evaluation of the VIA. Professional guidance should be provided to ensure thorough and accurate evaluations are done using photo evaluations, GIS simulations etc. (see Apostle, 2009 and DTI, 2005 for a start).

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light, showers likely before 10 p.m., low around 37, SW wind 10 to 15 knots.

Thursday-Friday

Thursday, a 30 percent chance of showers, high near 53, SE wind 20 to 25 knots with gusts to 30 knots. Thursday night, a 40 percent chance of rain, low around 44, S wind 20 to 25 knots. Friday, rain, high near 53, S wind 25 to 30 knots. Friday night, rain likely, cloudy, with a low around 49.

(knots x 1.15 = mph)

SUNRISE/SUNSET

	Sunrise	Sunset
Nov. 20	7:19am	4:44pm
	First Quarter	6:33am
Nov. 21	7:21am	4:43pm
Nov. 22	7:22am	4:43pm
Nov. 23	7:23am	4:42pm

TIDES
 U/Hatfield Marine Science Center Dock

	High Water	Low Water
Nov. 20	5:43am / 7.9ft	11:25am / 3.1ft
	5:21pm / 7.0ft	11:45pm / 1.0ft
Nov. 21	6:39am / 8.0ft	12:54pm / 2.7ft
	7:33am / 8.2ft	12:45pm / 2.8ft
	8:03pm / 6.3ft	2:05pm / 2.1ft
Nov. 23	8:20am / 8.5ft	1:42am / 2.4ft
	9:15pm / 6.5ft	3:02pm / 1.4ft

WEATHER

In the Coast

	High	Low	Rain
Nov. 19	58.6	53.1	2.19
Nov. 18	55.4	45.8	1.61
Nov. 17	56.6	45.0	0.90
Nov. 16	58.8	44.5	0.10

rainfall to date from Jan. 1 - 71.71

NSIDE

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Obituaries	A9
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High winds on Monday tore off part of the roof at Izzy's, a popular north Newport restaurant poised high on a bluff near Yaquina Head, causing water damage that crews rushed to repair. When high winds failed to abate in the morning, workers called a retreat as the metal roof continued to fly apart. "That metal could fly off and cut someone in half," said Mike Raines of Paradise Carpet Cleaners. "We'll have to wait until the storm stops." (Photos by Rick Beasley)

Storm pounds Lincoln County

By April Bamburg, Larry Coonrod and Rick Beasley
 Of the News-Times

The first winter storm of the season roared ashore Monday night, bringing with it 98 mile-per-hour winds at Yaquina Head, flooding, storm damage and power outages.

Between Saturday and Tuesday evening, the storm dumped five inches of rain, sending Siletz and Alsea river levels surging. The Siletz River crested at 16.79 feet on Monday afternoon - flood stage is 16 feet. By late Tuesday afternoon, the level had dropped back below 11 feet. In south county, the Alsea River crested Monday afternoon at 18.88 feet - flood stage is 18 feet. The river was down to just over 13 feet by late Tuesday afternoon.

High winds on Monday tore off part of the roof at Izzy's, a popular north

Newport restaurant poised high on a bluff near Yaquina Head, causing water damage that crews rushed to repair. When high winds failed to abate in the morning, workers called a retreat as the metal roof continued to fly apart. "That metal could fly off and cut someone in half," said Mike Raines of Paradise Carpet Cleaners. "We'll have to wait until the storm stops."

For some, the storm also meant dealing with another issue: loss of electricity.

Central Lincoln People's Utility District reported as many as 3,000 customers without power over three days.

Storm on Page A9

Vehicles moved unimpeded by traffic signs north of Newport, where high winds on Monday shredded this warning of the rough road ahead.



Fishermen, wave energy proponents clash

Newport on the table for large-scale wave energy development

By Larry Coonrod
 Of the News-Times

NEWPORT - Fishermen and representatives from the wave energy industry were at loggerheads in Newport on Nov. 16 about where to locate marine renewable energy sites, which could lead to the local fishing fleet giving up a four-square-mile area in

Lincoln County for development.

In 2008, Oregon signed a memorandum of understanding with the Federal Energy Regulatory Commission to update Oregon's Territorial Sea Plan after speculators begin filing for permits to lock up the sea for possible energy development. While the state regulates most of what happens inside the TSP (the beach outward for three nautical miles), FERC controls energy development permits, but agreed to use an updated TSP as a guideline.

The Ocean Advisory Policy Council, through its TSP Working Group, spent nearly four years documenting and mapping existing uses of Oregon's water, in-

cluding commercial and recreational fishing areas. Six-weeks ago, the Oregon Wave Energy Trust laid down markers on 13 sites it wanted to see set aside for development.

Two of those sites lay inside Lincoln County, one just offshore of Waldport and the other adjacent to Oregon State University's Northwest National Marine Renewable Energy Center test berth just north of Yaquina Head. Other sites included Pacific City, Reedport, Florence, Coos Bay, Port Orford, Gold Beach and Camp Rilea south of Astoria.

Wave Energy on Page A5

Voetberg questioned over deal with union

By Rick Beasley
 Of the News-Times

NEWPORT - A new, three-year agreement between the City of Newport and its police union carries a price tag that gave one city councilor a case of belated sticker shock.

City Councilor David Allen asserted on Monday that a contract with the Newport Police Association upends efforts by the council to bring health insurance costs in line and will cost the city an extra \$120,000 over the duration of the deal. Allen voted to ratify the contract Nov. 5 in a 6-1 city council vote after City Manager Jim Voetberg declared the

health insurance issue "a line in the sand" for the police union but was unable to answer questions about financial impacts of the contract until the day after the vote.

"That information was not available," Allen reminded Voetberg at Monday night's city council meeting. "I did ask for it, and I received it the next day. The amount jumped out at me. I wasn't expecting a fiscal impact of \$36,000 a year because the NPA is not moving into that plan."

City negotiators successfully worked deals this year with firefighters and municipal workers for a new high-deductible health insurance plan that may save the city a million dollars

in premiums over 20 years, according to city finance officials. The insurance, they say, offers benefits equal to the old city plan.

Allen said information about the financial impact of the police union deal might have turned his Nov. 5 vote, and he blamed the city manager for "making decisions for the council" and "deviating from the council's position" as Voetberg supervised negotiations.

"I need to be fully informed with all the information in front of me, and that didn't happen Nov. 5," said Allen. "We're trying to bring fiscal responsibility to the city."

Voetberg on Page A5

students

By April Bamburg
 Of the News-Times

LINCOLN COUNTY - Lincoln County has one of the highest rates of student homelessness in the state, according to a report released on Nov. 15 by the Oregon Department of Education.

In the 2011-2012 academic year, there were 476 youths who fell under the definition of a homeless student, from pre-kindergarten through 12th grade.

In the Waldport area, there were 121 homeless students listed, while in the Toledo area there were 111. In the Lincoln City area, there were 107, and in the Newport area, there were 87. Countywide, there were 40 public preschool students who were considered homeless.

Katey Townsend, homeless program coordinator for the Lincoln County School District, said that while the Oregon Department of Education reported there were 476 students in Lincoln County who were considered homeless, the school district reports 466, because some of the students served by the homeless education programs were not enrolled in school.

The state assesses homelessness using the federal McKinney-Vento Homeless Assistance Act, which defines a homeless student as one who lacks a "fixed, regular and adequate nighttime residence." This includes children and youths sharing housing with others due to loss of housing, economic hardship or similar reason; those who are living in hotels, motels, trailer parks or campgrounds due to the lack of alternative adequate accommodations; and those living in emergency shelters, abandoned in hospitals or awaiting foster care placement.

Students who "have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings," along with those who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations and migratory children are also considered homeless under the McKinney-Vento definition.

Townsend said that in Lincoln County, there were 326 students who shared housing with another family, 41 in shelters, 85 unsheltered and 14 living in a motel or hotel.

West County HELP advocate Charla Guiwits said this year, the referral process has changed. Personnel now try to identify students at school registration, which has brought students to advocates' attention sooner. "It's allowed me to spend more time with them, but the teenage population is hard to get involved," Guiwits said. "I know that there are at least 50 other kids that I don't know about."

Homeless on Page A6

Holiday change

Due to the Thanksgiving holiday, Friday's edition of the News-Times will be published on Saturday.

The News-Times office in Newport will be open Friday from 8 a.m. to 5 p.m.



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Newport News-Times Wed. 11/21/12 - Front Page

WAVE ENERGY

Continued from Page A1

If state won't, feds will

Richard Whitman, Gov. John Kitzhaber's natural resource policy director, met with a handful of Newport charter boat and commercial fishing boat captains on Nov. 15 at Englund Marine.

"We need to come up with workable sites for wave energy or the developers will go to Federal Energy Regulatory Commission, who might put them in places that conflict with existing uses," Whitman told the captains.

Members of the Lincoln County Fishermen Involved in Natural Energy (FINE) have worked on the renewable energy issue for the past several years. But most of the fleet is just awakening to the idea that a potential large chunk of their fishing grounds might someday be off limits.

"This is nothing but a lose-lose for fishermen if these things get installed," lamented Newport fisherman Henry deRonden.

Walter Chuck, FINE member and Port of Newport commissioner, told Whitman that the fishing industry had only recently seen the proposed wave energy sites, giving it inadequate time to vet them or suggest suitable alternatives.

No consensus

During what was supposed to be their last meeting Friday, members of the Territorial Sea

Plan Advisory Committee (TSPAC) were slated to recommend five wave energy sites. However, the group could only agree on the Camp Rilea site and Ocean Power Technology's already FERC permitted site at Reedsport.

With several proposed sites on the south coast, Coos Bay fishermen say they would shoulder a larger burden of lost fishing grounds than boats from Newport and Astoria. The major conflict between the Coos Bay fleet and industry representatives is a site south of Bandon off Langlois. Nick Edwards, with the Southern Oregon Ocean Resource Coalition and a commercial fisherman, said development there would destroy fishing for the Coos Bay and Bandon crabbers.

"That fishery has a huge track record, and we're trying to displace one industry for an industry that's not a proven technology here on the Oregon coast," Edwards said.

Jason Busch, Oregon Wave Energy Trust director, said any agreement that doesn't include Langlois is probably a "non-starter" because it has an ideal mix of shallow, mid-depth and deep water to develop an array of devices.

Next month TSPAC will meet one more time to try for a consensus that would include at least one additional four-square-mile area for each of the three deep-water ports. For

Newport, that could mean an area just north of Yaquina Head in the mix as a commercial wave energy site. Both sides agreed that the Waldport site was unsuitable for wave technology and too important to crabbers and salmon trollers.

"I don't know any area around Newport that somebody doesn't fish," said Lincoln County Commissioner Terry Thompson. "We've already given up 19 percent of our water to marine reserves and marine protected areas."

LCDC to approve TSP

The Oregon Land Conservation and Development Commission (LCDC) will make a final decision in January based on recommendations from TSPAC and OPAC. Commissioner Tim Josi said the final plan has to include wave energy sites or the state would forfeit decision making to the federal government. That, he emphasized, is not going to happen.

"If TSPAC and OPAC can't come up with suitable sites, then we (LCDC) will pick them," he said.

The National Oceanic and Atmospheric Administration has final approval of the amended Territorial Sea Plan.

Contact Assistant Editor Larry Coonrod at 541-265-8571 ext. 211 or email larry@newportnewstimes.com.

VOETBERG

Continued from Page A1

Voetberg did not respond to the comments, but Allen wasn't finished, anyway. The councilman called for a meeting to review Voetberg's job performance before next January, when four seats on the council will be exchanged. He said the council had neglected to hold Voetberg to a schedule of quarterly job evaluations imposed after a previous flap over council communications.

Councilor and mayor-elect Sandra Roumagoux speculated that a workshop with Voetberg might conflict with exit interviews planned for outgoing city councilors and the mayor.

"I don't even know what you mean by 'exit interview,'" said Allen, who dismissed the idea and argued for the job review, offering Voetberg the option of holding it in public or during a closed-door executive session.

Voetberg remained silent as the council set the performance review meeting for noon on Dec. 17. Mayor Mark McConnell frowned and said, "I'll save my comments for the first meeting in January."

Contact reporter Rick Beasley at 541-265-8571, ext 225, or rickbeasley@newportnewstimes.com

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Ray's FOOD PLACE

Memorandum

To: Newport and Lincoln County Planning Commissions
From: Derrick Tokos, Community Development Director
Onno Husing, Lincoln County Planning Director
Date: November 21, 2012
Re: County Transportation System Plan Amendments

On November 5, 2012, the Newport City Council amended the transportation element of its Comprehensive Plan to facilitate the establishment of an alternate mobility standard for US 101 in South Beach. The new mobility standard will allow for additional vehicles to be routed onto the highway, allowing for more robust growth in this portion of the City. To ensure that development progresses in a manner that is consistent with assumptions made to justify the new, more lenient standard, the City has agreed to track the number of vehicle trips attributed to new development in the area and to deduct those trips from a "trip budget."

The trip budget includes areas within the Newport Urban Growth Boundary that are currently outside of the city limits. In order for it to work effectively, the County will need to adopt complementary language into its transportation system plan to allow the City to track trips associated with new development on unincorporated properties. The City has also updated its plans for future roadway and bike/pedestrian projects in the area and the County may want to take this opportunity to adjust its plans, where appropriate, to align with these planned improvements.

Enclosed is a June 20, 2012 memorandum from the Angelo Planning Group that outlines how the County could amend its transportation system plan. Angelo Planning is serving as a consultant to the Oregon Department of Transportation and is available to assist in preparing the code amendments. Also attached is a copy of the City of Newport's Ordinance No. 2045 amending the City's Comprehensive Plan, Ordinance Exhibits D and E describing the trip budget program, Ordinance Exhibit G listing traffic impact analysis requirements, and the newly adopted functional classification maps that graphically illustrate the City's existing and planned transportation system. The trip budget program (Exhibits D and E) are effective at such time as the County adopts corresponding implementing measures and the Oregon Transportation Commission puts in place the alternate mobility standard. The legal description for the area subject to the trip program (Exhibit E) is slightly different than what is depicted in the June 20th memorandum. This is due to the fact that the boundary shown on the earlier map did not align with existing parcel boundaries.

This topic has been scheduled for the joint meeting, so that the City and County Commissions and their staffs can ask questions of each other and become better informed of the steps needed to fully implement these new changes. No formal action is requested of either Commission.

Attachments

Memorandum

Date: June 20, 2012

To: Onno Husing, Planning and Development Director, Lincoln County

From: Darci Rudzinski, AICP
Frank Angelo

cc: John deTar, ODOT Region 2
Derrick Tokos, City of Newport
Sumi Malik, CH2M HILL

Re: Transportation Planning in South Beach: Proposed Lincoln County
Comprehensive Plan Amendments

Introduction

This memorandum provides information to County staff in anticipation of a County Board of Commissioners action regarding transportation system planning in the South Beach Area, between the Yaquina Bay Bridge and Southeast 62nd Street. The following provides information to support adoption of new County Comprehensive Plan policies (attached) that are consistent with the City of Newport's draft Transportation System Plan (TSP) and the proposed modification of mobility standards on US 101.

Background

The City of Newport, Lincoln County, and ODOT have been working on an update of the Newport Transportation System Plan (TSP) for the South Beach area between the Yaquina Bay Bridge and SW 62nd Street. Traffic growth associated with the anticipated development in this area over the next twenty years will contribute to very high traffic volumes on the Yaquina Bay Bridge and along US 101. Transportation analysis has shown that these volumes would significantly exceed existing highway and bridge capacity, resulting in long traffic queues extending away from the bridge. Transportation funding from the State or other sources is not likely to provide a solution to bridge capacity constraints within the next twenty years. Additional transportation system network and capacity are needed in South Beach to make the system functional as development occurs; it is not possible to meet the existing Oregon Highway Plan (OHP) performance targets until additional travel lanes can be provided on the bridge.

Oregon's Transportation Planning Rule (Oregon Administrative Rule 660-012) requires the Oregon Department of Transportation to prepare a transportation plan for the State, and requires cities and counties to prepare TSPs to plan for the transportation system needed in twenty years. Measuring performance of the system is one of the elements of the plan. The OHP provides performance targets for state highways. Within Newport and the UGB, the



Newport TSP provides the performance standards for other roads. State targets and local performance standards are then used to determine what, if any, additional system improvements should be provided within that twenty-year period. Future public and private investments in the system can then be developed to meet those standards.

The OHP allows modifications to performance targets under certain conditions. OHP Action 1F.3 establishes that different target levels, methods, and measures for assessing mobility may be considered, in particular where state targets do not match local expectations for a specific facility or may not reflect the surrounding land use, environmental, or financial conditions. Analysis of likely future development in South Beach in combination with the high seasonal traffic and the costs of providing additional bridge capacity led to the conclusion that the OHP mobility targets could not be met within the twenty year planning period. Alternative targets have been developed to provide for future community development and maintain a level of performance on US 101 that, while not desirable, is a more realistic expectation given the funding limitations and environmental consequences. Alternative highway mobility targets are proposed to be measured at three locations on US-101: 35th Street, 40th Street, and a realigned 50th Street, located opposite the connection to South Beach State Park. If adopted by the Oregon Transportation Commission (OTC), these targets will change how transportation conditions are evaluated in South Beach. The changes will:

1. adjust the period during which transportation conditions are measured to the annual average weekday PM peak hour instead of summertime traffic conditions, and
2. increase the mobility targets used to evaluate traffic congestion.

The new targets will allow more traffic from development and from through travel, thereby accommodating more development in South Beach than the existing targets would allow.

The City of Newport supports of the alternative mobility targets and is proposing amendments to both the Newport Comprehensive Plan (the Transportation System Plan – “TSP” - element), as well as to the Zoning Ordinance, consistent with this approach. TSP amendments include adopting roadway and bicycle/pedestrian projects that will enhance local mobility and connectivity and policy statements in support of a package of transportation improvements in South Beach. Central to the balance of future land development and planned transportation improvements is a Trip Budget Program, described in the TSP and codified in a South Beach Overlay Zone (SBOZ). The Trip Budget Program provides a method for the City to track and manage the number of vehicle trips generated by new development to ensure that development is progressing in line with TSP assumptions and that planned improvements continue to be adequate to serve growth and meet the new mobility targets in South Beach. Information pertaining to the SBOZ and the Trip Budget Program were presented at a Public Open House on May 24, 2012. Handout #2 and #3 from the Open House are included in Attachment A.

Lincoln County Coordination

Lincoln County Planning staff has been participating in the City of Newport's TSP update process, both on a Technical Advisory Committee and at public events associated with the project. An initial briefing on the project was provided to the Lincoln County Planning Commission at a joint meeting with the Newport Planning Commission on February 28, 2011. Plans for the transportation system south of the Yaquina Bay Bridge involve the county in the following ways:

- Adoption of the proposed alternative mobility targets on US 101 will have implications for County residents and landowners, particularly those who may benefit from future growth in South Beach and those who will be impacted by the level of congestion on US 101.
- Proposed changes to the transportation system in South Beach are not confined to land within the city limits. Some proposed improvements within the UGB are in unincorporated Lincoln County.
- The City proposes to track and manage the number of vehicle trips generated by new development through the SBOZ and Trip Budget Program. There are a limited number of parcels in the SBOZ that are currently outside of city limits where redevelopment or development could be permitted through the County development approval process.

A map of the proposed SBOZ is included as Attachment B.

Lincoln County Acknowledgement/Adoption Approach

The Lincoln County Comprehensive Plan calls for coordination between the County and other jurisdictions to provide coordinated planning.¹ The following items need to be addressed by the County in order to be consistent with the City of Newport's transportation planning in South Beach:

- Consistency between County policy and the proposed alternative mobility standards.
- Consistency between the County's TSP and the proposed local street system and bicycle/pedestrian improvements in South Beach.
- Land use permitting within the South Beach Overlay Zone (SBOZ): ensuring that growth within the designated SBOZ, but currently outside city limits, is accounted for through the Trip Budget Program.

¹ County participation is consistent with the County's Intergovernmental Coordination Policies, which state that the "County shall work with all local, state and federal agencies districts owning and managing property within Lincoln County to assure coordinated comprehensive planning" (Comprehensive Plan Section 1.0020).

Updating policies in the County’s Comprehensive Plan will ensure that City and County local planning processes in South Beach are consistent and that future growth and development is consistent with long-range transportation plans.

Proposed amendments to the Comprehensive Plan (Chapter 1 of the Lincoln County Code) are found in Attachment C of this memorandum. Proposed language is underlined. New language is proposed in Section 1.0005, Introduction, and Section 1.0145, Transportation Policies. The new language can be characterized in the following ways:

- A description of the County’s participation.
- An overview of the County’s interests and where the County’s jurisdiction and responsibilities overlap with the City’s (e.g., land use permitting, local street system outside City limits/inside UGB).
- A confirmation that the County accepts the identified implementation measures (the local policies, procedures, and local improvements) that support the alternative mobility standard on US 101. Specifically:
 - Lincoln County development approval for areas within the SBOZ but outside city limits will require documentation of compliance with the City’s adopted Trip Budget Program.
 - Lincoln County will rely on the City of Newport’s adopted TSP for future alignments and locations of planned transportation improvements in South Beach, including local roadway, bicycle, and pedestrian facility improvements.

Recommendation

The City of Newport’s TSP update has resulted in a creative solution to monitor future impacts to the transportation system in South Beach. The two key components to ensure that the land use and transportation system in South Beach are in balance are the alternative mobility standards, to be adopted by the Oregon Transportation Committee, and the Trip Budget Program, which is to be implemented locally by Newport. Since Lincoln County has land use permitting authority within the boundaries of the SBOZ, County participation will be necessary to help track the pace at which highway capacity is consumed by future trips associated with development in South Beach. The successful implementation of the South Beach TSP is reliant on the Trip Budget Program, coordinated and implemented by both the City and County. It is recommended that the Board of County Commissioners adopt supportive Comprehensive Plan policies through a legislative amendment to Chapter 1 of the Lincoln County Code. These amendments will provide the necessary local commitment to the proposed alternative mobility targets and the local transportation system improvements and implementation steps. Lack of local support could jeopardize the adoption of the alternative mobility targets at the state level.



Transportation Planning in South Beach: Proposed Lincoln
County Comprehensive Plan Amendments – June 18, 2012

ATTACHMENT A



Handout #2: South Beach Overlay Zone (“SBOZ”)

Purpose: To promote development in the South Beach area of Newport in a way that maintains an efficient, safe, and functional transportation system.

Where is it applied? Generally to developable property between the Yaquina Bay Bridge and SE 62nd Street, in an area identified as the South Beach Overlay Zone, or SBOZ. The area will be adopted as an overlay on the City of Newport Zoning Map. The attached map shows the proposed area.

Why is it needed? The SBOZ is needed to manage future development so that the planned transportation system will be able to serve future land use needs. The SBOZ will track the consumption of trips from future development. It is a tool to assess new growth and compare it to the assumptions upon which the transportation system and improvements are based.

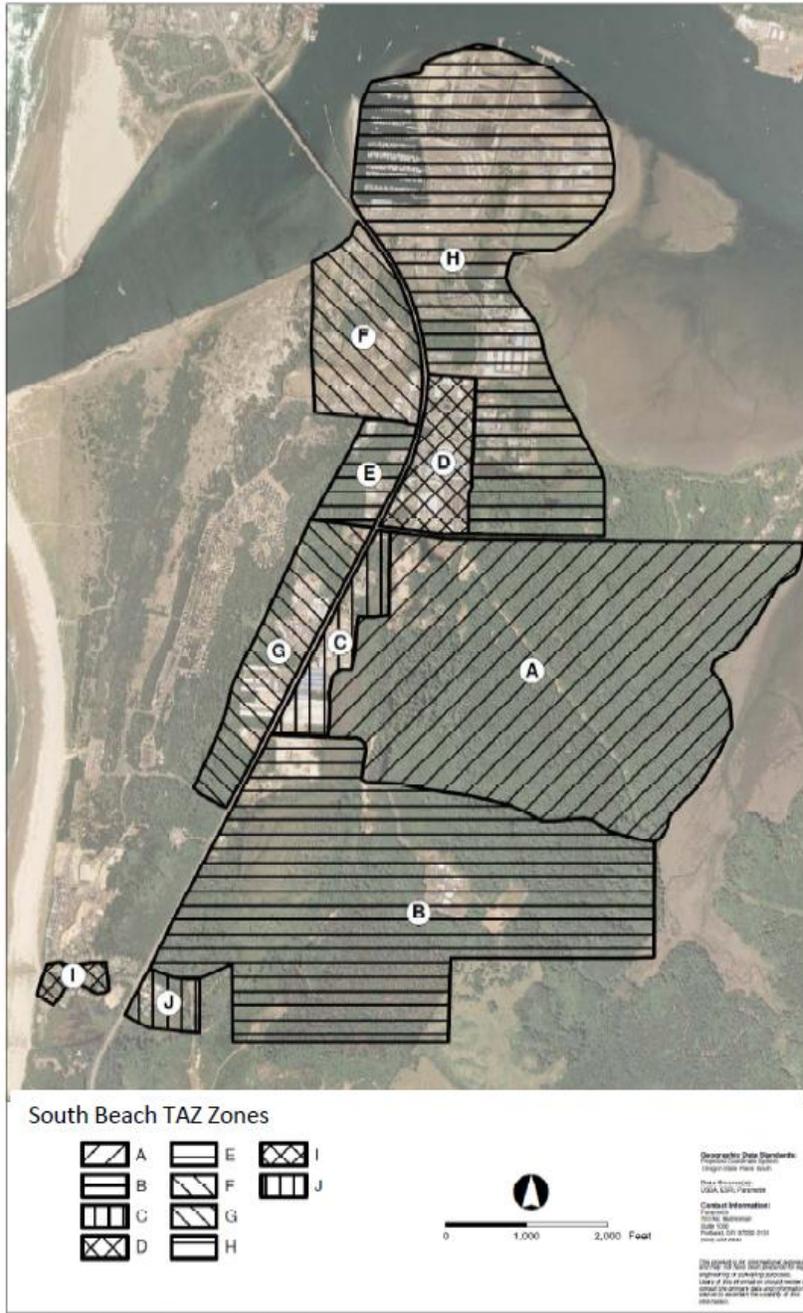
Who does it affect? Anyone who is planning an expansion of an existing use, a change in use, or an improvement on a parcel or parcels within the SBOZ that requires City land use or development approval. Proposed code provisions would apply to any land use application for a parcel within the SBOZ.

What are the development requirements? Proposed development on parcels within the SBOZ are to be limited to the number of PM peak hour trips than are budgeted for the Traffic Analysis Zone (TAZ) in which the parcel is located, except when a development proposes to use the Trip Reserve Fund (see Handout #3). A development that results in a change in the number of vehicle trips being generated to or from a property must submit a Trip Assessment Letter. If certain threshold conditions are met, a more detailed Traffic Impact Analysis (TIA) would need to be submitted to the City for review and approval through a Type III process.

What is the approval process? Land use applications in the SBOZ will be reviewed and approved consistent with existing requirements, according to the type of proposal. Approval of the trip allocation is a ministerial, or administrative, action and can be granted when sufficient trips can be allocated from the TAZ Trip Budget in which the development is proposed. If sufficient trips cannot be allocated from the TAZ Trip Budget, the proposal can include a request to use the Trip Reserve Fund (see Handout #3). Such a request will involve a Planning Commission decision.

Handout #2: South Beach Overlay Zone (“SBOZ”)

Figure 1: South Beach Overlay Zone¹



¹ Figure 2-2 from Newport Transportation System Plan Update - Alternate Mobility Standards Final Technical Memorandum #12.

Handout #3: South Beach Trip Budget Program

Purpose: To provide a method for the City to track and manage the number of vehicle trips generated by new development to ensure that it is progressing in line with TSP assumptions and that planned improvements continue to be adequate to serve growth in South Beach.

Where is it applied? To the area identified as the South Beach Overlay Zone, or SBOZ (see Handout #2).

Why is it needed? Developing a transportation system sufficient to handle complete development of the area is not feasible within the next 20-years. The system is limited by the capacity of the Yaquina Bay Bridge, given its physical constraints as well as system infrastructure costs. The South Beach Trip Budget Program provides the City with a way to track and manage the number of trips generated by new development to make sure that the planned transportation system can operate at an acceptable level with the new growth in South Beach. The Trip Budget Program is a tool to track the pace at which highway capacity is consumed.

What does it affect? Any development that requires City land use review or development approval.

How will the city track new trips on the transportation system? New submittal requirements are being proposed that would apply to development proposals and requests for land use changes. All such applications would need to document expected future trips through a Trip Assessment Letter; large developments would need to provide a more detailed Traffic Impact Analysis (TIA).

How does it work? The program is based on the future number of PM peak hour trips projected to be generated from new development in South Beach at the 20-year time horizon. Transportation Analysis Zones (TAZs) have been identified in South Beach to forecast future trips. The number of new trips expected to be generated by new development in each TAZ then was identified as a “trip budget” for each TAZ. The expected future PM peak hour trips created by the new development are subtracted from the total trips that have been “budgeted” in the individual TAZ in which the development is located.

What happens when the trip budget for a TAZ is exhausted? In the future, if there aren’t enough trips available to accommodate a proposed development in any given TAZ, an applicant can apply to use trips from the “Trip Reserve Fund.” The number of trips held in reserve is 10% of the total PM peak hour trips available within the South Beach Overlay Zone (SBOZ). The Newport Planning Commission would make decisions about using the Trip Reserve Fund. Trip Reserve Fund trips may be allocated to any development that is permitted by the underlying zoning as long as there are sufficient trips available in the Trip Reserve Fund and the decision is supported by the findings of a transportation impact analysis. The proposed program includes required re-evaluation to recalibrate the system, if needed, whenever development within a TAZ reaches 65% of the trip budget for that TAZ. A separate, automatic review of the program also will occur in 10 years.

Newport South Beach Public Open House – May 24, 2012



Transportation Planning in South Beach: Proposed Lincoln
County Comprehensive Plan Amendments – June 18, 2012

ATTACHMENT B



Transportation Planning in South Beach: Proposed Lincoln
County Comprehensive Plan Amendments – June 18, 2012



Transportation Planning in South Beach: Proposed Lincoln
County Comprehensive Plan Amendments – June 18, 2012

ATTACHMENT C

The following amendments to the Lincoln County Comprehensive Plan (Lincoln County Code, Chapter 1) are recommended to support transportation system planning in the South Beach Area. Proposed new language is underlined.

CHAPTER 1

Land Use Planning

COMPREHENSIVE PLAN

1.0001	Title and Purpose
1.0005	Introduction
1.0010	Land Use Planning Goals
1.0015	Land Use Planning Policies
1.0020	Intergovernmental Coordination Policies
1.0025	Citizen Involvement Policies
1.0030	Urbanization Policies
1.0040	Air, Land, and Water Quality Goals
1.0045	Air, Land, and Water Quality Policies
1.0050	Natural Hazards Goals
1.0055	Natural Hazard Policies
1.0060	Forest Land Goals
1.0065	Forest Land Policies
1.0070	Agricultural Lands Goals
1.0075	Agricultural Lands Policies
1.0080	Estuarine Resource Goals
1.0085	Estuarine Resource Policies
1.0090	Coastal Shoreland Goals
1.0095	Coastal Shoreland Policies
1.0100	Beaches and Dunes Goals
1.0105	Beaches and Dunes Policies
1.0110	Open Spaces, Scenic and Historic Area Goals
1.0115	Open Spaces, Scenic and Historic Area Policies
1.0120	Ocean Resource Goals
1.0125	Ocean Resource Policies
1.0130	Economic Goals
1.0135	Economic Policies
1.0138	Adoption of Lincoln County Transportation System Plan
1.0140	Transportation Goals
1.0145	Transportation Policies
1.0150	Energy Goals
1.0155	Energy Policies
1.0160	Housing Goals
1.0165	Housing Policies
1.0170	Recreation Goals
1.0175	Recreation Policies
1.0180	Public Facilities Goals
1.0185	Public Facilities Policies
1.0190	Plan Designations

...

COMPREHENSIVE PLAN

1.0001 Title and Purpose

Chapter One shall be known and may be cited or pleaded as the Lincoln County Comprehensive Plan and Zoning Regulations. This chapter applies to all that area of Lincoln County subject to county jurisdiction under the provisions of ORS 215.130 and subsequent amendments to the Oregon Revised Statutes. The purpose of this chapter is to promote the public health, safety and general welfare and to implement the goals and policies of the Lincoln County Comprehensive Plan, LCC 1.0005 to 1.0190.

1.0005 Introduction

The comprehensive plan is a statement of Lincoln County's overall policies regarding the nature of future growth and development in the County. This policy reflects a consideration of the County's problems and needs as well as its social, environmental and economic values. The purpose of comprehensive planning is to allow the public to make decisions in advance about the development of the County and the use and conservation of its resources. The resulting plan is a document upon which public agencies and private firms and individuals can rely so their decisions and investments can be made with confidence. People buying homes can do so, assured that their community will grow and develop in an orderly fashion. Businesses can invest in new sites, confident that they can be used for their intended purpose and that needed services will be provided. Public investments in water systems, sewer systems, schools, roads, etc., can be made in an orderly and cost effective manner. At the same time, the comprehensive plan is not intended to be a static document; rather it is intended to be dynamic in nature. Periodic review and revision is a necessary part of the planning process in order to respond to changing social and economic needs and circumstances. The Lincoln County Comprehensive Plan consists of four primary elements: The Comprehensive Plan Inventory; the Comprehensive Plan Policies; the Comprehensive Plan Maps; and the Lincoln County Transportation System Plan adopted pursuant to LCC 1.0138. The Comprehensive Plan Inventory provides the background information, data and other factual base material concerning the social, economic and environmental resources of the County. The Comprehensive Plan Policies are the formal binding policy statements which direct future growth and development and which are derived from the problems and needs identified in the Comprehensive Plan Inventory. The Comprehensive Plan Maps assign land use designations to all areas of the County in accordance with the requirements of the Comprehensive Plan Policies. It should be emphasized that these three elements of the County Comprehensive Plan must be considered together in analyzing a specific application of the plan. For example, the policy provisions for Forest Lands are in response to resources and conflicts identified in the inventory, and are in turn applicable to those resources defined in the inventory and delineated on the plan maps. In order to provide a better understanding of this linkage between the inventory and policy elements of the Comprehensive Plan, the relevant conclusions of the various inventory sections have been summarized below:

[...]

(20) Transportation:

Transportation in Lincoln County centers primarily on the use of the private automobile. It is anticipated that this reliance will continue, and the focus of transportation planning for the planning period will be on design, improvement and maintenance of public roads and highways. Mass transit opportunities in Lincoln County appear to be extremely limited during the planning period. The small number of potential users and their low concentration combine to make any such project economically unsound. It is likely that the importance of air travel will increase during the planning period, commensurate with projected population increases. The probability of commercial air service to the Newport area is anticipated and plans for significant improvements at the airport are being formulated. Rail service and commercial shipping activities are both confined to serving industrial wood products operations in the Newport-Toledo area.

In 2011-12, Lincoln County participated in a planning process that addressed transportation and land use issues in South Beach, an area south of the Yaquina Bay Bridge that includes land both within the City of Newport and outside city limits, within Lincoln County. A significant amount of new development in the Newport area is expected in this area. Forecasted traffic volumes along US 101 are anticipated to result in greater congestion levels, particularly during the summertime peak. However, traffic growth is likely to be high enough that significant congestion also will be experienced at other times of the year. The limited state funding available for bridge improvement and replacement causes the Yaquina Bay Bridge to become the major constraint in the operation of the transportation system south of the bridge.

Newport and ODOT, in consultation with Lincoln County, have worked together to identify a transportation system and management strategy that will support future community development in South Beach. The strategy includes alternative mobility standards for US 101, strategic improvements to the state highway and to the local street system and a variety of improvements to the pedestrian and bicycle system. A South Beach Overlay Zone (SBOZ) has been created that creates a Trip Budget Program to track vehicle trips generated by future development. The City has adopted the SBOZ and Trip Budget Program to track the trips from future development so that the planned transportation system will be able to serve future land use needs. The County will rely upon the City's adopted TSP to identify the necessary and appropriate improvements to the transportation system. The County will participate in the SBOZ and Trip Budget Program by continuing to use the conditional use permit process for all development proposed on land designated Industrial within the SBOZ. This process provides the City of Newport with an opportunity to comment on any land use proposal. This process will provide the City of Newport with the means to ensure that trips are available in the City's Trip Budget Program to support developments in South Beach.

[...]

1.0138 Adoption of Lincoln County Transportation System Plan

(1) The Lincoln County Transportation System Plan, consisting of Volume 1 (Plan) and Volume 2 (Appendixes, Tables and Figures), is hereby adopted and made a part of the Lincoln County Comprehensive Plan. The Plan, Volumes 1 and 2, are incorporated herein as if fully set forth. Copies of the Plan, Volumes 1 and 2, shall be placed in the Lincoln County Clerk's Office and kept in the Department of Planning and Development's offices.

(2) To the extent that provisions in the Lincoln County Transportation System Plan diverge from this Chapter or subsequent amendments to the Comprehensive Plan, this Chapter or subsequent amendments to the Comprehensive Plan shall supersede those inconsistent provisions. [2008 o.456 §3]

1.0140 Transportation Goals

Transportation goals:

- (1) To plan for a safe, convenient and economic transportation system.
- (2) To provide an efficient and aesthetically pleasing system of public roads.
- (3) To develop a transportation system which enhances the County's economy.
- (4) To encourage energy conserving transportation modes.
- (5) To conserve energy in transportation.

1.0145 Transportation Policies

(1) Lincoln County shall coordinate its transportation plans with state transportation plans, and the city comprehensive plans.

(2) The Lincoln County Road Committee shall recommend capital improvement plans for road construction, major road improvements and maintenance. Priorities shall be established on the basis of road condition, road capacity, traffic volume and effectiveness toward reducing accidents.

(3) Lincoln County shall review improvements to the state highway system within the county for consistency with this plan.

(4) Lincoln County shall classify roads as major and minor arterials, collectors and residential streets and designate county and public roads.

(5) Major arterials shall provide regional access between communities and areas of the county and state.

(6) Access to major arterials shall be via fully improved streets except where no alternative exists. Developments adjacent to arterials shall provide through access via collector or residential streets to adjacent developable lands.

(7) In response to applications for highway access permits for abutting properties from the State of Oregon, Lincoln County shall respond with the following condition: "This highway access permit shall be valid only as long as alternative access from a collector or local street is not available. Upon development or improvement of a collector or local street, this permit shall be terminated and the driveway shall be abandoned."

(8) Adequate setbacks from arterial and collector roads shall be required in order to provide for future purchase of additional right-of-way.

(9) Existing rights-of-way shall be used where appropriate and future needed rights-of-way shall be designated to improve the safety of vehicular circulation within the county.

(10) Lincoln County shall work to preserve existing rights-of-way that have been identified as having future potential as transportation corridors.

(11) Lincoln County shall adopt minimum standards for road construction, improvements and maintenance for county and public roads.

(12) Lincoln County shall work with road districts through inter-governmental agreements to provide programs for improvement and continual maintenance.

(13) Lincoln County shall work with existing road districts to ensure improvement of public roads to minimum county standards.

(14) Lincoln County may share in public road maintenance and improvement with abutting property owners. The County share shall be based upon benefit, road use, classification and priority of the County road capital improvement plan.

(15) A condition of final development approval shall be that public roads providing access to proposed development be improved to minimum County standards.

(16) Lincoln County shall initiate vacation or closure of county or public roads which are no longer necessary for access or which cannot be maintained as determined by the County Engineer except where such roads abut the ocean.

(17) Lincoln County may reduce county roads to public road status.

(18) Set-backs for development shall provide for the planned right-of-way width.

(19) The establishment of private road rights-of-way to accommodate land partitioning shall be to minimum county road standards except when no further partitioning or subdividing is possible.

- (20) Lincoln County shall encourage the improvement of existing airports.
- (21) Lincoln County shall work with citizens, the Department of Transportation Aeronautics Division, and cities to develop zones which designate surrounding land uses compatible with airports.
- (22) Development of heliports, except for emergency use, shall be restricted to commercial, industrial, forest, and agricultural areas and residential areas where the approach and departure occur over areas where there is no potential for residential use.
- (23) The Lincoln County Airport Advisory Committee shall advise the County on all land use matters pertinent to airport and aircraft safety.
- (24) Lincoln County shall encourage:
- (a) Improved transportation choices including opportunities for those who are aged or incapable due to physical or mental disorder;
 - (b) Establishment of a commuter airline service;
 - (c) Improvement and maintenance of marine facilities, where appropriate, such as docks, jetties and channels; and
 - (d) Designation and improvement of pedestrian and bicycle routes.
- (25) Lincoln County shall promote the expansion of the railway system capability.
- (26) Lincoln County shall review proposals to locate high voltage electrical transmission lines and high volume natural gas or oil pipelines. The review shall take into consideration land uses along and adjacent to these transmission corridors, weighing public benefit, environmental safety and the economics of alternative proposals.
- (27) Transmission lines and pipelines serving and linking residential, commercial, and industrial users shall be located along common corridors where feasible
- (28) Lincoln County shall encourage the licensing of bicycles by State of Oregon to increase revenues for bike way facilities.
- (29) Lincoln County shall encourage the Oregon Department of Transportation to widen and improve valley access highways.
- (30) Lincoln County shall require designation of car pool parking areas as part of access management plan for intersections near major collectors.
- (31) Permanent access to that portion of NE Harney Street between NE 32nd Street and NE 36th Street shall be limited to lands within the City of Newport Urban Growth Boundary. Access to lands outside the Urban Growth Boundary shall be limited to temporary access for forest management purposes.
- (32) Lincoln County shall support programs providing transportation choices and reduction of single-occupancy vehicle trips.
- (33) Lincoln County shall work to improve mass transit and inter-city transit links. [1998 o.379 § 2; 2008 o.456 §5]
- (34) Lincoln County supports optimizing the transportation system in Newport's South Beach area between the Yaquina Bay Bridge and SE 62nd Street through improvements to US 101 and the local transportation system as identified in the City of Newport's TSP. The capacity of the Yaquina Bay Bridge is expected to continue to be the major constraint in the operation of the transportation system south of the bridge, and funding for a new or expanded facility is not likely in the foreseeable future.
- (35) Lincoln Count supports adoption of alternative mobility standards by the Oregon Transportation Commission on US 101 at the future signalized intersections of South 35th Street, Southeast 40th Street and Southeast 50th Street/South Beach State Park to accommodate planned community development in Newport's South Beach area. These standards will allow a higher level of congestion than would be acceptable without the alternative standards. The alternative standards will support economic development and reduce the costs of total transportation system improvements associated with development in South Beach.
- (36) Lincoln County shall participate in monitoring the transportation impacts of development in South Beach by noticing the City of development proposals outside City limits.

within the City of Newport's adopted South Beach Overlay Zone (SBOZ). The county shall coordinate with the City of Newport through the development approval process to ensure that County-approved trips are recorded in the City's SBOZ Trip Budget Program. Documentation of compliance with the SBOZ Trip Budget program, as adopted in the City of Newport TSP, will be required prior to County development approval.

(37) Lincoln County will use the City of Newport's adopted TSP to identify necessary and appropriate improvements to the transportation system in Newport's South Beach area.

(38) Lincoln County, in coordination with the City of Newport, shall continue to engage ODOT in conversations regarding future project planning and funding that would lead to improvements to, and possibly replacement of, the Yaquina Bay Bridge. The county is supportive of finding long-term solutions sufficient to address existing capacity and structural limitations that affect the bridge's ability to carry vehicles and pedestrians

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 Chapters 14.46 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 interest earned on the deposit.

- b. Commencing three (3) years after filing of the final plat, or a date otherwise specified by the city, the city engineer shall cause all remaining sections of sidewalk to be constructed, using the remaining funds from the aforementioned cash bond. Any surplus funds shall be deposited in the city's general fund to cover administrative costs. Any shortfall will be paid from the general fund.
- c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 13.05.090(C)."

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.”

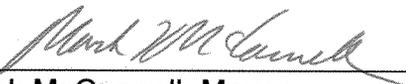
Section 10. City shall reserve trips out of the TAZ budget for properties annexed with Ordinance No. 1922, per the Settlement Agreement, as follows: For properties owned by Emery Investments, Inc. and/or Landwaves, Inc. 130 weekday PM peak hour trips, plus an additional 127 trips at such time as Ash 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

CHAPTER 14.43 SOUTH BEACH TRANSPORTATION OVERLAY ZONE (SBTOZ).

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

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

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

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

14.43.050. Definitions

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

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

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

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

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

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

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

14.43.080. Trip Assessment Letter.

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

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

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

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

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

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

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

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

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

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

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

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

14.43.120. Amending the Trip Budget Program.

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

City of Newport
South Beach Future Transportation Analysis
Zones
October 30, 2012

State of Oregon
Department of Transportation

PERIMETER OF SOUTH BEACH FUTURE TRANSPORTATION ANALYSIS

ZONES A - J

A tract of land situated in Sections 8, 9, 16, 17, 20, 21, 29, and 30, Township 11 South, Range 11 West, Willamette Meridian, City of Newport, Lincoln County, Oregon, the said tract being more particularly described as follows:

BEGINNING at a point on the South line of said Section 16, which point is the Southeast corner of that tract of land designated Parcel 4 in Statutory Bargain and Sale Deed recorded in Document 200716072, deed records of Lincoln County, the said point bears N89°54'54"E 288.22 feet, per County Survey 16166, from a three-inch diameter brass cap marking the corner common to Sections 16, 17, 20 and 21 in said Township and Range;

thence Easterly along the South line of said Section 16 to the Easterly line of the City of Newport Urban Growth Boundary (UBG) as amended in City of Newport Ordinance No. 1899 and adopted by the City Council of the City of Newport on December 4, 2006;

thence Southwesterly and Southerly along said UBG to its intersection with the South line of said Section 21;

thence Westerly along the South line of said Section 21, 420 feet, more or less, to a brass cap marking the corner common to Sections 20, 21, 28 and 29 in said Township and Range;

thence continuing Westerly, along the South line of said Section 20 (being also the North line of said Section 29), 1150 feet, more or less, to the most Southerly corner of that tract of land designated Tract "B" in Statutory Special Warranty Deed recorded in Document 2011-02151, deed records of Lincoln County, said corner being marked by a 5/8-inch iron rod set in County Survey 10586;

thence N72°28'34"W along the Southerly line of said tract 218.43 feet, per County Survey 15273, to the East 1/16th line of said Section 20;

thence Southerly along the East 1/16th line of said Section 20, and continuing Southerly along the East 1/16th line of said Section 29 to the East-West quarter line thereof;

thence Westerly along said East-West quarter line to the center of said Section 29, being the Southwest corner of Small's Addition to Yaquina City, as recorded in Plat Book 4, Page 37;

thence Northerly along the North-South quarter line of said Section 29, 330 feet, more or less, to the Northwest corner of Small's Addition to Yaquina City;

thence Westerly, parallel with said East-West quarter line, to the Easterly line of that tract of land described in deed to the City of Newport recorded in MF 131-430, deed records of Lincoln County, said tract being shown in County Survey 10740;

thence Northerly along said Easterly line, and continuing along the Easterly line of that tract of land described in deed to the City of Newport recorded in Book 101, Page 594, deed records of Lincoln County, to the most Northerly corner of said City of Newport tract;

thence Southwesterly along the Northerly line of said City of Newport tract 752 feet, more or less, to the West 1/16th line of said Section 29;

thence Southerly along said West 1/16th line to the East-West quarter line of said Section 29;

thence Westerly along said East-West quarter line to the Easterly right-of-way line of the South Coast Highway (Hwy 101);

thence Northerly along said Easterly right-of-way line to the most Southerly corner of Lot 6, Block 2, Surfland Unit No. 2, as recorded in Plat Book 8, Page 73;

thence Westerly in a straight line, crossing said South Coast Highway, to the most Northeasterly corner of Tract 'J', Southshore, as recorded in Plat Book 15, Page 53;

thence Westerly along the Northerly line of said Tract 'J' to the most Westerly corner of Lot 8, Southshore;

thence Northerly in a straight line, crossing Tract 'L' (Arbor Drive), to the most Easterly corner of Lot 7, Southshore;

thence Northwesterly along the North line of said Lot 7, 244 feet, more or less, to the Northwest corner thereof, said corner being the Northeast corner of Tract 'A', Southshore;

thence Westerly along the North line of said Tract 'A' 72 feet, more or less, to the Ocean Shore Boundary, defined as the vegetation line in Oregon Revised Statutes Chapter 390-770;

thence Northerly in a straight line to the Southwest corner of the Beach Home Condominiums at Southshore, Stage 8, as recorded in Condominium Book 1, Page 150;

thence Northerly along the West line and Easterly along the North line of said condominium plat to the Northeast corner thereof, said corner being on the Westerly line of Tract 'M', Southshore (Cupola Drive);

thence Easterly in a straight line, crossing said Tract 'M', to the most Westerly corner of Tract 'C', Southshore, said corner being on the Easterly line of said Tract 'M';

thence Northerly and Easterly along the Northerly line of said Tract 'C', and continuing along the Northerly lines of Tracts 'M', 'D' and 'E' to a 3-inch diameter brass cap marking the corner common to Sections 19, 20, 29 and 30, Township 11 South, Range 11 West, Willamette Meridian, said corner being the Initial Point of the plat of Southshore;

thence continuing Easterly along the Northerly line of said Tract 'E' and the Northerly line of Tract 'P' and its Easterly extension to the Easterly right-of-way line of said South Coast Highway;

thence Northeasterly along said Easterly right-of-way line to the West 1/16th line of said Section 20;

thence Northerly along said West 1/16th line to a point on the Westerly right-of-way line of Hwy 101, said point being on the East line of South Beach State Park, as shown in County Survey 10457;

thence continuing Northerly along the West 1/16th line of said Section 20, 2100 feet, more or less, to the NW 1/16th corner of said Section 20;

thence, continuing Northerly along said West line 82.51 feet (N04°05'38"E 82.51 feet per County Survey 10457) to an angle point in the boundary of South Beach State Park;

thence Easterly along said boundary 551 feet, more or less, to the southerly extension of the East line of South Beach State Park;

thence Northerly along said extension and said East line 1212.5 feet, more or less, to a point on the North line of said Section 20, said point bears N85°24'57"W 775.50 feet from the quarter corner on the North line of said Section 20 per County Survey 10457;

thence Northeasterly in a straight line to a 5/8 inch iron rod set in County Survey 15289 at the Southwest corner of that tract of land described in deed recorded in Document 2006-19503, deed records of Lincoln County;

thence Northerly along the West line of said tract, and continuing Northerly along the West line of that tract of land described in MF 113-499, deed records of Lincoln County, and its Northerly extension to the South line of Block 18, Waggoner's Addition to South Beach, as recorded in Plat Book 4, Page 13;

thence Westerly along said South line to the West right-of-way line of SW Dungeness Street (formerly Clay Street);

thence Northerly along said right-of-way line to the South line of SW 29th Street;

thence Westerly along said South line to the West line of Waggoner's Addition to South Beach;

thence Northeasterly along said West line to the Northwest corner thereof, being the Northwest corner of Emerald Bay Estates Condominium Stage II, as recorded in Condominium Book 1, Page 114;

thence Easterly along the North line of said Stage II and Emerald Bay Estates Condominium, Stage 1, as recorded in Condominium Book 1, Page 111, and continuing Easterly along the North line of Block 1, Waggoner's Addition To South Beach, to the Southwest corner of Block 5, South Beach, as recorded in Plat Book 3, Page 3;

thence Northeasterly along the Northwesterly line of said Block 5 and Block 6, South Beach to the Northeast corner of Lot 3, said Block 6, said corner being an angle point in the Northwesterly line of Lot 7, Playa Del Sur Townhouse Subdivision, as recorded in Plat Book 18, Page 14A;

thence, continuing Northerly and Northeasterly along the Northwesterly line of Playa Del Sur Townhouse Subdivision to the most Northerly corner thereof;

thence Northeasterly in a straight line to the Northwest corner of The Regatta, A Condominium, as recorded in Condominium Book 1, Page 201;

thence Northeasterly along the Northwesterly line of The Regatta, A Condominium and its Northeasterly extension to the Northeasterly right-of-way line the South Coast Highway (Hwy 101);

thence Northwesterly along said Northeasterly right-of-way line to its intersection with the 2010 Newport Urban Growth Boundary;

thence along said Urban Growth Boundary as it meanders Easterly, Northerly and Southerly along the Marina Artificial Water Line and the shore of Yaquina Bay to its intersection with the Northerly line of the plat of Harborton, as recorded in Plat Book 6, Page 19;

thence Southeasterly along said Northerly line, and continuing Southeasterly along the Easterly line of Harborton to its intersection with the North right-of-way line of SE 35th Street (40 feet wide), said intersection being Southeast corner of the plat of Neolha Point Townhomes, as recorded in Plat Book 18, Page 7;

thence Southeasterly along the North right-of-way line of SE 35th Street to its intersection with the Northerly extension of the most Northerly East line of that tract of land designated

Parcel 3 in Statutory Bargain and Sale Deed recorded in Document 200716072, deed records of Lincoln County;

thence Southerly along said most Northerly East line and its Southerly extension, and continuing along the East line of that tract of land designated Parcel 4 in Statutory Bargain and Sale Deed recorded in Document 200716072, deed records of Lincoln County, to the South line of Section 16, Township 11 South, Range 11 West, W.M. and the **POINT OF BEGINNING**.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 19, 1994
JOHN V. THATCHER
2681

RENEWS: 7/1/2014

SIGNED: _____

PACIFIC OCEAN

YAQUINA BAY

South Coast Hwy (Hwy 101)

Urban Growth Boundary

P.O.B.

Urban Growth Boundary

Newport City Limits

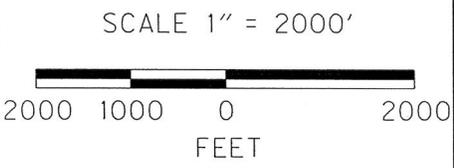
Urban Growth Boundary



Legend

- Section Line
- Urban Growth Boundary
- Newport City Limits

Sections 8, 9, 16, 17, 20, 21, 29, & 30
 T. 11S, R. 11W, W.M.
 City of Newport
 Lincoln County, Oregon



South Beach Future
 Transportation Analysis Zones A-J
 Map By
CH2MHILL
 Survey & Mapping
 2020 SW 4TH AVE. SUITE 300 PORTLAND, OR 97201
 PH: (503) 235-5000

CHAPTER 14.45 TRAFFIC IMPACT ANALYSIS

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

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

14.45.020. Traffic Impact Analysis Requirements.

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

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

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

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

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

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

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

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

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

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

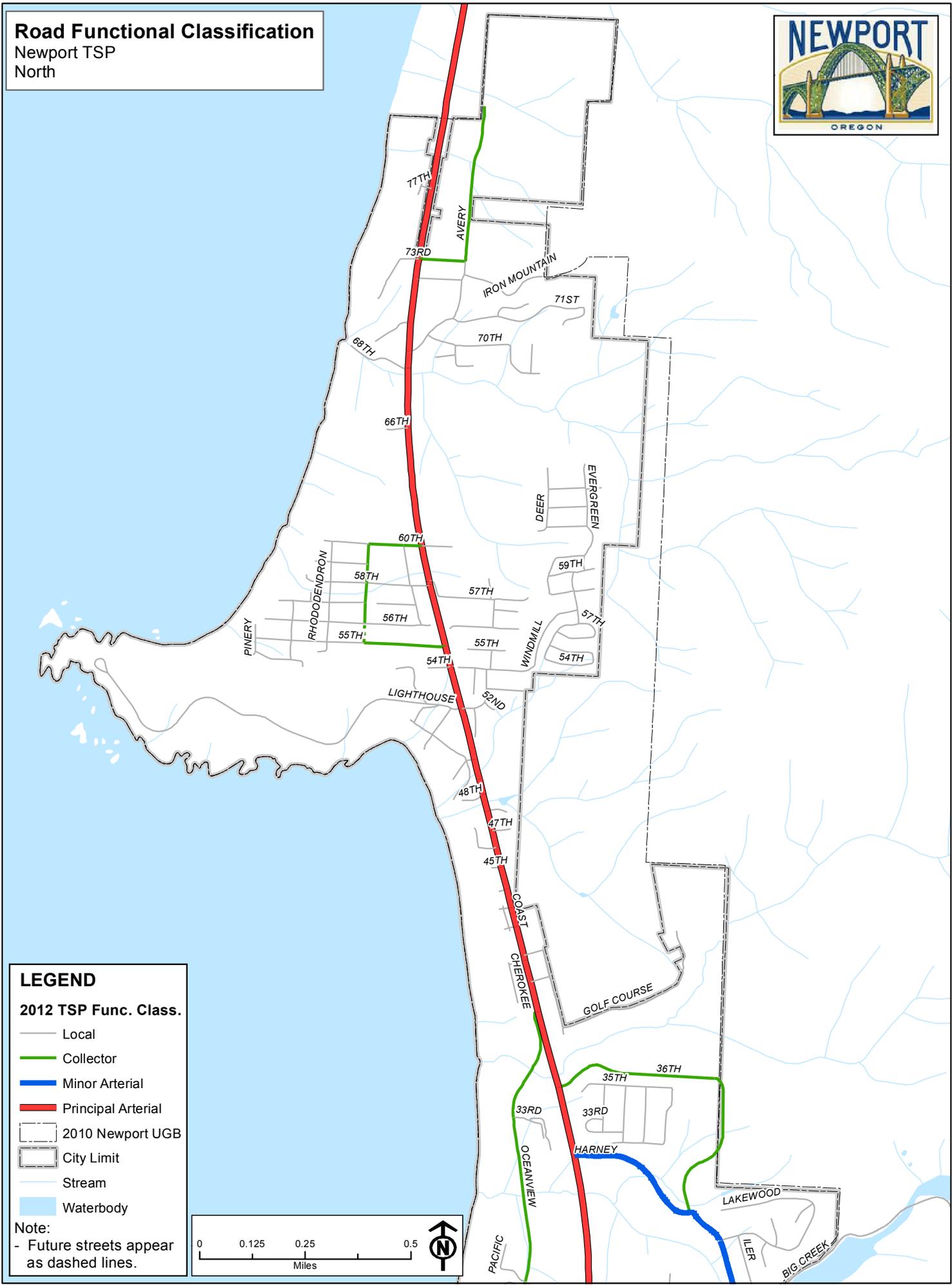
14.45.070. Fee in lieu Option. The City may require the applicant to pay a fee in lieu of constructing required frontage improvements.

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

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

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

Road Functional Classification
Newport TSP
North

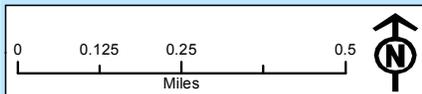


LEGEND

2012 TSP Func. Class.

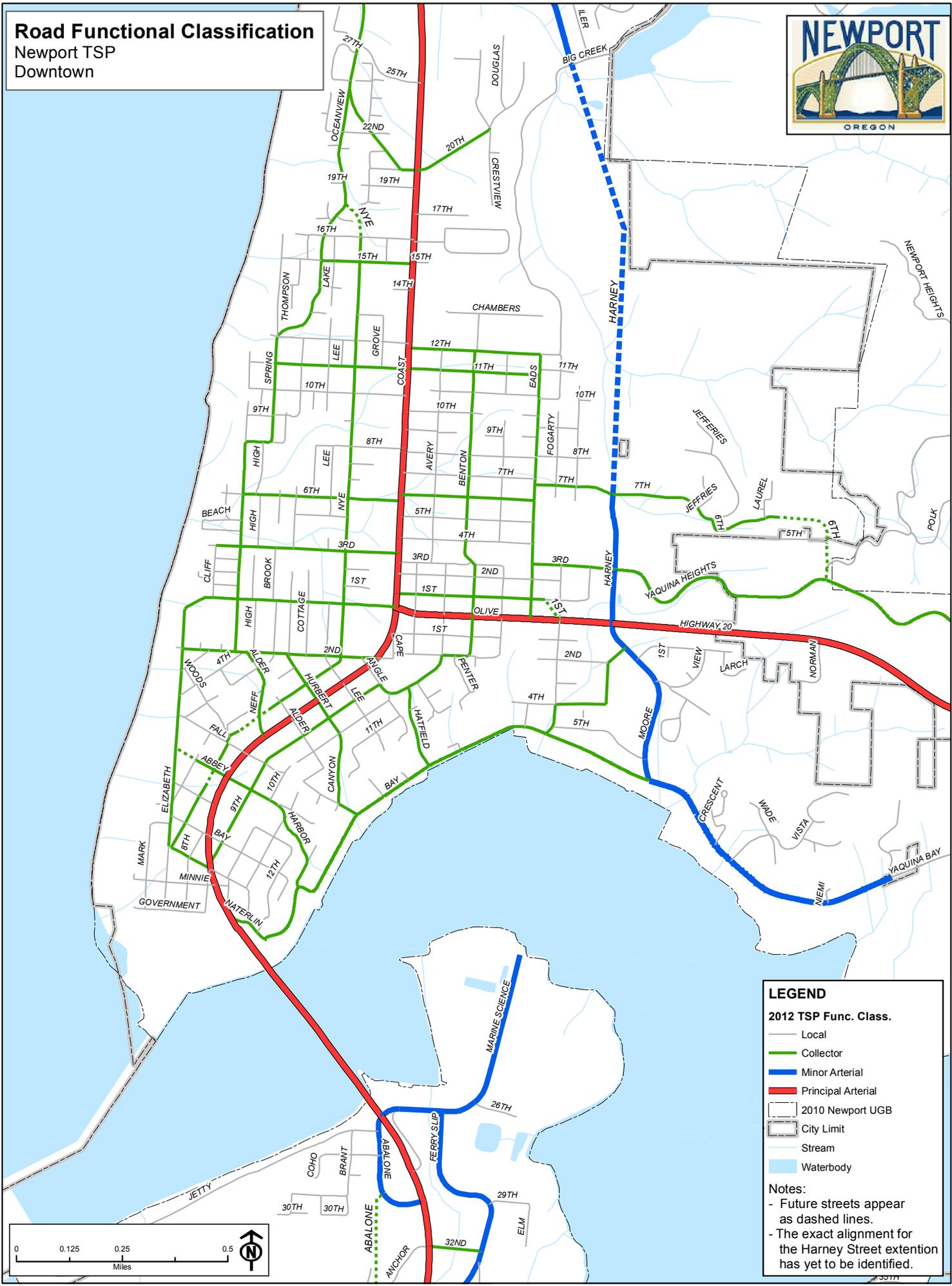
- Local
- Collector
- Minor Arterial
- Principal Arterial
- - - 2010 Newport UGB
- ▭ City Limit
- Stream
- ▭ Waterbody

Note:
- Future streets appear as dashed lines.



Road Functional Classification

Newport TSP Downtown



LEGEND

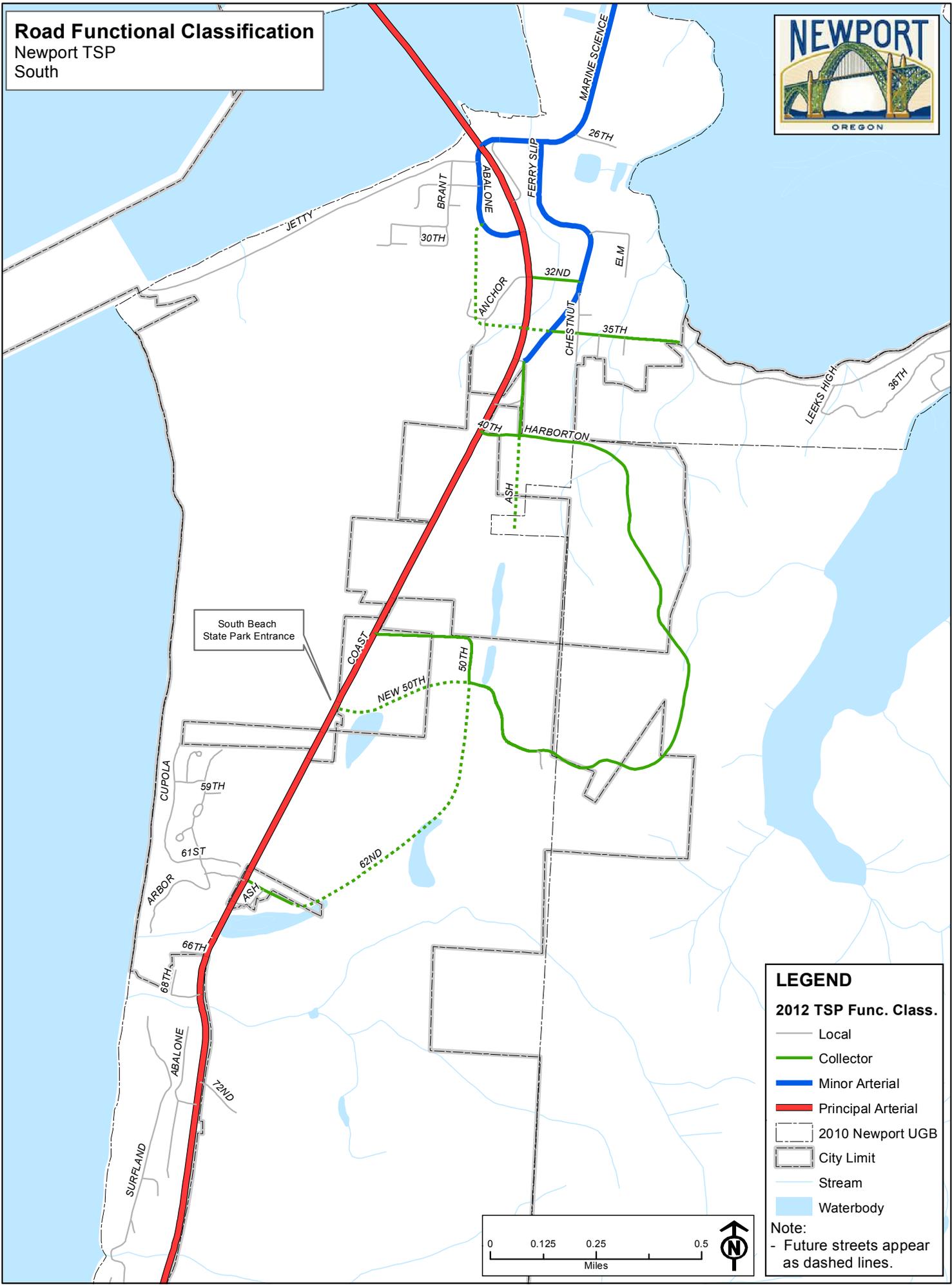
2012 TSP Func. Class.

- Local
- Collector
- Minor Arterial
- Principal Arterial
- 2010 Newport UGB
- City Limit
- Stream
- Waterbody

Notes:

- Future streets appear as dashed lines.
- The exact alignment for the Harney Street extension has yet to be identified.

Road Functional Classification
Newport TSP
South



South Beach
State Park Entrance

LEGEND

2012 TSP Func. Class.

- Local
- Collector
- Minor Arterial
- Principal Arterial
- - - 2010 Newport UGB
- ▭ City Limit
- Stream
- Waterbody

Note:
- Future streets appear as dashed lines.

