CITY COUNCIL REGULAR SESSION AGENDA
Monday, November 20, 2023 - 6:00 PM
City Council Chambers

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

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

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

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1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT

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

4. PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Any formal proclamations or recognitions by the Mayor and Council can be placed in this section. Brief presentations to the City Council of five minutes or less are also included in this part of the agenda.

5. CONSENT CALENDAR

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

5.A Receipt of Approved Committee Meeting Minutes

10-18-2023_Parking_Advisory_Comm_Minutes-Approved 11-15-2023.pdf
PC_Reg_Session_10-23-23_Approved_11-13-23.pdf
PC_Work_Session_10-23-23_Approved_11-13-23.pdf
Park and Recreation Committee Minutes 10-10-23 FINAL.pdf
Park and Recreation Committee Minutes 9-6-23 FINAL.pdf

6. PUBLIC HEARING

This is an opportunity for members of the audience to provide testimony/comments on the specific issue being considered by the City Council. Comments will be limited to three (3) minutes per person.

6.A Public Hearing and Potential Adoption of Resolution No. 4000, a Resolution Setting Fees and Terms for Use of Certain Public Parking Areas Along the Bayfront

City Manager's Report
Staff Report.pdf
Resolution No. 4000 - Parking Fees_Final.pdf
Bayfront Regulatory Parking Sign Layout_Final.pdf

7. COMMUNICATIONS

Any agenda items requested by Mayor, City Council Members, City Attorney, or any presentations by boards or commissions, other government agencies, and general public will be placed on this part of the agenda.

7.A Communication from the HB 4123 Homeless Strategic Plan Committee from Ernest Stephen of Morant Mcleod

City Manager's Report
Final Administrative Draft - LCHAB - Where We Call Home.pdf
Strategic Plan Report-presentation.pdf

7.B Communication from the Airport Committee Regarding Authorization to Terminate Hangar Lease 3252 with Michael and Michelle Monsanto for Hangar Site 3 and Authorize a New Lease with LBL Properties, LLC.
City Manager's Report
Staff Report LB Properites LLC hangar site 3 Lease.pdf
Agreement_XXXX_LBL_Properties_3.pdf
Hangar 3.pdf
agreement_3252_Monsanto_3.pdf

7.C Communication from Councilor Parker and Update of various issues from an email dated October 22, 2023

City Manager's Report
Parker email .pdf
agreement_1729 Attachment to Communication.pdf
Rotary. Tsunami Info.pdf
2.6Signed Amendment to Agreement for City Lease December 16 2021.pdf

8. CITY MANAGER'S REPORT

All matters requiring approval of the City Council originating from the City Manager and departments will be included in this section. This section will also include any status reports for the City Council's information.

8.A Report on House Bill 2984 Related to the Assessment of System Development Charges when Commercial Buildings are Converted to Residential Use

City Manager's Report
Staff Report.pdf
HB2984.pdf
NMC_CHAPTER_12.15.pdf

8.B Authorization of a Memorandum of Understanding Between the Oregon Department of Human Services, the City of Newport, and Lincoln County for the Placement of Two Connex Storage Containers at the Municipal Airport
City Manager's Report

Council Staff Report MOU for Conex Storage at Airport (1).pdf
ODHS-Newport-Lincoln County MOU FINAL 11.15.2023.pdf

8.C Review of Rules of Conduct for the City of Newport Municipal Library

City Manager's Report
Staff Report for Library Patrons Rules of Conduct.pdf
5.10 Rules of Conduct - rev. draft 11-17-23.pdf
NMC chapter 8.11 - Trespass in Public Places.pdf

8.D Report on Draft Ordinance Restricting the Sale and Use of Fireworks within the City of Newport
City Manager's Report
Council Staff Report Fireworks ban ordinance 11-20-23.pdf
Draft Fireworks Ban Ordinance 11-20-23.pdf
NMC_8.20.020_Fireworks.pdf

8.E Authorization of Funding for the July 4, 2024 Fireworks Display
City Manager's Report

8.F Report on Composition of Membership for the Airport Committee
City Manager's Report
Staff Report composition of airport committee II.pdf

8.G Report on Workplace Culture Initiatives
City Manager's Report
11.17.23 Updated Strategic Plan for Strengthening Workplace Culture 101823 rev.pdf

8.H Report on Holiday Tree Lighting
City Manager's Report

8.I Status of the Oceanview Drive Slide Limited Emergency 2023-2

City Manager's Report
Staff Report (11-16-23).pdf
2023-02_Declaration_of_Limited_Emergency_NW_Oceanview_Drive_SN_Signed_11-2023.pdf
NW Oceanview Drive Slope - Permanent Repair Memo - Foundation Engr - DRAFT (11-3-23).pdf

9. LOCAL CONTRACT REVIEW BOARD

9.A Authorization to Execute Task Order No. 22 with HDR Engineering in an Amount Not to Exceed $5,900,000 for Detailed Dam Design Services

City Manager's Report
Staff Report - BCD TO 22 - Detailed Design_through 30%.pdf
HDR - Task Order 22 - Big Creek Dam - draft 10-26-23.pdf
Lottery Funds $10M Confirmation E-amil.pdf
TO21_Newport Dam (Final Design) executed_09-22-23.pdf

10. REPORT FROM MAYOR AND COUNCIL

This section of the agenda is where the Mayor and Council can report any activities or discuss issues of concern.

10.A Mayor and Council Report

Hall Report .pdf

11. PUBLIC COMMENT

This is an additional opportunity for members of the audience to provide public comment. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

12. ADJOURNMENT

MINUTES
Parking Advisory Committee
Meeting #16
Newport City Hall Council Chambers
October 18, 2023

Committee Members Present: Janell Goplen, Aracelly Guevara, Aaron Bretz, Gary Ripka, Robert Emond, and Jan Kaplan.

Committee Members Present by Video: Doretta Smith, and Bill Branigan.

City Staff Present: Community Development Director, Derrick Tokos; Parking Enforcement Officer, Donald Valentine; and Executive Assistant, Sherri Marineau.

Public Present: Ann Moore, Susan Armstrong, Susan Spencer, Ken Spencer, Brittany Burright, Shaundra Hammond, Mike Pettis, Rene Tucson, and Steve Palmer.

1. **Call to Order & Roll Call.** Meeting started at 6:00 p.m.

2. **Approval of Minutes.**

   Branigan reported minor corrections to the minutes.

   MOTION was made by Bill Branigan, seconded by Aaron Bretz, to approve the September 20, 2023, Parking Advisory Committee meeting minutes with minor corrections. The motion carried unanimously in a voice vote.

3. **Review and Discuss Updated Implementation Schedule.** Tokos reviewed the implementation schedule, and what had happened so far. He asked for the committee's comments on the schedule. Goplen suggested adding a chatbot to the system to answer frequently asked questions and provide quick access to the database. Goplen thought the schedule was on track with what they discussed. Ripka, Emond, Branigan and Smith agreed.

   Tokos outlined a schedule for implementing the paid parking program in the city, starting with a courtesy permit program in January and rolling out paid permits in May. The courtesy permit program would give a sense of demand and allow for debugging of the license plate recognition system, while the paid permits would go live in May. Tokos explained the approach they were taking to install new signs and pay stations, including the timeline and tasks involved.

   Susan Armstrong addressed the Committee and reported that business owners were frustrated with the new parking permits and fees. She expressed frustration with the new parking permit system, arguing that it unfairly burdened business owners and employees who already struggled to make ends meet. Tokos explained that the parking permit system had been part of the plan since the initial study and adoption, and the committee was working to define zones and pricing for the lower tier parking. Armstrong thought that businesses in the Bayfront area would face increased costs for parking permits, with some paying up to $1,000 annually. Tokos explained that the plan aimed to improve turnover and reduce parking demand through demand management strategies, and businesses would not be required to provide off-street parking if they want to expand or redevelop. He reported that Bayfront, City Center, and Nye Beach businesses currently paid a surcharge on their business licenses based on the number of employees they had. The surcharge had been held flat over a decade with no inflationary adjustments. Tokos explained this would go away for the Bayfront when the meters and permit

program came into place. He noted that the committee had made a change to reduce the Tier 2 parking permits to $100 a year. It would be an additional cost to businesses but not thousands of dollars of costs. Armstrong expressed concerns that people who had to provide off street parking would no longer have to do so. She felt this would create less parking spaces for customers.

Shaundra Hammond addressed the Committee and presented a list of over 200 signatures from tourists, locals, business owners, fisherman that were saying this program would do more harm than good. Armstrong thought that people came to the coast to get away from paying for parking. She expressed concerns about the timing of the parking plan implementation, given the current economic conditions and recent COVID-19 pandemic. Tokos reported the original agreement was adopted by the City Council in March of 2020 with the expectation that when it was implemented it would create turnover. In exchange for the program, the city wouldn't be asking businesses to put in off-street parking where they couldn't do so.

Emond reported the money collected from the program would go to parking lot improvements and enforcement. Tokos reported the cost for the recent resurfacing of the lots was $250,000. Goplen noted that the Committee encouraged feedback on how to use this money as well.

Ripka reported that before this, the city didn't have a way to enforce parking tickets and didn't have any ordinances. Tokos mentioned that ticket collection was a difficult and challenging process for municipalities, with a typical collection rate of 25-30%. The city had contract services before for ticket collections, but the proceeds didn't fund the enforcement.

A discussion ensued regarding why the public weren't able to vote on implementing meters and permits instead of the City Council making the decision. Armstrong expressed frustration with the lack of communication from the city regarding the parking situation in Newport, which affected local businesses. Tokos reported the Council held public hearings on the matter that included much public testimony. Outreach had also been done to owners and business owners on the Bayfront, the Port of Newport, the Commission, and other groups before this was voted in.

4. **Request by Chair Goplen to Discuss Security Camera Requirements.** Tokos explained that the pay stations would be coined operated and there would be a network of 10 cameras on light poles or utility poles to monitor the pay stations. The cameras weren't a part of the T2 System and city staff recognized that they were needed. The Police Department would be in charge of monitoring them. Goplen asked how wide the scope of the video was. Tokos didn't have that information. These were fixed cameras on pay stations and the city's IT Department was working through the details. Goplen asked if they would be leasing spaces for the cameras on private properties. Tokos confirmed they would need agreements to place them on any private property. Bretz reported that the Port had their pay stations and drop box stolen from at least once a year. He thought this was a good idea and felt it would be a deterrent for thieves.

5. **Options for Providing Free Parking in Tier II Permit Zones.** Tokos reviewed the email from Michelle Moore who wanted the city to carve out areas for employees to park without paying. He reviewed the maps where they could possibly to do this on the Front Street parking lot, uphill from the Hatfield lot, by the Port and Englund Marine, or Hurbert Street.

Ripka wanted the Port Dock 7 zone to be free on the weekends in the off-season. Tokos explained this was a timed zone. He noted that the commercial fishing permits in Zones B and D were $45 a month for 96 hours. Ripka and Tokos discussed ways to make it easier for commercial fishermen to obtain permits, including offering free parking during the offseason and adjusting fleet management systems to accommodate different types of crew members. Ripka was concerned that people would have to

buy permits for more than they needed in the off season. Tokos said they could buy a daily permit for these times. Ripka asked if fleets could adjust their daily passes while they were out on the ocean if they had cell service. Tokos confirmed they could.

Bretz asked what the drawback would be to implement all four free parking areas. Tokos said it was straightforward because they hadn't done the final specs on the signs yet and they had time to change them. Bretz wanted to make sure it didn't upset the plan. If it didn't, he thought they should say yes to all four because he felt it would be a good thing. Goplen liked that they were able to take community feedback in and show they were making changes because of it. There was general consensus to change to four areas to free parking. Smith noted they could also add them back in but questioned what kind of a hit to revenues it would be to change the areas to free parking. Tokos didn't know the total but didn't think it would be a tremendous hit to them.

MOTION was made by Janelle Goplen, seconded by Aaron Bretz, to adopt the four areas on the map as free street parking areas. The motion was carried unanimously in a voice vote.

Moore suggested they add additional lighting and a camera to the free parking areas.

6. **Confirmation of Parking Permit Fee and Time Limitation Changes.** Tokos reviewed the pricing for the different areas. The committee was in general consensus with the pricing. Emond asked if adjustments could be made to the pricing. Tokos confirmed the City Council could do this anytime if they chose to.

   Tokos reported he would be attending the Port Commission meeting to provide the same information that he gave to the fishing groups. He would also be meeting with the Bornstein staff on November 1st, and with Pacific Seafoods at another time.

7. **Officer Valentine Demonstration of the LPR Handheld and Programmed Pay Stations.** Officer Valentine presented an example of one of the pay stations and offered to demonstrate how it worked after the meeting.

8. **Public Comment.** Anne Moore asked if the old Apollos lot would be used for parking. Tokos reported that a new hotel would be built there that would have the first floor as commercial space with parking behind it. The developer received conditional use approval so they wouldn't have to provide all their parking spaces. This was a decision approved by the City Council.

   Kaplan mentioned the challenge of getting information to citizens, particularly those who might not be aware of City Council decisions or proposals. Armstrong expressed frustration with the timing of meeting notices, which could lead to conflicting commitments and missed opportunities for public input. Tokos reminded that there had been multiple mailings sent out. Bretz reported that the Port had sent out notices to the commercial fishing user group and had a couple of meetings on this. He made it clear that this was a city program, not a Port program. Mike Pettis thought the Port should have sent out the proposal so the commercial fleet knew. Ripka pointed out there was a Port Commission meeting before COVID, and one after. He noted that the group had been talking about this for the last six years.

   Pettis thought the whole process was more of a benefit to restaurants and shops instead of the fishing fleet. Ripka agreed but noted they needed a way to get more parking turnover. It wasn't a perfect system but it did roll spaces over.

Kaplan pointed out the program wouldn't make a lot of money, and the city had limited resources. He wondered if a trolley or shuttle could alleviate parking issues in the city. Goplen reminded that the transit service was already operating on the Bayfront. Tokos explained that a shuttle would need a revenue source to add the service. He thought policymakers needed to weigh what was a better bang for the buck. They could do a trolley system with a rapid loop between Bayfront, City Center, and Nye Beach, or they could reserve some of the money to help subsidize carpool vehicle programs with the employers, which was a different program. Kaplan thought they needed to have a reliable way to get people to the Bayfront like a trolley. Bretz questioned if a business could operate a trolley service independently. Tokos thought they could and they would need a business license with a cab endorsement. Ken Spencer reported that 20 years ago someone had operated a trolley that did a run around Newport. He noted they needed to think about where a trolley would start their route at, and where people would leave their cars to take the trolley to come down to the Bayfront. Goplen reported there were new grants for sustainable tourism. She thought there might be funds from this that could tie into a trolley service.

9. Adjournment. Having no further business, the meeting adjourned at 7:52 p.m.

Respectfully submitted,

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Sherri Marineau
Executive Assistant

MINUTES
City of Newport Planning Commission
Regular Session Meeting
Newport City Hall Council Chambers
October 23, 2023

Planning Commissioners Present: Bill Branigan, Jim Hanselman, John Updike, Bob Berman, Braulio Escobar, Gary East, and Marjorie Blom.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. Call to Order & Roll Call. Chair Branigan called the meeting to order in the City Hall Council Chambers at 7:20 p.m. On roll call, Commissioners Branigan, Berman, Escobar, Hanselman, East, Updike, and Blom were present.

2. Approval of Minutes.

Branigan reported minor corrections to the September 25, 2023 regular session meeting minutes.

A. Approval of the Planning Commission Regular Session Meeting Minutes of September 25, 2023.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hanselman to approve the Planning Commission Regular Session meeting minutes of September 25, 2023, with minor corrections. The motion was carried unanimously in a voice vote.

B. Approval of the Planning Commission Work Session Meeting Minutes of October 9, 2023.

MOTION was made by Commissioner Branigan, seconded by Commissioner Hanselman to approve the Planning Commission Work Session meeting minutes of October 9, 2023, as written. The motion was carried unanimously in a voice vote.

3. Citizen/Public Comment. None were heard.

4. Action Items.

A. Initiate Municipal Code Amendments to Implement 2023 State of Oregon Legislative Mandates.

MOTION was made by Commissioner Berman, seconded by Commissioner Hanselman to initiate the Municipal Code amendments to implement the 2023 State of Oregon legislative mandates. The motion was carried unanimously in a voice vote.

5. Public Hearings. None were heard.

6. New Business. None were heard.

7. Unfinished Business.

A. DLCD Decision Approving the City's Housing Production Strategy. Tokos reported that the DLCD approved the Newport Housing Production Strategy. Newport was the first midsize community in the state to get approval.

Hanselman thanked Tokos for bringing Mr. Estes with the DLCD to the last Commission meeting. He felt that Estes answered a lot of his questions.

8. Director Comments. None were heard.

9. Adjournment. Having no further business, the meeting adjourned at 7:29 p.m.

Respectfully submitted,

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Sherri Marineau
Executive Assistant

MINUTES
City of Newport Planning Commission
Work Session Meeting
Newport City Hall Council Chambers
October 23, 2023
6:00 p.m.

Planning Commissioners Present: Bill Branigan, Jim Hanselman, John Updike, Bob Berman, Braulio Escobar, Gary East, and Marjorie Blom.

PC Citizens Advisory Committee Members Present: Dustin Capri.

PC Citizens Advisory Committee Members Absent: Greg Sutton.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Branigan called the Planning Commission work session to order at 6:00 p.m.

2. **Unfinished Business.**

A. **Amendments to NMC Chapter 14 to Comply with 2023 Legislative Mandates.** Tokos reviewed the code changes that came out of the last legislative session.

Commissioner Hanselman entered the meeting at 6:03 p.m.

Tokos covered the amendments that added single room occupancy and emergency shelters in residential zones. Escobar asked if there was a time limit on how long a tenant could stay in an emergency shelter. Tokos reported the definition didn't specify a time basis, only that the stay was on a temporary basis. He explained the mandate stated that emergency shelters had to have adequate access to commercial and medical services. This would be discretionary and the Commission would make the judgement call on them. A discussion ensued regarding how statutes worked and how jurisdictions dealt with them. Tokos recommended that Newport match the statutory definition.

Hanselman questioned if a tent was considered an emergency shelter. A discussion ensued regarding the definition of emergency shelters. Tokos reported Section 7 of HB 3395 set out the parameters for them. He explained that it stated that sleeping and restroom facilities were required, and would most likely exclude tents because of it. Tokos thought placing an emergency shelter in a R-1, R-2 or R-3 zone should require a public hearing with the City Council, but it wouldn't be a land use decision. He thought it was reasonable for these zones because most of the residential zones were further away from emergency services. Berman asked why they would eliminate any of the residential zones from this. He thought all of the residential zones should be subject to a Council hearing. Tokos explained the Council couldn't deny these decision, unless all of the limited circumstances weren't met. Berman asked why a public hearing would be needed if they couldn't turn anything down. He felt there was no point to it. Escobar pointed out there would be a basis to turn it down if the site didn't have reasonable access to emergency services. He thought they needed to be careful that they would be denying most of the applications for emergency shelters. Escobar was in favor of getting public input on this and allowing the Council to make the decision. Tokos reminded this was one area the Commission had discretion on, and they could make it so these went to the Council for review. Berman

thought the more public visibility and public input, the better even if most people are not going to testify to the criteria. Tokos would change Footnote 5 to say that it was subject to a public hearing before the Council. They would also add the R-4 zone to it as well. Berman noted there were asterisk included in the list that didn't have references below it. Tokos said the text had been pulled and he would update it.

Branigan pointed out the Council could say they didn't want to hold public hearings on this as well. Hanselman asked if the Council held public hearings on the decisions, how many days would there be to get them completed. Tokos explained these wouldn't be land use decisions that had prescribed timelines. They would be open ended with the Council who would decide how they wanted to advertise it.

Commissioner East entered the meeting at 6:21 p.m.

Updike asked what the public notice requirements were for a public hearing that wasn't prescribed. Tokos reported he didn't try to prescribe in these amendments. They could add parameters in terms of distance and time in advance. A typical public hearing with the Council didn't do this, and there was nothing in the code that they had to notice or publish in advance. Tokos noted they wanted to proceed cautiously on this and think about if they wanted to subject this to some special public hearing standards that other public hearings that the Council handled weren't subject to. Tokos noted that there wasn't a formal notification for processes that weren't land use related. Berman thought adding the noticing requirements could mess things up since it wasn't the normal procedure for Council hearings.

Hanselman pointed out there was nothing included about the permanence for emergency shelters. He questioned if they would be permanent or temporary. Tokos explained that once they were established they could continue. Hanselman suggested they should say temporary shelters instead of emergency. Tokos noted the definition was straight out of statute, and generally when there was an actual statutory definition that's relevant to that chapter, they would want to stick to it.

Tokos reiterated that what he had hear was to add R-4 zones for a hearing before the Council, and if the Council wanted to elaborate on it they could.

Tokos reviewed the amendments to community services. Berman requested that the footnotes be consistent throughout the chapter. Tokos would look at updating this. He continued the review of the amendments which said that an emergency shelter within a C-2 or 1-2 zone would be subject to a public hearing before the Council.

Tokos reviewed the amendments to temporary uses. He explained the legislature had previously set the limit to stay in an RV when rebuilding in the event of a disaster to 24 months. The latest legislature extended it out to 60 months. Tokos noted this doesn't apply to someone who was just building a house.

Tokos reviewed the amendments to affordable housing that would take out properties owned by a public body or non-profit corporations. This meant that the city needed to allow this outright instead of exempting these areas. Tokos reviewed the transportation standards for the guarantee for public improvements to land division improvement agreements. He removed the cash deposit surety bond letter of credit because it was cross referenced in Chapter 14.04.08 where the surety language was listed.

Tokos covered the changes to improvement agreements. He reported that changes were made for tenant remodels to say the improvement agreements would be carried out prior to the certificate of occupancy, or it is funded and programmed for construction in an adopted capital improvement plan. East noted he observed many tiny homes being built in Florence and Otis, and asked if they used affordable housing standards to get these types of subdivisions approved because they weren't necessarily RV park models. Tokos reported there was no current law to create small lots for affordable housing. There were reasons why they didn't see many tiny homes being added. This included the lack of access to sewer and water infrastructure in rural areas, the need for small lots, and the costs of building not being feasible. East noted how there were park model homes with small areas to park in front of them. Tokos said these fell under the RV park rules. A discussion ensued regarding changes to the municipal code related to affordable housing, including a new section on financing and a provision for retaining affordable housing for a certain period of time.

Updike questions the definition of affordable housing and how it is restricted against properties. He asked if the developers would be required to retain the property as affordable housing for a certain period of time. Tokos explained that under the property tax exemption program they addressed affordability. The local tax exemption was up to 10 years for the structural improvements, and they had to have either 60% or 80% median area income. There was also a reporting requirement. Tokos explained that Newport only had one of these projects, the Surf View Village apartments. They were under obligation to maintaining their units at 60% median area income for 30 years. This had been done at the state level. Newport didn't require an annual reporting for this development since they had the documentation for the state funding from the Oregon Housing Community Services. If they didn't use the state or federal funding, they would have to report locally.

Tokos noted the Commission could do a motion at their regular session meeting to initiate the legislative process.

3. <u>New Business</u>.

A. <u>Review Draft Affordable Housing CET Code Amendments</u>. Tokos reviewed a comparison of fees paid by the Surf View Village and Wyndhaven Ridge apartment developments. He noted there had been a discussion on how the city should use the funds collected from the affordable housing CETs. Tokos reported that the statue limited how Newport approached development incentives. He thought they needed to be tailored to help market rate developments. They would then leave with the voluntary incentives that increased the number of affordable housing units in a development, decreased the sale and rental price of affordable housing units in a development, or built affordable housing units that were affordable to households with incomes equal to or lower than 80% median area income. Tokos proposed using a portion of the $260,000 annual fund for larger projects that would result in more units in aggregate. Blom thought the language made sense.

East suggested developing a condominium project with a mix of market-rate and affordable units, with the developer carving out a percentage of the units for affordable housing. Tokos raised concerns about the cost-effectiveness of implementing an elaborate process for developers to demonstrate that certain units were held at certain price points, and whether it was worthwhile to do so given the potential funding amount of $260,000 over five years.

Tokos reviewed the number of dwelling units that had been produced over the last 10 years. The forecast based on the historical population growth said Newport needed 626 units over the next 20 years, which equated to about 32 units a year. Newport was averaging 52 the last dozen years, and

they could expect that multi-family units would spike in the next couple of years. A discussion ensued regarding where the locations of housing would be added in Newport over the next few years.

Hanselman asked what "workforce housing" meant, and how it applied in terms of housing needs. Tokos noted that the market rate in Newport would be about 80% median area income, and they had to dole out funds to multifamily projects above 80% median area income.

B. **Upcoming Changes to Format and Content of Planning Commission Minutes.** Tokos reviewed the changes to the format of the minutes prepared for the City. The Commission asked Marineau for her thoughts on the changes and if she thought this would be an improvement. Marineau was in favor of the change and thought it would be a logical change. She stated that the city would be mirroring the style of minutes the City of Stayton used. The change would happen for meetings starting in November.

C. **Planning Commission Work Program Update.** Tokos reported he would bring a more up to date work program to the Commission at their next meeting.

4. **Adjourn.** The meeting adjourned at 7:18 p.m.

Respectfully submitted,

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Sherri Marineau,
Executive Assistant

October 10, 2023
5:37pm
Newport, Oregon

Newport Parks and Recreation Committee Meeting

The Newport Parks and Recreation Committee met on the above date and time in the Council Chambers of Newport City Hall.

On roll call, Nancy Steinberg, Cheryl Brown, Charles Brown, Eva Gonzalez Munoz, Mike Kloeck, Nyla Jebousek, and Council Members C.M. Hall were present.

Bike and Ped Committee Attendees: Mike Rioux, Leeann Bennett, Dick Keagle, Duane Cobb, Lisa Avery, Minda Stiles, and Council Member Ryan Parker were present.

Staff in attendance were Mike Cavanaugh, Parks and Recreation Director and Beth Young, Planner for the Community Development Department.

ADDITIONS/DELETIONS TO AGENDA

Agate Beach Wayside parking
League of Oregon Cities Article Update

Committee Comments
None

Crash Report – Bike/Ped Committee
None

Committee Comments/Sub-committee Reports
None

Approval of Minutes
MOTION was made by Cheryl Brown to approve the Parks and Recreation Committee minutes of the September 6, 2023 with correction requested by Jebousek. Seconded by Charlie Brown. The motion carried in a voice vote.

Bike/Ped committee approved the minutes of the August 8, 2023 Bike/Ped meeting.

Discussion Items/Other Business/Reports and Presentations

Introductions, Accomplishments, Recreational Immunity, Goal Tracking and Reporting, Grants, City Connectivity.

Accomplishments – Parks and Recreation Committee

Steinberg introduced the recent accomplishments of the Parks and Recreation Committee, including the success of bringing David's Chair to Newport with the help of committee member Charlie Brown. Steinberg stated that this project was the most exciting for them. Cavanaugh noted that there was still work to be done regarding the shed for the chair.

The second accomplishment Steinberg presented is the commencement of meeting with various groups and committees in the area to educate each other and the prospect of working on projects together. She noted that they had met first with the Central Coast Soccer Association and the next group would be the Yakona Nature Preserve group.

Cavanaugh noted that the third accomplishment was the completion of signage and directional information on the Ocean to Bay Trail. Kiosks would be set at both ends of the trail, along with updates and improvements on the current kiosks.

Accomplishments – Bike/Ped Committee

Rioux of the Bike/Ped Committee gave an overview of their accomplishments beginning with the process of working closely with the Police Department to obtain more detailed crash reports that include time of day, weather conditions, etc., and checking with Public Works for additional information.

Rioux noted another accomplishment was obtaining funding for a grant writer for the city. The Community Development Department had several grants available but needed additional staff to apply for them. With a request to the Council, the funds were granted for staff.

Another project they are working on is to request funding to obtain safe routes to school. This request will be presented in the next budget cycle. The Executive Director of the Safe Routes program would be coming to Newport to give the council an overview of their program.

Also, Ryan Hashigan, a transportation activist, visited Newport to show what can be done to improve areas of traffic and parking using unconventional methods.

The Bike/Ped Committee had also met with School District staff and would like to meet with the 60+ Committee as well as others. They were also instrumental in assisting in the development of the Transportation System Plan.

Staff also obtained funding for a large grant through the Federal Lands Access Program (FLAP) which would have a big effect on the Lighthouse Drive area and developing pedestrian access.

League of Oregon Cities Article Update
Cavanaugh stated that there is a current legal case regarding an accident on the Ocean to Bay Trail, where a woman fell and was injured. She then filed a claim with the city, which was denied due to Recreational Immunity, and then she appealed the decision which then went to court, where the city won, which she then appealed which took it to the State Supreme Court. The Court denied the case, sending it back down to the Court of Appeals, where it currently stands. The Committee discussed Recreational Immunity and how it could affect the community.

Goal Tracking
Steinberg introduced the method and spreadsheet used by the Parks and Recreation Committee to track projects and goals throughout the year. A copy was given to all attendees and reviewed. It was noted that setting or updating committee goals usually coincides with the budget cycle.

Steinberg pointed out some of the areas that needed recreational improvements and access, specifically in the northeast area of the community.

Jebousek stated that she would like to advocate for the removal of X15 on the tracking document, which is the San-Bay-O trail. She added that she believed it was a safety issue. Steinberg noted that the document was approved by the City Council, so they would have to remove it from the list. Cavanaugh added that there would be time for the public to comment on any changes or have input as the project was being developed. Young noted that it was part of the Comprehensive Plan, approved by the State, so the committee would not be able to remove it.

Young noted the grants they were working on, which were infrastructure related. Cavanaugh reviewed the grants that were currently available to the city, including grants through the State Parks and Travel Oregon.

Steinberg noted that it was a good idea for the two committees to advocate for projects together, that they both agreed were priority projects.

City Connectivity
Young stated that the Bike/Ped committee had realized that they need to connect better with other City groups, committees, and activities, and having this meeting is a great way to connect.

Public Comments
George McGahran introduced himself, noting he was new in town and his interest in city planning.

Committee Comments

Jebousek stated that she would like to see lights put up similar to what Shore Acres Park in Coos Bay does for Christmas, at the Yaquina Bay Lighthouse. Cavanaugh asked if Jebousek knew if they had a funding source. Jebousek stated that they have a friend's group and a gift shop which may be where they generate funds, noting that much of it was community donations.

Rioux noted that Herb Cavanaugh has brought up the issue of the pedestrian access under the Yaquina Bay Bridge, and how it ends abruptly. There is an interest in having City and State Parks work together to get sidewalks from the bridge all the way to the lighthouse. Cavanaugh stated that he thought this was something that could be done, working with various entities.

Develop Next Agenda – Parks and Recreation Committee

Parks Master Plan
Yakona Nature Preserve Group

Establish Next Meeting Date

The next Parks and Recreation meeting is scheduled for Tuesday, November 1, 2023 at 5:30pm.

Adjournment

MOTION: Rioux adjourned the meeting at 7:30pm.

September 6, 2023
5:38pm
Newport, Oregon

Newport Parks and Recreation Committee Meeting

The Newport Parks and Recreation Committee met on the above date and time in the Council Chambers of Newport City Hall.

On roll call, Nancy Steinberg, Charles Mitchell, Cheryl Brown, Jeff Schrantz, Eva Gonzalez Munoz, Mike Kloeck, Brian Norris, Nyla Jebousek, Shelley Moore, and Council Member C.M. Hall were present.

Staff in attendance was Mike Cavanaugh, Parks and Recreation Director.

ADDITIONS/DELETIONS TO AGENDA

Introduction of New Member Mike Kloeck

MOTION: Jebousek moved to add Community Gardens to the agenda. Seconded by Cheryl Brown. The motion carried in a voice vote.

Approval of Minutes July 13 and August 9, 2023
MOTION was made by Cheryl Brown to approve the minutes of the July 13 and August 9, 2023 minutes. Seconded by Norris. Abstention by Kloeck. The motion carried in a voice vote.

DISCUSSION ITEMS

Introduction of Mike Kloeck
Steinberg introduced new committee member Mike Kloeck. Other committee members introduced themselves to Kloeck.

October 2023 Joint Meeting – Parks & Recreation Advisory Committee & Bicycle & Pedestrian Advisory Committee.
Steinberg noted that the joint meeting was scheduled for October 10 at 5:30pm, and she had met with Cavanaugh and Beth Young from the Planning Department, with their chairperson and one other member of their committee to discuss the agenda. Steinberg reviewed the agenda for the committee which included accomplishments from the past year, the Ocean to Bay Trail, Community Groups Outreach program, Parks Master Plan tracking system and

process, recreational immunity law, funding ideas, and connectivity of amenities. Cavanaugh noted that the Bike & Ped group had come up with the connectivity idea to broaden the scope of projects when they are formulated. Hall asked if these agenda items correlated with the committees shared goals. Steinberg noted it did.

Jebousek asked about the San-Bay-O trail and when it would be appropriate for her to bring that up. Steinberg noted that it was outlined in the transportation plan, and it could be discussed during the discussion of connectivity.

Ocean to Bay Trail Rehabilitation Project Update

Steinberg informed the committee that this project was a direct result of advocacy it had done a few years ago with the City Council. She noted that it was also a part of the Parks Master Plan. Cavanaugh stated that funds had been earmarked for part of the project, then funds had been added to the current budget. The kiosk signs were done in-house by Anita Albrecht and Jenni Remillard who did a great job. Cavanaugh added that the full map for the trail was complete and explained the routes that had been developed.

Norris suggested they tie in the Bayfront trail wayside sign with the memorial benches already there.

Jebousek asked if there would be a pedestrian sign at the beginning of the trail at the base of Big Creek Road, noting that the traffic on the road was loud and fast. Cavanaugh stated that he would add that to the plan. Jebousek added that it would be good to have statements regarding sneaker waves on the signs in the pertinent trail areas.

Sheryl Brown asked if there was still a Quest in Big Creek Park and if it would be linked to the Quest on the Bayfront. Cavanaugh said he would check into it.

Cavanaugh mentioned that they had received a grant to incorporate the Trail Track system, which is big on the east coast. Newport would be only the third community in Oregon to have it.

Discussion & Update on FY 2023-2024 Committee Goals

Steinberg noted that she wanted to remind the committee that some of them had committed to spearheading certain goals for the year.

Monitor and Support Implementation of the Parks Master Plan

Steinberg stated that they should start putting some of the current goals on future agendas and requested that the Parks Master Plan update be on the November agenda.

Work with the Parks and Recreation Foundation to Secure Funding for Priority Projects

Norris stated that he would assist with securing funding for the Parks and Recreation Foundation priority projects.

Increase the Committee's Understanding of DEI Issues in a Parks & Recreation Context
Gonzalez Munoz noted that she had met a woman at the Personal Approach to Health event that Samaritan just had. The woman stated that they had a very good 5-hour DEI training and that she would investigate it for the committee. Steinberg noted that NRPA and ORPA had DEI programs. Cavanaugh stated that he would send links for those to Munoz Gonzalez, noting that the Oregon Library Foundation also had a very good DEI program and would share the information.

Jebousek stated that she wanted to bring up the issue of disabled parking at the ballfield, noting that were only two spaces when there should be about six. She noted that the fence now obstructed the view of people sitting in their cars to watch. Cavanaugh said that he would check with Public Works and Engineering regarding the issue.

Coordinate With Other Committees on Items of Mutual Interest
Steinberg stated that she had committed to this goal and added that she had included this to address coordinating with other community groups, which they have been doing.

Ensure the Committee is prepared in its role as the City's Tree Board and Evaluate Other Potential Tree Board Models
Steinberg noted that Chandler had volunteered to head the City Tree Board goal but was not present at this meeting. Steinberg stated that she would check with him.

Jebousek said she was willing to be on the Tree Board but did not want to formulate the board. Steinberg noted that by City Ordinance, the Parks and Recreation committee was the Tree Board as well.

Explore Ways the Committee and the Department Can Better Support the City's 60+ Community
Steinberg reminded that group that Charlie Brown and CM Hall were both identified as working on this goal. Hall stated that she would ask to be added to the 60+ Activity Center agenda and report back to the committee.

Monitor and Support the Department's Business Plan
Steinberg noted that Cheryl Brown had volunteered to work on this goal. Cheryl Brown asked if they could have this item put on the agenda for the January or February meeting and she would schedule a meeting with Cavanaugh before then. Steinberg said that she thought this goal might be accomplished in the same way they are tracking Parks Master Plan projects and Brown agreed.

Provide Input on Department's Programs and Events
Steinberg noted that Mitchell and Moore had volunteered for this goal. She added that there were always a lot of ideas for programs and events, and it would be good to have a brain-storming session to communicate those ideas to the Department. Cavanaugh noted that the Business Plan was a good source for ideas. Steinberg suggested that this item be put on an agenda in winter or early spring.

Support Priority Urban Forestry Initiatives and Ensure the Initiatives are Incorporated with the Tree City USA Program
Steinberg noted that Jebousek had volunteered to work on this goal and her advocacy had already been effective. Cavanaugh noted that funds had been added to the current budget for Forest Health Assessment which included contracting someone for invasive species removal and wildfire fuel reduction. Cavanaugh stated that he needed to confirm that both items were to be funded.

Jebousek noted that she had not committed to the other objectives of the goal. She only committed to pieces of the goal related to the removal of ivy in Forest Park. She also noted that she wouldn't be able to handle the project on her own.

Work with City Staff and Council to Develop a Plan for ADA Beach Access in the City
Steinberg noted that Charlie Brown had been working on this goal, making very good progress with the David's Chair project. She noted that Jebousek had suggested coordinating with other groups so they know where the David's Chair will be and note that Yaquina Head Lighthouse area also had accessibility to the beach.

Cavanaugh stated that they would be moving the chair shed away from Nye Beach to the Veteran's Walkway.

Jebousek asked if they would notify people scheduled to use the chair if conditions were not safe. Cavanaugh stated that this issue was in their notes of things to clarify.

COMMUNITY GARDEN

Jebousek stated that she had wanted to have an update on the current community garden at Frank Wade Park. She wondered what the chain link fence was for as it wasn't tall enough to keep deer out and asked about the orange plastic fencing. Jebousek noted that she had mentioned before that there was no public information on the garden and only a small group of people got to use it. Cavanaugh noted that they had received funding for signage, and he'd been working with the Community Garden group to improve things there. He added that they did not have a website and the current email address was being updated so the public could contact them. Cavanaugh mentioned that he has a draft policy for the city that offers garden groups to be self-run groups or have them run by the city. These policy templates are used all over the U.S. and Parks and Recreation Departments. Cavanaugh stated that there needed to be some kind of framework for any garden group using city property and he hoped to have the policy completed soon. Jebousek asked how many plots were in the current garden and what the fence was for. Cavanaugh stated that there were 12 or 13 plots, and the fence was to keep wildlife out which seemed to be working. He added that there were people that went in and took vegetables from the garden, not realizing that it was inappropriate. They are also looking at other areas to use for additional gardens to service the community

Director's Report

Steinberg noted that Cavanaugh has suggested the committee read the monthly report that is sent out, saving them time at the meeting. Steinberg noted that the committee could use the time to ask questions of him or he could report on current issues.

Brown noted that she had received the Parks and Recreation newsletter and thought it was great. Cavanaugh noted that Jenni Remillard had designed and created it. Brown added that she liked the many special events and programs that were happening. Cavanaugh noted that it was a monthly publication. Hall asked if there could be a hyper-link so that it could be posted on public media.

Jebousek stated that the city gave the Chamber of Commerce over $600,000 for promoting tourism and she would like to see some of those funds given to the projects that the committee had been discussing, like the trails. Jebousek added that the Chamber have been successful at getting people here, but they also need to provide things for people when they arrive. Providing infrastructure for the Parks and Recreation system is important. Cavanaugh noted that two years ago the city evaluated projects and the percentage of funds they received from the room tax instead of coming from the general fund. With that, the Department is receiving some of the tourism funds for projects. Jebousek stated that she would like to see a greater percentage of the funds given to the Chamber diverted to Parks and Recreation projects.

Munoz Gonzalez reported that she had been at Big Creek Park many times lately and there were a lot of homeless people using the park throughout the summer. She added that there were smaller children coming through the park unaccompanied. Cavanaugh noted that they were aware of the problem and were working with the Police Department to patrol the area, adding that there are federal laws that restrict them. There are upcoming meetings to address the problem.

Hall asked if they knew how the Free Rec Center Days were going and if they were gathering data so they could use it in the future for prospective users. Cavanaugh stated that they are capturing some information, names and emails from youth and adults. He noted that it had not been a great turnout, but summers are always slower.

Jebousek asked if there was any tourism usage of the Rec Center. Cavanaugh stated that the staff had made postcards with department information and taken them to hotels, restaurants, RV and trailer parks and State parks.

Norris asked if the staffing shortage was affecting programs. Cavanaugh stated that at this point it wasn't, but they were not able to open the facilities an extra day a week like they wanted. They had hoped to be able to open on Sundays, remaining closed on Mondays for now.

Hall mentioned that the second annual Pride Fest would be held on September 22-24 and on the 23rd the Super Queer Fun Fair would be 11-3pm at the Rec Center and Drag Bingo would be at the 60+ Activity Center from 3-5pm. She added that they were all family friendly events.

Cavanaugh noted that the surf contest was coming up next weekend.

PUBLIC COMMENTS

None

COMMITTEE COMMENTS

None

Develop Next Agenda

Parks Master Plan

Establish Next Meeting Date

The next meeting is scheduled for Tuesday, October 10, 2023 @ 5:30pm as a joint meeting with the Bike/Ped committee.

Adjournment

MOTION: Steinberg moved to adjourn the meeting at 7:13pm. Seconded by Kloeck.
The motion carried in a voice vote.

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Public Hearing and Potential Adoption of Resolution No. 4000, a Resolution Setting Fees and Terms for Use of Certain Public Parking Areas Along the Bayfront.

Background:
On November 6, 2023, the City Council scheduled a public hearing on Resolution No. 4000, a resolution setting fees and terms for use of certain public parking areas on the Bayfront. On March 2, 2020, the Newport City Council adopted Ordinance No. 2163 implementing recommendations for the 2018 parking study by Lancaster StreetLab. The City has been making various purchases of equipment, installation of the poles for signs, ticket kiosks, and resurfacing parking lots in preparation for the implementation of a parking system that will be supported by users on the Bayfront. The attached report from Derrick Tokos outlines recommendations by the Newport Parking Advisory Committee. Resolution No. 4000 describes the parking fees for permits, including commercial fishing community permits, single use permits, fishing charter permits, as well as lodging day permits. The resolution provides the maximum length of stay in various districts and establishes meter pricing at $1 an hour. In addition, the schedule that meters will be used to regulate parking is part of the resolution.

Resolution No. 4000 establishes regulations and costs for parking in these areas.

Recommendation:
I recommend that the Mayor conduct a public hearing on Resolution No. 4000, a resolution setting fees and terms for use at certain public parking areas on the Bayfront.

I recommend that the City Council consider the following motion:

I move to adopt Resolution No. 4000, a resolution setting fees and terms for use for certain public parking areas on the Bayfront.

Fiscal Effects:
The parking fees will provide support for the City's Bayfront parking system including recouping cost for implementation of a pay system on the parking front, future upgrades to the parking in this area, as well as the providing funds for the enforcement of parking regulations. By making this a user-based system, the City will recognize revenue coming from both residents and visitors to support the parking infrastructure on the Bayfront.

Alternatives:
Schedule the hearing for another day, or as suggested by the City Council.

Respectfully submitted,

Spencer Nebel
City Manager

STAFF REPORT
CITY COUNCIL AGENDA ITEM

Meeting Date: November 20, 2023

Title: Consideration of Resolution No. 4000, Setting Fees and Terms for Use of Certain Public Parking Areas along the Bayfront

Prepared by: Derrick I. Tokos, AICP, Community Development Director

Recommended Motion: I move adoption of Resolution No. 4000, a resolution setting fees and the terms of use of certain public parking areas.

Background Information: At its November 6, 2023 meeting, the City Council received a draft copy of Resolution No. 4000, a resolution that sets fees and terms of use of public parking along the Bayfront that will be managed through a combination of parking pay stations ("meters"), hybrid meter/permit, and hybrid permit timed zones. Adoption of this resolution is the last step that the Council needs to take in order for this parking demand management program to be implemented consistent with the Parking Study and related policies it adopted in 2020 (Ordinance No. 2163).

The Newport Parking Advisory Committee reviewed the draft resolution at its November 15th meeting to discuss a few items that they had not previously had an opportunity to consider. This version of the resolution has been amended to reflect their recommendations, which are summarized as follows:

- Section 4, length of stay, has been revised to clarify the time limits that apply during off-hour periods. The group supports the regulatory text and limits listed.

- Section 6 was reviewed by the Committee for the first time and they were in support of the fee structure outlined, which applies to meter violations.

- Section 7, related to convenience fees, has been removed. The Committee felt that it is unreasonable to push those costs onto the users at this time. The group recognizes that this will have the effect of reducing revenue, but emphasized that the City's objective in rolling out this program is to improve vehicle turnover and safety, not to generate revenue.

- Section 10 has been amended to require the evaluation of fees annually and allow them to be adjusted each year. This will give the City the opportunity to assess the impact of convenience fees and determine whether or not it needs to seek more favorable terms or alternative merchants. Rates could also be adjusted if revenue is insufficient to support the program and maintain/enhance Bayfront parking assets. The Committee supports the balance of the language, which requires an inflationary adjustment at least once every five years.

With these revisions and observations, the Committee approved a motion in support of the fees and other terms set out in the resolution.

Fiscal Notes: The Parking Study, upon which this fee structure is largely based, estimates revenue of at least $350,000 a year. Proceeds will be directed to the Parking Fund, and will be used to improve the functionality of the Bayfront parking system, offset enforcement costs, and to pay back the $225,000 loan from the Agate Beach Closure Fund that was used to fund the Abbey Street, Bay Blvd, and Hatfield parking lot improvements.

Alternatives: Seek changes to the resolution, forgo executing the resolution, or as suggested by Council.

Attachments:
Draft Resolution No. 4000
Final Regulatory Sign Templates

CITY OF NEWPORT

RESOLUTION NO. 4000

A RESOLUTION SETTING FEES AND TERMS
FOR USE OF CERTAIN PUBLIC PARKING AREAS

WHEREAS, on March 2, 2020, the Newport City Council adopted Ordinance No. 2163, implementing recommendations of a 2018 Parking Study by Lancaster StreetLab, as amended by the City's Parking Advisory Committee; and

WHEREAS, among other things, Ordinance No. 2163 included policy direction to pursue metered zones, hybrid metered/permit, and hybrid permit/timed zones along the Bayfront to increase vehicle turnover in public parking areas, reducing congestion and improving public safety; and

WHEREAS, on October 2, 2023, following review by the Newport Parking Advisory Committee and Planning Commission, the City Council adopted Ordinance No. 2214, an ordinance that put in place an administrative framework for the City to operate and enforce a meter and paid permit program for public parking areas; and

WHEREAS, said Ordinance provides that fees, time limits, and related terms of use in metered and paid permit areas are to be determined by resolution of the City Council with the proceeds being placed in the City of Newport Parking Fund; and

WHEREAS, over the course of several months, the Newport Parking Advisory Committee, with stakeholder input, developed a parking fee concept for the City Council's consideration as part of this resolution.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Locations of Meter and Hybrid Meter/Permit Parking Areas. Meter and hybrid meter/permit areas shall be limited to the Abbey Street, Bay Boulevard, Case Street, Fall Street, and Hatfield public parking lots and those portions of Bay Street, Fall Street, and Bay Boulevard, as depicted on the attached Exhibit A.

Section 2. Hybrid Meter/Permit and Permit/Timed Zones. Areas subject to hybrid meter/permit and permit/timed limitations are defined by geographic zones, as illustrated on Exhibit A and more specifically defined below:

a. Zone A – this hybrid meter/permit zone includes the Abbey Street, Fall Street, and Bay Boulevard public parking lots and the west side of Fall Street, between Canyon Way and Bay Boulevard.

b. Zone B - this hybrid meter/permit zone includes the Hatfield public parking lot, and the portion of Bay Boulevard between Hatfield Drive and Eads Street.

c. Zone C – the hybrid permit/timed portion of the zone includes the Canyon Way, and Lee Street public parking lots, Canyon Way between Fall Street and the upper boundary of the Canyon Way lot, Lee Street between Bay Boulevard and the Lee Street lot, and Bay Boulevard between Lee Street and Hatfield Drive. This zone further includes the Case Street public parking lot as a hybrid meter/permit zone.

d. Zone D - this hybrid permit/timed zone includes Hatfield Drive between Bay Boulevard and the hydrant immediately downslope of the retaining wall on the west side of the street, Pine Street between Bay boulevard and the Port Dock Four Condominiums, and Bay Boulevard between Eads Street and the access to the Port of Newport Administrative Building at Port Dock 7.

Section 3. Meter Fees and Dates of Operation. Meter pricing shall be $1.00 an hour. Meters are to operate from 11am to 7pm, seven days a week from May to October. From November to April meters are to operate from 11am to 7pm on Saturdays and Sundays only.

Section 4. Length of Stay. Except as outlined in Section 5, the maximum length of stay in a parking stall located within a metered area or hybrid meter/permit zone is four hours. The maximum length of stay in a hybrid permit/timed zone shall be four hours from 11am to 7pm, seven days a week, May to October and 16 hours for all other times.

Section 5. Permit Fees, Duration, and Availability. The cost, duration, and availability of permits shall be as follows:

a. Zone A Permit. $45 a month, 16 hour daily maximum stay, with the maximum number of permits being equivalent to the number of available parking stalls.

b. Zone B Permit. $45 a month, 16 hour daily maximum stay, with the maximum number of permits being equivalent to the number of available parking stalls.

c. Zone C Permit. $25 a month or $100 a year, 16 hour daily maximum stay, with the maximum number of permits being equivalent to 130% the number of available parking stalls.

d. Zone D Permit. $25 a month or $100 a year, 16 hour daily maximum stay, with the maximum number of permits being equivalent to 130% the number of available parking stalls.

e. Commercial Fishing Community Permit. $45 a month, 96 hour maximum stay, applicable to Zones B and D, available by invitation only for owners/operators of commercial fishing vessels.

f. Commercial Fishing Community Single Use Permit. $10 fee, 96 hour maximum stay, applicable to Zones B and D, available by invitation only for owners/operators of commercial fishing vessels.

g. Recreational Fishing Charter Day Permit. $8 fee. Applicable to all zones with no limit on the number of daily permits issued.

h. Lodging Day Permit. $10 fee. Applicable to all zones with no limit on the number of daily permits issued.

Section 6. Citation for Meter Violation. The citation for parking in a metered parking space during the hours of operation of the meter without paying the parking meter or parking permit fee (if applicable) shall be $30 per occurrence if paid within 10 days. That amount increases to $65 for citations paid within 11-20 days, and $95 for citations paid within 21 to 30 days.

Section 7. Temporary Courtesy Permit. Notwithstanding the fee structure set forth is Section 5, a courtesy permit, at no cost, shall be provided in hybrid meter/permit and permit/timed zones, effective January through April of 2024.

Section 8. Coupons. The City Manager may issue parking meter courtesy permits or coupon codes valid for a period not to exceed seven days, as provided in NMC 6.20.050 for special events, City sponsored promotional events to enhance business access, or circumstances where parking meters malfunction or an error otherwise occurs in the application of the meter program.

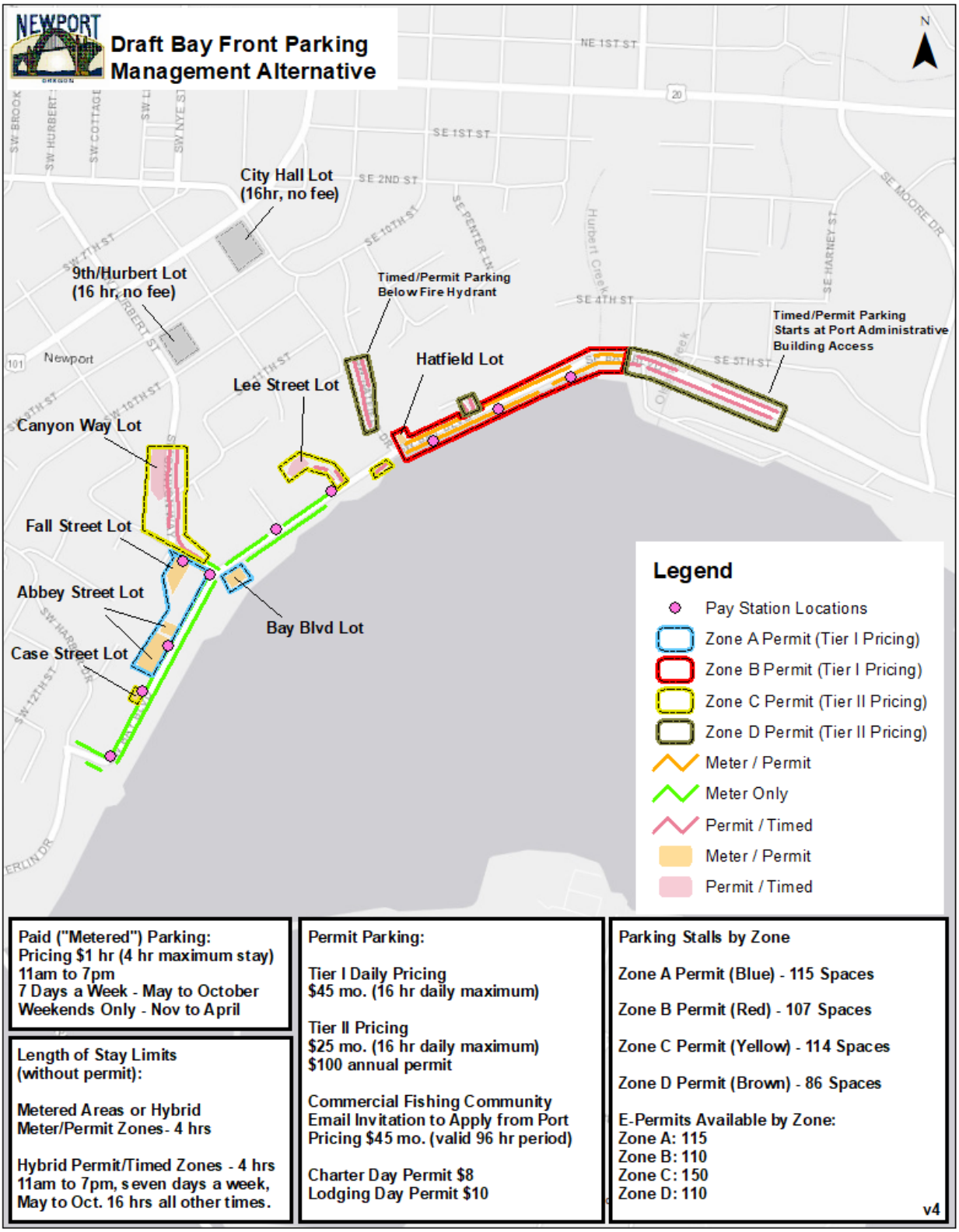
Section 9. Periodic Fee Adjustments. The fees set forth herein are to be evaluated and may be adjusted on an annual basis. Inflationary adjustments to the fees shall be made at least once every five years using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).

Adopted by the City Council of the City of Newport this 20th day of November, 2023.

_____
Jan Kaplan, Mayor

ATTEST:

_____
Erik Glover, City Recorder



Paid ("Metered") Parking:
Pricing $1 hr (4 hr maximum stay)
11am to 7pm
7 Days a Week - May to October
Weekends Only - Nov to April

Length of Stay Limits (without permit):

Metered Areas or Hybrid Meter/Permit Zones- 4 hrs

Hybrid Permit/Timed Zones - 4 hrs 11am to 7pm, seven days a week, May to Oct. 16 hrs all other times.

Permit Parking:

Tier I Daily Pricing
$45 mo. (16 hr daily maximum)

Tier II Pricing
$25 mo. (16 hr daily maximum)
$100 annual permit

Commercial Fishing Community Email Invitation to Apply from Port
Pricing $45 mo. (valid 96 hr period)

Charter Day Permit $8
Lodging Day Permit $10

Parking Stalls by Zone

Zone A Permit (Blue) - 115 Spaces

Zone B Permit (Red) - 107 Spaces

Zone C Permit (Yellow) - 114 Spaces

Zone D Permit (Brown) - 86 Spaces

E-Permits Available by Zone:
Zone A: 115
Zone B: 110
Zone C: 150
Zone D: 110

v4

New Regulatory Signs to be Installed

Meter Only Areas
Green Streets on Map

Hybrid Meter/Permit Areas
Orange Streets and Lots on Map

Hybrid Permit/Timed Areas
Pink Streets and Lots on Map

Loading Zones
Estuary Side of Bay Blvd

Loading Zones
Upland Side of Bay Blvd

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Communication from the HB 4123 Homeless Strategic Plan Committee from Ernest Stephen of Morant McCleoud.

Background:
For the past nine months, the City of Newport, along with the other six cities in Lincoln County, the Communities Services Consortium, and Lincoln County have been working collaboratively to develop a five-year strategic plan to address homelessness in Lincoln County. Ernest Stephen from Morant McCleoud will be providing an overview of the facts that have been determined so far, impacting homelessness in Lincoln County. A draft plan has been developed that will be reviewed by the Homelessness Committee to make final changes, with this plan eventually coming back to the seven Lincoln County Cities, Community Services Consortium and Lincoln County for adoption. This project has been funded as an HB 4123 pilot project. The presentation is to brief the City Council on this planning process in preparation for a future Council meeting when action may be taken to adopt a plan.

Recommendation:
No action is required at this point. If Council has any questions or comments on the information they can share that following the presentation.

Fiscal Effects:
None.

Alternatives:
None recommended.

Respectfully submitted,

Spencer Nebel
City Manager

MORANT MCLEOD

Where We Call Home:
Strategic Plan for Lincoln County Homelessness Advisory Board

Stephens E., Aiosa C., Brito L., Day K., Meeks Z., Merkushin A., Sadsad A., Stevick D., Yarde C., Young T.

Acknowledgements

As we present this report, we extend our heartfelt thanks to all those who have contributed to this comprehensive research on homelessness in Lincoln County. Your insights, expertise, and unwavering commitment have been indispensable in our pursuit of understanding and addressing this complex issue.

We express our sincere gratitude to the members of the Lincoln County Homeless Advisory Board (LCHAB) for their guidance and dedicated efforts. Their contributions have been fundamental in shaping the strategic goals and recommendations outlined in this report. Special appreciation goes to the various government officials, both at the local and state levels, for their support and collaboration. Their willingness to coordinate policies and funding has been crucial in developing an integrated approach to tackling homelessness.

We are profoundly thankful to the community organizations, non-profits, and service providers who work tirelessly on the front lines. Your dedication to serving the unhoused population of Lincoln County is truly inspiring. The insights and data provided by these organizations have been vital in shaping our understanding of the issue. Our gratitude also extends to the healthcare providers, housing developers, and employers in the private sector who have engaged with us in this effort. Your participation has enriched our perspective and will undoubtedly contribute to the success of our collective efforts.

We must also acknowledge the invaluable contributions of smaller organizations and individuals who, despite resource limitations, have actively participated and provided essential data and insights. Your involvement has been key in ensuring a comprehensive and inclusive approach.

Finally, we thank the residents of Lincoln County for their input and engagement. Your experiences and feedback have been critical in making this research as grounded and relevant as possible.

This report is a testament to what can be achieved through collective effort and shared commitment. Together, we move forward with renewed determination to address homelessness in Lincoln County, inspired by the collaboration and unity demonstrated by all involved. Thank you for your indispensable contributions to this important work.

Thank you

Judy Casper, City of Lincoln City
Jan Kaplan, City of Newport
Rod Cross, City of Toledo
Rick Booth, City of Waldport
Pegge McGuire, Community Services Consortium
Susan Trachsel , City of Siletz
Claire Hall, Lincoln County
Kathy Short, City of Depoe Bay
Ann Stott, City of Yachats
Mitch Parsons, City of Lincoln City
Cynthia Jacobi, City of Newport
Betty Kamikawa, City of Toledo
Greg Holland, City of Waldport
Dina Eldridge, Community Services Consortium
Tina Retasket, City of Siletz
Kaety Jacobson, Lincoln County
Mary Ellen O'Shaughnessey, City of Yachats
Sandi Hollenbeck, City of Depoe Bay
Lisa Norton, Confederated Tribes of Siletz Indians
Sami Jo Difuntorum, Confederated Tribes of Siletz Indians
Karen Rockwell, Housing Authority of Lincoln County
Daphnee Legarza, City of Lincoln City
Spencer Nebel, City of Newport
Judy Richter, City of Toledo
Dann Cutter, City of Waldport
Heide Lambert, City of Yachats
Tim Johnson, Lincoln County

Erik Glover, City of Newport
Derrick Tokos, City of Newport
Dean Sawyer, City of Newport
Peggy Hawker, City of Newport
Travis Reeves, City of Newport
Richard Dutton, City of Newport
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Amanda Cherryholmes, Coastal Support Services
Elizabeth Reyes , Family Promise of Lincoln County
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Woody Crobar, Lincoln County School District
Gary Lahman, Community Member
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Jayne Romero, Lincoln County
Barbara Chester, City of Siletz
Lisa Norton, City of Siletz
Elizabeth Reyes, Family Promise of Lincoln County
Nancy Mitchell, Food Share Lincoln County
Lucinda Taylor, Habitat Lincoln County
Will Quillian, Oregon Coast Community College
Wiley Thompson, Oregon State University
Ann Siglio, Community Member
Gary Lahman, Community Member
Mike Broili, Community Member
Keith Barnes, Lincoln County Veterans
Kiera Morgan, Grace Winds

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Samaritan Lincoln City Medical Center
Adventist Health Bayshore Medical-Lincoln City
Samaritan Coastal Clinic
Samaritan Depoe Bay Clinic
Family Medical Clinic-Newport
Lincoln City VA Clinic
Newport VA Clinic
Pacific West
Olalla Center
Centro de Ayuda
Secure Transport Northwest
Lincoln County Sheriff Department
Newport Police Department
Oregon State Police
Toledo Police Department
Lincoln City Police
Lincoln County Jail
North Lincoln Fire & Rescue
Toledo Fire Department
Evergreen Community Partners
Oregon Employment Department
Lincoln County Child & Family Mental Health
Pacific Counseling Services
Discovery Counseling
Lincoln Community Health Center
Lincoln CountyHealth and Human Services
Lincoln County Community Health Center
Lincoln County Community Health Center Newport
Siletz Community Health Clinic
Powerhouse Detox
Phoenix Wellness Center
Equinox Clinics
Reconnections
CHANCE
Capacity Commercial
Lincoln County VA Clinic
Olalla Center
Capacity Commercial
Central Oregon Coast Fire & Rescue
Probation & Parole Lincoln County
Probation & Parole Lincoln County
Community Corrections
Parole Office Newport
Do Good Multnomah
Oregon Department of Revenue

Table of Contents

This is a final administrative draft version of this report and available for internal purposes only.

This version is not available for public consumption.

The public version of this report will include the following:

- Detailed Table of Contents
- Table of Figures
- Academic literature review
- In-line citations and footnotes
- References
- Captions
- Accessibility features
- Appendices
- Glossary

SECTION 1: Introduction

Homelessness is the tip of the iceberg with regard to poverty; it is the visible peak atop a submerged crisis of inequity. Without the security and stability provided by a home, the hundreds of thousands of Americans who experience homelessness each year also struggle to maintain access to healthcare, employment, education, healthy relationships, and other basic necessities in life. At the national level, nearly 1 million people are estimated to experience literal homelessness each year (sleeping on the street or in an emergency shelter), while millions more are housing insecure.

Lincoln County is a compassionate and engaged community that has dedicated a great deal of time, resources, and collaborative effort to preventing and ending homelessness. Over the decades, Lincoln County has seen varied economic fortunes. Traditionally reliant on industries like fishing, timber, and tourism, Lincoln County has witnessed shifts in economic stability due to market fluctuations, environmental factors, and changing consumer behaviors. These economic shifts, paired with larger national trends like increasing housing costs and stagnating wage growth, have contributed to housing insecurity for many of its residents.

In the efforts to reduce homelessness, a plan for Lincoln County was coauthored by Lincoln County Commissioner Chair, Claire Hall, and former Community Services Consortium Leader Tom Hatley in 2007 titled “At Home in Lincoln County: A Ten-Year Housing Plan for Lincoln Country with a Special Focus on Chronic Homelessness.” This plan represented an ambitious and well-structured endeavor to provide a roadmap for eradicating chronic homelessness and ensuring sustainable housing solutions for all residents.

Advocates and activists use the word “unhoused” or “houseless” to describe individuals without a physical address. Government agencies and research institutions, however, use the word “homeless” when reporting on people experiencing homelessness or housing insecurity. Describing unhoused individuals as “people experiencing homelessness or homelessness” emphasizes the humans at the center of this crisis rather than houses and emphasizes that the problem isn’t solely people, but the lack of housing and affordable housing along with a multitude of other factors. These are individuals experiencing the effects of a housing shortage and increasingly unaffordable rentals on the market. Technically, they are homeless, houseless and unhoused. This report will use the words homeless and unhoused

interchangeably with the fundamental understanding that language is one of the most important signals we have to demonstrate acceptance or rejection of a person's identity.

Key Aspects of Hall & Hatley's 2007 Plan

Comprehensive Approach: The plan was not just about constructing more shelters or homes. It sought to holistically address the root causes of homelessness, from economic barriers and mental health issues to the lack of affordable housing.

Community Engagement: Recognizing that solutions are most effective when tailored to the unique needs of the community, the plan emphasized active participation from residents, local businesses, and community groups.

Chronic Homelessness Focus: While the plan targeted homelessness at large, there was a distinct emphasis on chronic homelessness – those who have been homeless for over a year or have had at least four episodes of homelessness in three years. This group, although smaller in number, often requires more specialized and prolonged assistance.

Collaboration and Partnerships: The plan underscored the importance of synergies between governmental agencies, non-profits, private sectors, and other stakeholders. This collaborative spirit was aimed at pooling resources, knowledge, and expertise.

This pioneering plan set a goal to develop a path that will see homelessness disappear and that every citizen has a decent, safe, and affordable place to call home. However, as with any big initiative, there were challenges. Economic downturns, natural disasters, and increasing housing demands outpaced the plan's milestones. Despite the community's strong commitment and coordinated efforts to address homelessness, there is still more work to be done:

Lincoln County has seen a noticeable rise in the number of unhoused individuals. Specific areas, like the City of Newport and the City of Lincoln City, have experienced more pronounced challenges. Many of those affected are not chronically homeless but are individuals and families who have faced recent economic hardships or health crises. The unhoused community is larger than historical data reports; individuals

have difficulty obtaining help.

Lincoln County is experiencing a surge in population growth and rising rent costs, putting more individuals at-risk of experiencing Homelessness. The availability of affordable housing in Lincoln County has not kept pace with demand, leading to increasing housing insecurity.

Job losses in traditional industries and the rise in living costs have placed many Lincoln County residents in precarious financial positions. The cost of living in Lincoln City, for example, is 5.9% higher than the national average, up 3.9% from last year.[1] There are significant differences between current incomes and market rents, placing accessibility pressures on those in poverty.

From 2017 to 2023: A New Way Forward

In 2017, there were an estimated 186 homeless people in Lincoln County, amid a population of 48,920 total residents. In 2022 and 2023, those estimates were 160 and 159 unhoused individuals respectively. During our research, we learned that many in the community believes these figures to be an undercounted representation of the size of the unhoused population in Lincoln County. A portion of this concern is due to the significant differences between school district data and Point-in-Time (PIT) data in regards to the estimated size of the unhoused population in Lincoln County.

A PIT count is a count of sheltered and unsheltered people experiencing homelessness on a single night in January. The U.S. Department of Housing and Urban Development requires that Continuum of Care (CoCs) programs conduct an annual count of people experiencing homelessness who are sheltered in emergency shelter, transitional housing, and Safe Havens on a single night. HUD first began attempting to annually count the number of people experiencing homelessness nationwide in the 1980s. The methodology, which is dictated by HUD and includes counts of both sheltered and unsheltered people, has for years remained largely unchanged. That consistency enables communities to compare their counts year over year.

Although the PIT count is imperfect, federal requirements mean counties must continue conducting the point-in-time count, even if better data is available. Until those requirements change, the count must be used. Lincoln County continues to

refine its PIT County methods to ensure the most accurate counts. While the below numbers undercount the total amount of unhoused in Lincoln County, they do provide some estimates to track progress annually.

Alternatively, for an more accurate picture of unhoused people, the McKinney-Vento Act provides rights and services to children and youth experiencing homelessness, which includes those who are: sharing the housing of others due to loss of housing, economic hardship, or a similar reason; staying in motels, trailer parks, or camp grounds due to the lack of an adequate alternative; staying in shelters or transitional housing; or sleeping in cars, parks, abandoned buildings, substandard housing, or similar settings. It is a more accurate snapshot of the youth experiencing homelessness and from that data, the discrepancy between the PIT data and data gathered through the McKinney-Vento Act can be extrapolated.

Despite this point in time survey data, the Oregon Health Authority shows 825 homeless students in 2017, and the Lincoln County School District shows 630 homeless students in 2022. This discrepancy in data has been a key driver in developing estimation methods to better understand the size of the unhoused community population in Lincoln County.

This report calculates the size of the unhoused population across Lincoln County is estimated to be around 2,000 individuals. Some key improvements over the past ten years helped Lincoln County develop a strong, coordinated community response include:

- The creation of additional affordable housing units across the county.
- Strengthened community outreach programs to provide early intervention and support.
- Enhanced services for those struggling with mental health issues and substance abuse.

Lincoln County, encompassing cities such as Newport, Yachats, Waldport, Siletz, Depoe Bay, Toledo, and Lincoln City, as well as the Confederated Tribe of Siletz Indians and organizations like the Community Services Consortium, represents a diverse tapestry of cultures, experiences, and insights. This diversity, when channeled correctly, is one of our greatest strengths in addressing challenges like homelessness.

The journey towards fulfilling this mission is complex, layered with numerous challenges and opportunities. This research report, commissioned by LCHAB and conducted by Morant McLeod, delves deep into the roots of homelessness in Lincoln County, seeking to shed light on the various facets of the issue and potential pathways forward. Our goal is to provide actionable insights, data-driven recommendations, and strategic directions that can help shape LCHAB's efforts in the days and years to come.

This strategic plan analyzes current data and trends in Lincoln County around homelessness, contributing factors to homelessness, the current state of the Lincoln County homeless response system, and feedback from key stakeholders to develop a set of actionable recommendations for improving Lincoln County's coordinated community response to homelessness. Implementation of these recommendations will require community-wide, multi- sector collaboration. ***No one organization or agency can end homelessness in Lincoln County on its own.*** Together, with collection resolve and guided strategy, we can move closer to a future where involuntary homelessness is a thing of the past.

We invite readers to engage with this report, understanding that every number represents a human story, and every recommendation underscores our shared commitment to creating a Lincoln County where every individual has a place to call home.

MORANT MCLEOD

SECTION 2: EXECUTIVE SUMMARY

SECTION 2: Executive Summary

Homelessness is a complex issue, often rooted in a myriad of interrelated factors. Addressing it requires a deep understanding of these factors and a comprehensive approach to remedy them. The Lincoln County Five Year Homelessness Strategic Plan is the result of a highly collaborative, year-long process lead by the Lincoln County Homeless Advisory Board (LCHAB) in 2023. The LCHAB engaged the assistance of Morant McLeod to develop a holistic planning process and craft a strategic plan to respond to homelessness in Lincoln County. The plan relies heavily on data collected from in-person meetings and supplemented by data from other agencies and systems that play a role in Lincoln County's response to homelessness and housing insecurity. Feedback was solicited throughout the process from persons who have experienced homelessness themselves, government representatives, nonprofit partners, faith based communities, advocates, businesses, and the community at large.

Mission & Methodology

Using a systematic, phased approach over a twelve-month period, Morant McLeod integrated rigorous research, wide engagement, and iterative development in the development of this plan, underscoring LCHAB's commitment to community-driven, sustainable solutions. LCHAB developed a mission that wasn't just aspirational, but actionable:

"To ensure that every member of our community has access to the resources they need, while also working to prevent the circumstances that lead to homelessness."

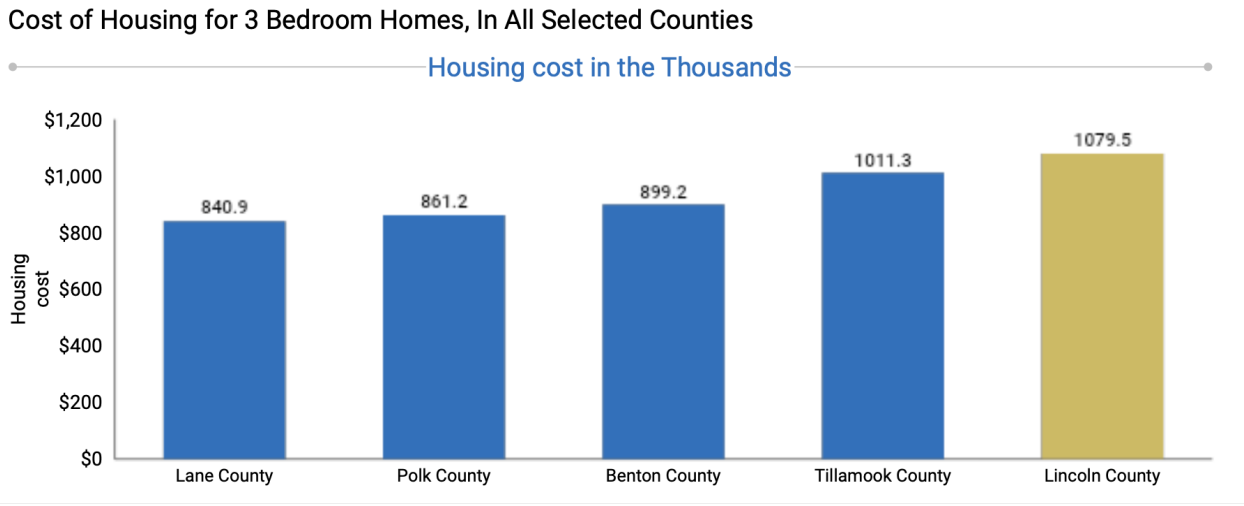
Community meetings were held over eight months, including a wide range of stakeholders across Lincoln County including individuals with lived experience, service organizations, community leaders, subject matter experts, and representatives from various demographics. Desktop and field level research, surveys, interviews, field studies, and community workshops gathered data, insights, and perspectives, as well as reviewing system wide data. This report consolidates information and findings gathered through this process.

Findings

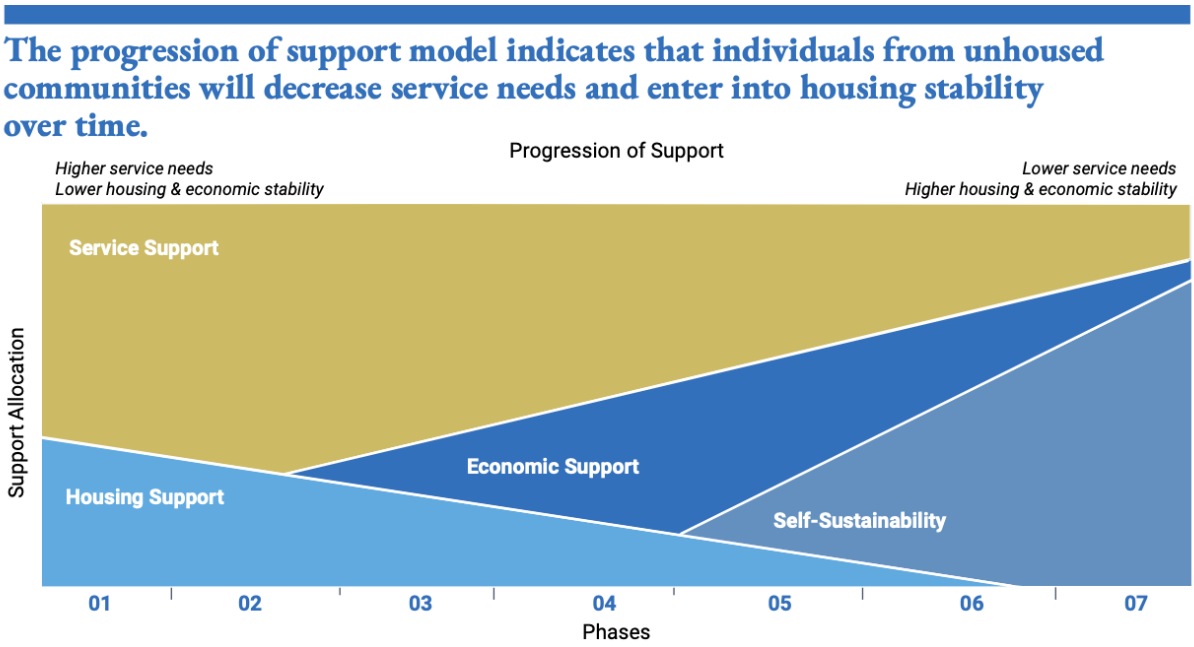
This report presents a strategic and comprehensive approach to addressing the challenges of homelessness in Lincoln County. It synthesizes extensive research and data across multiple dimensions - housing, services, economic challenges, and transportation - to propose a multifaceted strategy for tackling homelessness in the unique context of this coastal, rural community.

Key Findings

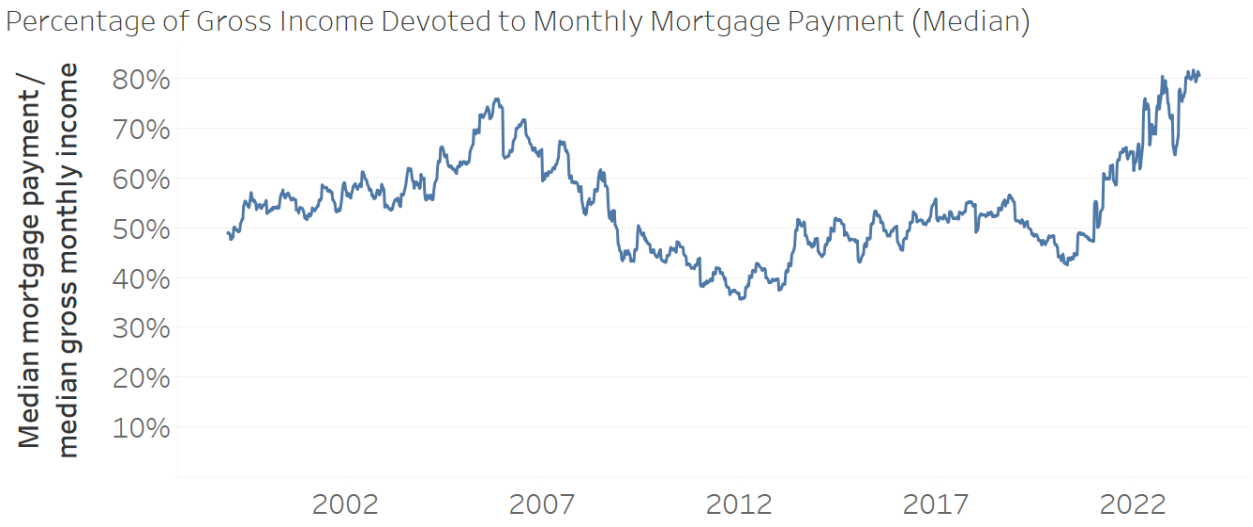
Housing Challenges: Lincoln County faces a significant gap between income levels and housing costs, exacerbated by a scarcity of affordable housing options and the prevalence of short-term rentals and second homes. When surveying 3 bedroom homes, Lincoln County was found to be the most expensive amongst neighboring counties.



Service Needs: There is a critical need for diverse services aligned with the seven phases of the HUD housing continuum, addressing specific requirements from emergency shelter to permanent housing. We've designed a progression of support model to understand how to reach self sustainability.



Economic Pressures: Residents face mounting economic pressures, including low wages and high living costs, contributing to the risk of homelessness.

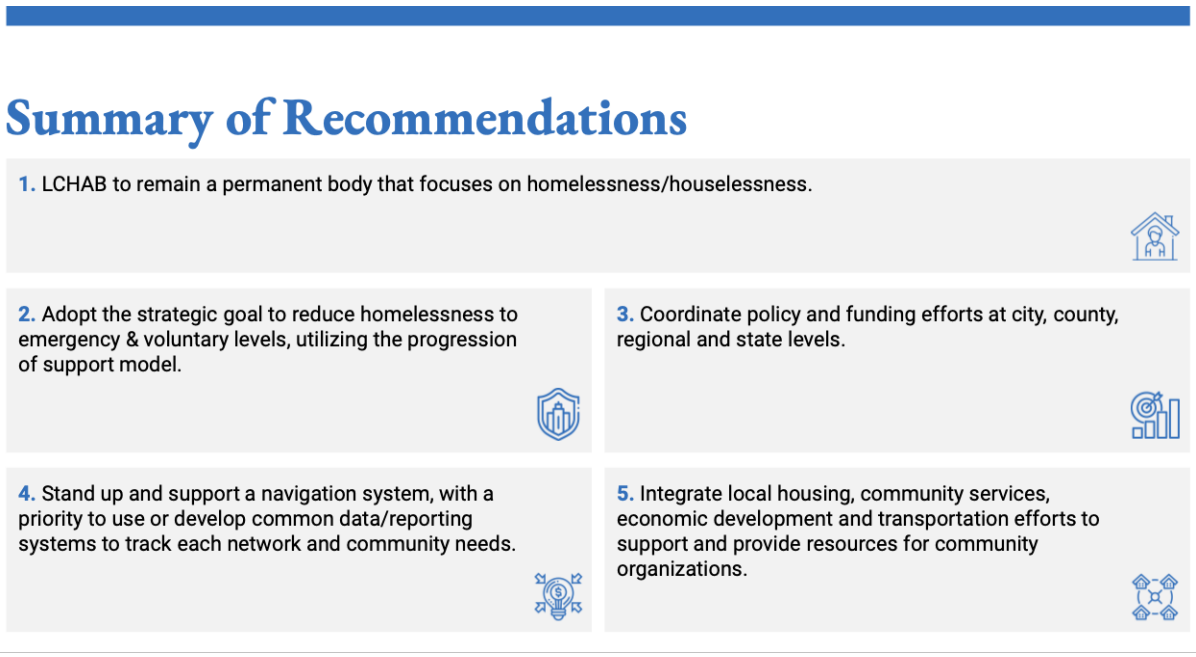


Source: NAR, Freddie Mac, Census Bureau, Federal Reserve
Calculations by Morant McLeod

Transportation Barriers: The county's rural and coastal geography poses unique transportation challenges, hindering access to essential services and employment opportunities.

Strategic Recommendations

The report outlines five strategic goals, each aimed at addressing different facets of the homelessness issue in Lincoln County.



1. **Permanent Lincoln County Homeless Advisory Board (LCHAB):** Establish LCHAB as a permanent body to focus on homelessness, ensuring ongoing attention and long-term planning. Adopted as: "LCHAB to remain a permanent body that focuses on homelessness/houselessness."
2. **Reduction to Emergency and Voluntary Levels**: Adopt a goal to reduce homelessness to manageable levels, utilizing the Progression of Support model for targeted interventions. Adopted as: "Adopt the strategic goal to reduce homelessness to emergency & voluntary levels, utilizing the progression of support model."

3. **Coordinated Policy and Funding**: Enhance collaboration across city, county, regional, and state levels to optimize resource utilization and policy effectiveness. Adopted as: "Coordinate policy and funding efforts at city, county, regional and state levels."

4. **Navigation System Development**: Create a comprehensive navigation system with a common data/reporting framework to track community needs and network efficiency. Adopted as: "Coordinate policy and funding efforts at city, county, regional and state levels."

5. **Integration of Local Efforts**: Foster integration of housing, community services, economic development, and transportation efforts to support community organizations effectively. Adopted as: "Integrate local housing, community services, economic development and transportation efforts to support and provide resources for community organizations.

Impact and Implementation

Implementing these strategic goals promises to significantly impact Lincoln County's approach to homelessness. The establishment of LCHAB as a permanent entity ensures a dedicated focus on homelessness. The reduction of homelessness to emergency and voluntary levels acknowledges the reality of the issue while striving for manageable solutions. Coordinating policy and funding efforts is expected to streamline resources and enhance the efficiency of interventions. The proposed navigation system will ensure a 'no wrong door' approach, simplifying access to services. Integrating local efforts across different sectors will provide a holistic support system for the unhoused and at-risk populations.

This report offers a roadmap for Lincoln County to address homelessness in a coordinated, strategic, and compassionate manner. By implementing these recommendations, the county can make significant strides in not only providing immediate support to those in need but also in fostering long-term solutions to prevent and reduce homelessness. The collaborative approach outlined here is essential for building a more inclusive, supportive, and resilient community.

MORANT MCLEOD

SECTION 3: RESEARCH STRUCTURE

SECTION 3: Research Structure

In our endeavor to address the complex issue of homelessness in Lincoln County, our research methodology, which commenced in January 2023, adopted a hybrid framework that combined the empathetic, inclusive principles of Community-Based Participatory Research (CBPR) with the objectivity and precision of quantitative research techniques. This dual approach capitalized on the strengths of CBPR's community engagement and local expertise, while also harnessing quantitative methods to generate measurable, broadly applicable data.

This integrative method was chosen for the following synergistic reasons and advantages:

Synergy of Community Engagement & Statistical Analysis

- **Balanced Methodology:** CBPR's emphasis on collaborative research processes would complement the structured nature of quantitative analysis, ensuring that personal stories and experiences were underpinned by solid numerical data.
- **Improved Data Gathering:** The trusting relationships developed through CBPR would facilitate the collection of robust quantitative data, resulting in higher participation rates and more reliable statistics.
- **In-Depth Understanding:** While quantitative data provides a macroscopic view of homelessness trends and patterns, CBPR contributes qualitative depth, enabling a multifaceted analysis.
- **Triangulated Outcomes:** The research would benefit from triangulating the community's qualitative insights with quantitative data, reinforcing the validity of the findings.

Advantages of the Mixed-Methods Approach During the Research Phase

- **Cultural Relevance with Numerical Strength:** The community-led aspect of CBPR ensures greater cultural sensitivity in data collection, while quantitative strategies maintain the study's statistical integrity.

- **Trust Enriched by Verification:** The community's involvement in the study via CBPR would build a foundation of trust instrumental in gathering quantitative data, which in turn validates the qualitative evidence.
- **Strategic Interventions and Impact Assessment:** CBPR sheds light on specific community needs, and quantitative data provides a framework for evaluating the prevalence and distribution of homelessness, guiding targeted interventions and enabling assessment of their efficacy.
- **Policy Shaping and Evaluation:** Quantitative research offers concrete data required for shaping policies, whereas CBPR ensures these policies are pertinent, addressing real community concerns.
- **Optimized Resource Deployment:** Quantitative findings highlight critical areas of need and depicts trends, while insights from CBPR ensures that resources are allocated in ways that the community deems most beneficial and efficient.

The Process and Outcomes of the Combined Research Approach

The research was initiated with a CBPR approach to establish a partnership between the community and researchers, fostering a shared vision for addressing homelessness. This partnership guided the creation of quantitative research tools. Subsequently, quantitative methods such as structured surveys, statistical analyses of homelessness service utilization, and housing data collection were employed. The data thus gathered was then interpreted in the context of qualitative feedback, providing a comprehensive understanding of the issue.

By integrating CBPR with quantitative research methods, the research aimed to offer Lincoln County an insightful, action-driven, and community-informed study. The approach transcended mere number-crunching or narrative collection; it melded the two into a dynamic and exhaustive portrait of homelessness, aiming to propel practical, meaningful community interventions.

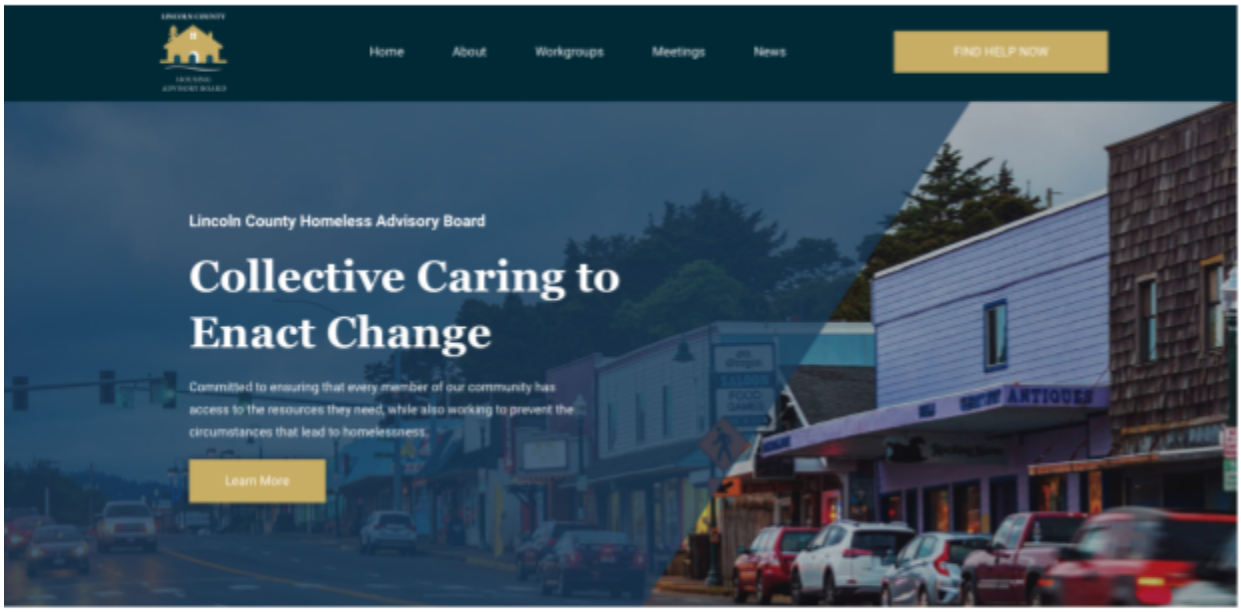
Research Phase 1: Mission Articulation. *January 2023*

Homelessness is a complex issue, often rooted in a myriad of interrelated factors. Addressing it requires a deep understanding of these factors and a comprehensive approach to remedy them. In this context, the Lincoln County Homelessness Advisory

Board embarked on a strategic planning process to shed light on the intricacies of homelessness within the county.

The first month was dedicated to laying down the foundation for the entire process:

1. **Drafting a Shared Goal:** Before diving into the intricacies, the first order of business was to draft a shared goal. This goal was a concise statement capturing the essence of the initiative's purpose.
2. **Preparation for Community Validation:** Recognizing that the strength of the initiative lay in its community acceptance, preparations were made to validate the shared goal with the community. This included setting up feedback mechanisms and engaging local organizations to foster community participation.



Lincoln County Homeless Advisory Board website. www.lchab.org
Developed by Morant McLeod

The Lincoln County Homelessness Advisory Board's initial step was the acknowledgment of the complexity of the problem. Recognizing that a single-pronged approach would be inadequate, the Board embarked on a holistic planning process. This involved gathering diverse stakeholders, from homeless individuals themselves to local businesses, nonprofits, and government entities, ensuring a spectrum of perspectives were considered.

With data collection and analysis, a thorough research process was initiated. Initial data pinpointed several drivers of homelessness, such as economic downturns, mental health issues, substance abuse, and a lack of affordable housing. However, to create an effective strategy, it was vital to determine the primary drivers – those core issues that, if addressed, could have a cascading positive effect on the others.

Armed with these insights, the Board was in a position to craft a mission that wasn't just aspirational, but also actionable. The mission emphasizes both proactive and reactive measures, understanding that while immediate relief is crucial, long-term solutions lie in prevention.

"To ensure that every member of our community has access to the resources they need, while also working to prevent the circumstances that lead to homelessness."

- **Lincoln County Homelessness Advisory Board mission**

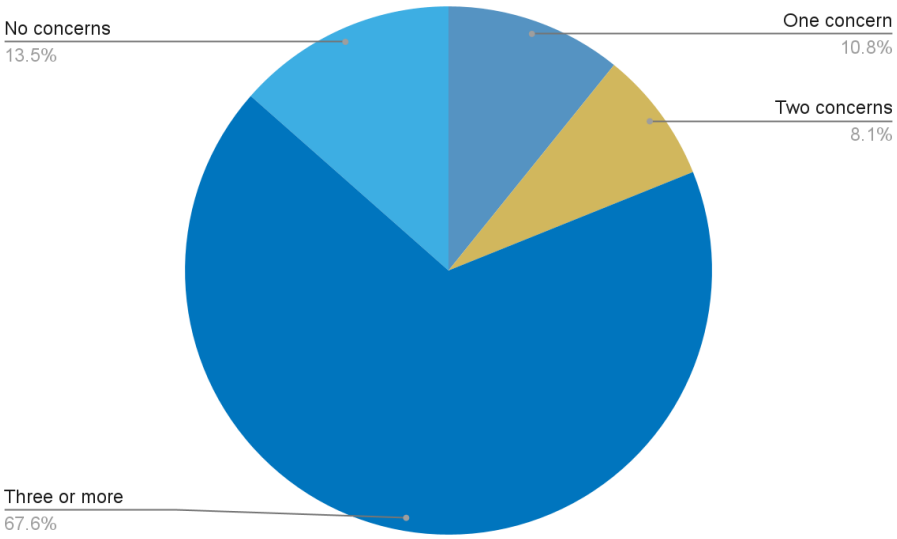
Research Phase 2: Organizing the Community Study. *February 2023 - May 2023*

A nuanced problem like homelessness necessitates an equally nuanced approach to solution-building. The Lincoln County Homelessness Advisory Board recognized this and further refined their strategy by segmenting the research process into four specialized workgroups: "Finance & Economics", "Mental & Physical Health", "Community Engagement", and "Service Provision & Policy". Each group focused on distinct dimensions of homelessness, ensuring a comprehensive understanding and approach.

Mental & Physical Health Workgroup

This workgroup focused on the health challenges faced by the homeless population. With research identifying mental health as a primary driver of homelessness in Lincoln County, this group's role was pivotal. Their research explored the accessibility of mental and physical health services, the prevalence of chronic illnesses among the homeless, and the barriers to obtaining consistent medical care. The workgroup also liaised with local healthcare providers, aiming to devise collaborative solutions to bridge the health service gaps.

Serious health concerns experienced by Lincoln County unhoused community



Source: Morant McLeod

Community Engagement Workgroup

Recognizing that the community's perception and involvement are integral to resolving homelessness, the "Community Engagement" workgroup targeted public awareness and involvement. They gauged community sentiment towards the unhoused, organized awareness campaigns, and created digital platforms for community members to contribute. By fostering empathy and dispelling myths, this group sought to create a community united in its approach to tackle homelessness.

Workgroup Facts

41 Individuals attended meetings and participated in research process.

93 Action items from the workgroup research process.

167 Community organizations across Lincoln County discovered.

Service Provision & Policy Workgroup

This workgroup operated at the intersection of service delivery and policy-making. They assessed the existing services provided to the homeless, identifying inefficiencies, overlaps, or gaps. Moreover, they worked to understand the legislative landscape and identify areas for policy reform. Their goal was to ensure that services and policies were not just well-intentioned but were also effective and streamlined.

Finance & Economics Workgroup

The "Finance & Economics" workgroup delved into the workforce related and economic aspects of homelessness. By investigating the cost of living, job market dynamics, and economic barriers faced by the unhoused population, this group sought to understand the financial realities contributing to homelessness. Furthermore, the group researched potential economic solutions and opportunities for affordable housing investments in the county.

By dividing their research into these specialized workgroups, the Lincoln County Homelessness Advisory Board ensured that every facet of homelessness was meticulously explored. Each group dove deep into its domain, providing insights and recommendations that were both in-depth and holistic. This collaborative, multi-pronged approach stands as a model for other counties and cities, showcasing the importance of specialized, collaborative research in crafting impactful, sustainable solutions.

Research Phase 3: Community Discovery and Analysis. June 2023 - September 2023

During the meetings, members critically analyzed the accumulated data, offering interpretations and proposing additional avenues of investigation. They served as a crucial sounding board, providing feedback on preliminary findings and grounding the research with on-the-ground experiences and expertise.

Monthly Meetings and Research Iterations

At the monthly meetings, researchers presented the latest quantitative data and preliminary analyses. In turn, the workgroups contributed qualitative insights, sharing stories and observations that either corroborated or questioned the emerging data patterns. This process allowed for a real-time understanding of the data within the cultural and social context of Lincoln County.

Moreover, the workgroups reviewed the research findings with a critical eye, ensuring that each insight was not only statistically sound but also resonant with the lived experiences of the community. These discussions often led to an enhanced research direction, identifying gaps that required further exploration or highlighting the need to refine data collection methods.

Impact on the Research Direction

The qualitative insights and suggestions from the workgroups were pivotal. They informed the subsequent month's research activities, enabling the research team to adapt and evolve the study's trajectory. This iterative process ensured that the research remained dynamic and responsive to the unfolding understanding of the homelessness situation in Lincoln County.

After Each Meeting: Research Evolution

Post-meeting, our researchers took the rich qualitative insights and refined research directions back to the drawing board. This translated into:

- Adjusting data collection tools to better capture the nuanced realities of the community.
- Developing new hypotheses to test in quantitative analyses.
- Identifying additional demographic variables or service gaps to investigate.
- Exploring the potential for new partnerships or resource avenues based on workgroup recommendations.

The researchers' role was thus both reactive—responding to community insights—and proactive, pushing the boundaries of existing knowledge through further data collection and analysis. This balanced approach ensured that our study was not only informed by the voices of those it aimed to serve but also driven by empirical evidence that could facilitate effective change.

The collaborative dynamic between the community workgroups and the research team created a powerful synergy, propelling a cycle of learning, feedback, and action. The ongoing dialogue established a research process that was not only inclusive and participatory but one that culminated in actionable intelligence, ready to be leveraged in the fight against homelessness in Lincoln County.

Field research

In a concerted effort to delve deeper into the lived experiences of those directly impacted by homelessness, our research team conducted extensive fieldwork over a period of five days. This period was intensively dedicated to engaging with unhoused individuals and those who have previously experienced homelessness within Lincoln

County. The goal was to gather personal narratives and firsthand accounts that would enrich our understanding of the complex factors contributing to and sustaining homelessness in the community.

Approach to Field Research

Our field research was planned to ensure respectful and meaningful interactions with participants. The research team:

- **Prepared Interview Protocols:** Developed sensitive and comprehensive interview guides to facilitate open-ended conversations and allow participants to share their stories in their own words.
- **Peer Reviews:** Reviewed interview protocols with peer academic organizations for ethical and informed consent purposes.
- **Scheduled Interviews:** Coordinated with local shelters, community centers, and outreach programs to identify and schedule interviews with willing participants.
- **Conducted Street Outreach:** Went into communities to meet individuals where they were, in churches, service organizations, parks, streets, and trusted neighborhood locations, to ensure inclusivity in our research sample.
- **Ensured Ethical Considerations:** Prioritized the ethics, safety, and comfort of the interviewees, obtaining informed consent and guaranteeing confidentiality.

Interview Process and Participant Engagement

During the interviews, researchers listened to a wide range of experiences, capturing diverse perspectives on the challenges faced while being unhoused:

- **Personal Stories:** Participants shared their journeys into homelessness, their daily challenges, and their interactions with existing support systems.
- **Barriers to Housing:** Many discussed the obstacles they faced in securing stable housing, including financial, bureaucratic, and social barriers.
- **Resource Access:** Insights were gathered on the accessibility and effectiveness of community resources and services currently available.
- **Suggestions for Improvement:** Participants offered their views on what changes could make a tangible difference in their lives.

Impact on the Research Findings

The qualitative data collected from these interviews added a profound layer of context to our study. These narratives did more than humanize the statistics; they provided

critical insights into the efficacy of current initiatives and identified potential areas for systemic change. By incorporating the voices of those with lived experiences, our research gained depth and relevance, shaping recommendations that are grounded in reality.

Moving Forward

After each day of field research, our team debriefed, cataloging the information while the interactions were fresh. These debriefing sessions were vital for preserving the emotional nuances and complexities of each story. The insights from these interviews will be invaluable in developing a responsive and informed strategic plan that not only addresses the symptoms of homelessness but also tackles its root causes within Lincoln County.

Research Phase 4: Planning & Reporting. *October 2023 - December 2023*

Analysis and Initial Recommendations

Upon concluding the field research, our teams embarked on a rigorous phase of data analysis. The process involved synthesizing the quantitative data with the rich qualitative insights obtained from the interviews with unhoused individuals. This phase was critical, as it laid the groundwork for developing actionable and impactful plan recommendations.

The quantitative data provided a statistical backbone, outlining the scope and scale of homelessness, while the qualitative insights offered a nuanced understanding of the underlying causes and personal experiences. The blend of these data streams enabled our team to draft informed, empathetic, and practical recommendations aimed at reducing homelessness in Lincoln County.

Presentation to Lincoln County Homeless Advisory Board

These initial recommendations were then compiled and presented to LCHAB. The presentation served two main purposes:

1. **Feedback and Validation:** To validate the findings with LCHAB and ensure that the recommendations resonated with their mission and vision.
2. **Refinement of Recommendations:** To incorporate the board's expertise and insights, further refining the recommendations.

The LCHAB's input was invaluable in this stage, as it provided a local governance perspective and ensured that the recommended strategies were aligned with policy frameworks and resource allocations.

Iterative Adjustments

Taking into account the feedback from LCHAB, our team revisited the draft recommendations. This iterative process was essential for aligning the plan with the practical realities and strategic priorities of Lincoln County. Adjustments were made to ensure the recommendations were not only evidence-based and community-informed but also actionable and sustainable.

Development of Final Recommendations

The refined set of recommendations was then developed into a comprehensive plan. This plan encapsulates a strategic approach to tackling homelessness, drawing from the collaborative input of all stakeholders involved in the research phase. The final recommendations were designed to be specific, measurable, achievable, relevant, and time-bound (SMART), laying a clear roadmap for implementation.

Review and Adoption Process

Before these recommendations are adopted, they are scheduled to undergo a review by each city within Lincoln County and the Lincoln County Board of Commissioners. This multi-level review process aims to ensure:

- **Local Relevance:** Each city's unique context is considered, and the plan's adaptability to different local circumstances is ensured.
- **Broad-based Endorsement:** Securing the buy-in from all relevant governmental entities, which is crucial for the successful implementation of the plan.
- **Transparency and Inclusivity:** Maintaining an open dialogue with the public and stakeholders, fostering trust and support for the plan.

The adoption of the final recommendations is anticipated to mark a significant step towards a more coordinated and effective response to homelessness in Lincoln County. With the engagement of the cities and the County Board of Commissioners, the plan is poised to translate into targeted actions and policy reforms that will drive meaningful change in the community.

MORANT MCLEOD

SECTION 4: LIVED EXPERIENCE

SECTION 4: Homelessness in Lincoln County

Lincoln County residents in the unhoused communities report that homelessness makes them sad, and although they have one another and know of some service providers who work to help, there is often a sense of impossibility. Some unhoused residents enjoyed having someone to talk to about their situation and gladly gave information to support our surveys, while others had prior experiences that limited their interactions. Those experiences ranged from earlier abuse from previously trusted individuals to mental health concerns, from physical disabilities to severe employment uncertainty, and beyond.

"Get into a house, back on my feet, and find a full time job… but it's impossible when you're camping."

- Lincoln County Resident

Rather than expecting the homeless community to come to them, Morant McLeod consultants went to the places these individuals frequented. Food pantries, soup kitchens, food shares, and other community programs became the primary settings for these interactions. Such settings provided a more relaxed environment, allowing the homeless individuals to feel at ease and encouraging honest conversations.

Unhoused Communities are Connected and Caring

Our research has revealed a remarkable level of interconnectedness within the unhoused communities of Lincoln County. Despite the challenges posed by their circumstances, these individuals have forged a network characterized by mutual recognition, reliance, information sharing, and support. This connectedness has significant implications for the development and implementation of homelessness interventions in the region.

Nature of connections among unhoused individuals

The threads that weave through the unhoused population in Lincoln County are strong and multifaceted:

- **Familiarity and reciprocity:** There is a profound sense of familiarity amongst individuals within local unhoused communities. The shared experiences of hardship and the necessity for survival have fostered a culture of reciprocity. People often know each other by name, face, or story and extend help whenever possible.
- **Shared resources and information:** Information flows freely within these networks. From sharing tips about safe places to sleep to updates about service availability, the exchange of information acts as a critical lifeline that benefits all members of the community.
- **Collective support systems:** These informal networks often fill the gaps left by formal support systems. They provide a form of social capital that can be leveraged for a range of support — be it emotional, material, or in the form of advice.
- **Resilience through solidarity:** The solidarity evident in these communities contributes to their resilience. There is an understanding that surviving homelessness often requires a collaborative effort, which in turn reinforces their sense of community.

Taking care of those with greater needs: Although many residents in local unhoused communities have faced extreme physical, social, and emotional hardships, there is a recognition that some have faced harder times than others. Those who have faced less severe experiences or whose hardships originated some time further into the past, recognize those who are newer to the community or who have faced more

severe circumstances. It's common for those who have been there longer to care for those who are newer to their unhoused community. For example: it's common for older women to care for women who have recently entered the community, and provide a level of protective support for them at a distance while the newer individual adjusts to the circumstances.

Estimated Number of Individuals Experiencing Homelessness

The challenge of accurately estimating the unhoused population in Lincoln County has been approached using three distinct methodologies, each leveraging different data sources and assumptions. These methods provide varied perspectives on the scale of homelessness, encompassing both the visible and less visible segments of this population.

Method 1: PIT Count and School District Data Correlation

The first method integrates the 2022 Point-In-Time (PIT) count estimates with the 2022 school district data. The PIT count is a comprehensive enumeration of individuals experiencing homelessness, typically conducted on a single night. This method specifically examines the relationship between unsheltered individuals from the PIT count and students who are not 'doubled up' in the school district data.

- Approach: By correlating the number of unsheltered individuals in the county with the proportion of unhoused students in the school data who are in non-'doubled up' situations (such as unsheltered, sheltered, or in hotels/motels), this method provides an estimate that encompasses a broader definition of homelessness.
- Estimate: It approximates that there are 1,748 unhoused individuals in Lincoln County, including those who are 'doubled up'.
- Implications: This approach acknowledges the varied living conditions under the umbrella of homelessness and offers a more inclusive count.

Method 2: Comparative Analysis of Yachats and Lincoln County Populations

The second methodology dives into the specific context of the City of Yachats within Lincoln County. It uses a ratio-based estimation stemming from a small-scale self-reporting measure within Yachats.

- Approach: Over a week, 28 unique individuals in Yachats identified themselves as unhoused. Given Yachats' population of 994 and Lincoln County's total population of 50,395, the method extrapolates these figures to estimate the county-wide unhoused population.
- Estimate: The extrapolation leads to an approximation of 1,420 unhoused individuals across Lincoln County.

- Implications: This method relies on a small, localized sample and assumes that the ratio of unhoused individuals in Yachats is representative of the entire county. It provides a conservative estimate, potentially underrepresenting areas with different socio-economic dynamics than Yachats.

Method 3: Census Data and School District Analysis

The third method leverages demographic data from the Census Bureau, juxtaposed with the school district's count of unhoused students.

- Approach: This method compares the proportion of unhoused students (630) to the total population of individuals under 18 years (8,421) in the county. It then applies this proportion to the over-18 population (41,445) to estimate the total unhoused population.
- Estimate: Using this demographic proportion approach, the method estimates 3,731 unhoused individuals in Lincoln County.
- Implications: This approach assumes that the rate of homelessness among minors is indicative of the rate in the adult population. While it provides a broader estimate, it might not accurately account for adult-specific factors influencing homelessness.

Synopsis of Estimation Methods

Each method offers a unique lens through which to view the challenge of homelessness in Lincoln County. Method 1 provides a broad perspective, including various forms of housing instability. Method 2 offers a localized, ratio-based estimate, while Method 3 uses a demographic proportionality approach. Together, these methodologies highlight the complexity of estimating homelessness and underscore the need for multi-faceted approaches in understanding and addressing this issue. The variation in estimates also reflects the inherent challenges in quantifying a population that is often hidden and fluid, emphasizing the importance of continuous data collection and analysis in shaping effective policy and support interventions.

Incorporating the Mean of Estimates for a Comprehensive Understanding

In addition to the individual insights provided by each of the three methodologies, it is informative to consider the mean of these estimates for a more balanced understanding of the scale of homelessness in Lincoln County. By averaging the estimates from the

three distinct approaches, we arrive at a figure that potentially offers a more moderated and comprehensive perspective.

- **Calculating the Mean:** The three methods yield estimates of 1,748, 1,420, and 3,731 unhoused individuals, respectively. The mean of these figures, calculated as the sum divided by three, is approximately 2,090 unhoused individuals.
- **Using the Mean for Estimation:** This report adopts the mean estimate of 2,090 unhoused individuals for broader estimation purposes. This figure is seen as a middle ground that balances the diverse methodologies and their inherent assumptions and limitations.
- **Implications:** Utilizing the mean provides a more rounded view that mitigates the potential biases or specificities of each individual method. It acknowledges the variability and uncertainty inherent in estimating hidden populations like the unhoused and serves as a pragmatic figure for policy planning, resource allocation, and further analysis.

By considering this mean estimate, the report aims to encapsulate a more holistic picture of homelessness in Lincoln County, offering a crucial figure that can guide a range of interventions and support services. This approach underscores the importance of using multiple methods and perspectives when engaging with complex social issues, ensuring that policies and strategies are grounded in a comprehensive understanding of the situation at hand.

Unhoused Children in Lincoln County

Categories of data

Including “Doubled Up” to Understand the Experience of Homelessness

When discussing homelessness, the image that often comes to mind is that of individuals living on the streets or in shelters. However, this perspective overlooks a significant and often hidden aspect of homelessness known as being "doubled up." This term refers to individuals and families who, due to economic hardship or similar crises, are forced to live with relatives, friends, or others in temporary, overcrowded, or unsustainable living conditions. Recognizing and including "doubled up" as a metric in understanding homelessness is crucial for several reasons.

Economic Instability and Housing Insecurity: Being "doubled up" often stems from financial hardship, job loss, or eviction, reflecting underlying economic instability. While individuals in these situations have a roof over their heads, their living conditions are precarious, and their housing security is often temporary and dependent on the goodwill of others.

Risk of Transitioning to More Severe Forms of Homelessness: Those who are "doubled up" are at a heightened risk of transitioning into more severe forms of homelessness. As temporary arrangements become untenable, the likelihood of ending up in shelters or on the streets increases. Early intervention for those who are "doubled up" can prevent this escalation.

Psychological and Social Impact: The instability and uncertainty associated with living "doubled up" can have profound psychological effects, especially on children and teenagers in addition to adults. It can lead to stress, anxiety, and a sense of social isolation. Moreover, the lack of a stable environment can adversely affect academic performance, employment prospects, and overall well-being.

Hidden Nature of the Problem: "Doubled up" individuals are often invisible in traditional homelessness statistics. Without acknowledging this group, the true scope of the housing crisis remains hidden, leading to underestimation of the need for resources and support services.

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Policy and Resource Allocation: Including "doubled up" as a category in homelessness metrics is crucial for policy development and resource allocation. It enables a more comprehensive understanding of the housing crisis, ensuring that policies are inclusive and resources are appropriately directed.

Comprehensive Support Systems: Recognizing "doubled up" situations allows for the development of support systems that address the unique needs of these individuals, such as housing assistance, counseling services, and educational support for affected children and adults.

Understanding and addressing the needs of those who are "doubled up" is essential in the fight against homelessness. It broadens our perspective of what homelessness looks like and allows for more effective and compassionate solutions. By including "doubled up" in homelessness metrics, we can ensure a more accurate representation of the issue, leading to better-targeted policies and support systems that address the full spectrum of housing instability.

Prevalence of Homelessness Among Students in the Lincoln County School District

The dataset received from Lincoln County School District encompasses 630 students, all of whom are identified as experiencing some form of homelessness. These students are categorized into four types of homelessness as defined by their night-time residency status: Unsheltered (U), Sheltered (S), Doubled Up (D), and Hotel/Motel (H).

Breakdown of Homelessness Types

Doubled Up (D):

- Count: 397 students
- This category, indicating students living in overcrowded or shared housing due to economic hardship, is the most prevalent form of housing instability within the group.

Unsheltered (U):

- Count: 150 students

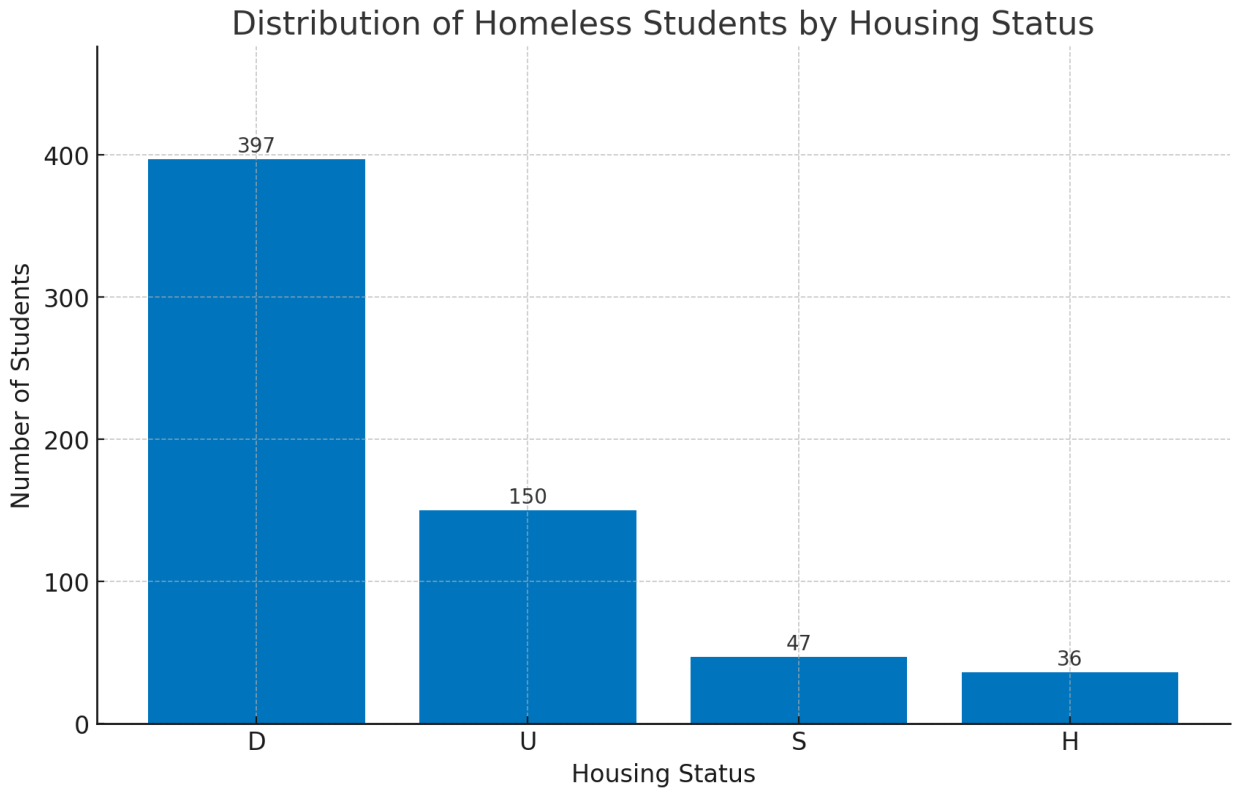
- These students are living in conditions not meant for habitation, such as in cars, parks, or abandoned buildings.

Sheltered (S):

- Count: 47 students
- This group includes students living in emergency or transitional shelters.

Hotel/Motel (H):

- Count: 36 students
- These students are temporarily residing in hotels or motels, possibly due to a lack of alternative adequate accommodation.



Implications for the Lincoln County School District

In the Lincoln County School District, a closer look at the 630 students identified as experiencing homelessness reveals a complex and challenging landscape. These students, each facing unique struggles, are categorized into four distinct types of living situations, each reflective of the varied facets of homelessness.

The most common scenario, experienced by 397 students, is being 'Doubled Up'. This term refers to living in overcrowded conditions or sharing housing with others due to economic necessity. The stories behind this number likely speak of families grappling with financial hardships, making difficult choices to stay afloat. In these settings, students may face challenges such as lack of privacy, limited study spaces, and the psychological toll of instability.

A strikingly high number, 150 students, are classified as 'Unsheltered'. This designation paints a picture of the most severe form of homelessness: children and adolescents living in cars, parks, abandoned buildings, or other unsuitable conditions. Their daily lives are a testament to resilience in the face of adversity, yet their circumstances pose serious concerns about their safety, health, and ability to engage effectively in school.

A smaller, yet significant group of 47 students are in 'Sheltered' situations, residing in emergency or transitional shelters. Their experiences often involve constant movement and uncertainty, a transient lifestyle that can disrupt education and emotional development.

Lastly, 36 students are living in 'Hotel/Motel' situations. This often temporary solution might arise from an urgent loss of housing or as a stop-gap arrangement until more stable housing can be found. While potentially more stable than being unsheltered, these accommodations are not a long-term solution and often come with their own set of challenges.

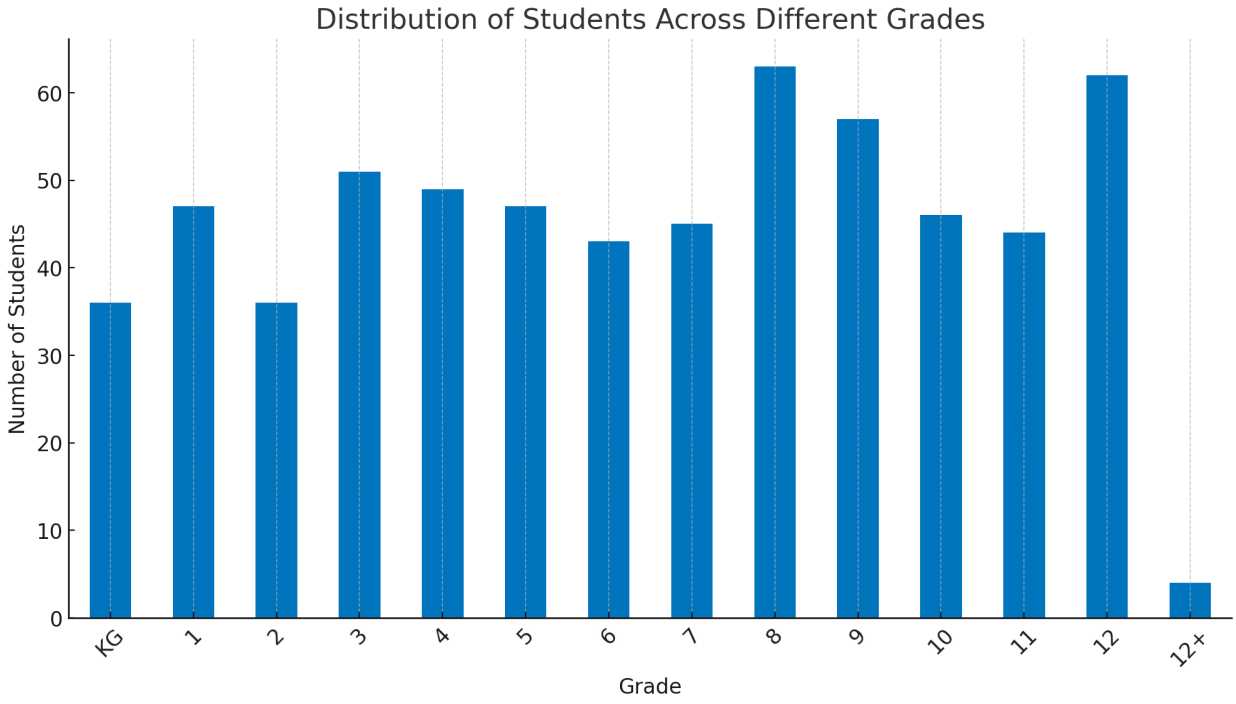
Together, these figures not only quantify the issue but also humanize it. They represent individual stories of resilience in the face of hardship and underscore the need for compassionate, comprehensive support systems. For these students, school might be one of the few constants in their lives, a place not just for learning, but also for finding support, stability, and a sense of normalcy. The data thus serves as a call to action, highlighting the urgent need for targeted interventions and resources to support these young members of our community.

These insights highlight a critical need for interventions and support systems within the Lincoln County School District. Addressing housing instability is crucial for ensuring the well-being and educational success of students. Community engagement, policy development, and resource allocation should focus on providing stable housing solutions and supporting the diverse needs of students facing these challenges.

Distribution across grades

An initial analysis reveals varied distributions of these residency codes across grade levels.

- **Early Grades (Kindergarten to Grade 3)**: These grades show a higher prevalence of the 'Doubled Up' status, suggesting that younger students are more likely to live with other families or relatives due to economic constraints.
- **Middle Grades (Grade 4 to Grade 8)**: In these grades, there's an increased occurrence of the 'Sheltered' and 'Hotel/Motel' statuses. This trend might indicate that as children grow older, their families face more challenges in maintaining stable, long-term housing.
- **Higher Grades (Grade 9 to Grade 12)**: Here, we observe a concerning increase in the 'Unsheltered' status, particularly in the later high school years. This troubling trend suggests that high school students are increasingly facing the most extreme forms of housing insecurity.



Grade-Specific Trends

Certain grades stand out in their housing situation profiles. For example, Grade 8 shows a significant presence of the 'Hotel/Motel' status, indicating a possible transitional

phase in housing. Grade 12 has a noticeable proportion of 'Unsheltered' students, highlighting the harsh reality faced by students nearing adulthood.

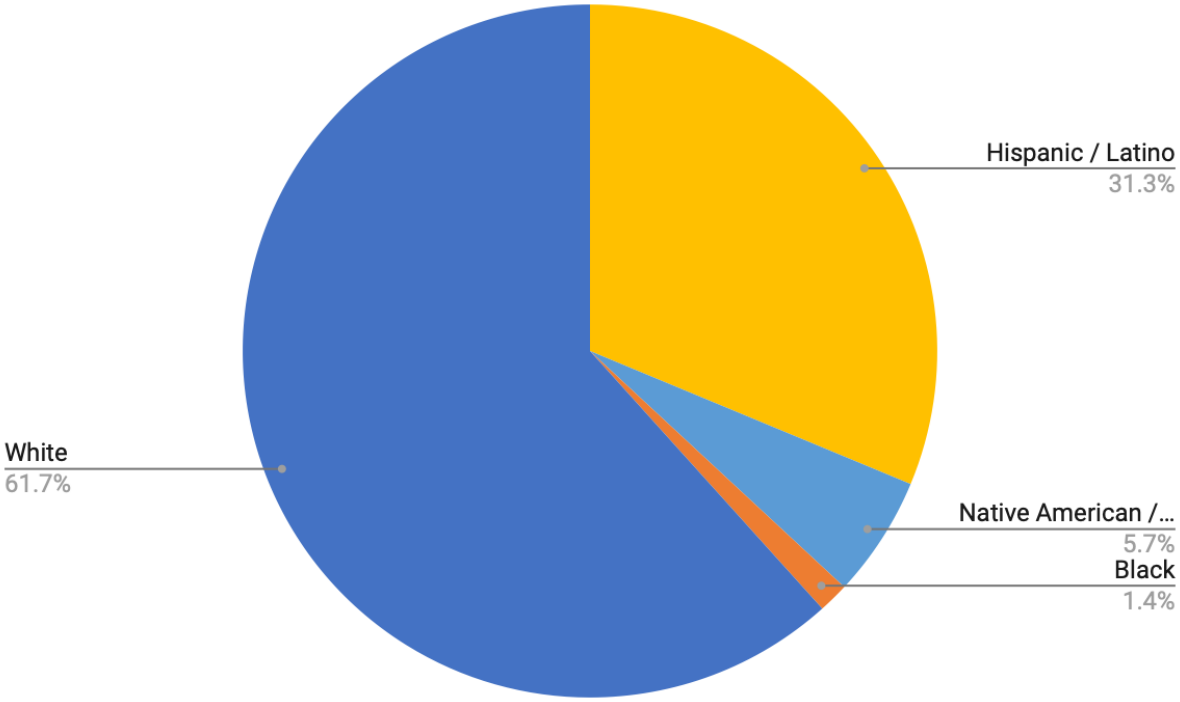
Implications

This analysis brings to light the critical need for targeted support and interventions. The varying housing situations across grades underscore the importance of providing tailored resources. Younger students might benefit from programs that support families in economic hardship, while older students may need direct assistance with housing, counseling, and academic support to manage the challenges of unstable living conditions.

The ethnic and racial distribution of the unhoused student population

In the Lincoln County School District, the unhoused student population, totaling 630 individuals, presents a diverse ethnic and racial makeup. This diversity is not just a statistic; it's a reflection of the varied backgrounds and cultures of the students navigating the challenges of homelessness.

- 61.66% of unhoused students identify as **White**. Encompassing 349 students.
- 31.27% of the unhoused students identify as **Hispanic**. Translating to 177 students.
- 5.65%, identifies as **Native American, American Indian or Alaska Native**, amounting to 32 students.
- 1.41% of unhoused students identify as **Black or African American**, 8 in total.
- No unhoused students identified themselves as **Asian** or as **Native Hawaiian or Other Pacific Islander** in the data received. However, this may change in future years, and future unhoused students who identify themselves as Asian or Native Hawaiian or Other Pacific Islander warrant full inclusion.



This ethnic and racial distribution paints a picture of a student population rich in diversity yet united by the common challenge of homelessness. Each percentage point and number represent real students, each with their own stories, cultural backgrounds, and educational journeys. Understanding this diversity is crucial in tailoring educational support and housing assistance to meet the varied needs of these students, ensuring that every child has the opportunity to thrive despite their housing circumstances.

Unhoused Student Housing Status by Zip Code

In the Lincoln County School District, the geographical distribution of unhoused students, as reflected through the lens of zip codes, offers a compelling view of the varying concentrations of students across different areas.

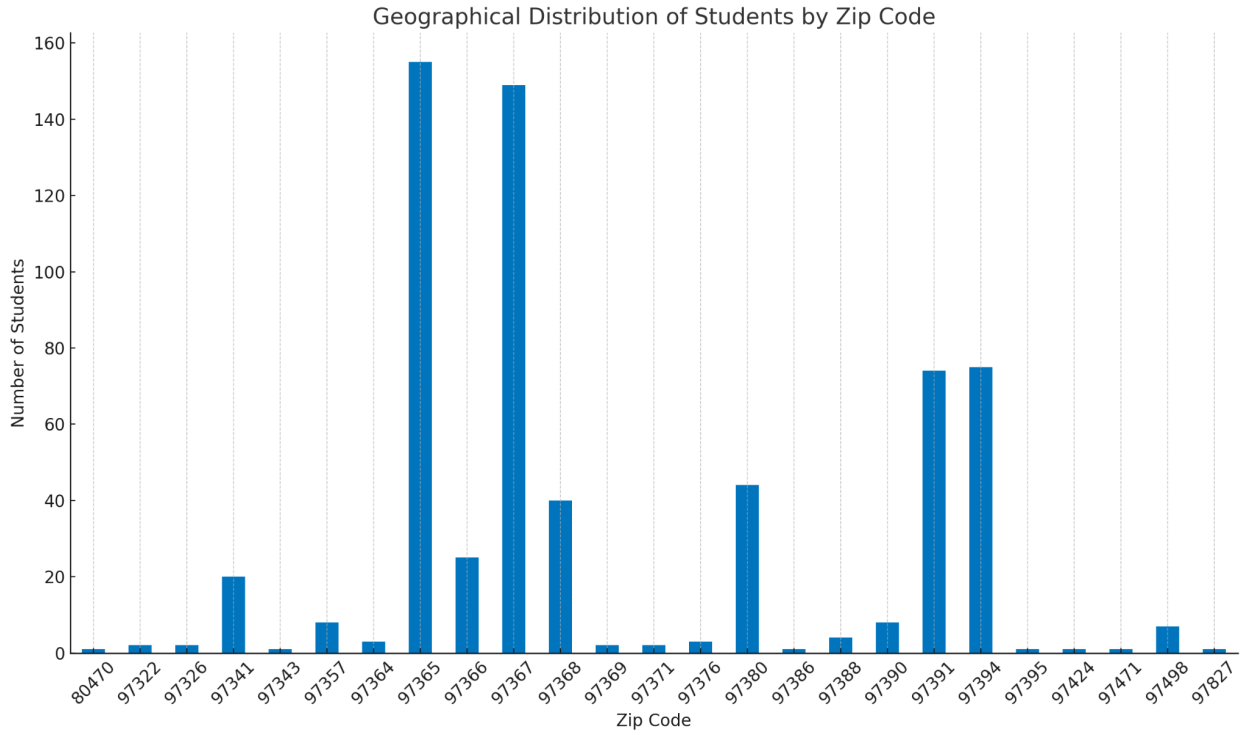
The dataset, encompassing 630 students, spans 25 unique zip codes, each representing a distinct part of the district. Among these, two zip codes stand out due to their significantly higher numbers of unhoused students, painting a picture of areas where the challenge of homelessness is particularly pronounced.

Key Zip Codes with High Student Concentrations:

- **Zip Code 97365**: This area is the most densely represented, with 155 students calling it home. The high number in this zip code suggests it as a central hub where many unhoused students reside.
- **Zip Code 97367**: Close in numbers to 97365, this zip code accounts for 149 students. Together with 97365, these two areas form the epicenter of the student homelessness issue within the district.

Other Areas of Note:

- **Zip Codes 97391 and 97394**: Each of these areas houses a substantial number of students, 74 and 75 respectively, indicating significant pockets of homelessness.
- **Zip Codes 97368 and 97380**: These areas also show notable concentrations, with 40 and 44 students respectively, highlighting them as key areas of concern.



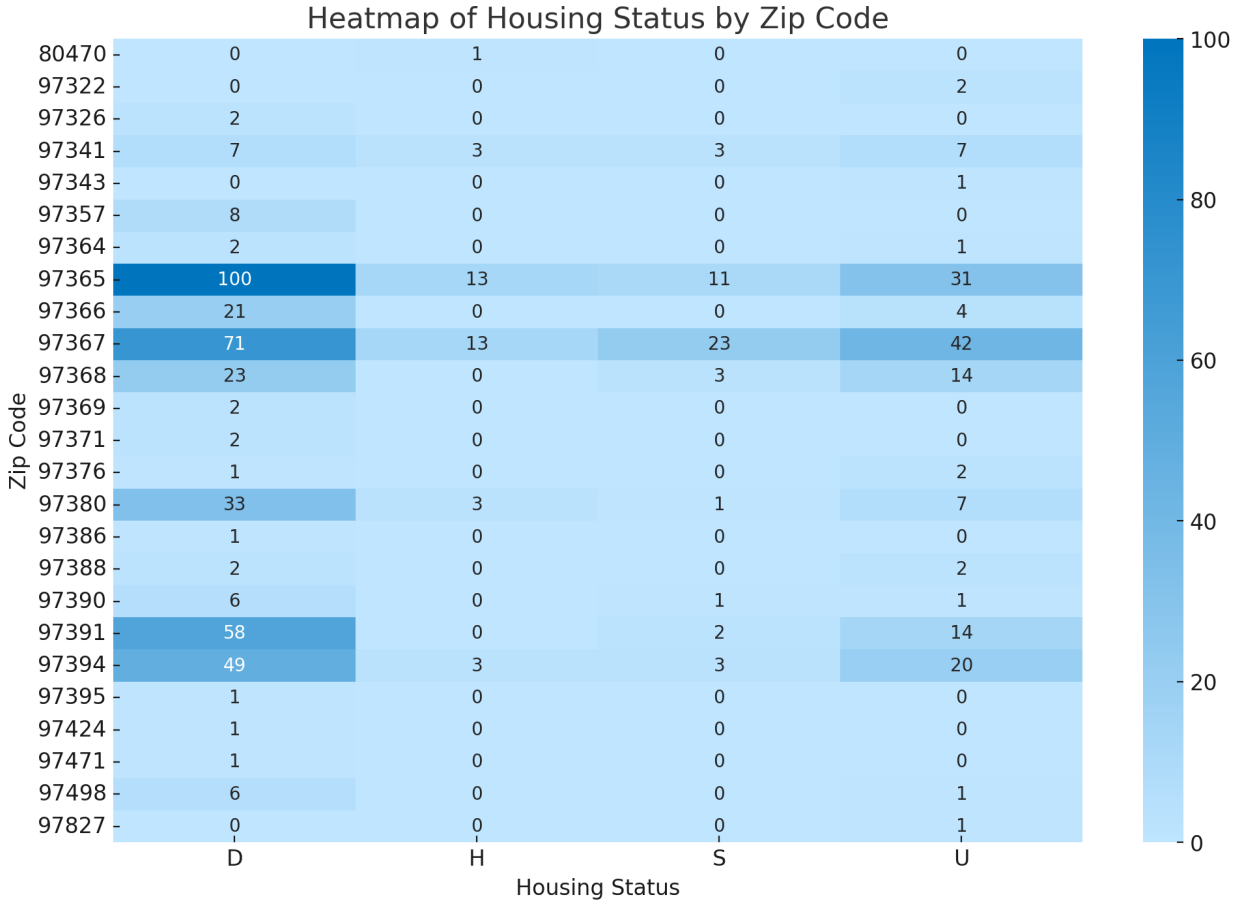
Areas with Fewer Unhoused Students:

- Several zip codes, such as 80470, 97343, 97386, 97395, 97424, 97471, and 97827, report minimal numbers, each with only a single student. While these

areas appear less impacted, each student's situation is a critical part of the overall picture.

- A few other zip codes have slightly higher, yet still low numbers, like 97322, 97326, 97369, and 97371, each hosting 2 students.

This geographic spread indicates that while certain areas within the district are hotspots for student homelessness, the issue touches a wide range of locations, albeit to varying degrees. The reasons behind these concentrations could be multifaceted, including factors like the availability of affordable housing, the location of shelters, and the socio-economic status of different neighborhoods.



In the Lincoln County School District, a detailed heatmap analysis of the unhoused student population, categorized by zip codes and types of homelessness, has provided a striking visual representation of the geographic distribution of homelessness. This analysis illuminates the areas most heavily impacted and the diverse nature of housing challenges faced by the students.

The heatmap's inverted color gradient, transitioning from light to dark blue, effectively highlights the varying intensities of homelessness across different zip codes. Darker shades in the map indicate higher concentrations of students experiencing specific types of homelessness. Notably, zip codes like 97365 and 97367 emerge as significant hotspots, particularly in the 'Doubled Up' and 'Unsheltered' categories, suggesting these areas are central to the district's homelessness challenge. Meanwhile, zip codes such as 97391 and 97394 also exhibit notable concentrations but in more specific categories like 'Doubled Up'.

This visual tool does more than just map out numbers; it reveals subtle yet significant patterns. Lighter shades in certain areas indicate lower incidences of homelessness, yet these areas remain an integral part of the overall narrative. The distribution suggests that homelessness among students is a complex issue that varies widely across the district, influenced by a range of factors including economic conditions, availability of shelters, and community resources.

The implications of this analysis extend far beyond mere data interpretation. It symbolizes the real-life situations of students and serves as a crucial tool for policymakers, educators, and community organizations. The heatmap provides a clear guide on where to focus intervention efforts, ensuring that resources and support are directed efficiently to areas with the highest need. It calls for a coordinated approach that acknowledges the geographic dimensions of the issue, aiming to foster stable and supportive environments for all students, regardless of their location within the district.

Unhoused Adults in Lincoln County

This section presents a detailed exploration across five critical dimensions: health concerns, educational background, service utilization, demographic profiles, and the reasons leading to housing loss. Each of these aspects provides valuable insights into the complexity of homelessness, challenging common stereotypes and revealing the diverse challenges faced by the unhoused community.

Health Concerns: Our investigation into health-related issues sheds light on the physical and mental challenges that significantly impact the lives of those experiencing homelessness. Despite a notable percentage having health insurance, a vast majority suffer from various health conditions, often compounded by difficulties in accessing healthcare services.

Educational Background: We explore the educational attainment within the unhoused community, revealing a surprising parallel with the general population of Lincoln County. This section highlights that while education is a critical factor, it alone does not insulate against the risk of homelessness.

Service Utilization: In assessing service utilization, we examine the awareness and engagement with available support services, including housing assistance. This analysis uncovers the gaps between service availability and accessibility, underscoring the need for more streamlined and effective delivery mechanisms.

Families and Demographics: This demographic analysis provides a detailed overview of the composition of the unhoused population in Lincoln County. By understanding who is most affected, we can tailor strategies and solutions to be more effective and inclusive.

Reasons for Loss of Housing: Lastly, we delve into the myriad reasons individuals find themselves without a home. From economic hardship and health crises to relationship breakdowns and lifestyle choices, the causes of homelessness are as varied as they are complex.

This comprehensive exploration aims not only to deepen our understanding of homelessness in Lincoln County but also to inform the development of targeted, evidence-based strategies to combat this multifaceted issue. By closely examining these key dimensions, we strive to create a foundation for interventions that are responsive, inclusive, and effective in addressing the unique needs of the unhoused community.

Understanding Work History of Unhoused Individuals

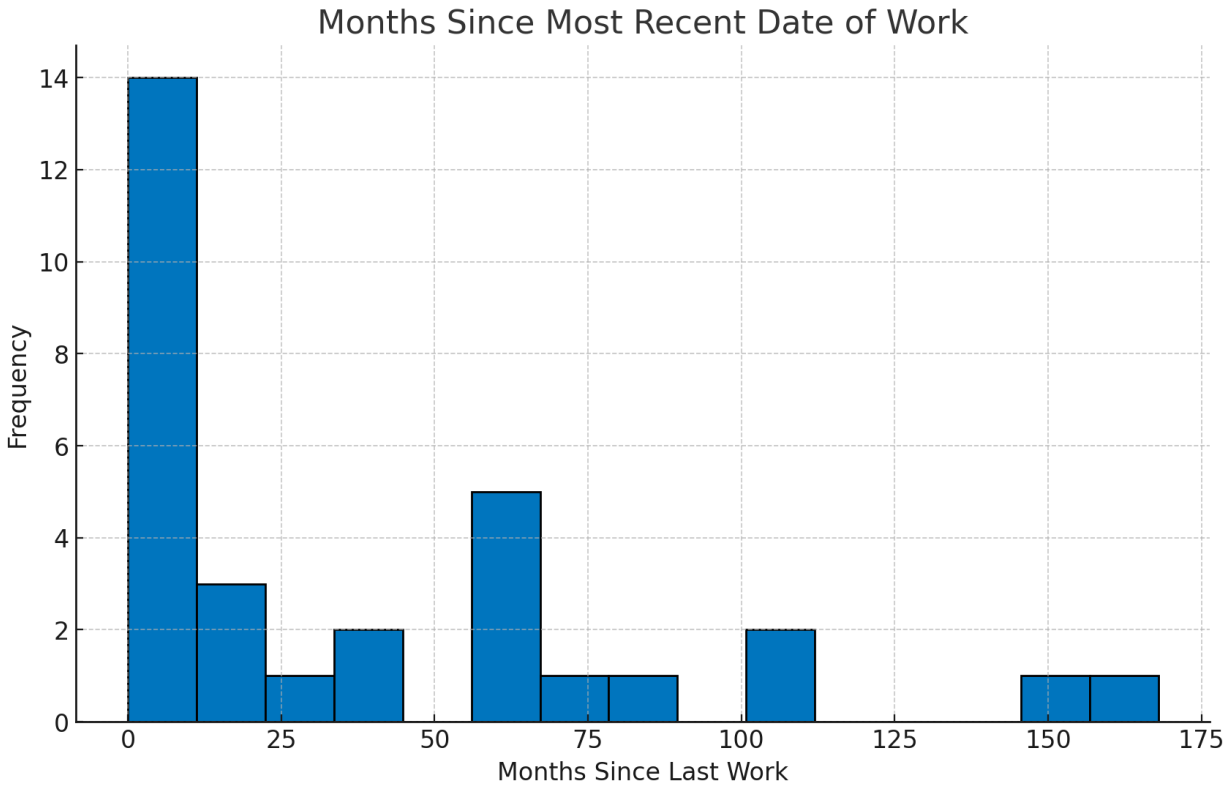
In our research, a critical data point emerged: the number of months since these individuals last held a job. This information is crucial in developing targeted assistance programs and understanding the dynamics of homelessness.

The dataset comprises various individuals, each with their unique story reflected in the time since they last worked. The data ranges widely, from those who have been out of work for as little as zero months to those who have not been employed for as long as 168 months. This range underscores the diversity within the unhoused population, highlighting that homelessness can affect anyone, regardless of their work history.

A closer look at the data reveals some key insights:

- **Average Duration**: The average (mean) duration since last employed is approximately 37.39 months. This average, however, is influenced by outliers – individuals who have been out of work for an exceptionally long time.
- **Most Common Scenario**: The mode of the dataset is 1 month, indicating a significant number of individuals have only recently lost their jobs. This suggests a potentially high rate of individuals falling into homelessness shortly after losing employment.
- **Median Value**: The median duration of 12 months provides another perspective, showing that half of the individuals have been out of work for a year or less. This median value is a more representative measure of the central tendency in this case, as it is less affected by extreme values.

The histogram of the data paints a vivid picture. There's a notable concentration of individuals who have been out of work for a relatively short period (less than 20 months), indicating a recent transition into homelessness for many. On the other hand, the presence of individuals who have not worked for over 100 months points to long-term unemployment challenges in a subset of the unhoused population.



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Many within the unhoused community are currently working, recently without permanent housing, or actively searching for both housing and gainful employment. It's common for them to reach dead-ends in their pursuit.

46 yrs Average age of the unhoused community. (Ages 19 to 72 yrs sampled.)

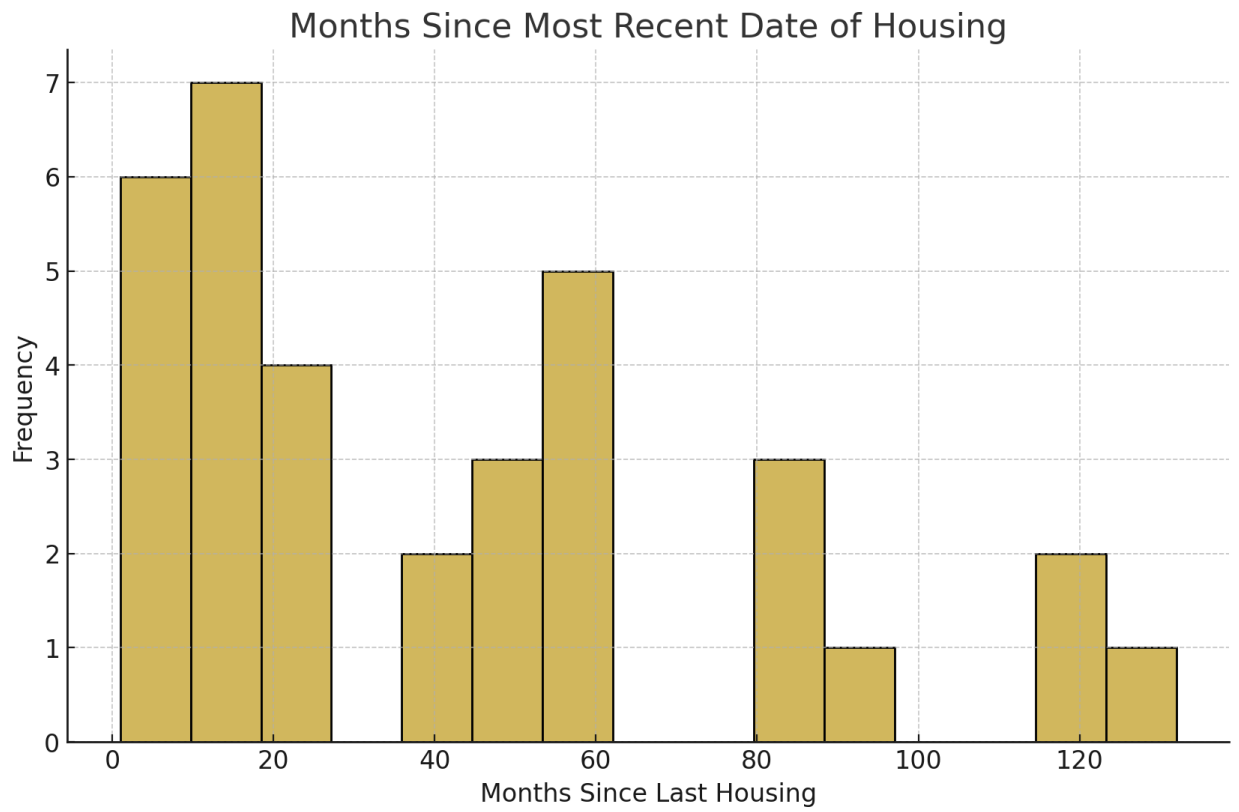
2 yrs *2 yrs, 8 mos.* Since most recent date of employment, average.

3 yrs *3 yrs, 7 mos.* Since most recent date of permanent housing, average.

Exploring the Housing History of Unhoused Individuals

The research shows a broad spectrum of recent housing, reflecting the varied experiences of those who are unhoused. It ranges from individuals who have recently lost their housing to those who have been without a home for over a decade. Key insights from the data include:

- **Average Duration:** The average duration since last stable housing is approximately 42.53 months. This figure indicates a significant period of instability for many in the population, but it is also skewed by those who have been without housing for an extremely long time.
- **Common Experience:** The mode of the dataset is 12 months, revealing that a notable number of individuals lost their housing about a year ago. This points to a potentially critical time frame for intervention to prevent prolonged homelessness.
- **Median Value:** At a median of 30 months, this suggests that half of the unhoused population has been without stable housing for two and a half years or less, while the other half has been unhoused for longer.



The histogram (above) of the data paints a picture of this distribution. It shows a concentration of individuals who have been without housing for fewer than 50 months, suggesting a recent increase in homelessness or a recent loss of housing for these individuals. Conversely, the presence of those who have been unhoused for over 100 months indicates a subgroup facing long-term homelessness, potentially compounded by additional barriers such as health issues, lack of support networks, or long-term unemployment.

Quotes regarding housing goals

"I want a roof over my head, or maybe a boat, RV, or apartment… anything to get off the streets in the winter."

"I want a space to myself, with a working kitchen and bathroom."

"We want a house to get our kids back."

"Get into a house, back on my feet, and find a full time job… but it's impossible when you're camping."

"I would like an apartment or even a shelter. I don't want a homeless camp."

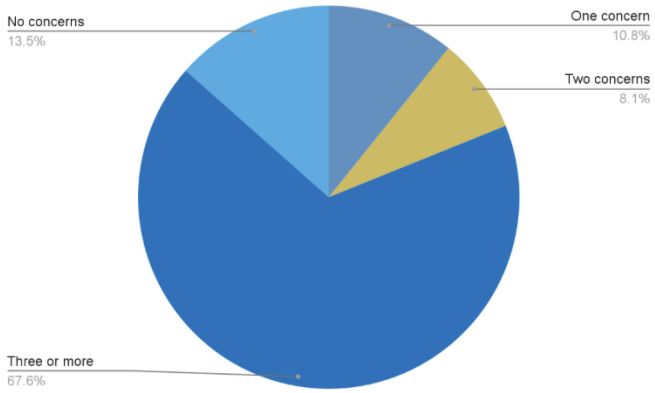
Health Concerns in Unhoused Communities

The incongruity between health insurance coverage and the lived health experiences of Lincoln County's unhoused communities is stark and multifaceted. While a majority of these individuals have medical insurance, notably from the Oregon Health Plan, our research indicates that 86.5% are grappling with one or more serious health conditions. This is compounded by the fact that the average individual has not had a medical visit in 2 years and 7 months, signaling substantial barriers to accessing care.

Extended Duration of Unaddressed Health Issues

The duration of unmet health needs is a telling indicator of the chronic nature of health neglect in these communities. On average, individuals with vision concerns have gone 4 years and 8 months without adequate care. For dental health, the duration is even longer, with an average of 4 years and 10 months since receiving proper dental attention. These extended periods contribute to a cycle of deteriorating health that is challenging to break.

Serious health concerns experienced by unhoused community



Percent with:

- Disability: 52.8%
- Mental health conditions: 45.7%
- History of anxiety, depression, or bipolar disorder: 57.5%

Average amount of time:

- Since last medical visit: 2 yrs, 7 mos
- Duration of vision concerns: 4 yrs, 8 mos
- Duration of dental concerns: 4yrs, 10 mos

The Gap Between Insurance and Care

This data underscores a gap that has less to do with insurance coverage and more with the delivery and utilization of health services. The insured may still face considerable obstacles, including:

- **Service accessibility:** With an average gap of over two years since the last medical visit, it's evident that physical and logistical access to health care providers is a critical issue.
- **Complex health needs:** Those experiencing homelessness with multiple health issues, which our research found to be 67.6% of the surveyed group, require integrated care that addresses all their needs simultaneously.
- **Ongoing conditions:** The protracted nature of vision and dental concerns illustrates the need for regular, ongoing care, which is often harder to secure for the unhoused due to transportation issues, competing survival priorities, and lack of consistent care options.

Education Throughout Unhoused Communities

The relationship between homelessness and education is often presumed to be one of deficit on the part of those experiencing homelessness. However, our research in Lincoln County challenges this assumption. The educational attainment within unhoused communities exhibits remarkable similarities to the broader population, suggesting that lack of education is not a primary driver of homelessness in this region.

Unhoused Community Educational Levels

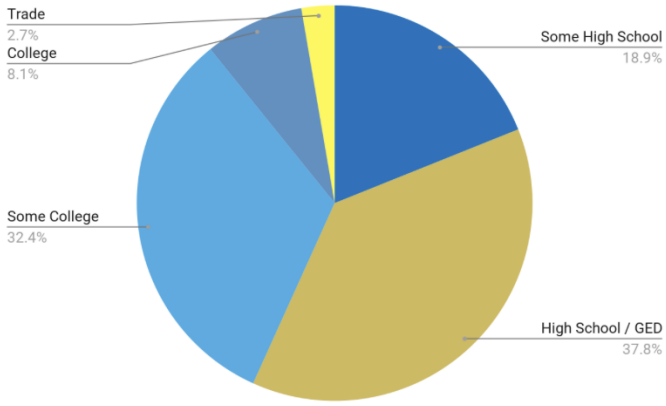
An analysis of the educational attainment among the unhoused community reveals a spectrum of educational experiences:

- **Some high school:** 19.44% of the unhoused population reported some high school education, indicating a number of individuals may have faced interruptions during their secondary education.
- **High school/GED completion:** 36.11% achieved a high school diploma or GED, reflecting a significant proportion that reached a foundational level of education which mirrors the critical threshold for many entry-level jobs.
- **Some college experience:** A significant 33.33% have attended college without completing a degree, which suggests a pursuit of higher education that was not brought to fruition for various reasons.
- **College graduates:** At 8.33%, the proportion of college graduates in the unhoused community, while smaller, is noteworthy, especially when juxtaposed with the broader societal narrative.
- **Trade certification:** With 2.78% having completed trade certifications, this highlights that vocational paths are also present within the unhoused demographic.

Unhoused Community: Highest Level of Education

All Lincoln County

- High School / GED: 24.1%
- Some College: 31.0%
- College Degree: 17.6%
- Graduate Degree: 11.0%



Comparison with all Lincoln County Residents

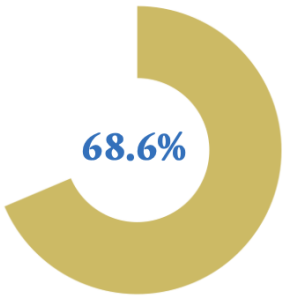
When compared with the overall educational statistics of Lincoln County:

- **High school / GED:** The rate of high school completion or equivalent is notably higher in the unhoused communities (36.11%) than in the general population (24.1%).
- **Some college:** Both populations have a substantial proportion with some college experience, with the unhoused community slightly outpacing the county average (33.33% vs. 31.0%).
- **Advanced education:** The county at large has a higher percentage of residents with college degrees (17.6%) and graduate degrees (11.0%), which exceeds the combined total for college completion and trade certification in the unhoused communities (11.11%).

Experiences Receiving Services in Unhoused Communities

Awareness vs. Utilization of Support Services

Within Lincoln County's unhoused populations, a significant majority – 68.57% – report being aware of available support services, a positive indicator of outreach and information dissemination efforts. However, this awareness does not always translate into successful utilization of services, with 48.39% reporting difficulty in accessing housing assistance. These statistics reveal a gap between service availability and effective service engagement.



Percentage of unhoused community **aware of local support services**.

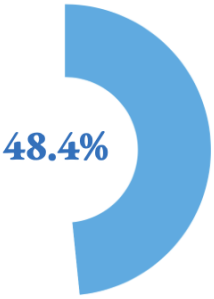
Housing Services Experience

Although 40.0% of the individuals have previously received housing services, nearly half have encountered challenges when seeking this critical support. The barriers to accessing housing services include complex application processes, limited availability of services, stringent qualification criteria, or a lack of follow-through due to administrative barriers. Many noted that they have experience with discrimination in the process of locating housing.

Percentage of unhoused community **who have received local housing services**.

Challenges in Service Delivery

The reported difficulty in receiving housing services points to systemic issues within the service delivery framework that necessitate attention. Delays, lack of coordination between agencies, or mismatches between referrals and intake processes contribute to these challenges.



Percentage of unhoused community **who have had difficulty receiving local housing services**.

Community and Informal Support Networks

A majority of the unhoused individuals – 62.86% – receive informal support from within the service community or through connections in the unhoused community itself. This suggests a robust network of peer-to-peer assistance that

supplements or even substitutes formal support mechanisms. Such informal networks are vital, often providing immediate assistance, emotional support, and practical advice based on lived experiences.

Unhoused Families and Community Dynamics

A significant aspect of our study on homelessness in Lincoln County involves understanding the family dynamics within the unhoused population. This narrative aims to juxtapose these findings with broader census data from the county to offer a comparative perspective.

Prevalence of Families among the Unhoused

A notable 57% of the unhoused individuals in Lincoln County have children, indicating that family homelessness is not an isolated issue but rather a substantial component of the overall homelessness challenge in the region. This proportion underscores the critical need to address family-specific needs within homelessness services and policies.

Size and Composition of Unhoused Families

On average, these unhoused families consist of 2.3 children. This figure does not include parents, which suggests that when parents are considered, the average unhoused family size may be comparable to, or slightly larger than, the average household size in the broader Lincoln County community.

Marital Status and Divorce Rates

The data reveals that 18.43% of unhoused males and 12.57% of unhoused females have been married and are now divorced. These percentages provide insight into the marital challenges within this demographic, potentially implicating factors like economic stress, health issues, and other personal crises contributing to both divorce and homelessness.

Comparison with all of Lincoln County

In Lincoln County, families constitute 58.42% of all households, a figure closely aligned with the 57% of unhoused individuals with children. This similarity suggests that the propensity to form families is not diminished by the state of being unhoused.

The average household size in Lincoln County, at 2.23 people including parents, is nearly on par with the average number of children in unhoused families. This parallel indicates

that, in terms of family size, unhoused families are not significantly different from housed families within the county.

However, the divorce rates show a divergence between the unhoused and the broader population: 18% of males and 12% of females among the unhoused have experienced divorce, compared to 14% of males and 18% of females county-wide.

The comparison of family dynamics between the unhoused communities and the broader Lincoln County population reveals several parallels and some distinct differences. Understanding these aspects is crucial in crafting targeted interventions that address the unique needs of families experiencing homelessness, ensuring that both adults and children receive the comprehensive support necessary for stability and well-being.

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SECTION 5: RESEARCH FINDINGS

SECTION 5: Unraveling the Dimensions of Homelessness in Lincoln County

Lincoln County, with its unique coastal and rural landscape, confronts a complex homelessness crisis influenced by interrelated factors of housing, services, economic challenges, and transportation. This report presents a comprehensive analysis, integrating these dimensions to understand and address the needs of the unhoused communities effectively.

Housing challenges in the county are marked by high market prices and a scarcity of affordable options, exacerbated by the prevalence of short-term rentals and second homes. Services for the unhoused are diverse, ranging from emergency interventions to long-term support, and are crucial in aiding individuals from homelessness to stability. Economic pressures, including low wages and high living costs, significantly contribute to the risk of homelessness. Furthermore, the unique transportation needs in Lincoln County's rural and coastal settings are vital in connecting individuals to essential services and opportunities.

Central to this report is the Progression of Support model, which ties together these critical dimensions. It illustrates how housing, services, economic stability, and transportation are interwoven across different stages of the homelessness continuum. This model provides a cohesive framework, ensuring that at each phase, from emergency to stability, the necessary support is aligned and accessible, facilitating a smoother transition towards self-sufficiency and stable living.

The integration of these dimensions in the model underscores the need for a coordinated response that addresses the multifaceted nature of homelessness in Lincoln County. The report aims to guide policymakers, service providers, and community stakeholders in developing comprehensive strategies for the county's unhoused population.

Housing

Tax Assessed Values vs Real Market Values

In the context of addressing homelessness in Lincoln County, understanding the distinction between tax assessed values and real market values of properties becomes crucial. These two valuation metrics, while related to real estate, have different implications for housing affordability, property taxation, and consequently, the issue of homelessness. This essay explores the nuances of these valuations in the context of our research on homelessness in Lincoln County.

Tax Assessed Values in Lincoln County

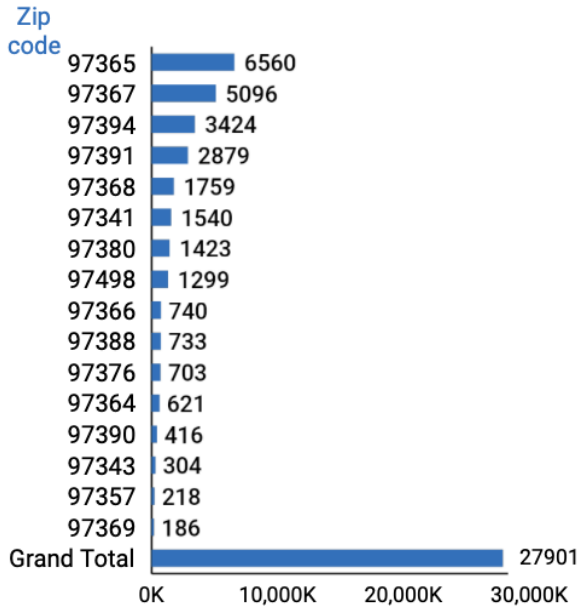
Tax assessed values in Lincoln County, determined by local government assessors, play a pivotal role in defining property taxes. However, these values often do not reflect the current market conditions due to infrequent updates. In the context of homelessness, the way properties are assessed can influence the allocation of resources and funding for social services, including those aimed at combating homelessness.

Real Market Values and Housing Affordability

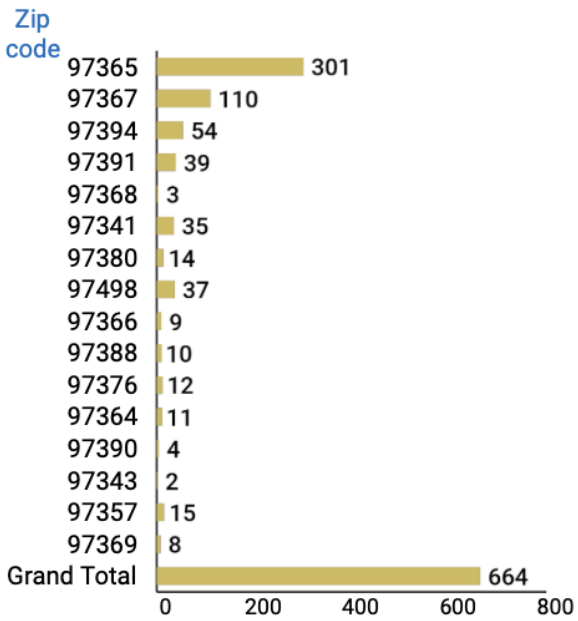
Real market values, representing the current market price of properties, are a more dynamic measure and are crucial in understanding the housing market's state. In Lincoln County, where real market values for homes are significantly high, this has direct implications for housing affordability. The disparity between average incomes and high market values of homes points to a larger issue of accessible and affordable housing, a key factor in the context of homelessness.

Tax Assessed Value & Units

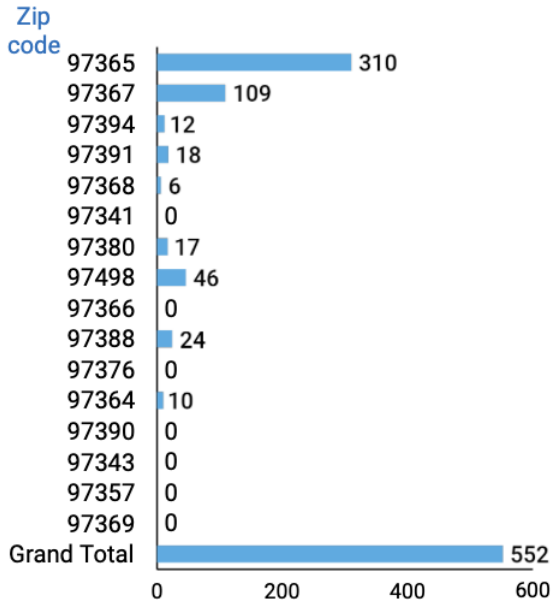
Median RMV Total
Units Single Family, Potential Ownership
Units Commercial
Units, Multi-Unit Residential



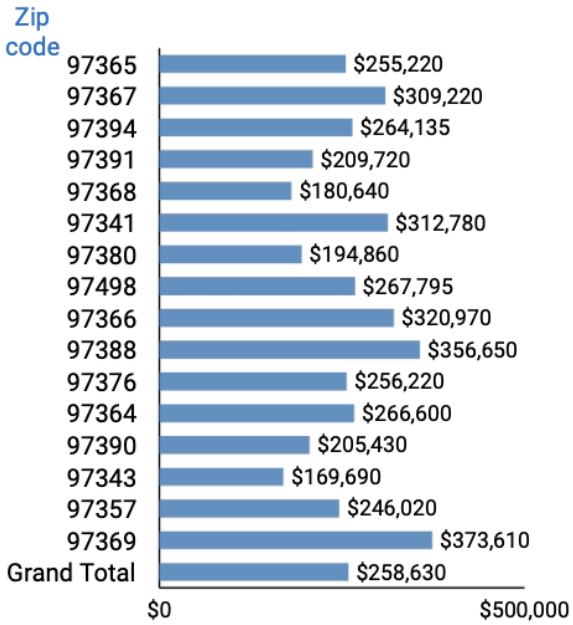
Units Single Family, Potential Ownership



Units, Multi-Unit Residential



Units, Commercially-Owned Residential



Median Value Total

Disparity and Its Implications for Homelessness

The disparity between tax assessed values and real market values can have several implications in the context of homelessness:

- **Housing Affordability**: If tax assessments are not reflective of market realities, it may lead to a skewed understanding of housing affordability, impacting policy decisions related to affordable housing.
- **Property Tax Revenue and Social Services**: Inaccurate assessments can lead to inconsistent property tax revenues, which in turn can affect the funding available for social services, including those for homeless populations.
- **Perception of Housing Market**: Discrepancies between assessed and market values can influence public perception of the housing market, affecting community support for initiatives aimed at addressing homelessness.

Addressing the Challenges in Lincoln County

To better tackle homelessness in Lincoln County, it is essential to address the challenges posed by the disparity between tax assessed and market values:

- **Regular Property Reassessments**: Ensuring property values are reassessed regularly to reflect market changes can aid in more accurate property taxation and budgeting for homelessness services.
- **Enhanced Transparency and Communication**: Clear communication about property valuations and their implications for housing affordability can foster better public understanding and support for homelessness initiatives.
- **Policy Adjustments Based on Market Realities**: Policies aimed at addressing homelessness should be informed by real market conditions rather than solely on tax assessed values to ensure they are effectively targeting the issue.

Home Price Analysis

A detailed examination of the housing market reveals a complex interplay between home prices and the pervasive issue of homelessness. This analysis focuses on the broad spectrum of home prices and their implications for various income groups within the county, particularly in the context of housing affordability and its role in exacerbating homelessness.

Diversity in Home Prices

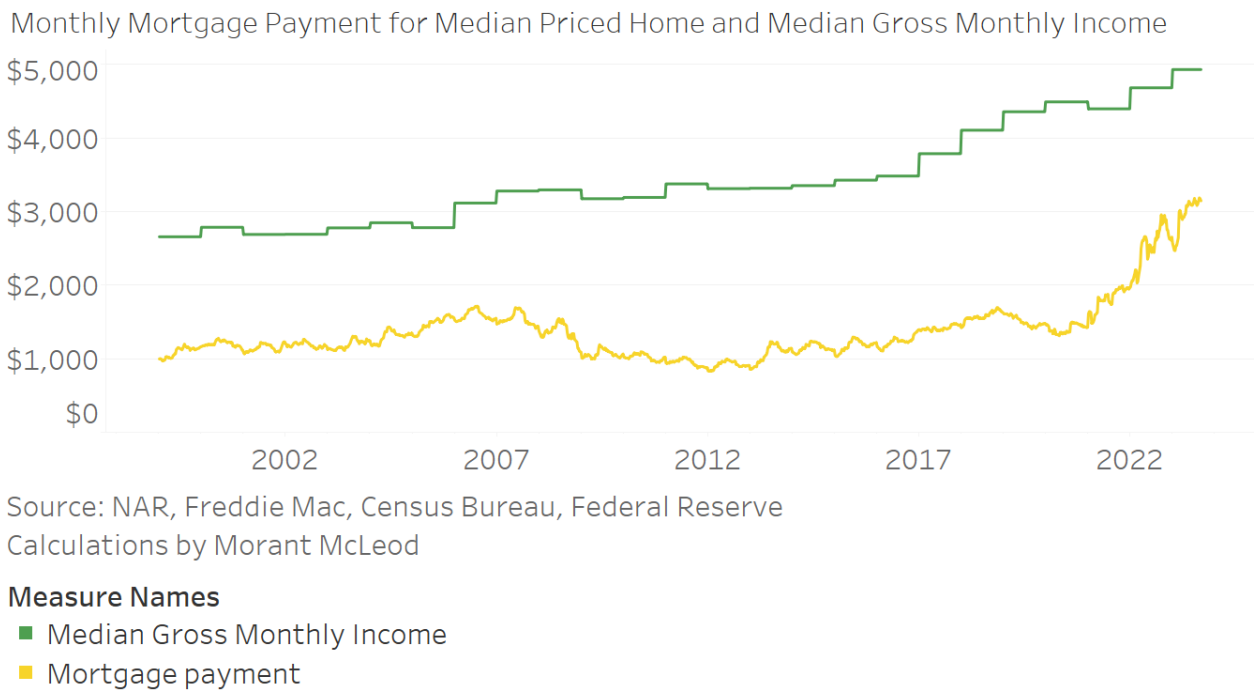
The investigation into Lincoln County's housing market uncovers a significant range in home prices, indicating a diverse and stratified market. Entry-level 1-bedroom homes are priced at $506,200, a figure that is already challenging for lower-income groups. This pricing trend escalates with larger homes, with 2-bedroom and 3-bedroom houses priced at $820,000 and $1,079,500, respectively. Such pricing patterns underscore a market characterized by high entry points even for smaller properties.

Price Variability and Its Implications

The variability in home prices across Lincoln County is notable. On the lower end, prices may represent older or smaller properties, possibly in less desirable locations. Conversely, higher-end properties likely offer additional space, amenities, or desirable locations, commanding premium prices. This variability reflects a housing market with options catering to different economic segments, yet it also highlights the widening gap between affordable and high-end housing.

Income-Housing Price Disparity and Homelessness

A critical aspect of this analysis is the juxtaposition of these home prices against the backdrop of local income levels. With median and per capita incomes in Lincoln County standing at $54,961 and $32,776, respectively, a significant proportion of the population finds itself priced out of the housing market. This disparity between income levels and housing costs is a fundamental driver of housing instability and, subsequently, homelessness. The inability of a substantial segment of the population to afford even the lower end of the housing market points to an urgent need for policy intervention.



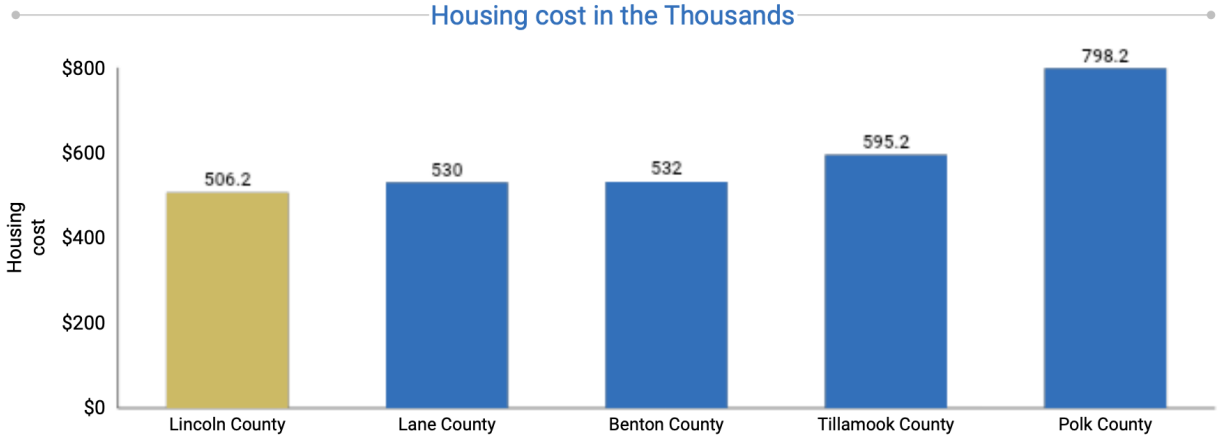
Policy Implications

The findings of this research suggest a pressing need for comprehensive strategies to address housing affordability in Lincoln County. Policymakers are encouraged to consider a range of solutions, including the development of affordable housing, revisions to zoning laws to encourage a diverse range of housing types, and support programs for low-income homebuyers or renters. Additionally, aligning housing policies with real market conditions is essential to effectively tackle the housing affordability crisis and, by extension, reduce homelessness.

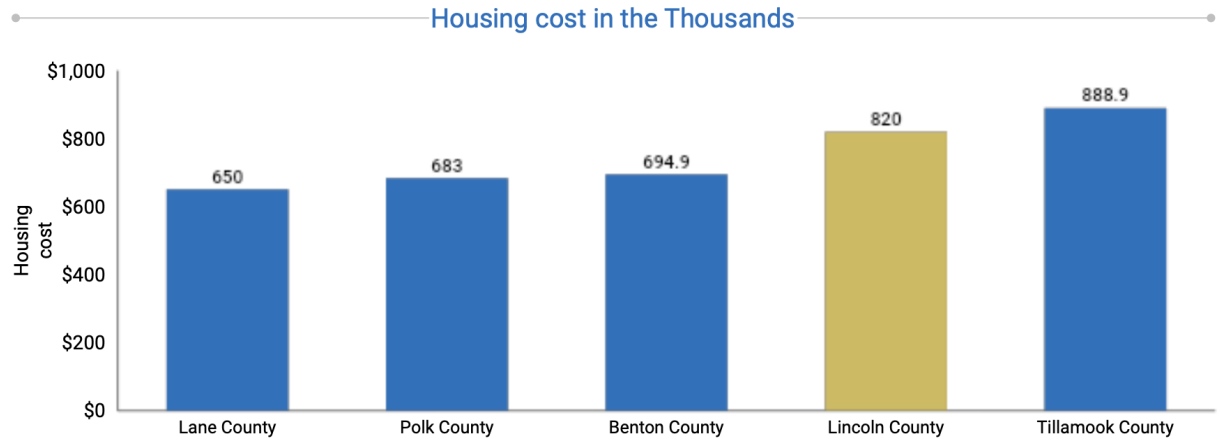
This analysis of the housing market in Lincoln County reveals a clear and present challenge of housing affordability, contributing significantly to the issue of homelessness. Addressing this challenge requires a nuanced approach that considers both the housing market's complexity and the diverse needs of the county's residents. Effective policy making and community engagement are crucial in shaping a future where housing is accessible and affordable for all segments of the Lincoln County population.

Surveyed Home Prices, 1-3 Bedrooms

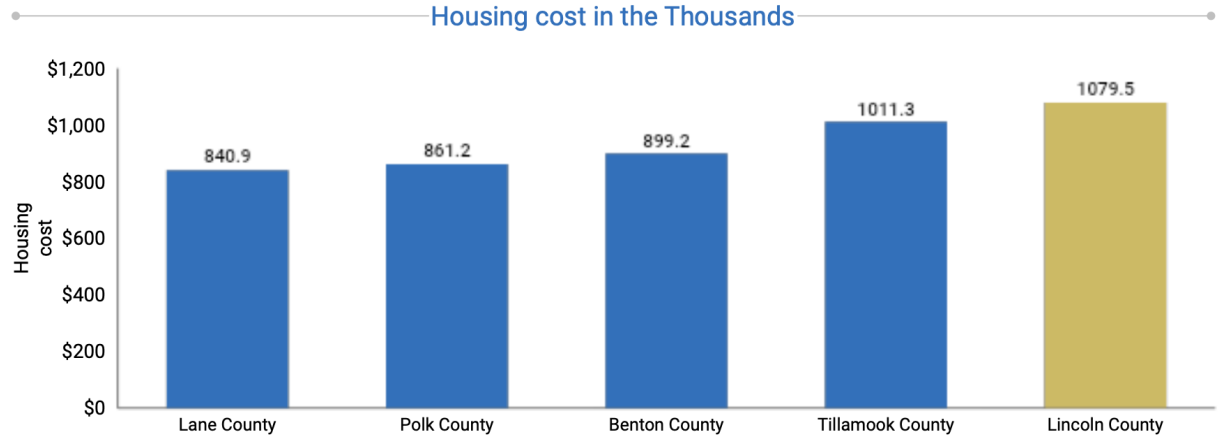
Cost of Housing for 1 Bedroom Homes, In All Selected Counties



Cost of Housing for 2 Bedroom Homes, In All Selected Counties



Cost of Housing for 3 Bedroom Homes, In All Selected Counties



Examining Housing Affordability

Housing affordability, a crucial aspect of economic stability, has become a pressing concern in Lincoln County. Amidst a backdrop of rising home prices, this analysis seeks to understand how these trends contribute to the growing challenge of homelessness, evaluating the disparity between housing costs and resident incomes.

Lincoln County's housing market exhibits a wide range of home prices, with notable disparities between different housing types. The data reveals that 1-bedroom homes begin at $506,200, with a substantial increase to $820,000 for 2-bedroom homes, and further escalation to $1,079,500 for 3-bedroom residences. This pricing structure presents a significant barrier to homeownership for a large segment of the population.

Contrasting these home prices with Lincoln County's median income of $54,961 and a per capita income of $32,776, a stark discrepancy emerges. The prevailing financial guideline of allocating no more than 30% of income to housing is rendered impractical for most residents, leading to an affordability crisis. This disparity highlights the widening gap between housing prices and earning capacities.

$54,961
Median income in 2021

$32,776
Per capita income in 2021

Further examination of the housing stock in Lincoln County indicates a dominance of single-family homes, which constitute 95.8% of the housing market. The limited availability of more affordable housing options, such as multi-family units and apartments (which account for only 2.3% and 1.9% respectively), exacerbates the affordability issue. This skewed housing distribution limits the options available to lower-income residents.

Poverty and Income Distribution in Lincoln County

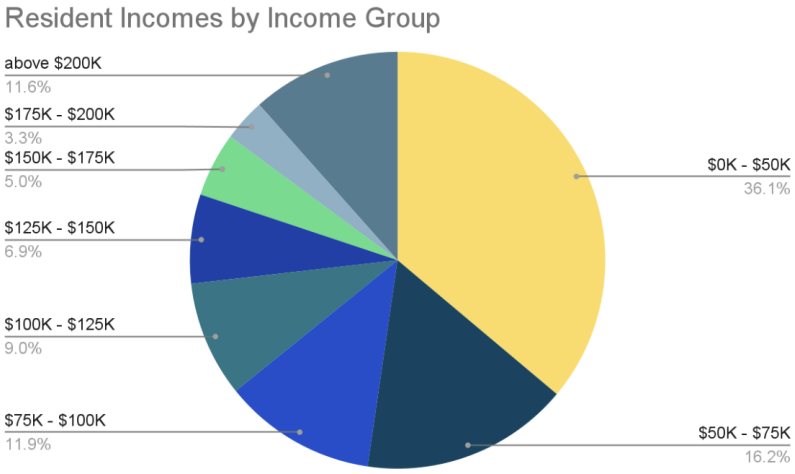
An additional dimension to the housing affordability crisis in Lincoln County is the prevalence of poverty and the distribution of income among its residents. Recent estimates indicate that 15.2% of the population lives below the poverty line, a significant proportion that underscores the economic challenges faced by a substantial segment of the community. Moreover, the income distribution data reveals that 36.1% of households earn $50,000 or less annually. This income bracket, while above the poverty threshold, still struggles with the high cost of living and housing in the county.

The convergence of these factors – a high poverty rate and a large portion of the population earning relatively low incomes – further intensifies the affordability crisis. It not only restricts access to adequate housing but also limits the ability of these residents to meet other basic needs, exacerbating the overall economic vulnerability of the community. This context of poverty and income inequality is crucial in understanding the broader implications of the housing affordability issue and in formulating targeted interventions to address the needs of the most impacted populations in Lincoln County.

Individual Income by Group

36.1%
residents earning $50,000 or less

15.2%
residents estimated to be in poverty



Distribution of Housing Types

Our research indicates that Lincoln County's housing market is predominantly composed of single-family homes, which constitute 95.8% of the total housing stock. In contrast, multi-family residential units and commercially owned residential properties (apartments) represent a minimal portion, accounting for just 2.3% and 1.9% respectively. This distribution highlights a significant imbalance in the housing options available to residents.

Implications for Housing Affordability and Homelessness

The overwhelming dominance of single-family homes has several implications:

- **Limited Affordable Options**: The scarcity of multi-family and apartment options often translates into fewer affordable housing choices for residents. This is particularly challenging for low-income individuals and families, who are disproportionately affected by the lack of diverse and affordable housing options.
- **Market Dynamics**: The high percentage of single-family homes can influence market dynamics, often driving up prices and making homeownership unattainable for many. This situation exacerbates the risk of housing instability and homelessness among lower-income groups.
- **Barriers to Entry for Vulnerable Populations**: The limited availability of multi-family and apartment-style housing can pose significant barriers to entry for vulnerable populations, including those experiencing homelessness, low-income earners, and individuals with disabilities. These groups often require more affordable, accessible, and supportive housing options.

Recommendations for Addressing Housing Imbalance

To address the challenges posed by the current distribution of housing types in Lincoln County, several strategies are recommended:

- **Increasing Diversity of Housing Stock**: Encouraging the development of multi-family and apartment-style housing can provide more affordable options. This could be achieved through policy incentives for developers, revisions in zoning laws, and targeted investment in affordable housing projects.
- **Supportive and Transitional Housing Programs**: Expanding supportive and transitional housing programs can offer a pathway out of homelessness,

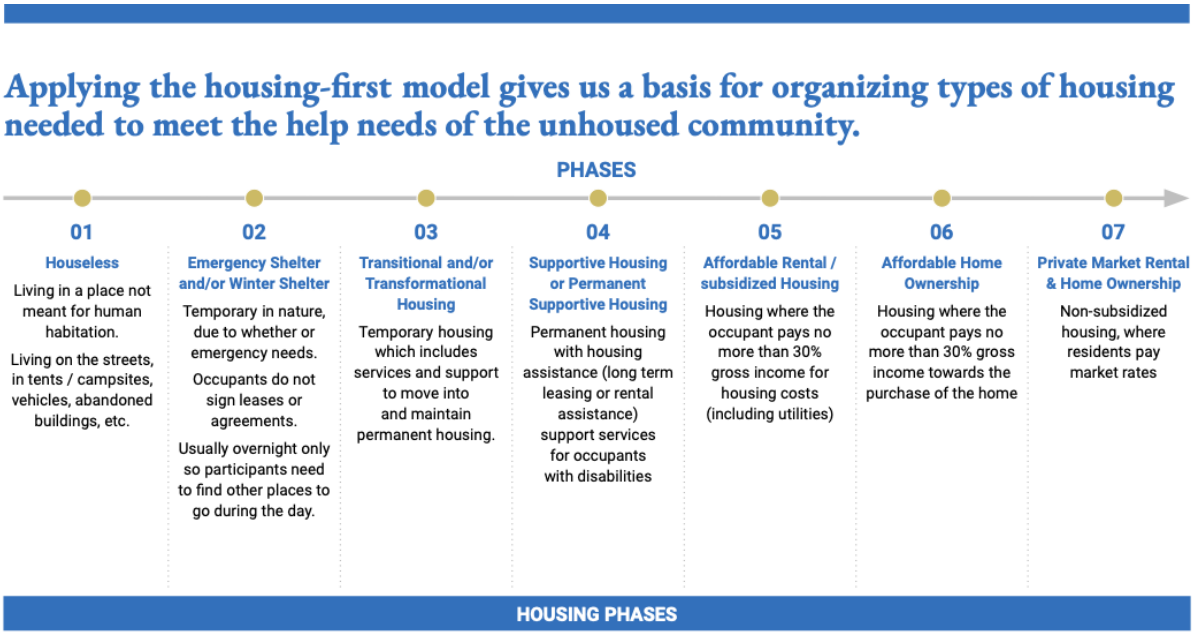
providing temporary accommodation coupled with services aimed at achieving long-term housing stability.

- **Public-Private Partnerships**: Engaging in public-private partnerships can be effective in increasing the supply of diverse housing options. Collaboration between government entities, private developers, and non-profit organizations can yield innovative solutions to the housing crisis.
- **Community Engagement and Advocacy**: Engaging local communities in discussions about housing needs and advocating for policy changes are crucial for creating a more balanced housing market that caters to the needs of all residents, including the most vulnerable.

The distribution of housing types in Lincoln County plays a significant role in the context of homelessness and housing affordability. Addressing the imbalance in this distribution is essential for mitigating the risk of homelessness and ensuring that all residents have access to suitable and affordable housing options. Through a combination of policy reform, community engagement, and strategic partnerships, Lincoln County can work towards a more inclusive and balanced housing market.

Using the Seven Phase Housing Continuum to Support Houseless Communities

Housing is a fundamental human need, yet its accessibility remains a challenge for many, particularly in Lincoln County. The United States Department of Housing and Urban Development's (HUD) seven-phase housing continuum provides a framework for understanding the various stages of housing stability. Our research adopts the Housing First model, which prioritizes immediate access to housing without preconditions, as a lens to analyze and address the housing needs in Lincoln County.



Phase 1: Houselessness

In Lincoln County, houselessness represents the most acute form of housing instability. Individuals in this phase live in conditions not meant for human habitation, such as streets, vehicles, or abandoned buildings. This phase necessitates urgent intervention, highlighting the need for immediate shelter and supportive services.

Phase 2: Emergency and Winter Shelters

Emergency and winter shelters offer temporary respite, typically providing overnight accommodation. While they address immediate safety concerns, they do not offer a long-term solution, underlining the necessity for more sustainable housing options in Lincoln County.

Phase 3: Transitional and Transformational Housing

This phase marks the transition towards more stable living conditions. In Lincoln County, transitional housing provides temporary residence, coupled with services aimed at facilitating the move to permanent housing. This phase is crucial for preparing individuals for long-term stability.

Phase 4: Supportive and Permanent Supportive Housing

Permanent supportive housing is a cornerstone of the Housing First model. In Lincoln County, this phase involves providing long-term housing assistance and support services, particularly for individuals with disabilities. This approach underscores the importance of stability in fostering long-term well-being.

Phase 5: Affordable and Subsidized Rental Housing

Affordable rental housing, where occupants spend no more than 30% of their gross income on housing costs, is vital in preventing housing cost burden. In Lincoln County, expanding affordable rental options is essential for ensuring accessibility to a broader population.

Phase 6: Affordable Homeownership

Affordable homeownership is an important step towards housing independence, allowing occupants to spend no more than 30% of their income on home purchases. This phase is particularly challenging in Lincoln County, given the high market prices and income disparities.

Phase 7: Private Market Rental and Homeownership

The final phase, involving non-subsidized, market-rate housing, represents the ultimate goal for many. However, in Lincoln County, the disparity between incomes and market prices makes this phase inaccessible for a significant portion of the population.

The implementation of the Housing First model in Lincoln County, within the framework of HUD's seven housing phases, presents a comprehensive approach to tackling homelessness and housing instability. Each phase addresses specific needs and challenges, requiring targeted strategies and policies. A concerted effort involving policy reform, investment in affordable housing, and supportive services is imperative to

ensure that each stage of the housing continuum is accessible and effective in meeting the diverse needs of Lincoln County's residents.

Experience of Service Providers in Lincoln County Who Support Unhoused Communities

In addressing the challenges of homelessness in Lincoln County, a critical aspect is the assessment of the current landscape of homeless service providers. Understanding the number of these entities and the potential capacity that could be harnessed from an efficient network is essential for developing effective strategies to combat homelessness.

The Experience of Service Provision

Supporting unhoused communities is a profoundly challenging yet vital mission for homeless service providers. Their experience is often marked by a complex interplay of dedication, resourcefulness, and the constant navigation of various challenges.

- **Resource Constraints:** One of the primary difficulties faced by these providers is the limitation of resources. This includes financial constraints, insufficient staffing, and a lack of physical infrastructure like adequate shelter spaces or facilities. Funding is often uncertain, with many organizations relying heavily on grants, donations, and fluctuating government support.
- **High Demand and Diverse Needs:** Homeless populations have diverse and complex needs ranging from immediate shelter to long-term housing, health care, mental health support, substance abuse treatment, and assistance with employment and education. Meeting this wide spectrum of needs with limited resources can be overwhelming. The high demand for services often leads to capacity issues, forcing providers to make difficult decisions about resource allocation.
- **Systemic Barriers and Policy Challenges:** Providers frequently encounter systemic barriers that hinder effective service delivery. This includes bureaucratic red tape, restrictive policies, and zoning laws that complicate efforts to establish new shelters or affordable housing. Navigating these legal and administrative challenges requires significant time and expertise.
- **Mental Health and Substance Abuse Issues:** A significant portion of the homeless population struggles with mental health issues and/or substance abuse problems. Addressing these requires specialized services and support,

which may be beyond the scope of what some organizations can provide. Additionally, the stigma associated with these issues can impact funding and community support.

- **Safety and Security Concerns:** Managing safety and security in shelters and during service provision is a constant concern. This includes not only the safety of the clients but also that of the staff and volunteers. Conflict resolution and managing sometimes unpredictable behaviors can be challenging.
- **Burnout and Emotional Toll:** Working with unhoused populations can be emotionally taxing. Providers and staff often face situations of extreme poverty, health crises, and personal tragedies. This can lead to burnout and high turnover rates among staff, further straining the system.
- **Community Relations and Stigma:** Homeless service providers sometimes face opposition from local communities where they operate. This NIMBYism ("Not In My Back Yard") mentality can hinder the establishment of new facilities or expansion of services. Additionally, societal stigma towards homelessness can impact fundraising and support.

Despite these challenges, many homeless service providers remain deeply committed to their mission. They often advocate for systemic changes, work towards increasing community awareness and support, and tirelessly seek innovative solutions to better serve unhoused populations. Their role is critical in not only providing immediate support but also in working towards long-term solutions to end homelessness.

Number of Homeless Service Providers in Lincoln County

Our research indicates a diverse array of service providers operating within Lincoln County. These include government agencies, public service organizations, faith-based groups, non-profits, healthcare providers, and various community initiatives. Collectively, these entities form a broad spectrum of support services ranging from emergency shelter provision to long-term housing solutions, healthcare, counseling, job training, and other critical assistance programs. The diverse nature of these organizations reflects the multifaceted approach required to address the complex issue of homelessness.

Capacity of the Service Network

The potential capacity of an efficient network of these service providers in Lincoln County is significant. When operating in a coordinated and cohesive manner, these organizations can offer comprehensive support that addresses the various needs of the homeless population. Key areas of impact include:

- **Enhanced Resource Utilization:** Through effective collaboration, resources can be pooled and utilized more efficiently, minimizing duplication of efforts and maximizing the impact of available funding and services.
- **Improved Service Delivery:** An integrated network allows for streamlined service delivery, where individuals facing homelessness can access a continuum of support services tailored to their specific needs, from immediate shelter to long-term housing and rehabilitative services.
- **Data Sharing and Best Practices:** A cohesive network fosters an environment where data and best practices can be shared, leading to informed decision-making and the implementation of evidence-based strategies.
- **Community Engagement and Support:** An efficient network can better engage and mobilize community resources, including volunteers, local businesses, and residents, thereby fostering a community-wide approach to addressing homelessness.
- **Policy Advocacy and Influence:** A united front of multiple service providers can be more influential in advocating for policy changes and funding at local, state, and national levels, leading to broader systemic changes.

Challenges and Opportunities

While the potential of an efficient network is considerable, there are challenges to be addressed. These include overcoming organizational silos, ensuring effective communication and coordination among providers, and addressing gaps in service provision. The opportunity lies in leveraging technology for better data management and communication, fostering leadership and collaboration across organizations, and engaging in continuous evaluation and adaptation of strategies.

Categories of Service Providers

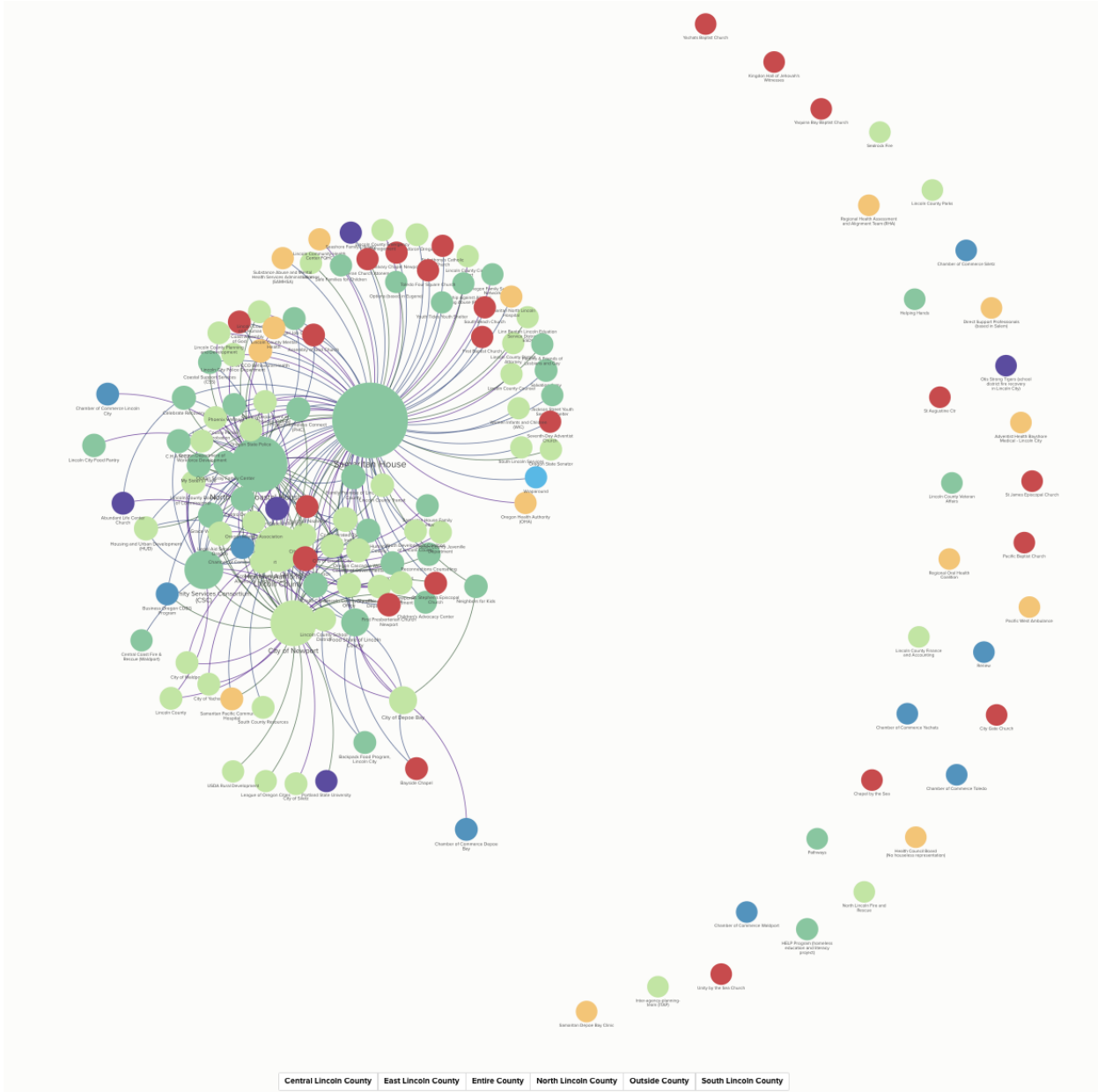
- **Education-Based Organizations:** These may include schools, colleges, universities, and other educational institutions, as well as organizations providing educational programs and resources. They often contribute through initiatives like scholarship programs, educational outreach for at-risk populations, literacy programs, and training and skill development initiatives. In the context of homelessness, they can offer crucial support by providing educational continuity for children affected by homelessness and job training for adults.
- **Businesses:** Businesses, ranging from small local companies to large corporations, can contribute significantly through corporate social responsibility (CSR) initiatives. They can offer employment opportunities to vulnerable populations, sponsor community programs, provide funding or resources for service providers, and engage in public-private partnerships. Businesses also have a role in economic development, which can indirectly impact homelessness by fostering a more robust job market.
- **Social Organizations:** This category encompasses a wide range of nonprofits and community groups that work directly with people in need. These organizations might provide services like shelter, food assistance, counseling, or legal aid. They often serve as the front line in addressing homelessness, offering immediate assistance and long-term support to help individuals and families transition out of homelessness.
- **Public Organizations:** Public organizations include government agencies at the local, state, and federal levels. They are responsible for public welfare programs, housing policies, urban planning, and funding for social services. These organizations play a crucial role in shaping the policy environment and resource

allocation for addressing homelessness. They can implement housing-first initiatives, subsidized housing programs, and other systemic approaches to reduce homelessness.

- **Faith-Based Organizations:** Churches, mosques, synagogues, and other religious institutions often provide vital services to the homeless population. Their contributions can range from offering direct services like shelter and meals to providing counseling, financial assistance, and community support. Faith-based organizations can also be influential advocates for policy changes and play a significant role in mobilizing community support.

- **Health-Related Organizations:** This category includes hospitals, clinics, mental health providers, and organizations focused on public health. They address the physical and mental health needs of homeless individuals, which is crucial since this population often faces significant health challenges. Health-related organizations can provide direct medical services, mental health support, substance abuse treatment, and health education. They are also key in identifying and addressing the health-related causes and consequences of homelessness.

Key organizations hold a larger number of business relationships, while other key organizations hold relationships with smaller community organizations (faith-based organizations, for example). Other organizations have little connection with the larger community of service providers.



Interconnectedness and Relationships Between Providers

In an effort to comprehensively address homelessness in Lincoln County, our research has delved into the intricate network of service providers. These entities range from government offices and public service providers to faith-based organizations, non-profits, healthcare organizations, and various community groups. Understanding the dynamics of these networks is crucial for identifying strengths, gaps, and opportunities for enhanced collaboration in supporting homeless communities.

What are Centrality Dynamics?

Centrality dynamics in social networks are crucial for understanding and enhancing the effectiveness of service providers working with homeless populations. In the context of social network analysis, 'centrality' refers to the various ways in which the importance of a node (in this case, a service provider) within a network can be measured. Here's how different aspects of centrality are significant for homeless service providers:

> ***Degree Centrality**: This measures the number of direct connections a node has with other nodes in the network. For homeless service providers, high degree centrality means having numerous connections with other organizations, which can facilitate resource sharing, information dissemination, and collaborative interventions. Providers with high degree centrality are often central to coordinated community responses, able to mobilize resources effectively and efficiently.*
>
> ***Betweenness Centrality**: This reflects the extent to which a node acts as a bridge between other nodes in the network. Providers with high betweenness centrality are crucial in facilitating communication and collaboration among organizations that might not otherwise be connected. They play a key role in integrating various services and resources, ensuring that efforts are not duplicated and that gaps in service are identified and addressed.*
>
> ***Closeness Centrality**: This measures how close a node is to all other nodes in the network in terms of the shortest paths. For service providers, high closeness centrality indicates their ability to quickly and efficiently access and disseminate information across the network. It also suggests their potential to understand and respond rapidly to emerging needs and trends in the homeless community.*

***Eigenvector Centrality**: This considers not just the number of connections a node has, but also the importance of those connected nodes. Providers with high eigenvector centrality are connected to other influential and resourceful organizations. This can enhance their ability to leverage significant resources and influence for the benefit of homeless populations.*

Centrality Analysis for Lincoln County Service Providers

High Degree Centrality (also referred to as "connectors" or "hubs")

Our analysis reveals that a small number of service providers form the nexus of community connections. Samaritan House emerges as the most interconnected entity, boasting 85 connections. Following closely are Northwest Coastal Housing with 54 connections, and the Housing Authority of Lincoln County with 40. The City of Newport and HALC each have 38 connections, while the Community Services Consortium has 27. This concentration of connections indicates these organizations' pivotal roles in coordinating efforts and disseminating information within the network, reflecting their significant involvement in addressing homelessness in Lincoln County.

Rank	Label	Value
#1	Samaritan House	85
#2	Northwest Coastal Housing	54
#3	Housing Authority of Lincoln County	40
#4	City of Newport	38
#5	Community Services Consortium (CSC)	27
#6	City of Depoe Bay	10
#7	Food Share of Lincoln County	10
#8	Grace Wins Haven	6
#9	HELP (homeless education and literacy project) Program	6
#10	City of Toledo	5

Low Degree Centrality

Conversely, our research indicates a considerable number of service providers operating with low degrees of interconnectedness. These entities, numbering 29, either exhibit minimal connections with other providers or have not actively engaged in collaborative efforts. This finding underscores a fragmentation in the service provider network, potentially leading to inefficiencies and duplication of efforts. It highlights the necessity for a more cohesive approach in integrating these providers into the broader network.

Betweenness Centrality (also referred to as "brokers" or "bottleneck [solvers]")

Certain entities play a critical role in controlling information flow and bridging gaps between service providers. Northwest Coastal Housing stands out as the most influential in this respect, followed by the City of Newport, the Community Services Consortium, and the City of Depoe Bay. These organizations are key to the efficacy of the service network, but their central role also poses a risk of network failure should they face operational challenges.

Rank	Label	Value
#1	Northwest Coastal Housing	0.078
#2	City of Newport	0.049
#3	City of Depoe Bay	0.022
#4	Community Services Consortium (CSC)	0.020
#5	Food Share of Lincoln County	0.009
#6	Celebrate Recovery	0.003
#7	HELP (homeless education and literacy project) Program	0.001
#8	Project Homeless Connect (PHC)	0.001

Closeness Centrality (also called “sensers” and “spreaders”)

Regarding the dissemination of information between providers, our analysis identifies approximately 30 service providers with high closeness centrality. This indicates a significant potential for improving operational efficiency, as these entities have established pathways for accessing and sharing critical information. However, the challenge lies in effectively leveraging these connections to enhance the overall service provision to the homeless community.

Rank	Label	Value
#1	City of Newport	0.366
#2	Northwest Coastal Housing	0.358
#3	Community Services Consortium (CSC)	0.333
#4	City of Depoe Bay	0.231
#5	HELP (homeless education and literacy project) Program	0.220
#6	Family Promise of Lincoln County	0.219
#7	Habitat for Humanity of Lincoln County	0.217
#8	Legal Aid Services of Oregon	0.217
#9	Confederated Tribes of Siletz Indians	0.216
#10	Grace Wins Haven	0.216

Eigenvector Centrality (also referred to as “leaders”)

In Lincoln County's network of service providers for the homeless, Samaritan House emerges as the most influential organization with an eigenvector centrality score of 0.056. It is followed closely by Northwest Coastal Housing at 0.052, indicating its significant role in the network. The City of Newport and the Housing Authority of Lincoln County also hold substantial influence, with scores of 0.037 and 0.033, respectively, suggesting their pivotal roles in resource distribution and housing services. The

Community Services Consortium (CSC) rounds out the top five with a score of 0.027, underscoring its importance in the local network. This data highlights the varying degrees of influence and connectivity among key entities within the homeless service providers' network in Lincoln County.

Rank	Label	Value
#1	Samaritan House	0.056
#2	Northwest Coastal Housing	0.052
#3	City of Newport	0.037
#4	Housing Authority of Lincoln County	0.033
#5	Community Services Consortium (CSC)	0.027
#6	Grace Wins Haven	0.019
#7	Confederated Tribes of Siletz Indians	0.017
#8	HELP (homeless education and literacy project) Program	0.016
#9	City of Toledo	0.015
#10	Family Promise of Lincoln County	0.015

The landscape of service providers in Lincoln County, as revealed by our research, presents a complex but insightful picture. The network's effectiveness is characterized by a few highly connected entities and a larger number of less integrated providers. Addressing homelessness in Lincoln County thus requires not only the strengthening of individual service providers but also the enhancement of network connectivity and collaboration. By fostering greater interconnectedness and leveraging the central roles of key organizations, there is potential to create a more cohesive and effective support system for the homeless population in Lincoln County.

Administrative Distance in Homeless Service Provision

A significant challenge identified in our research on homelessness in Lincoln County is the concept of 'administrative distance' – the disparity between the administrative expectations of government entities and funders, and the capabilities of service providers. This section of the report delves into how this administrative distance affects the effectiveness of service delivery and proposes strategies to bridge this gap.

Understanding Administrative Distance

Administrative distance is characterized by the differing expectations between funders and homeless service providers. Funders, including government bodies and private organizations, often require extensive documentation for funding allocation. This includes years of audited financial reports, detailed staffing plans, analyses of overhead percentages, and employee benefits information. However, many service providers, particularly smaller or less-established organizations, struggle to meet these requirements due to limited resources. The lack of external accountants and advanced technology for administrative tasks further exacerbates this issue.

Impact on Service Providers

Service providers in Lincoln County, often well-versed in direct service delivery, find themselves less equipped to handle the stringent administrative demands. This mismatch leads to a situation where organizations capable of impactful service delivery may be excluded from crucial funding due to administrative shortcomings. The high degree centrality of certain organizations like Samaritan House and Northwest Coastal Housing indicates that a few entities, likely with more developed administrative structures, are managing a disproportionate share of the connections and resources. In contrast, organizations with low degree centrality, potentially indicative of less developed administrative capacities, remain on the periphery.

Implications for Homelessness Services

The administrative distance not only impacts the sustainability of service providers but also the overall efficacy of homelessness services in the county. Organizations with high betweenness centrality, acting as bridges in the service network, may become overwhelmed, leading to potential service gaps. Furthermore, the lack of diverse and multi-faceted service options, as indicated by the dominance of single-family homes

and lack of affordable housing, may persist due to the underfunding of capable but administratively challenged providers.

Approaches to Bridge Administrative Distance

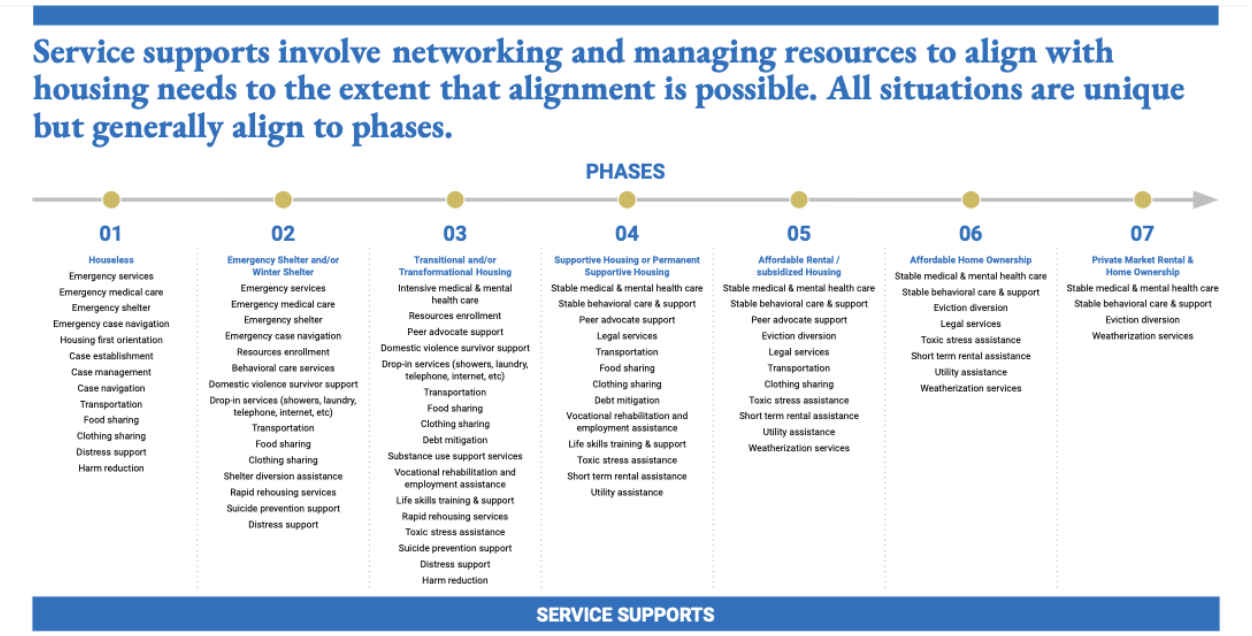
To address this administrative gap, several strategies are can be explored:

- **Capacity Building for Service Providers**: Implement training programs and workshops focused on administrative skills, financial management, and grant writing. Providing technical assistance in these areas can enhance providers' abilities to meet funding requirements.
- **Streamlining Funding Requirements**: Encourage funders to reevaluate and potentially simplify their administrative requirements. This could involve a more flexible approach to funding criteria, tailored to the realities of smaller or less-resourced organizations.
- **Fostering Collaborations**: Encourage collaborations between organizations with high administrative capacity and those with less. Such partnerships can lead to a sharing of resources and expertise, benefiting the entire service network.
- **Technology Grants and Assistance**: Provide grants or assistance specifically for technological upgrades, enabling providers to modernize their administrative processes and more effectively meet funding requirements.
- **Advocacy and Policy Change**: Advocate for policy changes that recognize and address the administrative challenges faced by service providers. This includes lobbying for more balanced funding criteria that consider the unique challenges of smaller or emerging organizations.

The concept of administrative distance highlights a critical barrier faced by homeless service providers in Lincoln County. Bridging this gap is essential for creating a more equitable and effective network of services. By implementing strategies focused on capacity building, streamlining funding requirements, fostering collaborations, providing technology assistance, and advocating for policy changes, the network of service providers can be strengthened, ultimately leading to more effective and comprehensive services for the homeless population in Lincoln County.

Alignment of Service Provision with HUD's Seven Phases of Housing for Unhoused Communities

Our research in Lincoln County has systematically categorized the services offered by various providers to align with the seven phases of housing as defined by the United States Department of Housing and Urban Development (HUD). This alignment not only highlights the range of services essential at each phase of housing stability but also demonstrates how service providers, whether specialists in a single phase or spanning multiple phases, contribute to a comprehensive approach in supporting unhoused communities.



Phase 1: Houseless

In the initial phase, services are primarily emergency-oriented, addressing immediate needs of the houseless population. Providers offer crucial services such as emergency medical care, shelter, and case navigation. Additional supports like transportation, food and clothing sharing, distress support, and harm reduction are vital in this phase. These services are foundational, offering the first point of contact and crucial aid to individuals in their most vulnerable state.

Phase 2: Emergency Shelter and/or Winter Shelter

During this phase, emergency services continue, with added emphasis on resources enrollment, behavioral care, and survivor support for domestic violence. Providers also offer drop-in services like showers and laundry, which are essential for maintaining basic hygiene and dignity. Rapid rehousing services, along with suicide prevention and shelter diversion assistance, play a key role in transitioning individuals from emergency shelters to more stable living conditions.

Phase 3: Transitional and/or Transformational Housing

This phase involves more intensive support, including medical and mental health care, peer advocate support, and substance use services. Providers focus on life skills training, vocational rehabilitation, and debt mitigation, facilitating a smoother transition to independent living. Services in this phase are designed to build resilience and equip individuals with the skills and resources needed for long-term stability.

Phase 4: Supportive Housing or Permanent Supportive Housing

Here, the focus shifts to providing stable medical, mental, and behavioral health care. Legal services, along with ongoing support in vocational rehabilitation, continue to play a crucial role. Short-term rental and utility assistance ensure that individuals can maintain their housing and live independently, yet with the necessary support.

Phase 5: Affordable Rental / Subsidized Housing

As individuals move into affordable or subsidized housing, the emphasis is on maintaining stability. Eviction diversion and continued access to stable health care and legal services are key. Utility and rental assistance, along with weatherization services, help in managing living costs and maintaining the affordability of the housing.

Phase 6: Affordable Home Ownership

In this phase, the support is geared towards sustaining homeownership. Legal services, eviction diversion, and assistance with utilities continue to be important. The focus is on ensuring that individuals can not only acquire but also maintain their homes in a sustainable manner.

Phase 7: Private Market Rental & Home Ownership

In the final phase, the emphasis is on maintaining stable living conditions in the private market. Services are more focused on long-term stability and include ongoing health care and behavioral support, weatherization services, and eviction diversion programs.

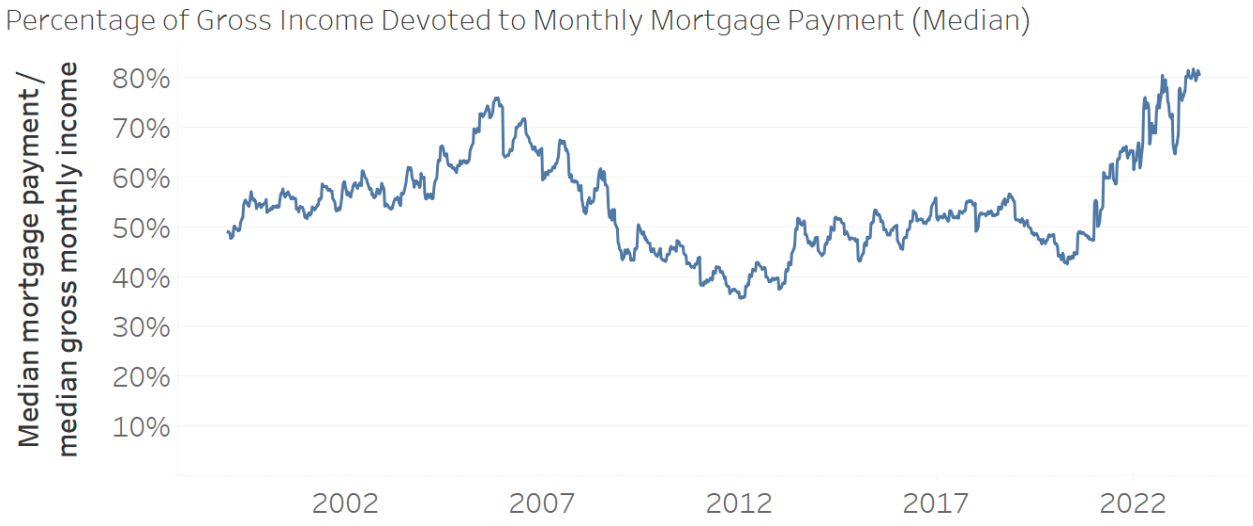
The alignment of service provision with HUD's seven phases of housing underscores a strategic and comprehensive approach to addressing homelessness in Lincoln County. By categorizing services according to the phase of housing stability they support, it becomes evident how different providers contribute to a continuum of care. This alignment not only facilitates targeted service delivery but also highlights gaps and opportunities for enhanced collaboration among providers, ultimately striving towards the shared goal of supporting unhoused communities towards stable and independent living.

Economic Pressures Faced by Individuals in the Unhoused Community

Individuals in the unhoused community face a myriad of economic pressures that exacerbate their situation and hinder their transition to stable housing and employment. This section of the report delves into the various economic challenges encountered by this population, including difficulties in job applications and housing, the impact of short-term rentals and second homes on housing availability, health-related issues, utilization of education, and societal stigmas.

Challenges in Income

A critical aspect of the economic pressures in Lincoln County is the significant proportion of gross monthly income that residents must devote to rent or mortgage payments. For many, this financial burden is the most substantial monthly expense, consuming a disproportionate share of their income. The generally accepted benchmark suggests that housing costs should not exceed 30% of a household's gross income to be considered affordable. However, in Lincoln County, this threshold is often exceeded, with a substantial number of residents spending well over 30%, and in some cases even 50% or more of their income on housing. This situation leaves little financial room for other essential expenses such as food, healthcare, transportation, and education, not to mention savings or emergency funds.



Source: NAR, Freddie Mac, Census Bureau, Federal Reserve
Calculations by Morant McLeod

The high housing cost-to-income ratio is exacerbated by the region's elevated housing prices and the scarcity of affordable housing options. As residents stretch their budgets to cover housing costs, they become increasingly vulnerable to financial instability. Any unexpected expense or a slight dip in income can push these individuals and families closer to the brink of poverty and, potentially, homelessness. This dynamic creates a precarious living situation for many in Lincoln County and highlights the need for urgent measures to increase the availability of affordable housing and support residents in achieving greater financial stability. Addressing this imbalance between income and housing costs is crucial for alleviating the economic pressures that lead to housing insecurity and the risk of homelessness.

Challenges in Employment

The process of applying and interviewing for jobs presents significant hurdles for unhoused individuals. Lack of a permanent address, limited access to communication tools, and gaps in employment history often result in their applications being overlooked. During interviews, the absence of professional attire and the stigma associated with homelessness can further diminish their prospects. Moreover, many face logistical challenges such as transportation to job sites or interviews.

Housing Application Difficulties

Applying for housing is another daunting task for those experiencing homelessness. Stringent rental application processes, requirements for credit checks, rental histories, and deposits are often insurmountable barriers. Additionally, the high cost of application fees alone can be prohibitive. The lack of a stable income and the stigma attached to homelessness further complicate their ability to secure housing.

Impact of Short-Term Rentals and Second Homes

The prevalence of short-term rentals and second homes in Lincoln County significantly reduces the availability of long-term rental housing. This trend drives up rental prices and limits the stock of affordable housing, making it even more challenging for unhoused individuals to find stable accommodation.

Health Issues and the Economic Burden of Medical Care

For many in the unhoused community, health issues represent not just a physical or emotional challenge but also a substantial economic burden. The cost of medical care, often unaffordable for those without stable income or health insurance, exacerbates their financial strain. Chronic illnesses, mental health conditions, or disabilities require ongoing treatment and medication, which are often prohibitively expensive. Unforeseen medical emergencies can quickly deplete limited savings, pushing individuals at the brink of poverty into homelessness. The lack of affordable healthcare options leaves many in the unhoused community with untreated conditions, further impairing their ability to secure stable employment and housing.

Adverse Life Events and Financial Vulnerability

Adverse life events such as job loss, family breakdowns, or the loss of a primary earner can rapidly transition individuals from a state of economic stability to one of vulnerability. The costs associated with these life-changing events - legal fees for divorces or custody battles, funeral costs, or sudden unemployment - often leave individuals without a financial safety net. In the absence of adequate savings or support systems, such events can precipitate a slide into poverty and homelessness.

Utilization of Education

Despite possessing education and skills, unhoused individuals frequently find it difficult to leverage their qualifications for economic benefit. The gap in their resumes, societal stigma, and the lack of current references often overshadow their educational achievements and work experience.

Stigmas in the Workforce

Societal stigmas and misconceptions about homelessness present significant barriers to workforce participation. Unhoused individuals often face discrimination and prejudice during job searches and in the workplace, which can lead to reduced employment opportunities and hinder their efforts to achieve economic stability.

Unaffordability of Increased Cost of Living

The rising cost of living in Lincoln County places immense pressure on those who are already struggling financially. Increases in rent, utilities, food, and transportation costs can disproportionately impact individuals and families on the brink of poverty. As wages fail to keep pace with these rising expenses, even those who are employed may find

themselves choosing between essential needs like housing, food, and healthcare. This financial strain can lead to a precarious living situation, where a single unexpected expense or income disruption can result in homelessness.

Economic Pressure on Poverty-Stricken and At-Risk Populations

Individuals and families who are at risk of poverty face a relentless escalation of economic pressure. The cumulative effect of low wages, high living costs, and the unaffordability of healthcare and other essentials creates a vicious cycle. Those already struggling financially are the most vulnerable to the impacts of economic downturns, job market fluctuations, and cuts to public assistance programs. This vulnerability is heightened in regions like Lincoln County, where the availability of affordable housing is increasingly scarce due to market trends such as the proliferation of short-term rentals and second homes.

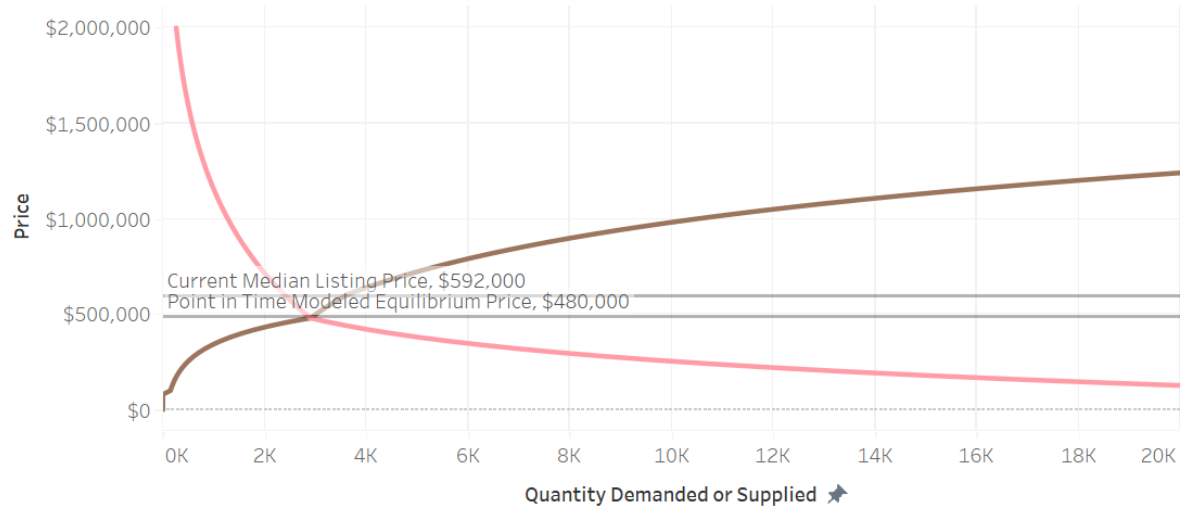
The economic pressures faced by the unhoused and those at risk of homelessness in Lincoln County are a confluence of health-related expenses, adverse life events, and the escalating cost of living. Addressing these challenges requires a comprehensive approach that includes expanding access to affordable healthcare, providing financial assistance and support during life crises, and addressing the rising cost of living through policy and community initiatives. By tackling these issues, Lincoln County can create a more supportive environment for its most vulnerable residents, reducing the risk of homelessness and fostering greater economic stability.

Building Our Way Out of the Homeless Crisis: Modeling to Predict Economic Impacts

During the course of our research, the Finance and Economics workgroup focused on evaluating the feasibility of addressing Lincoln County's homelessness crisis by significantly increasing the housing supply. By analyzing current housing supply and demand, then modeling the impact of changes in these dynamics, we aimed to understand how such an approach would affect housing affordability in the county. This area of analysis takes into account various factors that contribute to the market dynamics, including median home prices, income levels, and the existing housing stock.

Findings from Model 1 of 3

Our findings indicate that the current equilibrium price in Lincoln County's housing market is approximately $480,000, with the actual median listing price hovering around $592,000. This disparity suggests that homes are being listed at prices significantly above what would be expected based on supply and demand alone. In comparison, the median income in Lincoln County stands at $54,961, with a per capita income of $32,776. This discrepancy between income levels and housing prices highlights a severe affordability gap, placing homeownership beyond the reach of many residents.



Sources: Realtor.com, Census Bureau, Federal Reserve
Modeling: Morant McLeod

Measure Names
Quantity Demanded
Quantity Supplied

Existing Housing Stock and Its Implications

The housing stock in Lincoln County is predominantly comprised of single-family homes, accounting for 95.8% of the total. The lack of diversity in housing types, particularly a shortage of multi-family and affordable housing units, contributes to the high housing prices. The dominance of single-family homes tends to cater to higher-income groups and does not adequately address the needs of low-income or vulnerable populations, further exacerbating the affordability crisis.

Impact of Short-Term Rentals and Second Homes

The prevalence of short-term rentals and second homes in the county also plays a significant role in the housing market dynamics. These properties reduce the availability of long-term rental housing, driving up prices and limiting options for residents seeking affordable accommodations. This trend contributes to the higher median listing prices and the disconnect between the equilibrium price and the actual market prices.

Economic Pressures and Homelessness

Furthermore, individuals and families in Lincoln County face various economic pressures, including rising living costs and health-related expenses, which affect their housing affordability. Those at risk of poverty or already experiencing homelessness are particularly vulnerable to these market dynamics. The high cost of living, combined with the scarcity of affordable housing options, creates a challenging environment for securing stable and affordable housing.

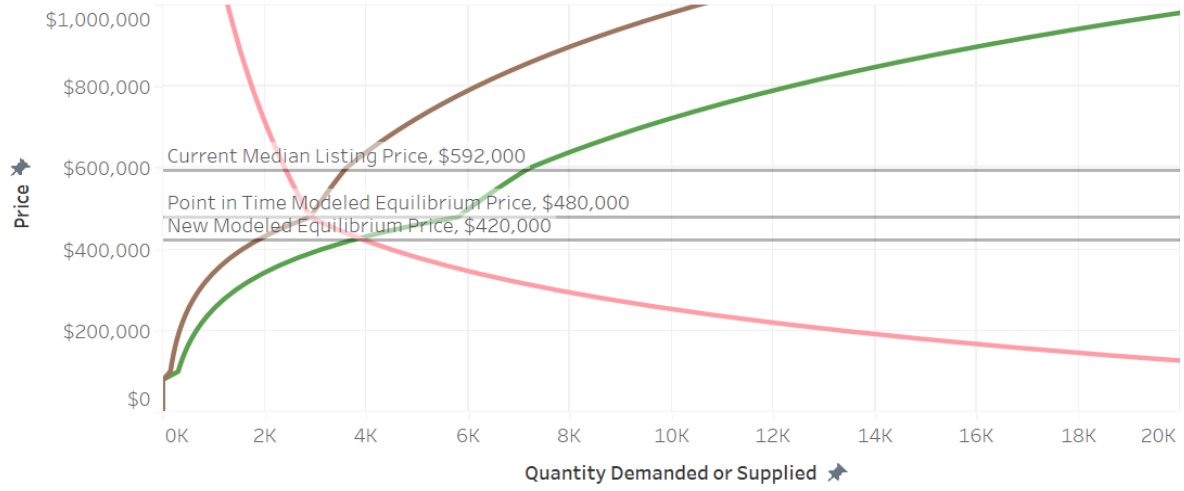
The current housing market analysis in Lincoln County reveals a complex scenario where high median listing prices, predominance of single-family homes, and the impact of short-term rentals and second homes contribute to a significant affordability gap. Understanding these factors is crucial for developing strategies that effectively address the housing affordability crisis in the county. It is clear that simply increasing the housing supply without addressing these underlying issues may not lead to the desired outcome of improved affordability and accessibility for all residents.

Findings from Model 2 of 3

The original model predicted a decrease in the equilibrium housing price from $480,000 to $420,000 with a significant increase in housing supply. This drop in price suggests that a larger number of homes could potentially make housing more affordable for residents, assuming other market conditions remain constant.

Several factors must be considered when evaluating the impact of increased housing supply:

- **Type of Housing Added**: The effectiveness of increasing the housing supply depends significantly on the types of housing introduced. Adding more single-family homes may not adequately address the affordability issue, especially for low-income individuals. Incorporating a mix of housing types, including multi-family units and affordable housing, is crucial.
- **Location and Infrastructure**: The location of new housing developments and their integration with existing infrastructure and services also play a vital role. Developments that are far from employment centers or lack necessary amenities may not be as effective in meeting the community's needs.
- **Development Costs and Timeframes**: The cost and time required to develop new housing can impact the supply increase's effectiveness. High development costs may lead to higher final housing prices, while lengthy construction timelines can delay the benefits of increased supply.



Sources: Realtor.com, Census Bureau, Federal Reserve
Modeling: Morant McLeod

Measure Names
- Quantity Demanded
- Quantity Supplied
- Supply Curve Shift

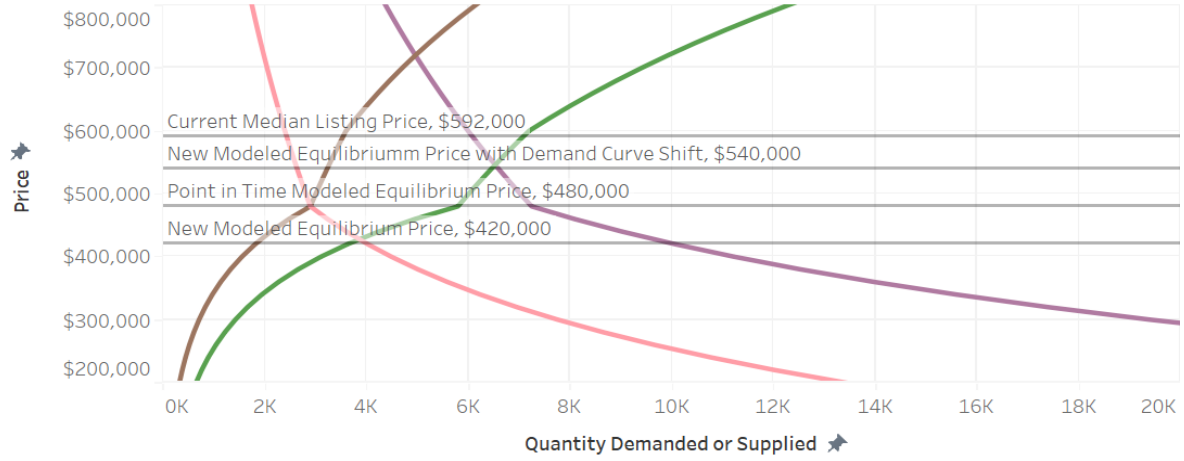
Broader Market Dynamics

Increasing the housing supply does not occur in isolation and can affect other market dynamics:

- **Attractiveness of the Market**: An increase in housing supply may make the area more attractive, potentially drawing in new residents and investors. This influx can create additional demand, which may counteract the initial price reduction effect.
- **Impact on Current Homeowners**: For current homeowners, an increase in supply may impact the value of their properties. This could have broader economic implications, affecting consumer spending and investment decisions.
- **Long-term Market Equilibrium**: The long-term impact on the housing market equilibrium needs to be considered. Market forces may eventually adjust to the new supply levels, potentially stabilizing prices but not necessarily resulting in the initially anticipated price reduction.

Findings from Model 3 of 3

Our initial model suggested that an increase in housing supply would lower the equilibrium price from $480,000 to $420,000. However, when accounting for the subsequent shift in the demand curve due to this increased supply, we observed a potential rise in the equilibrium price to $540,000. This indicates that an increase in supply might inadvertently boost demand, thereby pushing prices higher than initially expected.



Sources: Realtor.com, Census Bureau, Federal Reserve
Modeling: Morant McLeod

Measure Names
- Quantity Demanded
- Quantity Supplied
- Supply Curve Shift
- Demand Curve Shift

Factors Influencing Demand Curve Shift

Several key factors contribute to this potential shift in the demand curve:

- **Market Attractiveness**: An increase in housing availability can enhance the market's attractiveness, potentially attracting new residents and investors. This influx can increase demand, offsetting the initial price reduction caused by the increased supply.
- **Perceived Affordability**: The initial decrease in prices might lead to a perception of improved affordability, drawing in buyers who were previously priced out of the market. This could further elevate demand.

- **Economic Growth and Employment Opportunities**: Economic development and job creation in Lincoln County could result in an increased population seeking housing, thereby elevating demand.

- **Investment and Speculation**: Lower housing prices might attract investors and speculators, who purchase properties with the expectation of future price appreciation. This speculative buying can further drive up demand and prices.

Broader Economic and Social Impacts

The potential increase in demand, and consequently housing prices, has broader economic and social implications:

- **Impact on Low-Income and Vulnerable Populations**: If housing prices rise due to increased demand, the initial goal of making housing more affordable for low-income and vulnerable populations may not be achieved. This could exacerbate the existing affordability crisis.

- **Changing Housing Market Dynamics**: The interplay of supply and demand might lead to a more volatile housing market, with fluctuations that could impact both current and prospective homeowners.

- **Long-Term Housing Market Stability**: The long-term stability of the housing market could be impacted, with potential cycles of boom and bust, making it difficult for policies aimed at stable growth to be effective.

Policy and Strategic Recommendations

Given these complexities, comprehensive coordination and policy interventions that include economic development, housing, and service related interventions are essential to ensure that increasing housing supply achieves the desired outcome of improved affordability:

- **Monitoring and Regulation**: Continuous monitoring of the housing market and regulatory measures may be necessary to mitigate rapid price fluctuations and speculation.

- **Targeted Affordable Housing Policies**: Implementing policies specifically targeted at affordable housing, such as housing subsidies or incentives for

developers to build affordable units, can help ensure that new supply benefits those most in need.

- **Comprehensive Economic Development Strategies**: Aligning housing policies with broader economic development strategies can help manage the influx of new residents and ensure that housing supply matches the community's needs.

Given these complexities, policy interventions may be required to ensure that the increase in housing supply effectively addresses affordability. Such interventions could include incentives for affordable housing development, zoning law reforms to facilitate diverse housing types, and measures to ensure that new developments are integrated with necessary infrastructure and services.

While the second model predicts that increasing the supply of housing in Lincoln County would lower the equilibrium price, the actual impact on the housing market and affordability is influenced by a variety of factors. The type of housing, market dynamics, and broader economic conditions all play a role in determining the effectiveness of this approach. A nuanced understanding of these factors is essential for policymakers and stakeholders to make informed decisions that will truly benefit the community and address the housing affordability crisis.

Our third, expanded modeling indicates that while increasing housing supply in Lincoln County is a critical step towards addressing affordability, it may also lead to a shift in the demand curve, potentially elevating housing prices. A multifaceted approach, encompassing strategic planning, policy intervention, and continuous market monitoring, is essential to ensure that the increase in housing supply translates into real and sustainable benefits for all segments of the community, particularly those most in need of affordable housing options.

Aligning Economic Development Networks with HUD's Seven Phases of Housing to Support Unhoused Communities

In addressing the multifaceted challenges faced by unhoused communities in Lincoln County, our research has identified a structured approach to aligning economic development services with the seven phases of housing as defined by the United States Department of Housing and Urban Development (HUD). This section details the specific economic needs and related services for each phase, discussing the potential impact on unhoused communities when economic development networks, service providers, and housing administrators work in tandem.

Phase 1: Houseless

For individuals experiencing houselessness, immediate needs center around rehabilitation programs and navigation or day centers. These services provide critical support in stabilizing individuals, offering guidance, and preparing them for reintegration into the workforce. The impact of these services is foundational, setting the stage for more complex economic and employment-related interventions.

Phase 2: Emergency Shelter and/or Winter Shelter

In this phase, the focus shifts to developing skills and work readiness. Services like skills and experience interviews, assessments for employee accommodations, and employer matching are crucial. Additionally, rehabilitation programs and workforce barrier assessments help individuals overcome specific challenges they face in gaining employment, paving the way for sustainable economic independence.

Phase 3: Transitional and/or Transformational Housing

In the Transitional and/or Transformational Housing phase, economic development services in Lincoln County are geared towards equipping individuals with the necessary tools for independence. This phase focuses on skill building, education planning, and vocational training, tailored to suit individual career paths and market demands. Support extends to creating job seeker profiles on platforms like iMatchSkills, offering resume building, interview preparation, and facilitating employer matching. Additionally, school assistance for children and rehabilitation programs for adults are integral, ensuring a holistic approach to readiness for employment. Establishing necessary employee accommodations is also a key service, bridging the gap between the workforce and housing stability.

Phase 4: Supportive Housing or Permanent Supportive Housing

As individuals transition to Supportive or Permanent Supportive Housing, the emphasis shifts to ensuring long-term stability and growth. Continuous access to medical and mental health care is pivotal in this phase, supporting ongoing health and employment. Legal services are provided to navigate any barriers, while ongoing skill development and education ensure that individuals are not just employed but are also progressing in their careers. Collaboration with career navigation partners and agencies offers guided support for career advancement. This phase is characterized by a focus on sustaining employment, advancing in careers through on-the-job training and credentialing, and developing individualized strategies for continued personal and professional development. These efforts are crucial in maintaining long-term housing stability and fostering self-sufficiency.

Phase 5: Affordable Rental / Subsidized Housing

As individuals move into more stable housing situations, the focus on economic development includes school assistance, concurrent educational credits, career pathway planning, and individualized learning strategies. Collaboration with career

navigation partners and on-the-job training are integral to ensuring that residents progress towards acquiring credentials and stable employment.

Phase 6: Affordable Home Ownership

In this phase, the emphasis is on attaining industry and education certifications and securing job placements in middle-skilled or higher positions with clear career trajectories. This level of economic stability is essential for sustainable homeownership, particularly for residents who have transitioned from homelessness.

Phase 7: Private Market Rental & Home Ownership

For individuals in private market rentals and homeownership, economic services focus on career stability, acquiring stackable credentials, accessing fiscal resources, and professional development. These services ensure long-term economic security and the ability to maintain and thrive in private market housing.

Aligning economic development services with the HUD housing continuum phases offers a structured and holistic approach to supporting the economic needs of unhoused communities. By integrating these services with the efforts of housing administrators and service providers, it is possible to create a more cohesive and effective support system. This approach not only addresses immediate needs but also focuses on long-term economic stability and self-sufficiency, which are crucial for breaking the cycle of homelessness and ensuring sustainable housing solutions for Lincoln County's unhoused population.

Not All Unhoused Individuals are Unemployed

Contrary to common perception, not all individuals facing homelessness are unemployed; many fall into the category of 'underemployed'. Underemployment refers to the situation where individuals are working, often in part-time or low-wage roles, but the nature of their employment is insufficient to meet their basic needs, including stable housing. In Lincoln County, a notable segment of the unhoused population is engaged in some form of employment, yet they remain unable to secure permanent housing due to the precarious nature of their work, which is often characterized by irregular hours, inadequate pay, and lack of job security.

Characteristics of Underemployment Among the Unhoused

The underemployed unhoused individuals often work in sectors like hospitality, retail, or casual labor, where jobs are susceptible to economic fluctuations and offer little in the way of benefits or advancement opportunities. These jobs rarely provide a livable wage in the context of Lincoln County's cost of living, and the absence of stable income complicates the ability to plan for and secure housing.

Employment Interventions for Unhoused Communities

To address underemployment among the unhoused, specific employment interventions are needed:

Job Training and Education Programs:

- Tailored training programs that equip individuals with skills relevant to in-demand industries can enhance employability and the potential for higher wages.
- Education programs should also focus on soft skills like communication and time management, which are critical for long-term employment success.

Supportive Employment Services:

- Initiatives like job placement assistance, resume-building workshops, and interview preparation can help unhoused individuals navigate the job market more effectively.

- Ongoing support post-employment, including mentorship and counseling, can aid in job retention and career advancement.

Creating Pathways to Stable Employment:

- Collaborations with local businesses to create employment opportunities specifically for unhoused individuals.
- Development of apprenticeship or internship programs that provide hands-on experience and a pathway to permanent employment.

Addressing Barriers to Employment:

- Providing support for common barriers such as transportation to and from work, child care for working parents, and flexible work schedules to accommodate those with unique challenges.
- Ensuring access to necessary resources such as work attire and tools, and assistance with obtaining necessary documentation for employment.

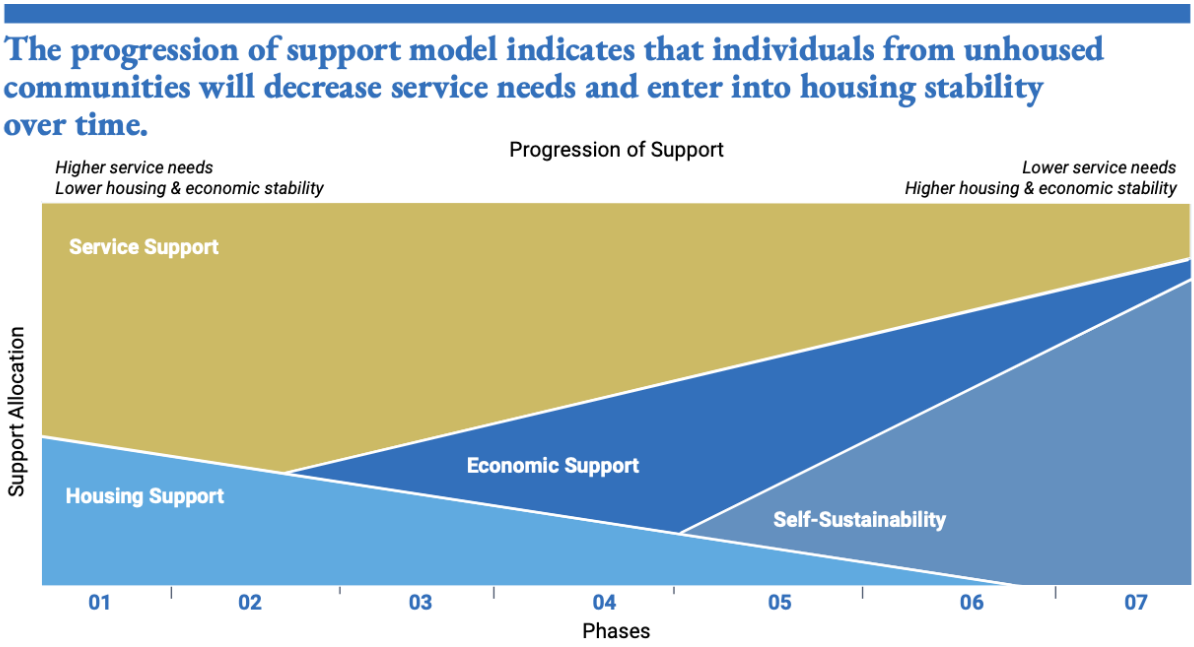
Advocacy for Livable Wages:

- Engaging with policymakers and community leaders to advocate for minimum wage adjustments that reflect the living costs in Lincoln County.
- Promoting employer awareness about the importance of livable wages and job stability in combating homelessness.

The issue of underemployment among Lincoln County's unhoused population highlights the need for comprehensive employment interventions that go beyond merely providing jobs. These interventions must address the specific challenges faced by underemployed individuals, offering pathways to stable, well-paying employment that can support the attainment and maintenance of housing. By focusing on both immediate employment needs and long-term career development, these strategies can play a critical role in breaking the cycle of homelessness and underemployment in the community.

Progression of Support Model

The Progression of Support model provides a comprehensive framework for Lincoln County's approach to homelessness, integrating the seven phases of housing, services, and economic needs. This model is visualized as a continuum, illustrating the support allocation across different phases, with a focus on the journey toward self-sufficiency and the consideration of individual circumstances, such as age and work capability.



In the design of the Progression of Support model, a distinct correlation is evident between the phases of support and the varying levels of service needs, housing, and economic stability. In the earlier phases, particularly Phases 1 through 3, which encompass the Houseless stage to Transitional Housing, there is a heightened need for services. This is a period marked by significant instability where individuals require substantial assistance, ranging from emergency shelter and rehabilitation to job training and initial steps towards education and skill development. These services are crucial in addressing the immediate challenges faced by the unhoused, setting the foundation for their journey towards stability. As the model progresses into the later phases, especially from Phase 4 (Supportive Housing or Permanent Supportive Housing) onwards, there is a noticeable shift towards higher housing and economic stability. The dependency on

intensive services gradually decreases as individuals gain more stable footing in terms of secure housing and sustainable employment. In these phases, the focus is on reinforcing the stability already achieved, with an emphasis on long-term employment prospects, financial independence, and the acquisition of permanent housing. The model thus reflects a transition from a high-dependency, service-intensive approach in the early stages to a more self-sufficient and stability-oriented approach in the later stages.

Description of the Model

Each phase in the model is characterized by specific types of housing, services, and economic support that cater to the unique needs of individuals at that stage:

- **Phases 1 to 3 (Houseless to Transitional Housing):** These initial phases are marked by intensive support, including emergency shelter, rehabilitation, and employment services, aiming to stabilize individuals in crisis.
- **Phase 4 (Supportive Housing or Permanent Supportive Housing):** As individuals move to supportive or permanent supportive housing, the model begins to shift towards self-sufficiency. This phase is pivotal as it represents a potential ceiling for those who are past working age. For such individuals, the model emphasizes sustainable support that ensures stability and dignity, even if full economic independence may not be feasible.
- **Phases 5 to 7 (Affordable Rental to Private Market):** In these phases, the focus increasingly shifts towards self-reliance. The support provided evolves to facilitate individuals' transition to affordable homeownership or private market rentals, with an emphasis on long-term economic stability. Services are geared towards career advancement, financial planning, and access to continuing education.

Self-Sufficiency and Consideration of Individual Circumstances

The model recognizes that self-sufficiency is a gradual process and varies based on individual circumstances, particularly age and employment potential. It highlights that for some, particularly older adults or those unable to work, Phase 4 may represent the peak of their self-sufficiency journey. In these cases, the model ensures that adequate support systems are in place to maintain their quality of life and prevent a return to earlier phases of instability.

Safety Net Across All Phases

Importantly, the model incorporates a safety net throughout, acknowledging that life circumstances can change unpredictably. This safety net is crucial to protect the gains made by individuals at various phases and to offer a buffer against potential setbacks.

The Progression of Support model in Lincoln County is a dynamic and empathetic approach to addressing homelessness. By aligning housing, services, and economic support with the realities of individuals' lives, including their age and work capability, the model provides a nuanced roadmap for guiding individuals towards stability and self-sufficiency, while ensuring continued support for those who have reached their potential in terms of economic independence. This balanced approach is key to building a resilient and inclusive community.

Transportation

In coastal, rural regions like Lincoln County, the challenges of transportation for unhoused communities are markedly different and often more complex than those in urban areas. This expanded section of the report delves into the specific transportation needs within Lincoln County, a region characterized by its unique geographic and demographic features. Unlike urban centers with denser populations and more established public transit systems, Lincoln County's coastal and rural nature presents distinct challenges that critically impact the mobility of its unhoused population.

Geographic and Demographic Challenges

Lincoln County, with its sprawling, rugged terrain and scattered population centers, lacks the comprehensive public transportation infrastructure commonly found in urban environments. The vast distances between various service providers, combined with limited public transit routes, create significant barriers for residents, particularly those without personal vehicles. This rural setting poses unique hurdles in providing consistent and efficient transportation services.

Accessibility and Connectivity Issues

The county's coastal geography, characterized by smaller towns and communities spread along the coastline and inland areas, results in service providers being geographically dispersed. This dispersion exacerbates accessibility issues, as individuals often need to travel long distances to access essential services like shelters, healthcare facilities, job centers, and supportive housing. The lack of connectivity between these services further complicates the ability of unhoused individuals to engage consistently with the support systems they need.

Impact on Unhoused Communities

For the unhoused communities in Lincoln County, these transportation challenges are not merely an inconvenience but a significant barrier to accessing the support and resources necessary for stability and self-sufficiency. The ability to travel to service locations is crucial for engaging with the seven phases of support, from emergency services to employment and housing opportunities. Without reliable transportation, the pathway out of homelessness becomes increasingly difficult, and the effectiveness of support services is diminished.

- **Phase 1 (Houseless):** In the initial phase, transportation is crucial for accessing emergency services, shelters, and rehabilitation programs. Without reliable transport, individuals in crisis may be unable to reach the help they need promptly.
- **Phase 2 (Emergency Shelter/Winter Shelter):** Here, transportation is needed for individuals to attend interviews, engage in employment services, and access healthcare. The ability to travel to different service locations is vital for maintaining safety and accessing resources for survival and stability.
- **Phases 3 and 4 (Transitional/Supportive Housing):** As individuals move into transitional or supportive housing, transportation becomes key to attending job training, educational programs, and regular healthcare appointments. Consistent access to transportation supports the journey towards self-sufficiency.
- **Phase 5 (Affordable Rental/Subsidized Housing):** In this phase, individuals often need to balance employment, education, and family responsibilities. Reliable transportation is crucial for maintaining employment and accessing continuing education and childcare.
- **Phases 6 and 7 (Affordable Home Ownership/Private Market):** As individuals gain more stability, transportation remains important for sustaining employment, accessing advanced educational opportunities, and participating fully in community life.

Need for Tailored Transportation Solutions

Given these unique challenges, Lincoln County requires tailored transportation solutions that account for its rural and coastal characteristics. Addressing these needs is essential for ensuring that all residents, regardless of their housing status, have access to the support services essential for their well-being and progress. This report will explore the specific transportation needs across the seven phases of support and discuss the role of both government-led initiatives and service provider-driven transportation options in meeting these needs.

Government-Level Transportation Options

Government-led initiatives can play a significant role in providing comprehensive transportation solutions. This could include expanded public transit routes, subsidized transit fares for low-income individuals, and specialized transportation services for those with disabilities. Government involvement ensures that transportation services

are consistent, reliable, and accessible to all, regardless of their phase in the support continuum.

Transportation Options Provided by Service Providers

Service providers can complement public transportation by offering targeted transport services. This could include shuttle services between key service locations, transportation assistance for job interviews or medical appointments, and partnerships with local transportation companies. These services are particularly important in areas not adequately covered by public transit or for individuals who require more personalized transportation assistance.

The integration of transportation solutions into the framework of support for unhoused communities in Lincoln County is imperative. Both government-level transportation options and services provided by individual organizations are necessary to ensure that individuals can access the support they need at each phase of their journey towards stability. Effective transportation networks not only facilitate access to essential services but also contribute significantly to the overall success of programs designed to support the unhoused population. Collaboration between government agencies, service providers, and community stakeholders is key to developing and implementing effective transportation solutions that meet the diverse needs of Lincoln County's unhoused residents.

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SECTION 6: RECOMMENDATIONS

SECTION 6: Strategic Recommendations for Addressing Homelessness in Lincoln County

In the wake of a comprehensive analysis of the multifaceted homelessness crisis in Lincoln County, the board is set to adopt a series of strategic recommendations. These recommendations are designed to address the complex interplay of housing, services, economic challenges, and transportation needs that characterize the struggle against homelessness in our coastal, rural community. Recognizing the unique challenges posed by our demographic and geographic context, these strategies are rooted in the insights gained from our extensive research and the Progression of Support model, which provides a nuanced framework for understanding and tackling homelessness.

1. **LCHAB as a Permanent Body**: The first recommendation solidifies the Lincoln County Homeless Advisory Board (LCHAB) as a permanent entity dedicated to addressing homelessness and houselessness. This ensures continued, focused attention on these critical issues and facilitates long-term planning and intervention.

2. **Strategic Goal Adoption**: In alignment with our Progression of Support model, we recommend adopting a strategic goal to reduce homelessness to only emergency and voluntary levels. This approach emphasizes the need for a systematic, phase-specific response to the various needs of the unhoused population.

3. **Policy and Funding Coordination**: Recognizing the importance of unified efforts, the third recommendation calls for the coordination of policy and funding across city, county, regional, and state levels. Such collaboration is crucial for maximizing resources and implementing effective, large-scale solutions.

4. **Navigation System Implementation**: The establishment of a navigation system is vital. Prioritizing the use or development of common data and reporting systems will enhance our ability to track network efficacy and community needs, ensuring resources are directed where they are most needed.

5. **Integration of Local Efforts**: Finally, we advocate for the integration of housing, community services, economic development, and transportation efforts. This

integrated approach is essential for providing comprehensive support to community organizations working directly with the unhoused population.

These strategic recommendations represent a commitment to a coordinated, informed, and compassionate approach to addressing homelessness in Lincoln County. By adopting these strategies, we aim to create a more stable, supportive, and sustainable environment for all members of our community, particularly those who are most vulnerable.

Summary of Recommendations

1. LCHAB to remain a permanent body that focuses on homelessness/houselessness.

2. Adopt the strategic goal to reduce homelessness to emergency & voluntary levels, utilizing the progression of support model.

3. Coordinate policy and funding efforts at city, county, regional and state levels.

4. Stand up and support a navigation system, with a priority to use or develop common data/reporting systems to track each network and community needs.

5. Integrate local housing, community services, economic development and transportation efforts to support and provide resources for community organizations.

Implementing these strategic recommendations will significantly benefit Lincoln County's houseless communities. Establishing LCHAB as a permanent entity ensures ongoing, focused support, while adopting the strategic goal aligned with the Progression of Support model promises a more effective approach to aid. Coordinated policy and funding efforts across government levels will optimize resource use and service delivery. The introduction of a comprehensive navigation system, with an emphasis on data, will facilitate targeted assistance and improved outcomes. Crucially, integrating housing, services, economic development, and transportation initiatives will create a unified support network. This holistic strategy addresses both immediate and long-term needs, paving the way for a more inclusive and resilient community where transitioning from houselessness to housing stability is a supported and achievable journey for all.

Recommendation 1: Lincoln County Homelessness Advisory Board as a Permanent Body

Echoing the foundational work initiated by the 2007 report “At Home in Lincoln County,” the board has officially proposed a critical measure: "Lincoln County Homeless Advisory Board (LCHAB) to remain a permanent body that focuses on homelessness/houselessness." This recommendation signifies a commitment to an ongoing, structured approach in addressing the multifaceted nature of homelessness in the region.

Incorporating a Comprehensive Data Review

An essential function of the LCHAB, as a permanent entity, will be to regularly review and analyze data from all four critical dimensions of homelessness: housing, services, economic pressures, and transportation. This comprehensive data review is pivotal for understanding the full spectrum of issues faced by the unhoused communities and for identifying emerging trends and challenges. By systematically evaluating data across these dimensions, LCHAB can gain a holistic view of the situation, enabling more informed decision-making and strategic planning.

"Lincoln County Homeless Advisory Board (LCHAB) to remain a permanent body that focuses on homelessness/houselessness."

Coordinated Response to Community Needs

The permanence of LCHAB also positions it to effectively coordinate responses to the identified needs in a collective manner. With representatives from each city in Lincoln County, the county itself, the Confederated Tribe of Siletz Indians, and the Community Services Consortium, the board is uniquely equipped to foster collaboration across various municipal and organizational boundaries. This collaborative approach ensures

that responses are not only tailored to specific local needs but also benefit from shared resources, expertise, and insights.

Role of LCHAB in Collective Action

As a centralized body, LCHAB will facilitate the pooling of efforts and resources, encouraging a unified response to homelessness. This includes coordinating policy initiatives, aligning service delivery, and ensuring that economic and transportation strategies are effectively integrated with housing and service efforts. The board's role in collective action is crucial for maximizing the impact of interventions and for ensuring that all segments of the community receive the support they need.

Making LCHAB a permanent, inclusive, and data-driven entity is a significant stride towards a comprehensive and collaborative effort to address homelessness in Lincoln County. By reviewing data across all dimensions of homelessness and coordinating a collective response, LCHAB is well-positioned to lead effective and sustainable strategies to combat and alleviate homelessness, building on the groundwork laid by the 2007 housing plan and adapting to the evolving needs of the community.

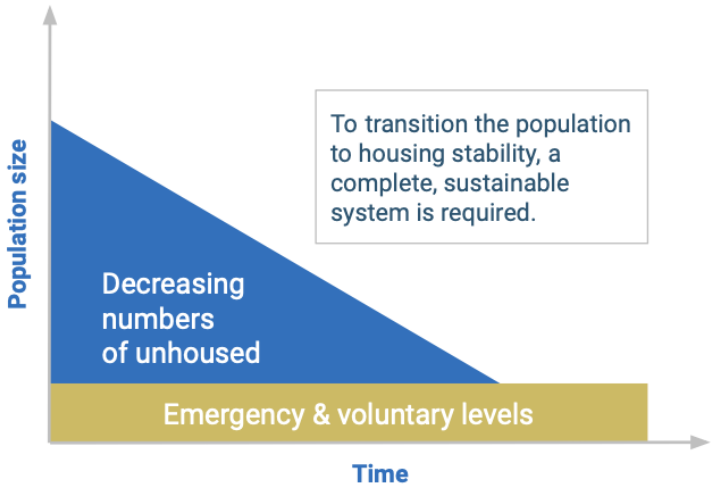
Recommendation 2: Strategic Goal Adoption

In a concerted effort to address the persistent issue of homelessness in Lincoln County, the board has adopted a pivotal strategic goal, articulated as: "Adopt the strategic goal to reduce homelessness to emergency & voluntary levels, utilizing the progression of support model." This goal is reflective of the nuanced understanding of homelessness as gleaned from our comprehensive research and acknowledges the varying circumstances under which individuals become houseless.

"Adopt the strategic goal to reduce homelessness to emergency & voluntary levels, utilizing the progression of support model."

Understanding Emergency and Voluntary Homelessness

Our research indicates that there are instances of houselessness that emerge due to unforeseen emergencies which cannot be entirely prevented. These situations might include natural disasters, sudden economic downturns, or personal crises. Recognizing this, the goal is not to eliminate homelessness entirely, an unrealistic expectation, but to minimize its occurrence to these unavoidable emergencies.



Additionally, there exists a segment of homelessness that can be described as voluntary. This encompasses individuals who, for various personal or lifestyle reasons, choose transient living situations. While this represents a smaller portion of the houseless population, it is a factor that needs to be acknowledged in any comprehensive homelessness strategy.

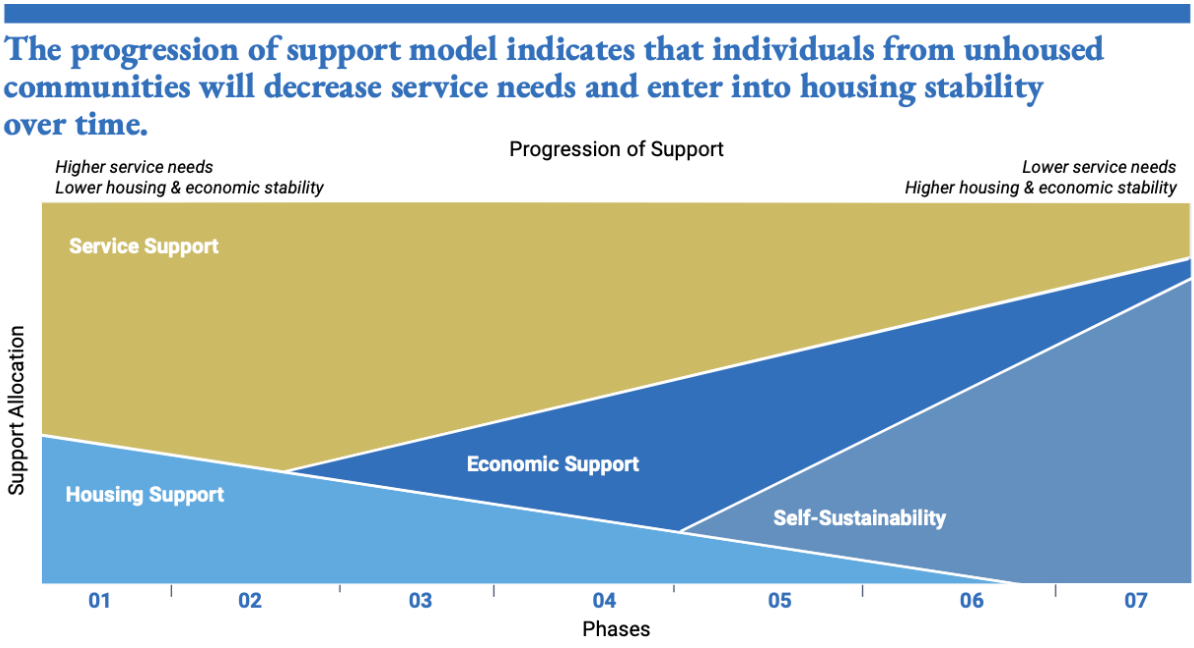
Strategic Goal of Reduction to Manageable Levels

The primary objective of this strategic goal is to reduce the level of homelessness in the community to these emergency and voluntary levels. This approach is realistic and focuses on managing and responding effectively to these situations, rather than an unattainable goal of complete eradication of homelessness.

Utilizing the Progression of Support Model

Central to achieving this goal is the application of the Progression of Support model. This model, with its seven phases of housing support, provides a structured framework to understand and address the varying needs of individuals experiencing homelessness. By aligning resources and interventions with each phase, from emergency shelter to private market rental and homeownership, the model facilitates targeted support that efficiently assists individuals in their journey towards stability.

The model also serves as a guide for the allocation of resources. By understanding the specific needs at each phase, the board can ensure that resources are directed where they are most needed, thereby maximizing their impact. This targeted approach is crucial for moving individuals through the phases effectively and, where possible, aiding their transition to the seventh phase of self-sufficiency and stable housing.



The adoption of this strategic goal, grounded in the practical realities of homelessness and the insightful Progression of Support model, represents a significant step forward in Lincoln County's efforts to combat homelessness. By focusing on reducing homelessness to manageable levels and utilizing a phased support approach, the board sets a realistic and structured path to address this complex issue. This strategy acknowledges the inevitability of certain houselessness situations while striving to provide comprehensive support to those in need, ultimately aiming to guide as many individuals as possible towards stability and independence.

Recommendation 3: Policy and Funding Coordination

The board's strategic goal, "Coordinate policy and funding efforts at city, county, regional and state levels," addresses a pivotal aspect of tackling homelessness in Lincoln County. This goal, grounded in our extensive research, emphasizes the necessity of a consolidated approach across various governmental and organizational levels. Such coordination not only streamlines efforts and resources but also positions the region to more effectively attract state and federal funding.

Reducing Administrative Distance and Fostering Collaboration

A critical component of this strategy involves bridging the administrative distance between larger entities and smaller, local organizations. By aligning efforts, these groups can collectively pursue funding opportunities, share best practices, and efficiently address the needs of the homeless population. Larger organizations, with their broader reach and resources, can support smaller non-profits in service delivery, allowing for a more cohesive response to homelessness across the region.

"Coordinate policy and funding efforts at city, county, regional and state levels."

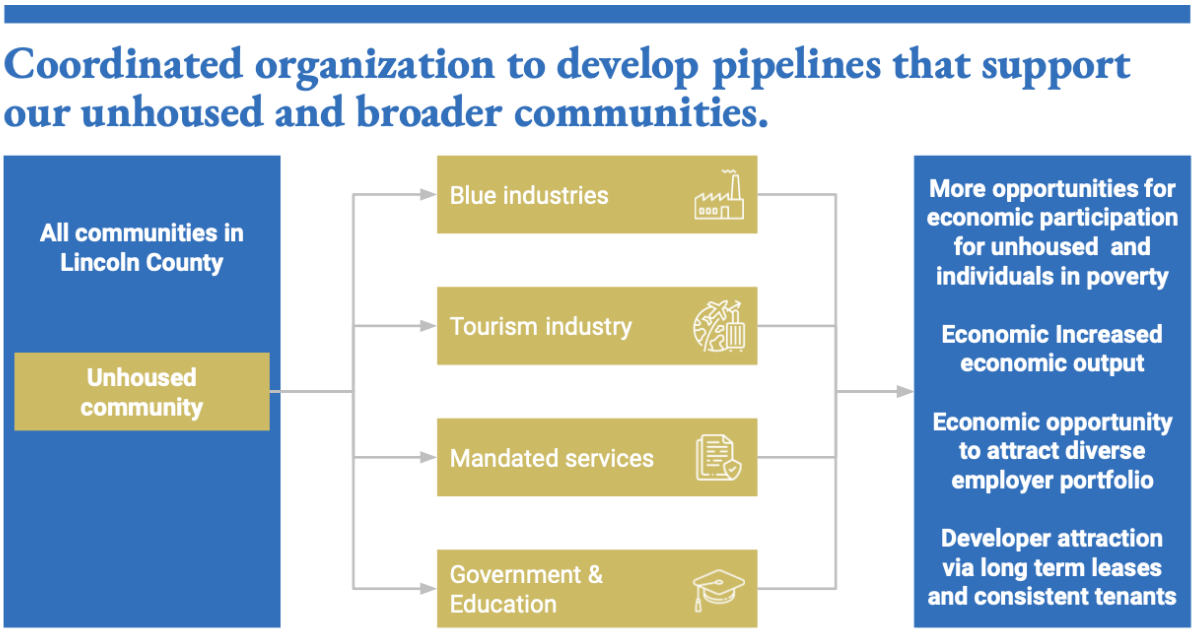
Leveraging Unique Strengths of Municipalities

Each city and municipality within Lincoln County brings unique strengths to the table. Some areas may excel in creating employment opportunities and programs, while others possess the necessary land or infrastructure for affordable housing development. By coordinating these individual capabilities, the region can develop a comprehensive strategy that leverages the full spectrum of resources available, ensuring balanced and sustainable growth.

Creating an Attractive Landscape for State and Federal Funding

One of the most significant advantages of this coordinated approach is its potential to make Lincoln County more attractive for state and federal funding. A consolidated and

unified regional strategy demonstrates effective use of resources, clear planning, and a commitment to addressing homelessness in a comprehensive manner. Such a display of regional unity and efficiency is often a key criterion for larger funding bodies, making Lincoln County a more compelling candidate for these critical funds.



Envisioning a New Day for Lincoln County

This coordinated approach heralds a new era for Lincoln County, where the collective effort transcends individual municipal boundaries and leads to a stronger, more unified region. The consolidation of policies, funding efforts, and resources promises not only an enhanced response to homelessness but also a brighter future for the entire county. By working together, Lincoln County can achieve significant strides in addressing homelessness, supported by a robust framework that attracts increased state and federal assistance.

The third strategic goal sets a clear path for Lincoln County, emphasizing the power of collaboration and coordination across all levels of government and organizations. This unified approach is vital for maximizing the impact of efforts to combat homelessness and for elevating the region's profile in securing necessary funding. It is a strategy that promises not only immediate benefits for those in need but also long-term, sustainable development for the entire region.

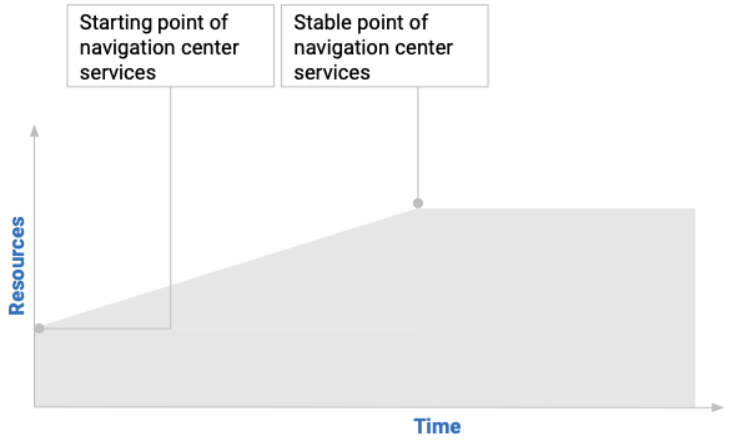
Recommendation 4: Navigation System Implementation

In alignment with the broader strategy to address homelessness in Lincoln County, the board has articulated its fourth strategic goal: "Stand up and support a navigation system, with a priority to use or develop common data/reporting systems to track each network and community needs." This goal underscores the importance of a cohesive, integrated approach in managing and responding to the needs of the unhoused or those at risk of homelessness.

A navigation center is needed to centralize efforts across municipalities. The center acts as a hub of information with a connected, "no wrong door" approach.

Initiating the navigation center at a communications and referral service level.

Depending on service need, the center will grow to a future stable point.



Comprehensive Participation in the Navigation System

The proposed navigation system is envisioned to be all-encompassing, involving participation from all housing programs, service providers, economic support resources, governmental offices, and healthcare organizations across the county. This inclusive approach ensures that the system has a broad reach, covering every aspect of support needed by the unhoused population, including mental, dental, vision, and general healthcare services. The integration of these diverse resources into a single navigation system facilitates a more streamlined and effective response to homelessness.

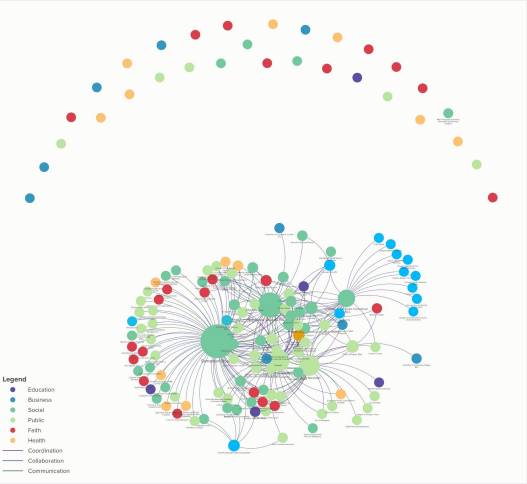
"Stand up and support a navigation system, with a priority to use or develop common data/reporting systems to track each network and community needs."

'No Wrong Door' Approach

A key feature of this navigation system is the implementation of a 'no wrong door' approach. This methodology ensures that individuals seeking help can approach any service provider within the network and receive guidance, information, or referral to appropriate services without delay. Whether an individual first contacts a housing program, a healthcare clinic, or a government office, the system is designed to provide immediate access to the wider network of services. This approach not only simplifies the process for those seeking help but also ensures that opportunities for assistance are maximized.

Administration and Coordination of the System

Effective administration of the navigation system is crucial. This involves maintaining an active understanding of the intake processes and eligibility requirements of all participating service providers. The administration team should be equipped to refer individuals to the most suitable organization based on their immediate needs. Additionally, the system needs to have up-to-date information on the availability and operational hours of each service provider, along with their current capacity, to maintain responsiveness and efficiency.



Current image of the service network.

Data Collection and Reporting

A vital component of this system is the collection and analysis of data from each service provider. This data should encompass the four key dimensions of housing,

services, economic, and transportation needs, providing a comprehensive overview of service capacity and community requirements. Regular reporting of this data to the board is essential for informed decision-making and strategic planning. It allows the board and its municipal members to identify trends, gaps, and areas of need, facilitating a collaborative and proactive response.

The establishment of a navigation system, as outlined in this strategic goal, represents a significant advancement in the way Lincoln County addresses homelessness. By ensuring wide-ranging participation, adopting a 'no wrong door' approach, and focusing on effective administration and data-driven insights, this system promises to significantly enhance the coordination and delivery of services. It marks a crucial step towards a more connected, efficient, and responsive support network for the unhoused and at-risk populations in Lincoln County, driving collective efforts towards more sustainable solutions.

Recommendation 5: Integration of Local Efforts

The fifth strategic goal, pivotal to the holistic approach towards addressing homelessness in Lincoln County, is articulated as: "Integrate local housing, community services, economic development and transportation efforts to support and provide resources for community organizations." This goal underlines the importance of a unified approach across various sectors, facilitating effective data sharing and resource allocation to combat homelessness.

Data Integration Across Four Dimensions

The establishment of a navigation network is critical in achieving this goal. This network should be designed to compile and analyze data across the four key dimensions: housing, community services, economic development, and transportation. Such comprehensive data collection and reporting are vital for understanding the full spectrum of needs within the homeless community and for identifying areas where support is most urgently required. By viewing these dimensions in tandem, the network can ensure a coordinated response that addresses the multifaceted nature of homelessness.

“Integrate local housing, community services, economic development and transportation efforts to support and provide resources for community organizations.”

Inclusion of Diverse Organizations in Data Collection

While larger organizations in Lincoln County may already be participating in data systems like the Homeless Management Information System (HMIS), smaller organizations often lack the technical resources for such data gathering and reporting. The network should establish mechanisms to bridge this gap. This involves creating

public-private and public-public partnerships with key organizations that can act as conduits for data collection, extending these relationships to include smaller organizations. By doing so, the network ensures that data from all service providers, regardless of their size, is captured and considered in strategic planning.

Formulating Value Propositions for Smaller Organizations

Integrating smaller organizations into the data network offers dual benefits. Firstly, it ensures that their valuable service data is included in the larger homelessness response strategy. Secondly, it provides these organizations with access to resources and support that they might not have independently. The collaborative funding efforts from the third strategic recommendation play a crucial role here, creating a value proposition for smaller organizations. By providing them with resources and incentives to participate in data sharing, the network not only enhances its data quality but also supports the growth and efficacy of these smaller entities.

Build the four networks required to include all organizations. The product of each network will focus on the unhoused population, but also support the community at large.

Strategic Body	Principal Organizations	Networks	Outcomes
LCHAB & Navigation System	**Housing**	Shelters, Municipalities, Private Developers, Funders, Property Managers, Policy Staff, etc	Illumination of Unhoused Community Needs Determining System Needs Locate Funding & Joint Funding Asks Opportunities for Public-Private Partnerships Innovations Reporting Integration into Service Progression Model
	Services	Direct Service Providers, Indirect Service Providers, Municipal Services, Government Services, etc	
	Economic Development	Employers, Potential Employers, Workforce Programs, Northwest Oregon Works, OCWCOG, Education Programs, etc	
	Transportation	Service Network, Service Providers, etc	

Engaging the Private Sector

Extending beyond nonprofits and service providers, these value propositions should also engage the private commercial sector. This includes housing developers, employers with workforce programs, healthcare providers, and transportation companies. Their participation is crucial in creating a comprehensive picture of the resources available and the needs within the community. By involving these private

entities, the network can leverage additional resources and expertise, contributing to a more robust and multifaceted response to homelessness.

Strategic Goal Five represents a commitment to integrating efforts across housing, services, economic development, and transportation, ensuring that all community organizations, big and small, are supported and utilized effectively. By fostering a collaborative environment that values data integration and resource sharing, Lincoln County can create a more cohesive, efficient, and impactful approach to addressing homelessness, with benefits extending to every corner of the community.

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Lincoln County Homelessness Strategic Plan

City Council Meeting

Agenda

- Process Review
- Mission
- Unhoused Community Information
- Housing, Services, & Economics
- Key Facts & Strategy
- Discussion

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Process Review

Process Review: Road Map & Timeline for Strategic Plan Development

January	February - May	June - September	October - December	Next 5 Years
Mission & Goal	**Community Study**	**Analysis**	**Plan**	**Implementation**
To draft our shared goal, and prepare for community validation of the shared goal.	To launch workgroups, organize into workgroups and conduct community-driven research.	To analyze all of the data; create draft strategic plan and supporting work plans for each stakeholder group involved in the shared goal.	To review the plan with the community and finalize. Initialize the creation of a sustainable navigation center.	To bring all aspects of the plan to reality, including meeting or exceeding the targeted outcomes associated with the plan.

Workgroup Structure

Community Engagement focuses on the community experience, needs, and how to bring everyone to the table.

Finance & Economics focuses on quantitative data and understanding how issues relate to financial aspects of our shared goal.

Mental & Physical Health focuses on the well-being of our community and how public services can best create our shared goal.

Service Provision & Policy focuses on housing and other homelessness-related community services, and how local services can bring the shared goal to reality.

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Mission

MISSION

"To ensure that every member of our community has access to the resources they need, while also working to prevent the circumstances that lead to homelessness."

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Unhoused Community Information

The size of the unhoused population across Lincoln County is believed to be around 2,000 individuals

	ESTIMATES	KEY ASSUMPTIONS	LIMITATIONS
School Data Estimate Method	1,748	There is a relationship between the number of unhoused adults and children that are known via PIT and school district counts.	Individuals without children may be under-represented.
Community Size Estimate Method	1,420	There is a relationship between the size of the unhoused community in Yachats and the size of the unhoused community in the rest of Lincoln County.	Larger cities may be under-represented.
Under & Over 18 Allocation Estimate Method	3,101	The children to adult allocation is consistent between unhoused communities and the rest of the county.	Individuals without children may be under- or over-represented. Children under the age of 5 may be under-represented.

Mean	**2,090**
Standard Deviation	**+/- 891**

Many within the unhoused community are currently working, recently without permanent housing, or actively searching for both housing and gainful employment. It's common for them to reach dead-ends in their pursuit.

46 yrs — Average age of the unhoused community. (Ages 19 to 72 yrs sampled.)

2 yrs — *2 yrs, 8 mos.* Since most recent date of employment, average.

3 yrs — *3 yrs, 7 mos.* Since most recent date of permanent housing, average.

Quotes regarding housing goals

"I want a roof over my head, or maybe a boat, RV, or apartment… anything to get off the streets in the winter."

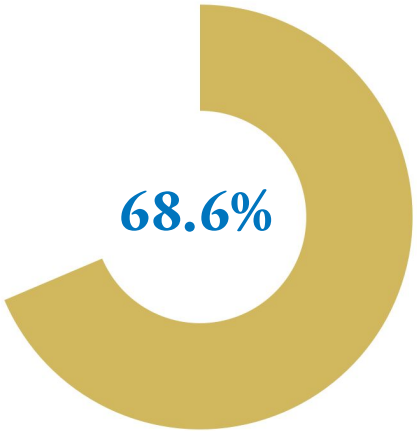
"I want a space to myself, with a working kitchen and bathroom."

"We want a house to get our kids back."

"Get into a house, back on my feet, and find a full time job… but it's impossible when you're camping."

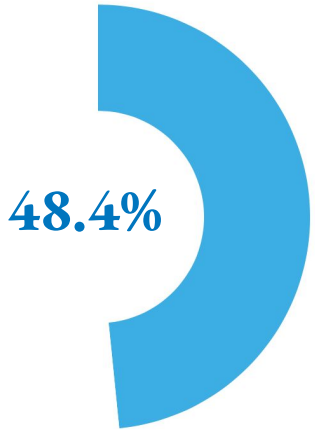
"I would like an apartment or even a shelter. I don't want a homeless camp."

On average, unhoused individuals have been without permanent housing for 3 years and 7 months, although others have been without permanent housing for 11 years or more. Others have lost permanent housing this month.



Percentage of unhoused community **aware of local support services**.

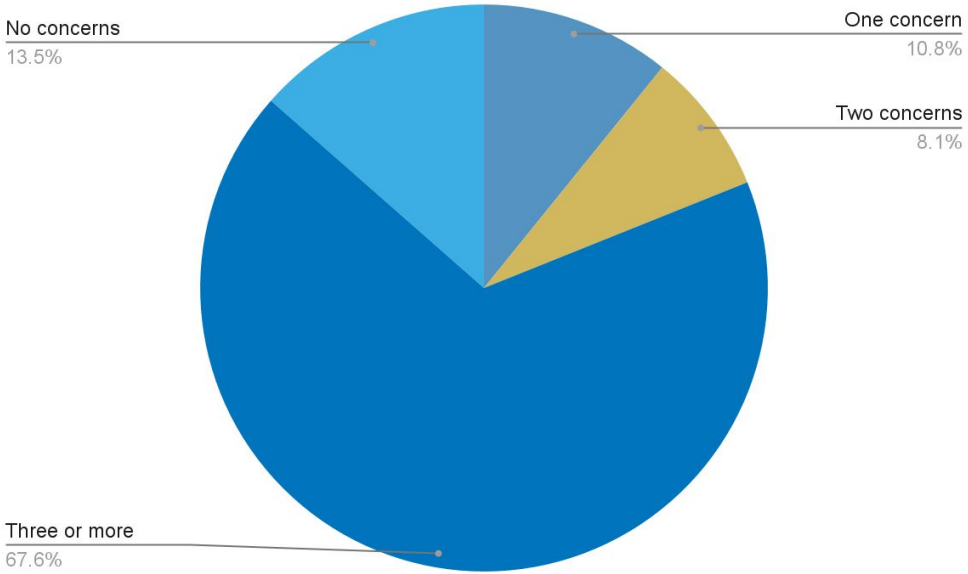
Percentage of unhoused community **who have received local housing services**.



Percentage of unhoused community **who have had difficulty receiving local housing services**.

86.5% of the unhoused community suffers from one or more serious health concerns, despite 77.8% holding medical insurance, primarily from Oregon Health Plan.

Serious health concerns experienced by unhoused community



Percent with:

- Disability: 52.8%
- Mental health conditions: 45.7%
- History of anxiety, depression, or bipolar disorder: 57.5%

Average amount of time:

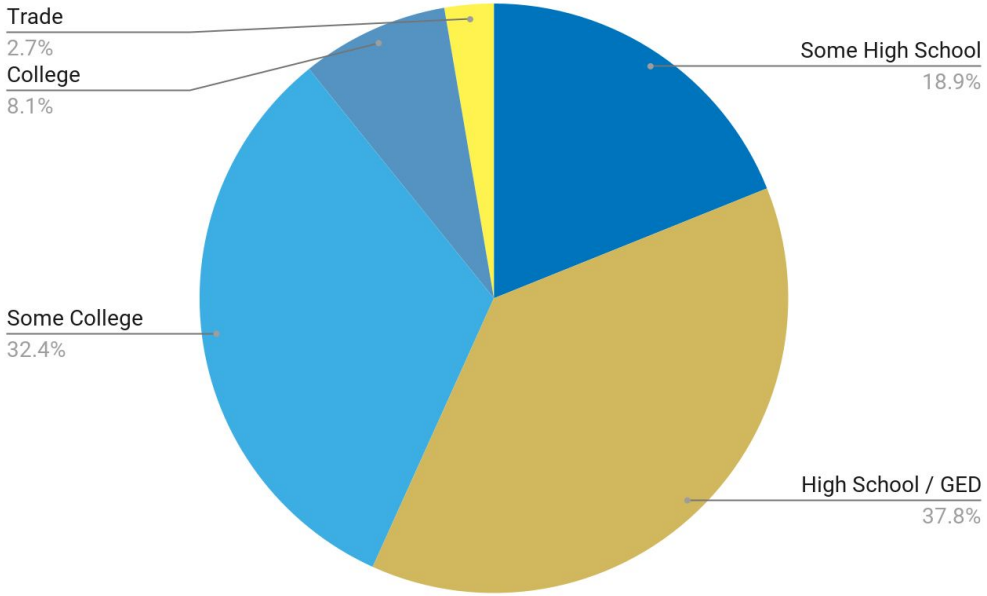
- Since last medical visit: 2 yrs, 7 mos
- Duration of vision concerns: 4 yrs, 8 mos
- Duration of dental concerns: 4yrs, 10 mos

Although the most recent date of employment (average) is 31.6 months (2 years, 8 months) for the unhoused community, at the earlier stages of the education pipeline the profile is similar to that of Lincoln County as a whole.

Unhoused Community: Highest Level of Education

All Lincoln County

- High School / GED: 24.1%
- Some College: 31.0%
- College Degree: 17.6%
- Graduate Degree: 11.0%



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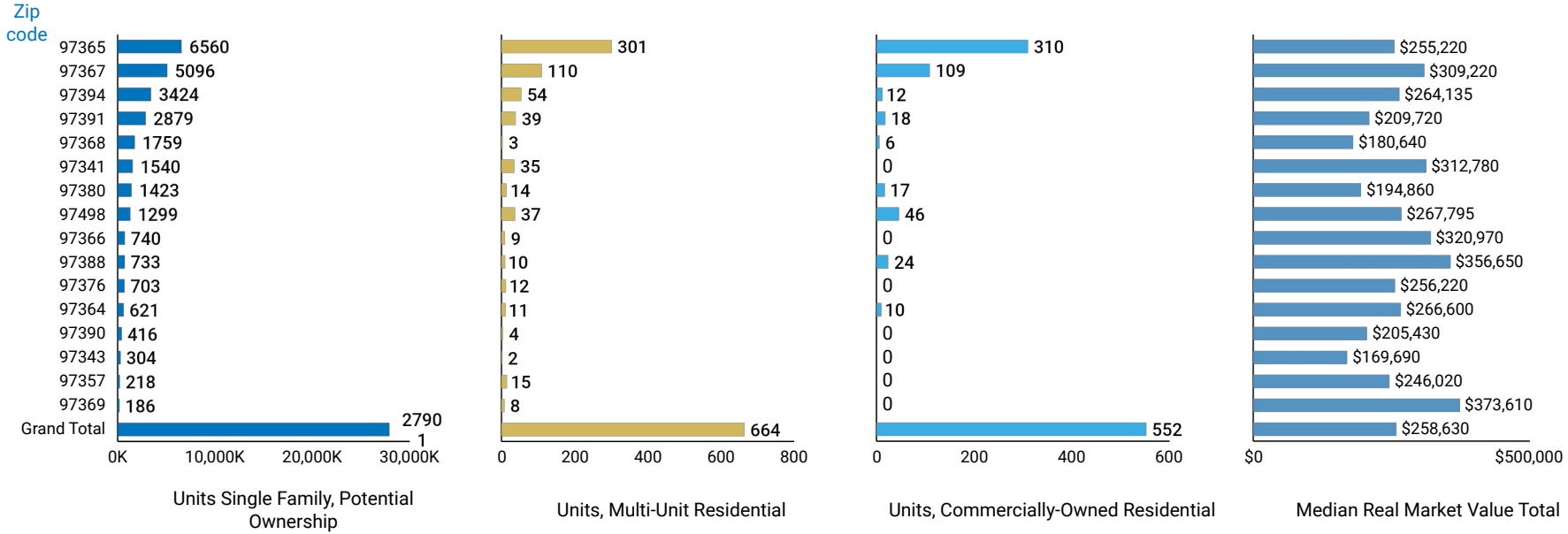
Housing

Understanding Supply: Housing Supply by Type

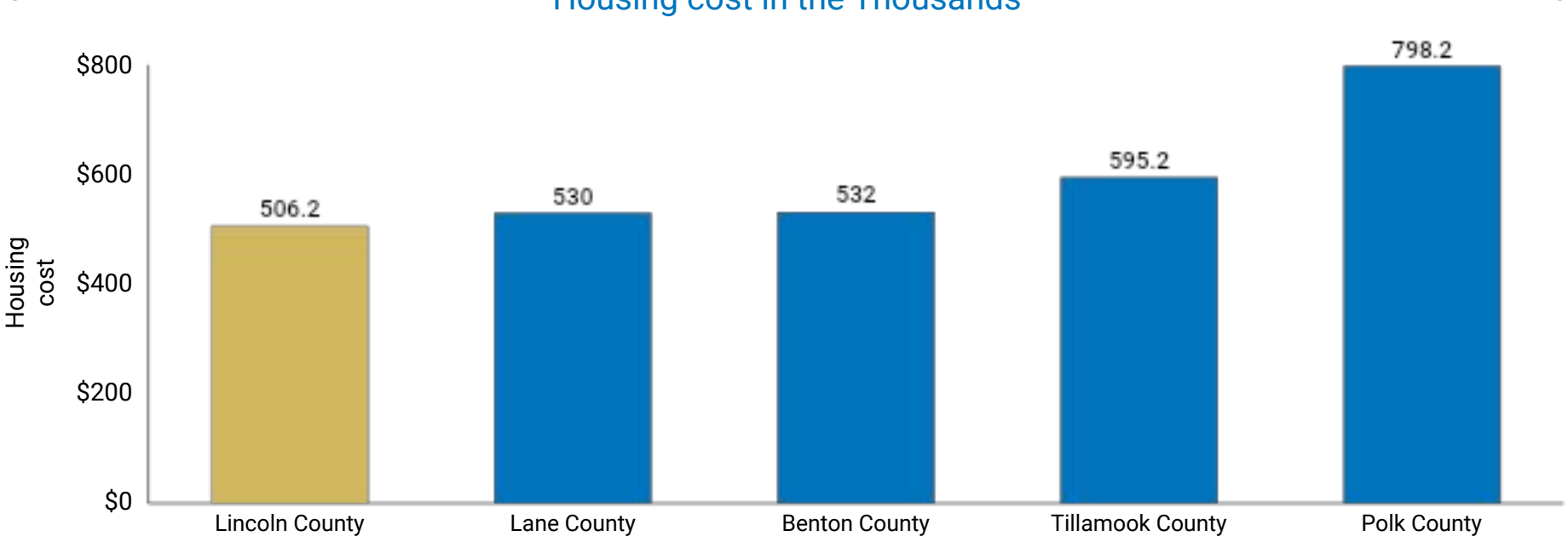


Measure Names

- Median RMV Total
- Units Commercial
- Units Single Family, Potential Ownership
- Units, Multi-Unit Residential

Understanding Supply
Benchmarking: Home Prices, 1 Bedroom Homes

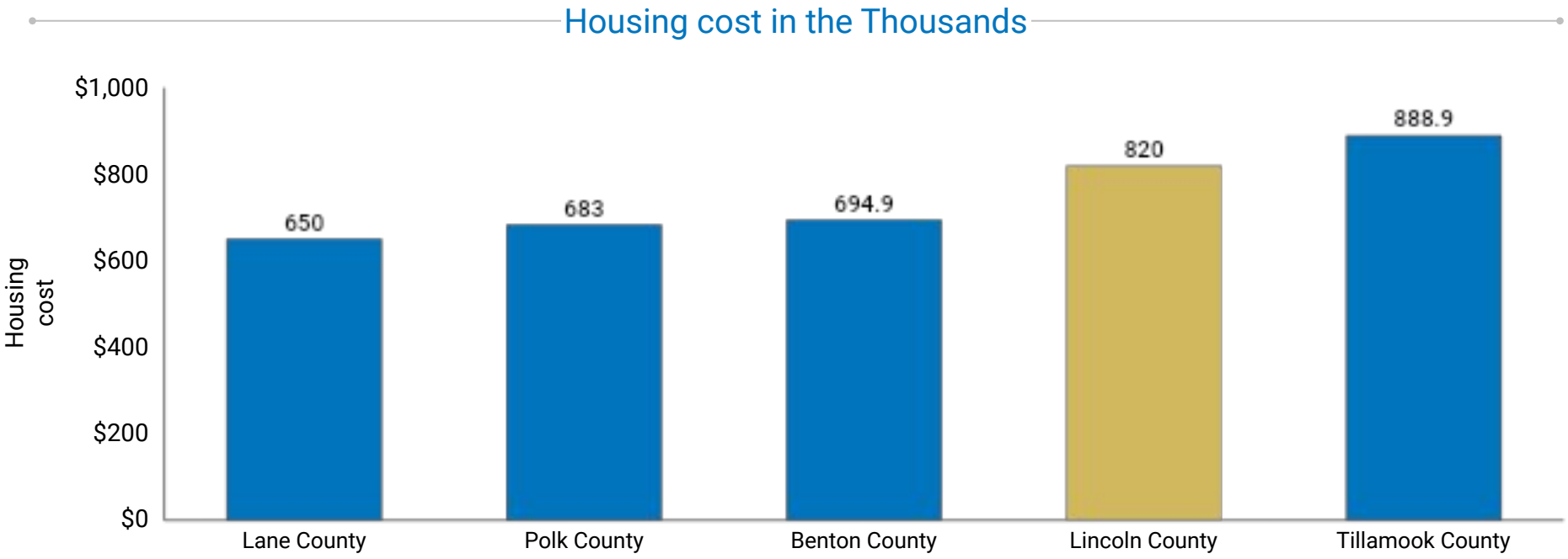
Cost of Housing for 1 Bedroom Homes, In All Selected Counties



Source: Moody's, Census Bureau, Rocket Mortgage survey, Morant McLeod Economics Group

Understanding Supply
Benchmarking: Home Prices, 2 Bedroom Homes

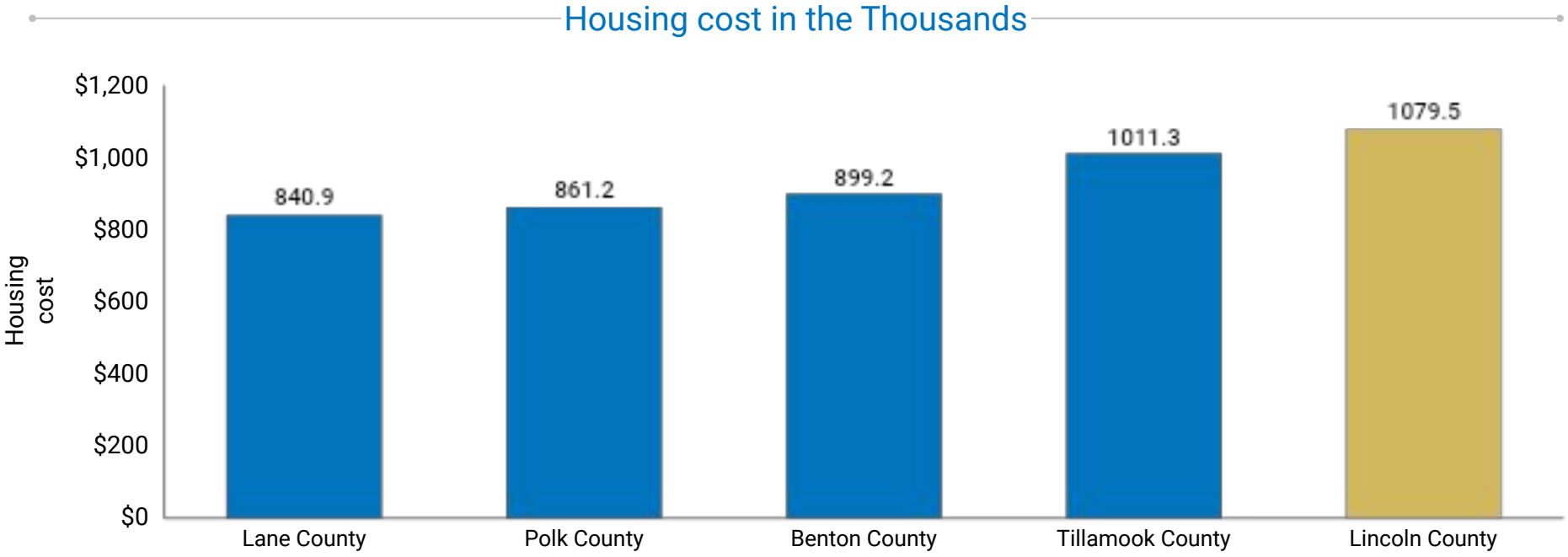
Cost of Housing for 2 Bedroom Homes, In All Selected Counties



Source: Moody's, Census Bureau, Rocket Mortgage survey, Morant McLeod Economics Group

Understanding Supply
Benchmarking: Home Prices, 3 Bedroom Homes

Cost of Housing for 3 Bedroom Homes, In All Selected Counties



Source: Moody's, Census Bureau, Rocket Mortgage survey, Morant McLeod Economics Group

Understanding Demand: Per Capita Income

Per Capita Income (PCI)

$54,961

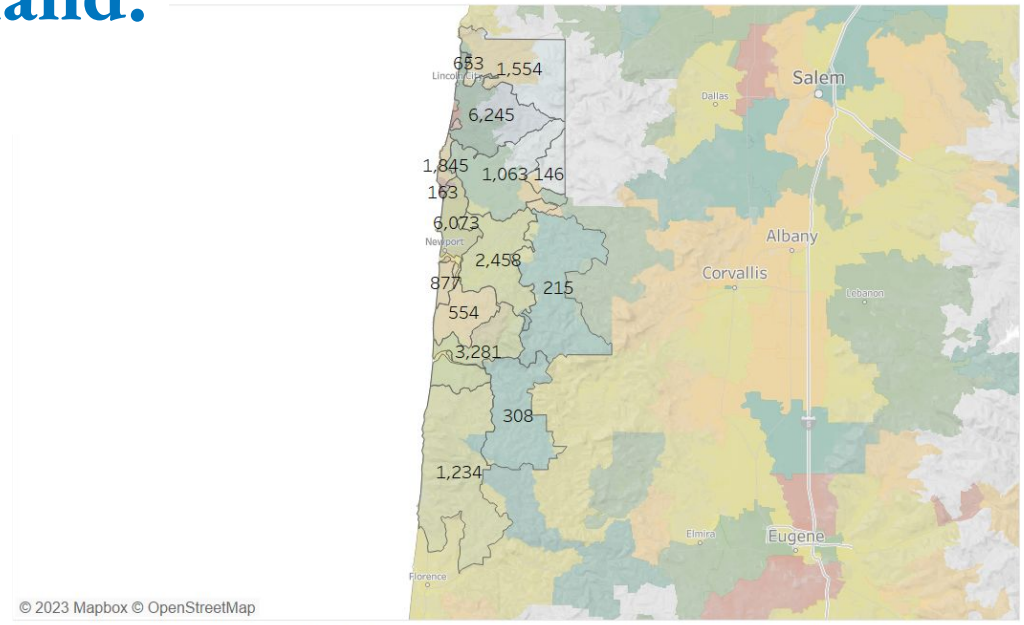
Median income in 2021

$1,374 available for rent

$32,776

Per capita income in 2021

$819 available for rent



Map based on Longitude (generated) and Latitude (generated). Color shows sum of Count. The marks are labeled by sum of Count. Details are shown for Zip Code. Map coloring shows 2018 Per Capita Income by Zip Code. The data is filtered on Description, which keeps Addresses: Residential - Active address counts, (#, NSA).

2018 Per Capita Income

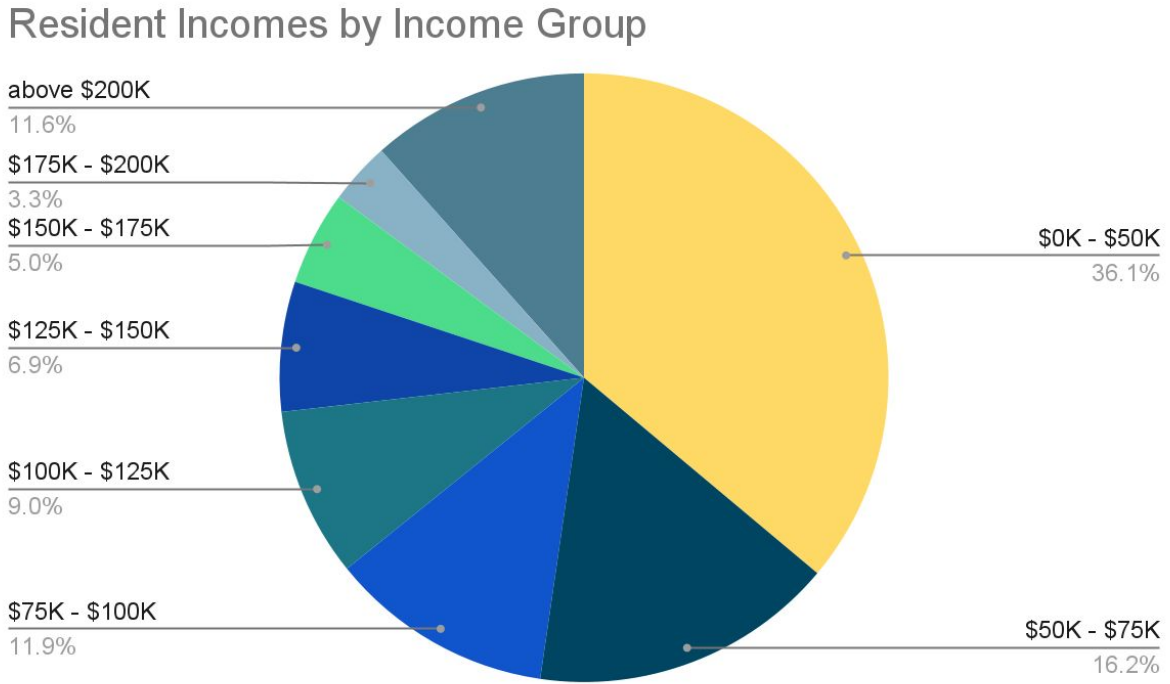
- 42 to 21,100
- 21,100 to 25,400
- 25,400 to 29,800
- 29,800 to 37,200
- 37,200 to 461,000

Understanding Demand: Individual Income

Individual Income by Group

36.1%
residents earning $50,000 or less

15.2%
residents estimated to be in poverty

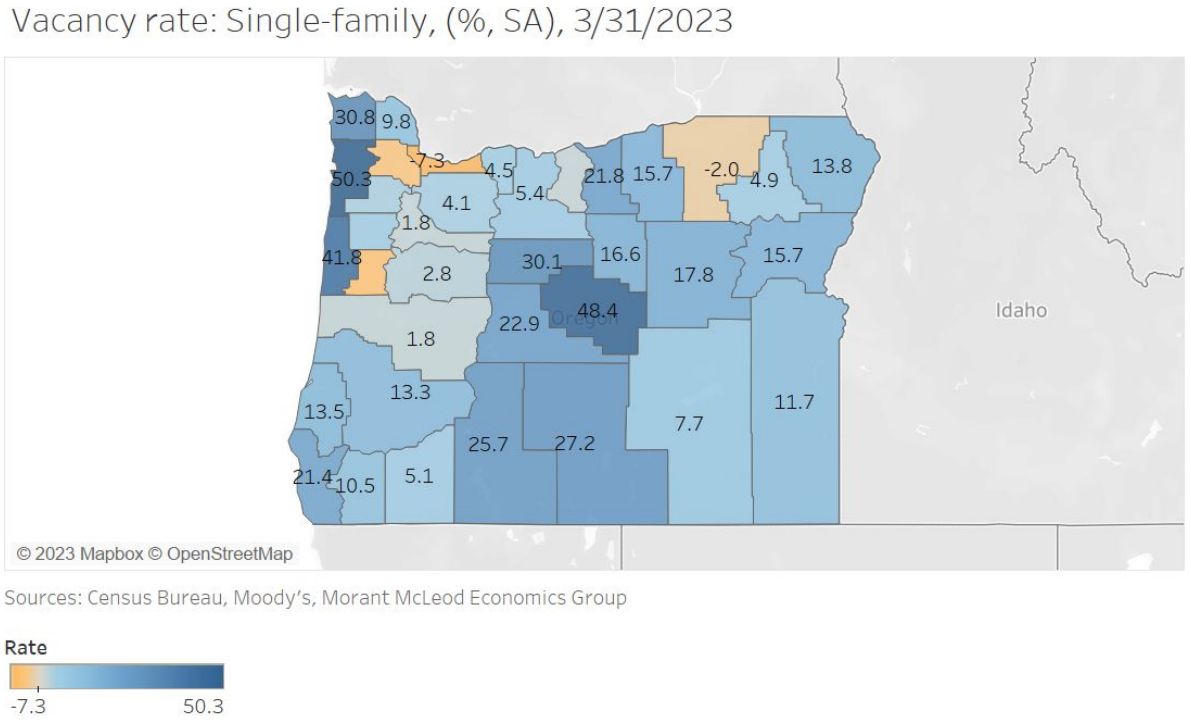


Sources: Internal Revenue Service, Morant McLeod Economics Group

Vacancy rates indicate the number of second homes and STR's across the county.

Field research shows there is very little available rental housing on the market, and homes available for sale are quickly purchased.

Areas in Oregon that are less ideal for second homes generally have 5-10% vacancy rates.



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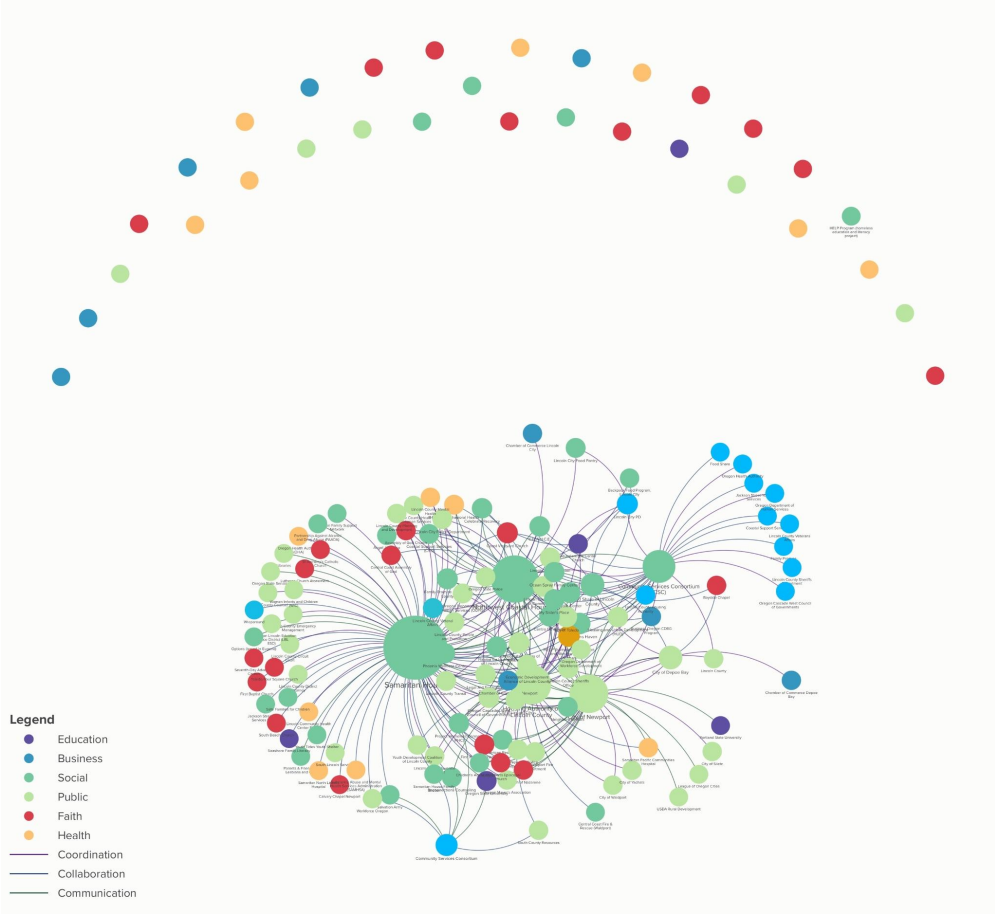
Services

The network of service providers indicates “centralization” would help to overcome fragmentation

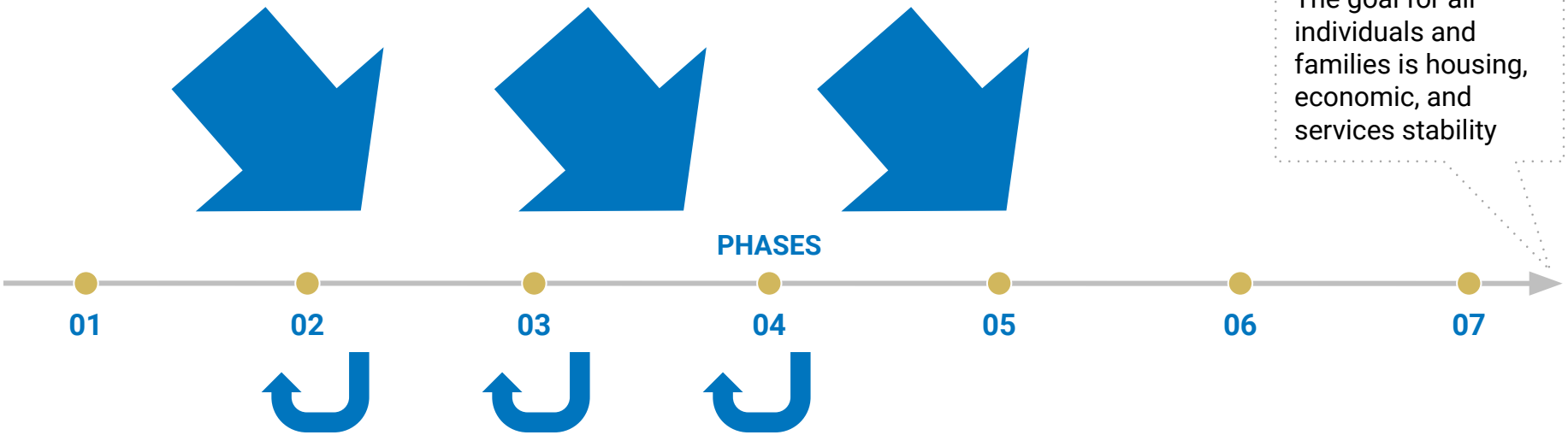
While substantial network activity exists, many service organizations have little connection with the network.

Key organizations hold a larger number of business relationships, while other key organizations hold relationships with smaller community organizations (faith-based organizations, for example).



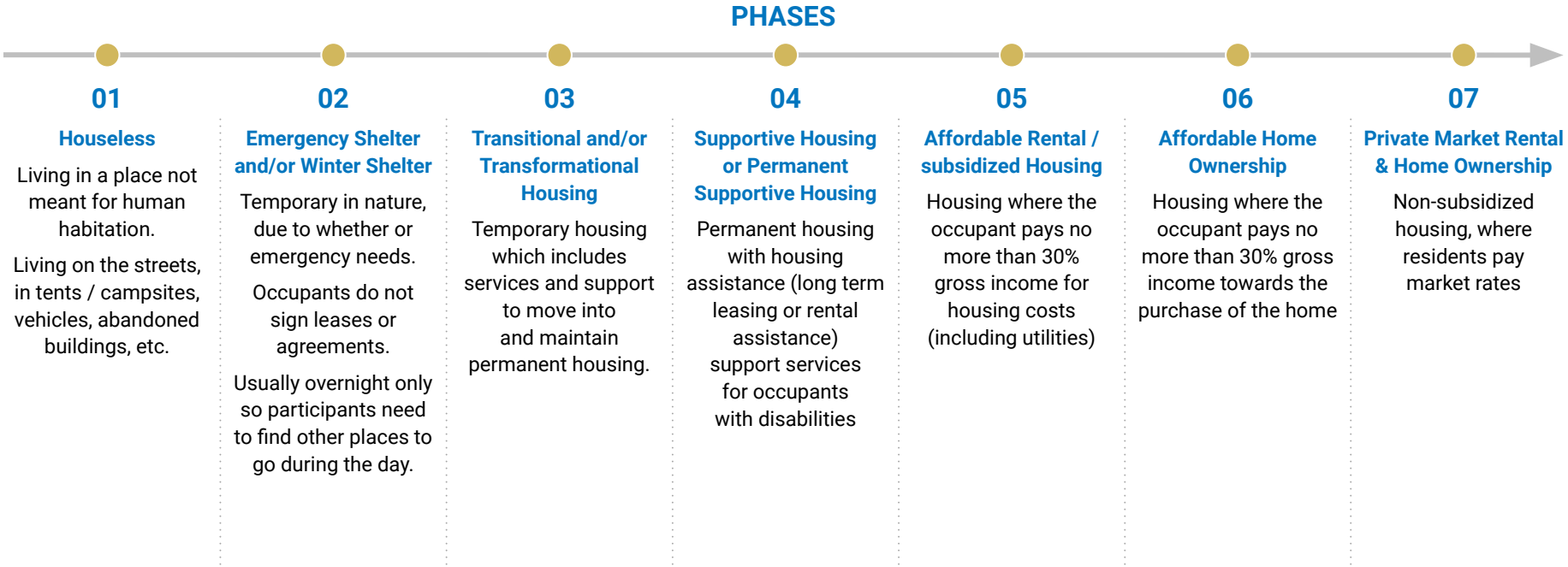
The progression of support is a 7-phase system where unhoused individuals and families will secure services and move towards housing and economic stability

Individuals or families can enter into the system at any point (any phase).



The system will aim to hold forward progress, and bring individuals back into the progression if they fall out of the system.

HUD housing types align with these phases and helps us to plan for specific housing needs for the unhoused community.



HOUSING PHASES

Source: Housing Authority of Lincoln County

Service supports involve networking and managing resources to align with housing needs. All situations are unique but generally align to phases.

PHASES

01

Houseless

- Emergency services
- Emergency medical care
- Emergency shelter
- Emergency case navigation
- Housing first orientation
- Case establishment
- Case management
- Case navigation
- Transportation
- Food sharing
- Clothing sharing
- Distress support
- Harm reduction

02

Emergency Shelter and/or Winter Shelter

- Emergency services
- Emergency medical care
- Emergency shelter
- Emergency case navigation
- Resources enrollment
- Behavioral care services
- Domestic violence survivor support
- Drop-in services (showers, laundry, telephone, internet, etc)
- Transportation
- Food sharing
- Clothing sharing
- Shelter diversion assistance
- Rapid rehousing services
- Suicide prevention support
- Distress support

03

Transitional and/or Transformational Housing

- Intensive medical & mental health care
- Resources enrollment
- Peer advocate support
- Domestic violence survivor support
- Drop-in services (showers, laundry, telephone, internet, etc)
- Transportation
- Food sharing
- Clothing sharing
- Debt mitigation
- Substance use support services
- Vocational rehabilitation and employment assistance
- Life skills training & support
- Rapid rehousing services
- Toxic stress assistance
- Suicide prevention support
- Distress support
- Harm reduction

04

Supportive Housing or Permanent Supportive Housing

- Stable medical & mental health care
- Stable behavioral care & support
- Peer advocate support
- Legal services
- Transportation
- Food sharing
- Clothing sharing
- Debt mitigation
- Vocational rehabilitation and employment assistance
- Life skills training & support
- Toxic stress assistance
- Short term rental assistance
- Utility assistance

05

Affordable Rental / subsidized Housing

- Stable medical & mental health care
- Stable behavioral care & support
- Peer advocate support
- Eviction diversion
- Legal services
- Transportation
- Clothing sharing
- Toxic stress assistance
- Short term rental assistance
- Utility assistance
- Weatherization services

06

Affordable Home Ownership

- Stable medical & mental health care
- Stable behavioral care & support
- Eviction diversion
- Legal services
- Toxic stress assistance
- Short term rental assistance
- Utility assistance
- Weatherization services

07

Private Market Rental & Home Ownership

- Stable medical & mental health care
- Stable behavioral care & support
- Eviction diversion
- Weatherization services

SERVICE SUPPORTS

Economic supports involve discovering, managing, or creating educational-workforce opportunities to align with housing-employment needs

PHASES

01
Houseless

- Rehabilitation programs
- Navigation / Day Center

02
Emergency Shelter and/or Winter Shelter

- Skills interviews
- Experience interviews
- Employee accommodations assessments
- Employer matching
- Rehabilitation programs
- Workforce barriers assessment

03
Transitional and/or Transformational Housing

- Employee accommodations establishment
- iMatchSkills / Job seeker profile
- Job seeker services
- Employer matching
- Skill building augmentation / planning
- Education augmentation / planning
- Education completion
- Career & skilled training
- School assistance
- Rehabilitation programs

04
Supportive Housing or Permanent Supportive Housing

- School assistance
- Knowledge of college and career pathways options
- Personal goals and aspirations (career)
- Concurrent educational credits
- Career pathway planning
- On the job training

05
Affordable Rental / subsidized Housing

- School assistance
- Concurrent educational credits
- Career pathway planning
- Individualized learning / development strategy
- Career navigation partners / supporting agencies
- On the job training
- Stable employment
- Progress towards credentials

06
Affordable Home Ownership

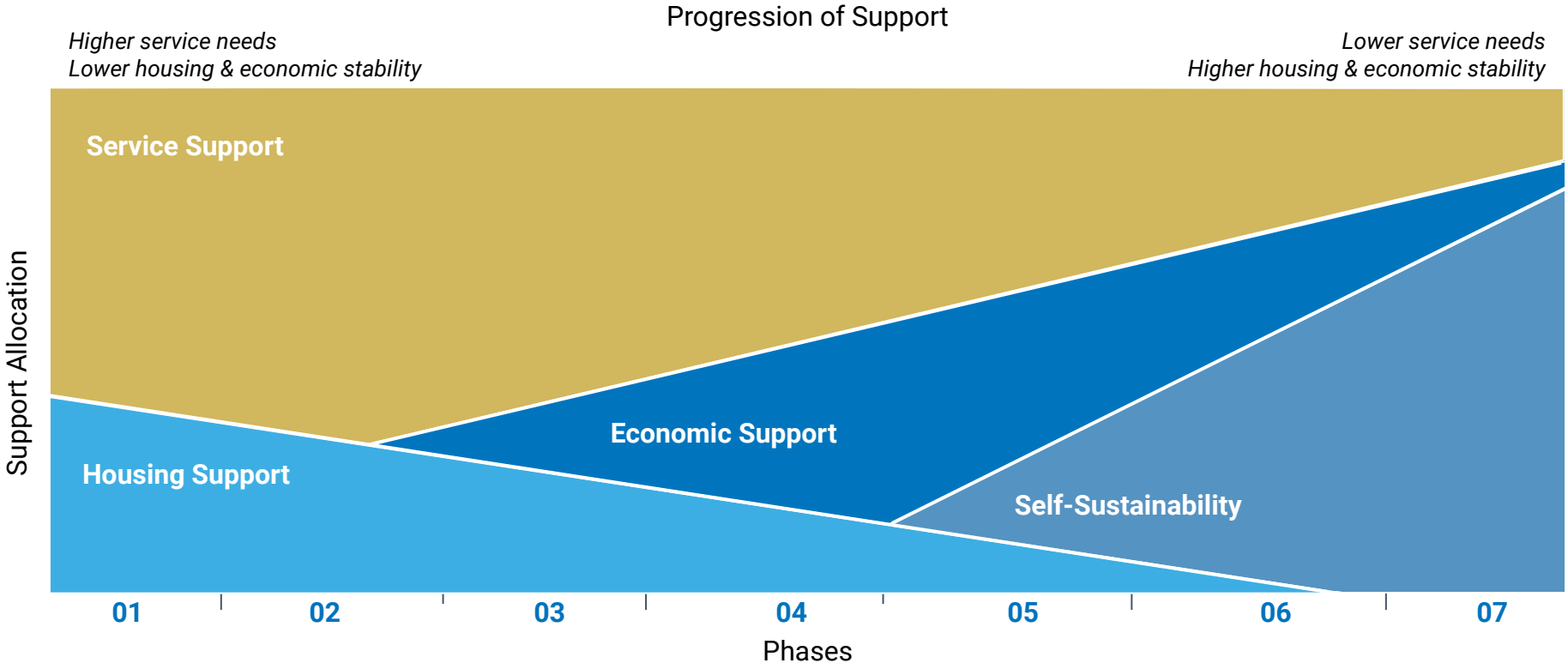
- Industry certifications
- Education certifications
- Job placement in middle skills or higher position with career trajectory

07
Private Market Rental & Home Ownership

- Career stability
- Stackable credentials
- Fiscal resources
- Professional development

ECONOMIC SUPPORTS

The progression of support model indicates that individuals from unhoused communities will decrease service needs and enter into housing stability over time.



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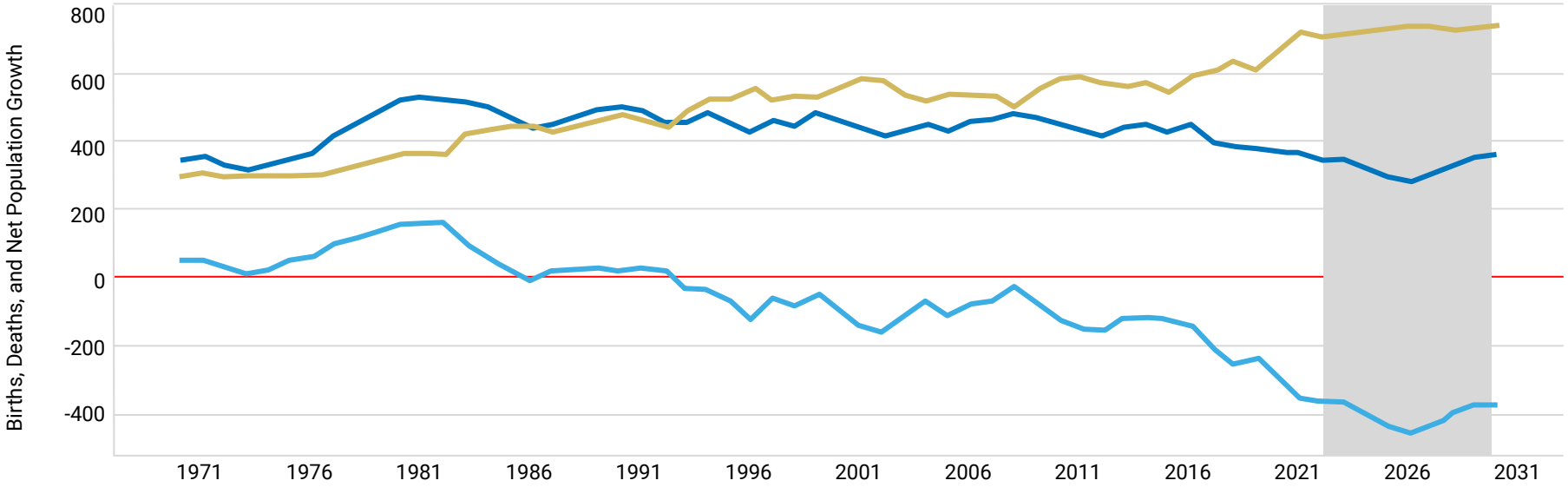
Economics

Understanding Demand:
Lincoln County Natural Population Trends

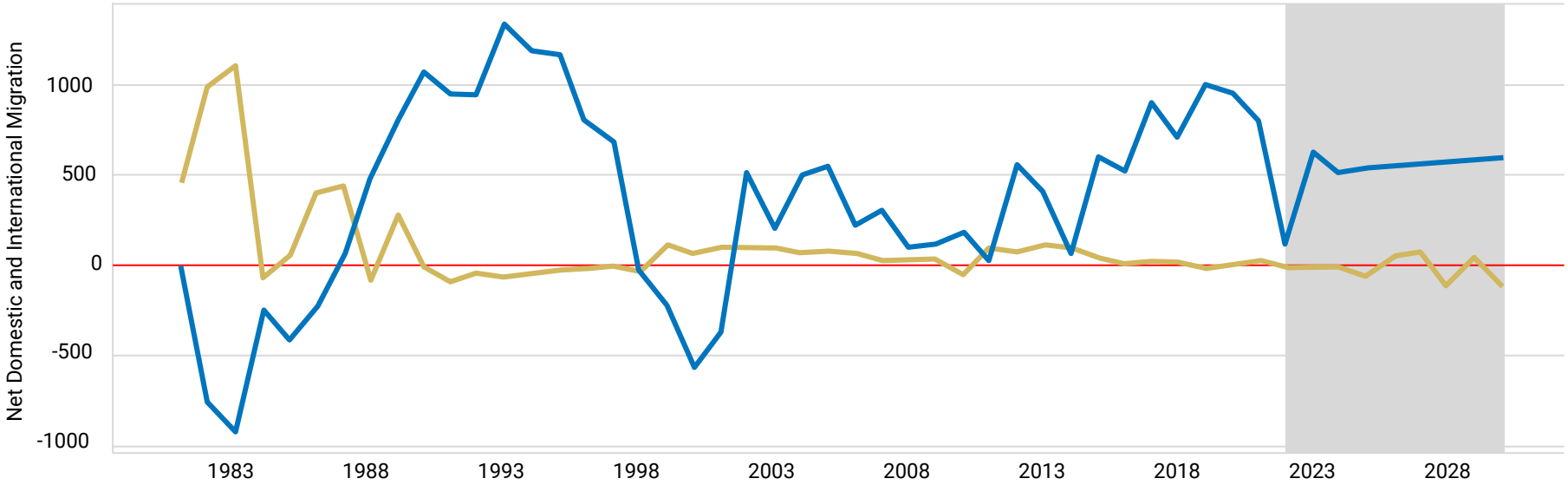


Description:

- Births, (Ths.)
- Deaths, (Ths.)
- Net Natural Population Change

Source: Moody's, Census Bureau, Morant McLeod Economics Group

Understanding Demand: Migration to Lincoln County



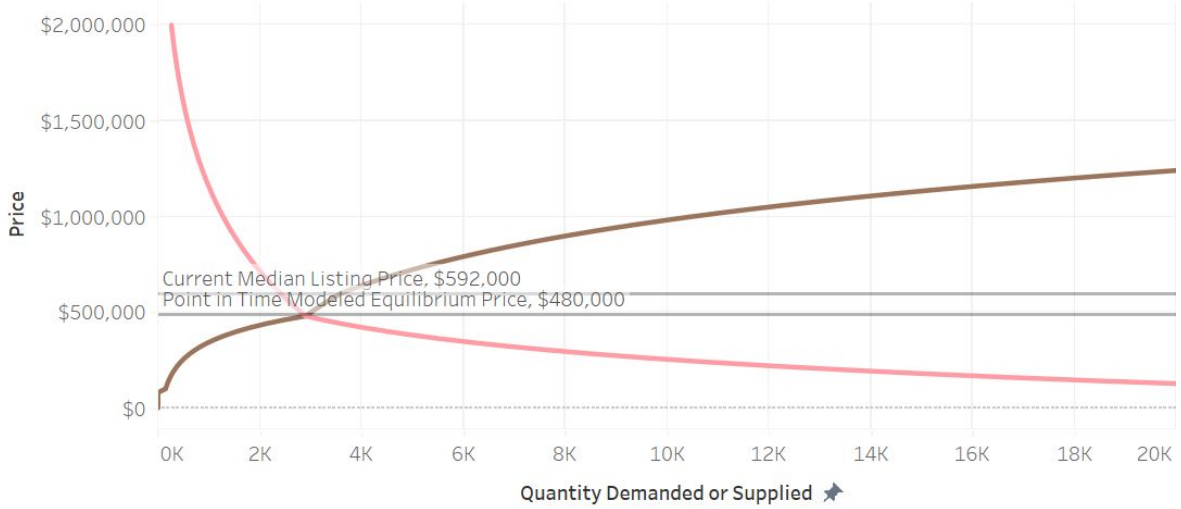
Description:

Net migration – Domestic, (Ths.)

Net migration – International, (Ths.)

Source: Moody's, Census Bureau, Morant McLeod Economics Group

Estimates on supply and demand indicate that development is only part of the solution.

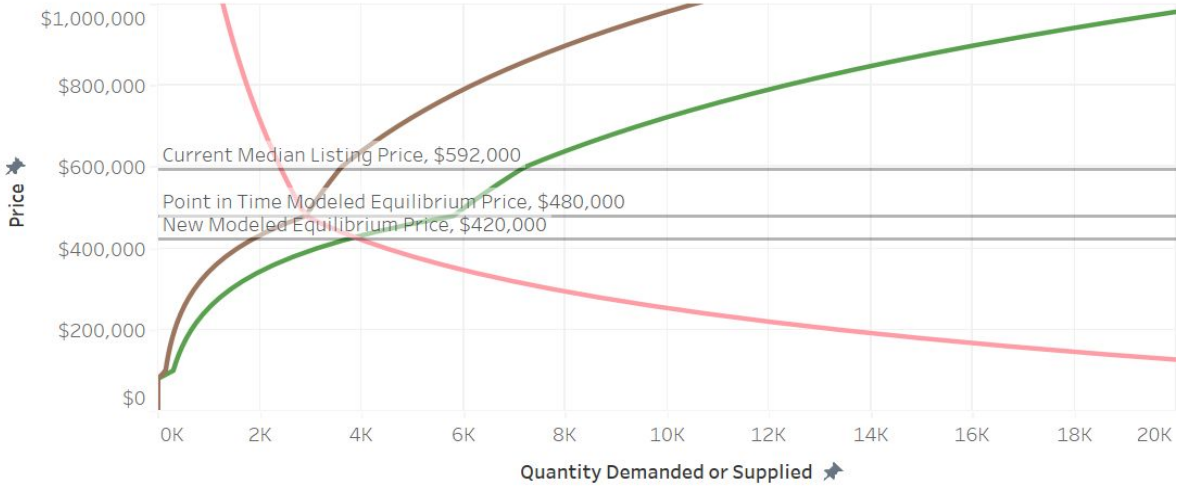


Sources: Realtor.com, Census Bureau, Federal Reserve
Modeling: Morant McLeod

Measure Names
- Quantity Demanded
- Quantity Supplied

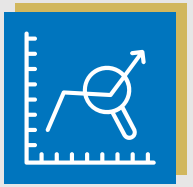
Median prices are currently higher than the modeled equilibrium price.

Artificially bringing down prices by increasing supply in the short term



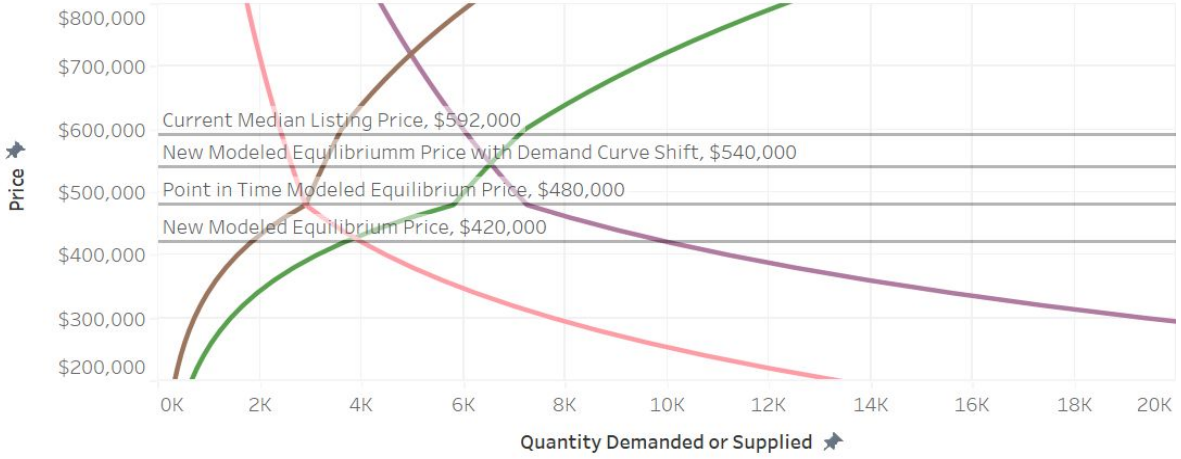
Sources: Realtor.com, Census Bureau, Federal Reserve
Modeling: Morant McLeod

Measure Names
- Quantity Demanded
- Quantity Supplied
- Supply Curve Shift



Changing the supply may initially lower the equilibrium price

Long term effects on shifting supply has demand curve implications, eventually raising home prices



Sources: Realtor.com, Census Bureau, Federal Reserve
Modeling: Morant McLeod

Measure Names
- Quantity Demanded
- Quantity Supplied
- Supply Curve Shift
- Demand Curve Shift

Each scenario must be carefully examined to understand the long term effects and ensure that we're planning appropriately.

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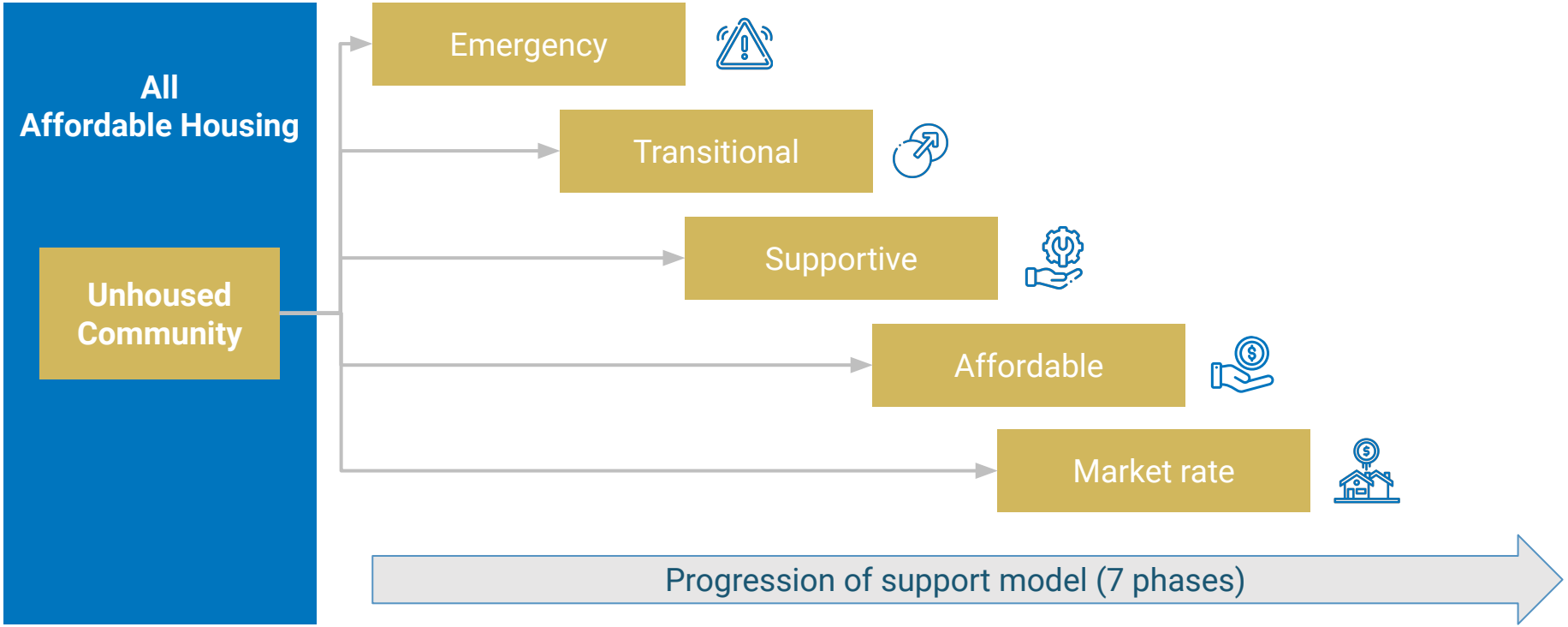
Key Facts & Strategy

Key Takeaways

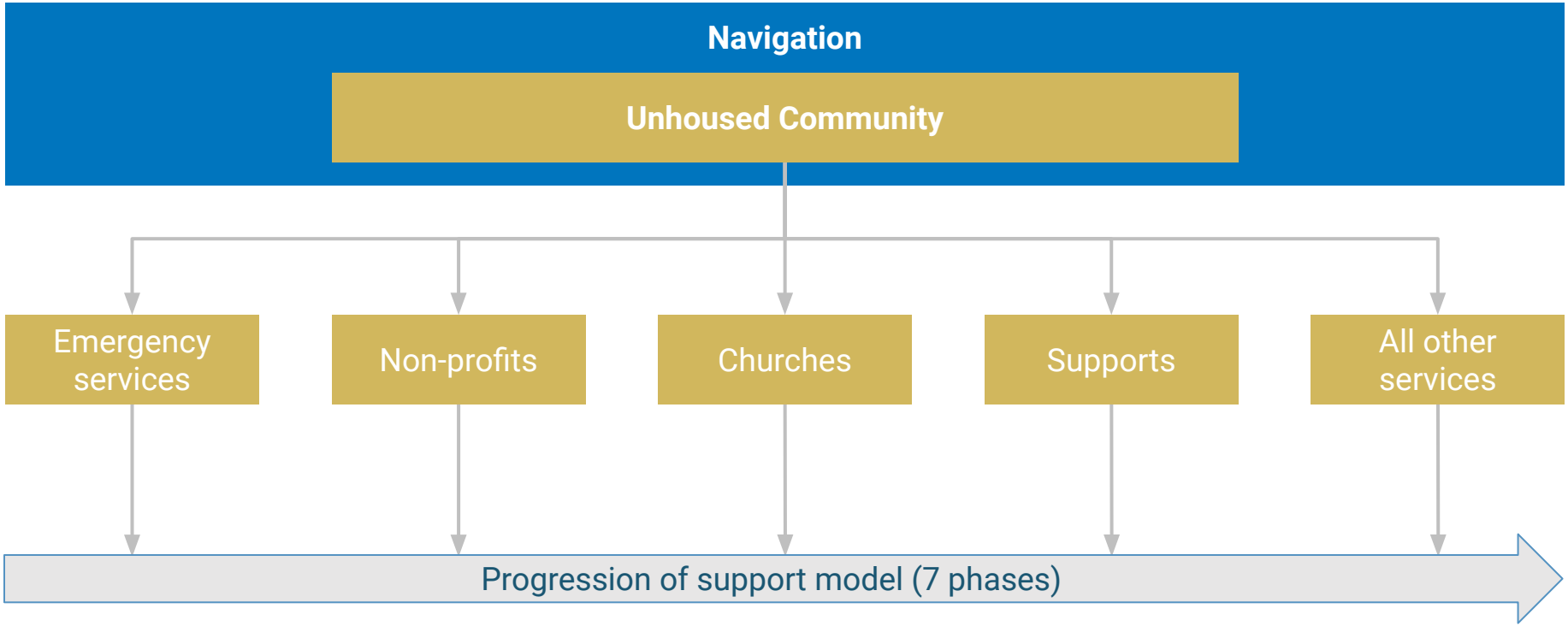
1. The unhoused community is **larger than historical data reports**; individuals have difficulties obtaining help.
2. There are significant differences between **current incomes and market rents**, placing accessibility pressures on those in poverty.
3. Supporting the local +167 community service providers in a **centralized, shared manner** can overcome fragmentation.
4. The size of the local population is declining, placing **additional pressures on those experiencing poverty**.
5. Economic solutions should have a **short-term and long-term** view.
6. Local unhoused community faces housing, services-related, and economic issues that make it **difficult to reach stability**.

The Lincoln County Homeless Advisory Board to maintain its role after the plan is adopted, after the initial five years, and into the foreseeable future.

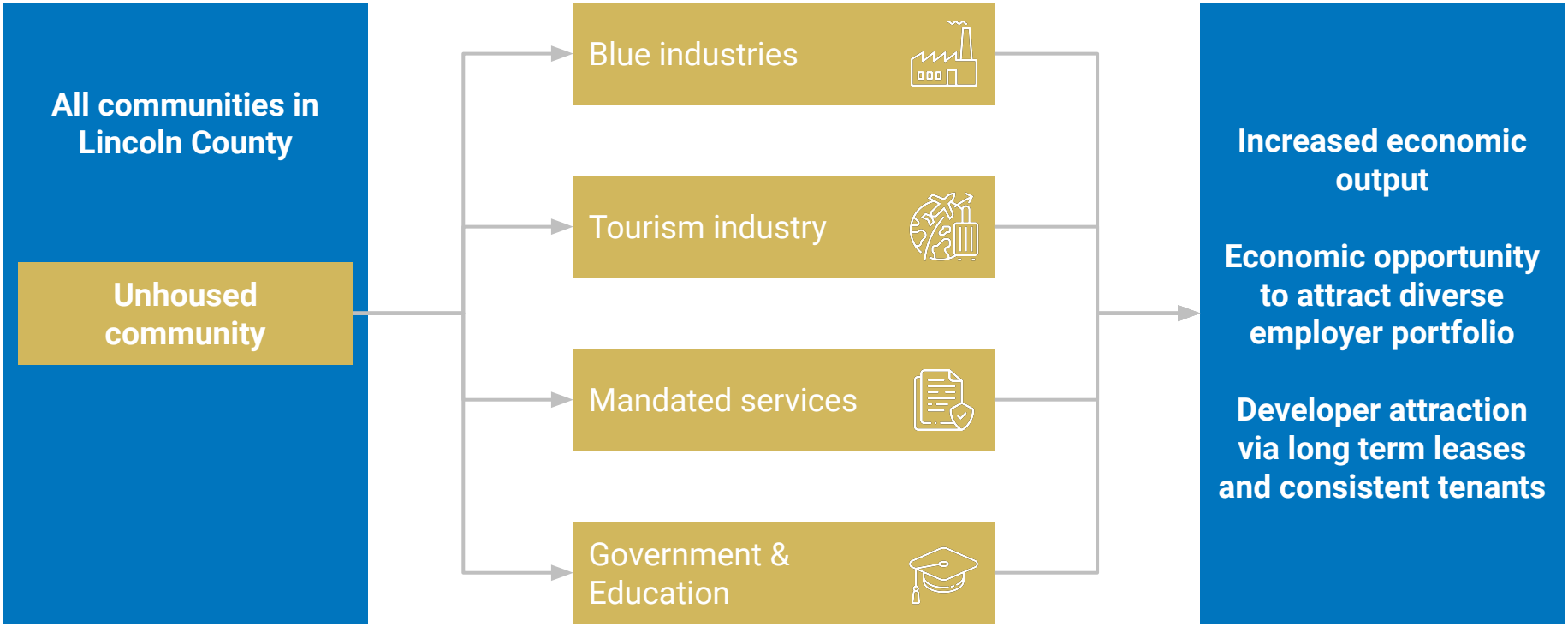
Housing organization to create housing opportunities and overcome affordable housing barriers



Services organization to overcome administrative fragmentation with technical support and navigation.



Economic organization to develop pipelines that support our unhoused and broader communities.



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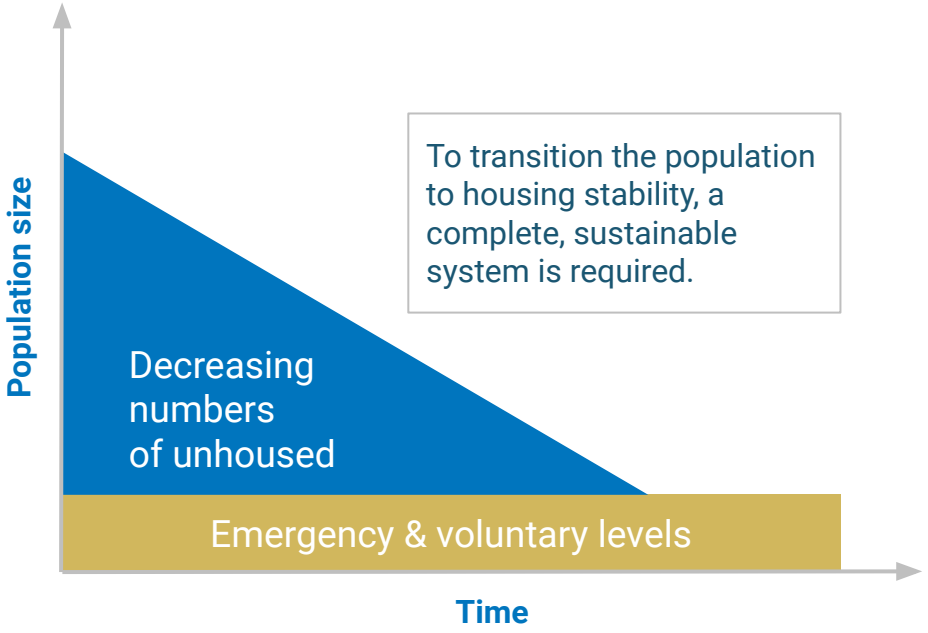
Three Phase Approach

Key Recommendation

Lincoln County Homelessness Advisory Board to remain a permanent body that focuses on homelessness / houselessness. Each member has a council or commissioner seat as a liaison to LCHAB.

LCHAB to adopt the primary strategic goal of reducing homelessness to emergency and voluntary levels within 5 years.



To transition the population to housing stability, a complete, sustainable system is required.

Continuous support and stability is required to hold progress

Supports for individuals at risk of becoming houseless

Progression of support model (7 phases)

Stability for those who have progressed through the model

Approach to Change

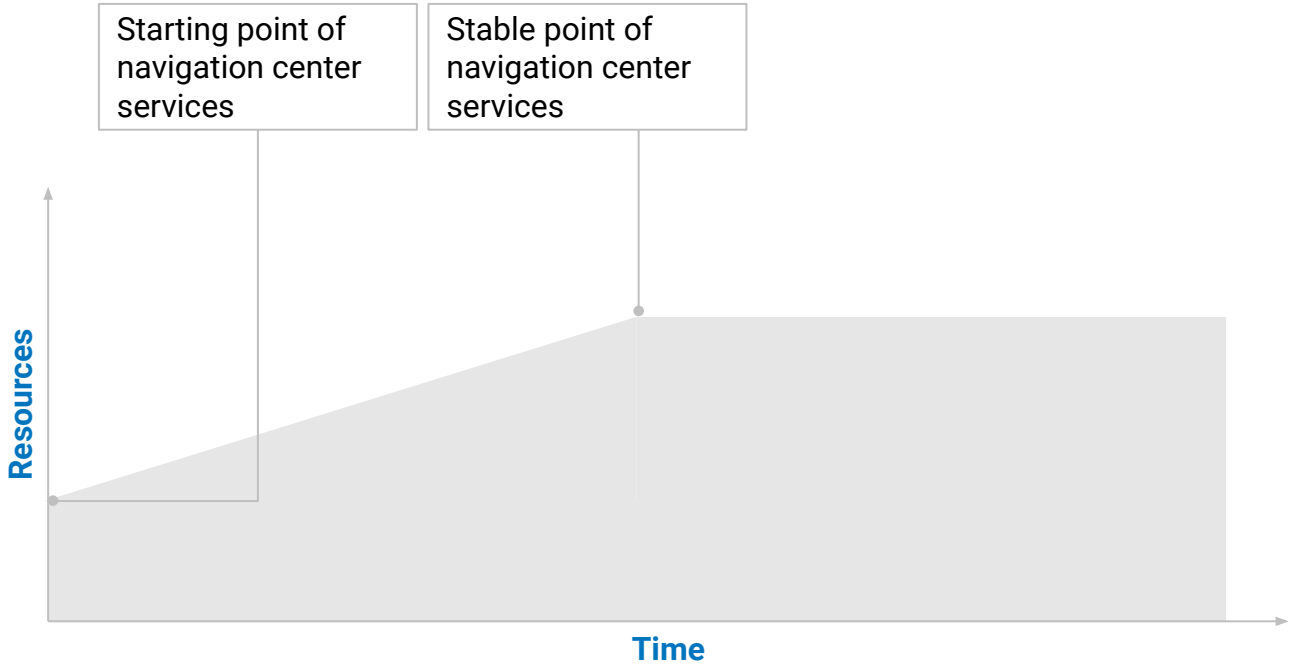
A three phase approach to coordinating the response to homelessness, creating the future vision.

Phase	Key milestones
1 Initiate **Navigation Center**	• Stand up navigation center. • Develop the referral underpinnings of the service network and reporting mechanisms.
2 **Public-public partnerships:** Develop pathway for administrative implementation.	• Working agreements with each of the principal groups. • Visibility of line items within each municipal budget for each of the four dimensions.
3 **Public-private partnerships:** Systems development & tactical implementation.	• Inclusion & buy-in of all relevant organizations within each of the four networks. • Ability to regionally report on each networks activities.

Phase One: A navigation center is needed to centralize efforts across municipalities. The center acts as a hub of information with a connected, "no wrong door" approach.

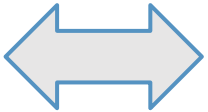
Initiating the navigation center at a communications and referral service level.

Depending on service need, the center will grow to a future stable point.



Phase Two: Working relationships between LCHAB members and local organizations is needed to develop four required networks.

Cities
County
Tribe



- **Housing**
- **Services**
- **Economic Development**
- **Transportation**

Examine budget line items to determine what can be offered, joined, or already available.

Determine the value proposition for why / how each entity will be involved, and what's needed.

It's anticipated that innovative ways of working together will emerge from this phase, ultimately paving the way for efficiencies as LCHAB moves into the next phase.

Phase Three: Build the four networks to include all local organizations. The product of each network will focus on the unhoused population, but also support the community at large.

Strategic Body	Principal Organizations	Networks	Outcomes
LCHAB & Navigation Center	**Housing**	Shelters, Municipalities, Private Developers, Funders, Property Managers, Policy Staff, etc	Illumination of Unhoused Community Needs Determining System Needs Locate Funding & Joint Funding Asks Opportunities for Public-Private Partnerships Innovations Reporting Integration into Service Progression Model
	Services	Direct Service Providers, Indirect Service Providers, Municipal Services, Government Services, etc	
	Economic Development	Employers, Potential Employers, Workforce Programs, Northwest Oregon Works, OCWCOG, Education Programs, etc	
	Transportation	Service Network, Service Providers, etc	

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Discussion

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Thank you

Morant McLeod
Ernest Stephens, Partner
ernest@morantmcleod.com
4145 SW Watson Ave Ste 350
Beaverton, OR 97005
971-249-8445

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Communication from the Airport Committee Regarding Authorization to Terminate Hangar Lease 3252 with Michael and Michelle Monsato for Hangar Site 3 and Authorize a New Lease with LBL Properties, LLC.

Background:
On November 14, the Airport Committee recommended the City Council terminate Hangar lease 3252 with Michael and Michelle Monsato and approve a new land lease with LBL Properties, LLC, for hangar site 3. The draft lease is attached for your review. The hangar located on Lot 3 is being sold to LBL Properties, LLC, to the attention of Rodney H. Barbour.

Recommendation:
I recommend that the City Council authorize the termination of the land lease for Hangar site 3 with Michael and Michelle Monsato and approve a land lease for hangar site 3 with LBL Properties, LLC.

Fiscal Effects:
The termination/approval of a new lease will continue these revenues for the airport.

Alternatives:
None recommended.

Respectfully submitted,

Spencer Nebel
City Manager

STAFF REPORT
CITY COUNICL
AGENDA ITEM

Meeting Date: November 20, 2023

Title: Land lease for hangar site 3 to LBL Properties, LLC attention Rodney H. Barbour.

Prepared by: Lance Vanderbeck, Airport Director

Recommended Motion: Recommendation to City Council to approve lease for hangar site 3 with LBL Properties, LLC; and terminate hangar lease 3252 with Michael and Michele Monsanto with finalization of sales.

Background Information:
Information was presented to the airport committee during the November 14, 2023 meeting. It was brought airport staffs attention the wrong lease for LBL Properties, LLC was uploaded. A motion was made by Jeff Bertuleit, seconded by Jim Seavers recommending city council to terminate hangar lease 3252 with Michael and Michele Monsanto and approve the correct new hangar land lease with LBL Properties, LLC for hangar site 3. Motion passed with one member abstaining.

Airport staff correct the lease issues and the right lease for 15 years is attached with report.

Airport staff was notified by email on October 6, 2023 Mr. Monsanto would be selling Hangar 3 to LBL Properties, LLC attention Rodney H. Barbour. Mr. Barbour will be hangar a 182P, N6670M,

For the Airport Committee to provide a recommend to City Council to approve lease for hangar site 3 with LBL Properties, LLC; and terminate hangar lease 3252 for hangar 3 with Michael and Michele Monsanto.

Fiscal: Continued revenue for airport.

Attachments: Correct lease for LBL Properties, LLC for hangar site 3. Lease 3252 with Mr. Monsanto.

NEWPORT MUNICIPAL AIRPORT
HANGAR SITE LAND LEASE AGREEMENT

BETWEEN: The City of Newport, an Oregon Municipal Corporation **(Lessor)**

AND: LBL Properties, LLC attention Rodney H. Barbour (**Lessee)**

EFFECTIVE DATE:

RECITALS

A. The Newport Municipal Airport (Airport) is operated by and under the jurisdiction of Lessor. In accordance with sound Airport management practices, the Airport rules and regulations and the Airport Plan of Development, as updated and amended from time to time, and other relevant policies of Lessor that apply to Airport usage, certain areas of the Airport are reserved for each of the several types of activities that occur.

B. Lessee desires to construct and maintain a hangar at the Airport in an area designated for such facilities, and Lessor is willing to Lease the land to Lessee for the purpose of constructing and maintaining such a hangar in accordance with the terms and conditions set forth in this Lease.

C. The following are attached and incorporated as part of the Lease:
Exhibit A – Description and Map of Leased Premises (land only).

AGREEMENT

1. Lease. For the purpose stated in this Lease and on the other terms and conditions stated herein, Lessor leases to Lessee the land as described on the attached Exhibit A, consisting of 1,710 square feet (Leased Premises).

2. Initial Term for a New Lease. The period of the Lease will be fifteen (15) years, commencing _____ and expiring _____ subject to earlier termination in accordance with the terms of this Lease.

3. Extension Term. Provided Lessee is not in default in the performance of any term or condition of this Lease, Lessee shall have the option to extend this Lease for two (2) additional terms of five (5) years per term, commencing with the expiration of the first or additional term, upon the following conditions:

   3.1 The extension option may be exercised at any time between 360 and 60 days prior to the expiration of the initial term, or any extension term, with written notice given to Lessor by the Lessee. If not exercised within such period and in such manner, the option to extend shall be void. Even if exercised timely, the granting of the option is conditional upon the provisions in this Paragraph 3.

3.2 Within sixty (60) days after receipt of Lessee's notice of exercise of the extension option, Lessor shall cause the improvements to be inspected by the Building Official for the City of Newport. The inspection shall be for the purpose of determining the condition of the improvements.

3.3 Following the inspection, Lessor shall notify Lessee of the inspection results, including a list of any necessary repairs. The additional term shall be contingent upon Lessee's completion of any necessary repairs and/or resolution of code compliance issues.

3.4 Additionally, Lessor may require as a further condition to Lessee's right to continue the Lease for an extension term, that Lessee make such alterations, improvements, or repairs Lessor deems necessary or appropriate for the good of the Airport, taking into consideration the state of repair and condition of other similar and newer improvements located at the Airport, and the overriding desire to maintain clean, safe, and attractive facilities for other users of the Airport. Items considered for improvement shall include, but shall not be limited to, structural integrity of the hangar, exterior finish, condition and operation of doors, and condition of roof. To effectuate any such additional conditions, Lessee's right to continue the Lease during the extension term shall be subject to a supplemental document between Lessor and Lessee, setting forth a reasonable time, determined by Lessor, in which such alterations and repairs will be made, and providing that upon Lessee's failure to make such alterations and repairs within that period, the extension term shall immediately terminate, in which event the provisions of Paragraph 18 shall apply.

3.5 As used herein, the Building Official is the individual occupying that position or similar position at the time the inspection is made, or that person's designee or agent, or the individual occupying a similar position in a successor agency or governmental unit having building code jurisdiction over the Airport facilities.

3.6 Upon the expiration of the two (2) additional terms of five (5) year extensions, the lease shall terminate. At that time, Lessee may negotiate with Lessor on the terms and conditions of a new lease.

4. Basic Rent.

4.1 Basic rent is $0.277 per square foot of ground space per year. Basic rent shall be due and payable on a monthly basis, $39.47 monthly ($473.67 annually), prorated to the first day of the month following signing, and due on the same day of each month thereafter.

4.2 Any payments or partial payments not made under this Lease shall bear interest at the rate of twelve percent (12%) per annum until paid.

5. Adjustments to Basic Rent.

5.1 CPI Adjustment. The basic rent provided in Paragraph 4 shall be increased each year by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor. Comparisons shall be made using the index entitled, "U.S. City Average/All Items and Major Group Figures for all Urban Consumers Portland Area (1982-84 = 100)," or the nearest comparable data on changes in the cost of living, if such index is no longer published. The change shall be determined by comparison of the figure for the previous January 1, with that of January 1 of the current year. In no event shall this calculation cause a reduction in base rent below that payable during the preceding year. The proposed adjustment shall be presented to Lessee by Lessor thirty (30) days prior to the effective date of the assessment.

5.2 Challenge. Lessee may give Lessor notice, within thirty (30) days of the notice of rental adjustment, challenging Lessor's figures. If any such challenge is not made within thirty (30) days, Lessee's challenge to the figures presented by Lessor shall be deemed waived. The challenge shall be restricted to Lessor's calculations of increases relating to Lessee and, if not resolved by the parties, will be referred to arbitration as described in Paragraph 23.

5.3 Fee. An annual maintenance fee may be established for hangar lease sites at the Airport pursuant to resolution of the Newport City Council as provided under Newport Municipal Code 9.40.010.

6. Taxes. Lessee shall pay when and if levied, any taxes on the Leased Premises, as well as any taxes on improvements and fixtures constructed and maintained on the Leased Premises. If any taxes on the Leased Premises are levied against the Lessor, they shall be reimbursed to the Lessor within thirty (30) days of written notice from Lessor to Lessee.

7. Pre-Approval of Plans; Required Reviews. Lessee shall construct and maintain upon the Leased Premises an aircraft hangar which shall in all respects comply with applicable laws, rules, regulations, ordinances, and resolutions of all governmental entities, including Lessor. The plans and specifications of the hangar shall be subject to approval by Lessor. Lessee shall submit such plans and specifications for the Community Development Department's departmental review process. No site preparation or construction shall be commenced without first obtaining the written approval of the City Manager or designee. The Lease will be subject to Lessee obtaining any required reviews for impact on project stormwater erosion control, and any other reviews deemed necessary by Lessor.

8. Construction of Improvements. Lessee shall construct its planned facilities and install therein all necessary fixtures, equipment, and accessories, all of which

shall be in accordance with the terms and conditions of this Lease and any applicable city code or FAA requirements. Lessee shall complete construction of the new improvements within two (2) years after the Effective Date of this Lease. Existing improvements shall be deemed to have been appropriately constructed so long as they are well-maintained and meet all applicable city code and FAA requirements. It is expressly understood that upon the expiration of the Lease, all hangar improvements shall become property of Lessor.

8.1 Lessee agrees to reimburse Lessor for the apportioned costs of roadway improvements including, but not limited to: excavation, paving, drainage, and fencing required for all extensions of the access road to the Leased Premises. Lessee shall be responsible for the cost of all extensions, as applicable, of all water, sewer, and other utilities to the Leased Premises, as well as any fees for obtaining service. Lessee shall be responsible for payment at the time improvements are completed. Lessee shall remit payment to Lessor within thirty (30) days from the date of invoice.

8.2 Lessee agrees to construct, at Lessee's expense, aircraft access improvements, including without limitation driveways, taxi lanes, aprons, and ramps to its planned facility. Construction and location of the access improvements shall comply with specifications set forth by Lessor at the time of plan's approval. Lessee understands that those portions of the constructed Airport access improvements situated outside the boundaries of the Leased Premises shall become, immediately upon their completion to Lessor's satisfaction, the property of Lessor. All construction and any connections to the runway of any apron or taxi lane shall in addition be governed by any rules or regulations regarding Airport operations and must be approved of and overseen by Airport management. Constructed facilities shall not be occupied until access is completed and accepted by Lessor.

8.3 Upon completion of improvements, Lessee shall provide an 8 ½" x 11" site plan detailing a scaled drawing of the Leased Premises, hangar foot print, office area, parking, landscaping, and any other improvements.

8.4 The provisions provided above do not relieve Lessee from compliance with all applicable building code requirements and acquiring all necessary licenses and permits from any governmental authority.

8.5 If the aircraft hangar or other improvements on the Leased Premises are damaged or destroyed, Lessee shall do whatever is necessary to repair, rebuild, or restore the structure and other improvements to substantially the same condition existing prior to the damage or destruction within 180 days of the date of destruction. Upon written request from Lessee, Lessor may extend the 180-day timeline to the extent reasonably necessary due to conditions beyond the control of Lessee.

9. **Use of the Leased Premises**. Use of the Leased Premises is limited to aeronautical uses. The Lessee may use the Leased Premises, at its own risk, for the following purposes and for no other purpose (including commercial or business use) without the prior written approval of the Airport Director:

    9.1 Construction of an aircraft hangar for private use by the Lessee in accordance with Airport rules and regulations;

    9.2 Storage of aircraft;

    9.3 Supplies, equipment, and other ancillary items necessary for the safe operations and maintenance of the Lessee's aircraft;

    9.4 Construction, maintenance, and repair of Lessee's aircraft by Lessee or by a person or firm in accordance with current and applicable future Airport rules and regulations.

    9.5 The hangar cannot be used for temporary or permanent residential use.

    9.6 Storage of non-aeronautical items that do not interfere with the aeronautical use of the hangar, in accordance with FAA and any related Airport rules and regulations.

10. **Lessee's Additional Use Rights**. Lessee shall have the use of Airport facilities and navigational aids for the purpose of landing, taking off, and taxiing of Lessee's aircraft, and related rights of ingress and egress 24 hours a day, subject to the current or any amended laws, rules, regulations, ordinances, and resolutions of applicable governmental bodies, including Lessor.

11. **Restriction on Assignment and Sublease**. Lessee shall not assign this Lease, or any interest herein, or sublease the Leased Premises without the prior written consent of Lessor. As a condition of any consent to assignment, Lessor may require one or more of the following:

    11.1 Updating Lease. Lessor may require or allow Lessee and/or the assignee to execute Lessor's then current form of hangar site Lease, or a partial or complete amendment of this Lease to incorporate the terms and provisions of Lessor's then current form of hangar site Lease.

    11.2 Environmental Assessment. If Lessor reasonably believes that there is a question regarding hazardous materials or other environmental issues that relate to Lessee's use of the premises, Lessor may require, as a condition of assignment, an environmental assessment. Such assessment would be at Lessee's expense, as a condition of approval of assignment.

    11.3 Assumption. The assignee shall expressly assume Lessee's obligations under this Lease, as may be modified in accordance with Paragraph 11.1.

Any approval of assignment is not a release from any and all obligations of Lessee under the Lease, except to the extent that Lessor specifically, in writing, releases Lessee from such obligations. This provision does not apply to any of assignor Lessee's obligations as set forth in Paragraph 12.6.

11.4 As a condition of approval, Lessor may require any improvements to the Leased Premises to bring it into compliance with rules or regulations of the Airport.

12. Specific Obligations of Lessee. In connection with Lessee's occupancy and use of the Leased Premises, the following specific conditions shall apply:

12.1 Utilities. Lessor shall not be obligated to furnish any utilities or utility services to the Leased Premises. If, upon Lessee's request, Lessor agrees to provide utility services to the Leased Premises as a condition of providing service, Lessee shall be responsible for all costs of installation of such service, including transmission lines, connection fees and utility service charges. Prior to construction, a payment agreement in a form acceptable to the Lessor shall be entered into between the parties. If payment includes costs of any transmission lines that have the potential for use by other lessees, there would be included a repayment schedule to the original paying Lessee as other parties apply for service. Such reimbursement agreement shall not exceed ten (10) years in length.

12.2 Maintenance. Lessee shall, at its own cost, keep and maintain the Leased Premises, including hangar building, grounds, and all other improvements in good condition and repair. In determining whether or not the Leased Premises are in proper condition, the Airport Director shall take into consideration the appearance and character of other similar improvements at the Airport which are in good condition and repair. It is specifically acknowledged that the condition or repair includes appearance and improvements of the Leased Premises, and therefore the condition of paint or other exterior finish. Lessee shall not store parts, equipment, or other materials outside the hangar structure. Lessee shall not permit any refuse or debris to be deposited or to accumulate on the Leased Premises. Lessee shall not permit any bird nesting or attractants on the Leased Premises. Failure to maintain the Leased Premises shall be deemed a breach of this Lease.

12.3 Taxi Lane. The cost of construction of the taxi lane shall be an obligation of the Lessee. Such construction shall be subject to the approval of the Lessor. Once constructed, the Lessor shall be responsible for maintenance and repair of the taxi lane. A taxi lane is defined as the portion of the aircraft parking area used for access between taxiways and aircraft parking positions. A taxiway is defined as a path connecting runways with ramps, hangars, terminals, and other facilities.

12.4 Compliance with Laws. Lessee shall comply with all applicable laws, ordinances, resolutions, rules, and regulations of any governmental bodies having jurisdiction over the Airport with respect to Lessee's activity in relation to the use and occupancy of the Leased Premises, and of the Airport in general. Any act or failure to act by Lessee or by any subtenant, employee, invitee, or agent of Lessee in violation of any such laws, ordinances, resolutions, rules, and regulations shall be deemed a violation of this Lease.

12.5 Airport Rules and Regulations. Lessee's obligation under Paragraph 12.4 shall include, but not be limited to, the rules and regulations of the Airport. Lessor reserves the right to adopt additional rules and regulations and amend existing and future rules and regulations which govern the Leased Premises and the facilities at the Airport used by the Lessee. Lessee agrees to observe, obey, and abide by all such rules and regulations currently existing or hereafter adopted or amended. Any action or failure to act by Lessee or by any subtenant, employee, invitee, or agent of Lessee which is in violation of such rules and regulations shall be deemed a violation by Lessee of this Lease.

12.6 Environmental Laws. Lessee's obligations under this Lease specifically include, but are not limited to, strict and timely compliance with all environmental laws. Lessee shall ensure that all operations on the Leased Premises comply with all environmental laws and orders of any governmental authorities having jurisdiction under any environmental laws. Lessee shall exercise extreme care in handling hazardous substances and shall undertake any and all preventive, investigatory, or remedial action (including emergency response, removal, containment, and other remedial action) which is either required by any applicable environmental laws or orders of any governmental authority having jurisdiction under such laws, or necessary to prevent or minimize property damage, personal injury or damage to the environment or threat of any such damage or injury, by releases of, or exposure to, hazardous materials in connection with the Leased Premises or operations thereon. Lessee shall immediately notify Lessor upon becoming aware of any leak, spill, release or disposal of hazardous substances on, under, or adjacent to the Leased Premises. In the event Lessee fails to perform any of Lessee's obligations under this paragraph, Lessor may, but shall not be required to, perform such obligations at Lessee's expense. In performing any such obligations of Lessee, Lessor shall at all times be deemed the agent of Lessee and shall not, by reason of such performance, be deemed to be assuming any responsibility of Lessee under any environmental law or to any other third party. At any time Lessor reasonably requests, Lessee shall provide to Lessor further assurance of Lessee's compliance with this paragraph. The assurances shall be in a form and substance satisfactory to Lessor, in Lessor's sole discretion, and may include but not be limited to, Lessee

providing to Lessor an environmental audit or assessment from a source acceptable to Lessor, at Lessee's expense.

12.6.1 As used in this Lease, the term "environmental laws" means all state, federal, and local statutes, regulations, and ordinances relating to the protection of human health and the environment.

12.6.2 In this Lease, the term "hazardous materials" is used in its very broadest sense and refers to materials that, because of their quantity, concentration or physical, chemical, or infectious characteristics, may cause or pose a present or potential hazard to human health and to the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported, or otherwise handled on the Leased Premises. The term includes, without limitation, petroleum products or crude oil or any fraction thereof, and any and all hazardous or toxic substances, materials, or wastes as defined by or listed under the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and any other environmental laws.

12.7 Signs. In addition to complying with any rule(s) or regulation(s) of Lessor pertaining to signs, Lessee shall not permit to be maintained any sign on the Leased Premises or at the Airport without the prior written approval of the Airport Director. This approval and rules and regulations are in addition to any rules or regulations that would apply to this site by any applicable governmental jurisdiction.

12.8 Aviation Easement. Lessee acknowledges that its right to use the Leased Premises shall be secondary and subordinate to the operation of the Airport. Lessor reserves a right of flight for the passage of aircraft in the airspace above the Leased Premises together with the right to cause noise inherent in the operation of aircraft. Lessee shall not take any action or construct any improvements that interfere with the navigational aids of flight operations of the Airport.

12.9 Security. Lessee recognizes its obligation to comply with federal airport security regulations. Lessee shall reimburse Lessor in full for any fines or penalties levied against Lessor for security violations as a result of any actions on the part of Lessee, its agents, invitees, or employees.

13. Liability to Third Parties.

13.1 Lessee's Indemnification. Lessee shall at all times indemnify, protect, defend, and hold harmless Lessor, its officers, agents, and employees from any claims, demands, losses, actions, or expenses, including attorney fees, to which Lessor may be subject by reason of any property

damage or personal injury arising or alleged to arise from the acts or omissions of Lessee, its agents, invitees, or employees, or in connection with the use, occupancy, or condition of the Leased Premises.

13.2 Liability Insurance Required. Lessee shall procure and maintain throughout the term of this Lease and any extension, at Lessee's cost, public liability and property damage insurance from a company authorized to do business in the State of Oregon with the combined single limit of not less than $1,000,000 and the general aggregate of not less than $2,000,000 for bodily injury, death, personal property or property damage in connection with Lessee's use or occupancy of the Leased Premises, or the exercise of enjoyment of rights or privileges granted by this Lease. Lessor shall have the right to require Lessee to increase the limits of such coverage from time to time to an amount deemed by Lessor to be reasonable in view of conditions and circumstances existing at the time of such increase. Such circumstances include any modification by either court ruling or legislative change to the maximum recovery allowed under the Oregon Tort Claims Act. The insurance shall name Lessor, its officers, agents, and employees as additional insureds with the stipulation that the insurance, as to the interests of Lessor, shall not be invalidated by any act or neglect or breach of contract by Lessee. Lessee shall provide Lessor with a certificate of insurance evidencing the required coverage, with a thirty (30) day notice of cancellation or material change in coverage and shall provide Lessor with such evidence that the policy remains in force as Lessor may require from time to time.

13.3 Liens. Except with respect to activities for which Lessor is responsible, Lessee shall pay as due all claims for work done on and for services rendered or material furnished to the Leased Premises and shall keep Leased Premises free from any liens. If Lessee fails to pay any such claims or to discharge any lien, Lessor may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Lessor and shall be payable on demand. Such action by Lessor shall not constitute a waiver of any right or remedy which Lessor may have on account of Lessee's default.

14. **Subordination**. This Lease shall be subordinate to the provisions of any existing or future agreement between Lessor and the State of Oregon and/or the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of state or federal funds for the development of the Airport, or any amendments thereto.

15. **Cessation of Airport Operation**. Lessor, regardless of the terms of this lease, as a result of any orders of the State of Oregon, the United States, or any other governmental unit or instrumentality, may cease airport operations. Lessee acknowledges Lessor's right to cease such operations and releases Lessor from

any and all damage claims by Lessee against Lessor as a result of such cessation of operations. This release does not apply to any other party who may be the basis for Lessor's cessation of operations. Subject to the orders of cessation, Lessee shall be granted a period of twelve (12) months free of any rents and fees in which to cause the Leased Premises to be restored to a condition free of all improvements, including hangars and debris. Lessor shall not be liable to Lessee for any damages related to loss in use of the Leased Premises due to action under this paragraph. This provision does not eliminate any obligations of Lessee as a result of liability or indemnification obligations as set forth in other provisions of this lease.

16. **Airport Development**. Regardless of the term of this lease, Lessor, at Lessor's discretion or as a result of any orders of the State of Oregon, United States, or any other governmental unit or instrumentality having authority over the property may require the cessation of use of the specific Leased Premises for their leased purposes, prior to the expiration of this lease for the purpose of airport development. At Lessor's option and expense, Lessor shall either (1) dismantle and move to another leasable premises on the Airport property, and there re-erect Lessee's improvement(s) or, (2) purchase Lessee's improvement for fair market value as determined below. If Lessor acts under the first option, the lease reference to location of the Leased Premises shall change, and all other remaining terms of the expired lease shall continue in full force and effect.

    Fair market value under the second option shall be for an amount not less than the fair market value of the improvement immediately prior to determination as determined by an appraisal conducted by an independent appraiser engaged by Lessor. Specifically, the appraiser shall not determine salvage value, but rather the fair market value of the improvement, assuming the Airport was to remain in existence or the party to continue to use the leased area. Purchase price shall be determined and all funds transferred within 180 days of termination. Obligations of removal shall be Lessor's. This action does not eliminate any obligations of Lessee as a result of any liability or indemnification obligations as set forth in other provisions of this lease.

17. **Eminent Domain**. If the Leased Premises and any improvements thereon are taken as a result of eminent domain proceedings, it shall be as if termination was a result of Paragraph 15, except the time allowed for removal of Lessee's improvements by Lessee shall be subject to the time limitation in any condemnation order or twelve (12) months, whichever is shorter. Lessor shall be entitled to all proceeds of condemnation as applied to the value of any real property condemned. Lessee shall be entitled to the value of all improvements. Lessee specifically waives any claims against Lessor as a result of condemnation, except such condemnation as may be instituted by Lessor upon Lessor's own actions and not as a result of any order by other governmental unit.

18. **Removal of Personal Property and Fixtures**.

18.1 Lessee shall remove all personal property and return the Leased Premises to proper condition upon the end of the term(s), or other cessation of use by Lessee, as set forth below. Lessee shall remove all Lessee property except fixtures permanently or semi-permanently affixed, which shall become property of the Lessor upon lease termination or abandonment by Lessee, and restore the grounds to a clean and orderly condition free of all debris.

18.2 Abandonment. If Lessee abandons the Leased Premises, Lessor may treat such abandonment as a default under this Lease, and Lessor may exercise any rights it may have as in the case of default for which Lessee is not entitled to notice. Lessee shall be deemed to have abandoned the Leased Premises if it fails to occupy the same for a period of three (3) months; however, Lessor may consider Lessee to have abandoned the Leased Premises by other acts, words, or conduct evidencing abandonment or intent to abandon the Leased Premises. Any personal property remaining on the Leased Premises sixty (60) days after termination of this Lease for any reason shall be deemed as abandoned by Lessee and Lessor may make any disposition of such personal property as it deems appropriate. Lessor may charge Lessee for the reasonable costs incurred in disposing of such personal property. Upon abandonment, Lessee loses all rights and options set forth in Paragraph 18.1. Lessee remains responsible for all Lessor's costs.

19. Default. Lessee shall be in default under this Lease upon the occurrence of any one or more of the following events (time of payment and performance being of the essence):

19.1 Failure of Lessee to pay any rent or other charges within thirty (30) days after the same becomes due.

19.2 Except as otherwise provided in this Paragraph 19, the failure of Lessee to comply with any term or condition, to fulfill any obligation, or to cure any violation of this Lease within thirty (30) days after written notice by Lessor specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within thirty (30) days, this provision shall be deemed complied with if Lessee begins correction of the default within the thirty (30) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. Lessor may require, as part of the cure of any violation by Lessee, reimbursement from Lessee for any and all costs and expenses incurred by Lessor by reason of Lessee's violation of this Lease.

19.3 If Lessee cures a deficiency in the manner described in Paragraph 19.2, Lessee's subsequent failure to comply with the same term or condition

within twenty-four (24) months shall constitute immediate default without requirement of notice or opportunity to cure.

19.4 If Lessee sub-leases or otherwise assigns its interests in this Lease, except in accordance with the provisions of the Lease, default shall be automatic without requirement of notice or opportunity to cure.

19.5 Lessee shall also be in default in the event of:

1. Lessee's insolvency;

2. An assignment by Lessee for the benefit of creditors;

3. The filing by Lessee of a voluntary petition of bankruptcy action;

4. Adjudication that Lessee is bankrupt;

5. The filing of an involuntary petition of bankruptcy and the failure of Lessee to seek a dismissal of the petition within thirty (30) days after the filing; and

6. The attachment of or the levy of execution on the Lease hold interest and failure of the Lessee to secure a discharge of the attachment or release of the levy of execution within ten (10) days after such attachment or execution;

7. Abandonment of the Leased Premises.

20. **Inspections**. Lessor shall have, at all times during normal business hours, the right to enter into the Leased Premises and inspect Lessee's facilities and operations for the purposes of determining Lessee's compliance with its obligations under this Lease. Lessor shall provide at least 24 hours' notice before any inspection except in cases of emergency. Notice shall be sufficient if prominently posted on the building on the Leased Premises 24 hours prior to the inspection.

21. **Remedies on Default**. In the event of a default, the Lease may be terminated at the option of the Lessor by notice in writing to Lessee. The notice of termination may be included in a notice of failure of compliance given under Paragraph 19. If the Leased Premises is abandoned by Lessee in connection with a default, termination shall be automatic and without notice. If the Lease is terminated for any reason, Lessee's liability to Lessor for damages for breach shall survive such termination, and the rights and obligations of the parties shall be as follows:

21.1 Lessee shall vacate the Leased Premises immediately, remove any property of Lessee including any fixtures which Lessee is required to remove at the end of the Lease term, perform any cleanup, alterations or

other work required to leave the Leased Premises in the condition required by this Lease at the end of the term, and deliver all keys to Lessor. Possession to any structure on the Leased Premises shall immediately revert to Lessor and Lessee shall have no right or claim against Lessor as a result thereof.

21.2 Lessor may re-enter, take possession of the Leased Premises, and remove any persons or property by legal action or self-help with the use of reasonable force and without liability for damages.

21.3 Following re-entry or abandonment, Lessor may relet the Leased Premises and in that connection may relet all or part of the Leased Premises, alone or in conjunction with other properties, for a term longer or shorter than the term of this Lease, upon any reasonable terms and conditions, including the granting of some rent-free occupancy or other rent concession, and may make any suitable alterations and/or refurbish the Leased Premises, or change the character or use of the Leased Premises, but Lessor shall not be required to relet to any Lessee which Lessor may reasonably consider objectionable.

21.4 The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Lessor under applicable law or as set forth in this Lease.

21.5 Any holding over after the expiration of the lease, with the written consent of Lessor, will be construed to be a tenancy from month to month, at 150% of the Basic Rent payable for the period immediately before the expiration of the Term and will otherwise be on the terms and conditions of this Lease. If Lessor consents to any such holding over, either party may thereafter terminate the tenancy at any time upon thirty (30) days' advance written notice to the other party. Any holding over without consent will be a tenancy at sufferance, which Lessor may terminate at any time without notice.

22. Attorney Fees and Costs. In the event any action or claim relating to the enforcement or interpretation of any of the terms of this Lease is made, except as stated in Paragraph 23, the prevailing party shall be entitled to recover all costs, fees, and expenses reasonably incurred, whether or not taxable as costs, including without limitation, attorney fees, inspection and investigation costs, copying charges, and all other related expenses.

In the event any litigation is commenced relating to this Lease, including but not limited to any action or participation by Lessee or Lessor in or connected with a case or proceeding under the Bankruptcy Code or any successor statute, the prevailing party shall be entitled to recover all costs, fees and expenses reasonably incurred, before and after trial, and on appeal and review, whether or not taxable as costs, including without limitation, attorney fees (including

estimated fees to collect a judgment entered in favor of the prevailing party), witness fees (expert or otherwise), deposition costs, inspection and investigation costs, copying charges and all other related expenses. Expenses incurred in the event of arbitration shall be treated as if they were expenses incurred in litigation.

23. **Arbitration**. If any contract dispute arises between the parties, it shall be decided by arbitration unless both parties agree to waive arbitration and proceed with litigation. Upon request for arbitration, the party requesting arbitration shall submit to the other party a list of the names of five independent arbitrators. The other party may select any one of the five. If the parties cannot decide on an arbitrator with qualifications that relate to the dispute at hand within fifteen (15) days, then either party may apply to the presiding judge of the Lincoln County Circuit Court, Oregon, to appoint the required arbitrator.

The Arbitrator shall proceed according to Oregon statutes governing arbitration, and any rules specifically adopted by the parties. If the parties do not agree upon rules for the arbitration, the Arbitrator shall establish rules and advise each respective party. The award of the Arbitrator shall have the effect provided in the Oregon Revised Statutes. The arbitration shall take place in Lincoln County, Oregon. Costs of arbitration and attorney fees and costs may be awarded to a party at the discretion of the Arbitrator.

24. **Discrimination Prohibited**. In connection with Lessee's use and occupancy of the Leased Premises and the conduct of its operations at the Airport, Lessee shall be bound by the following non-discrimination requirements:

24.1 General. Lessee will not discriminate against any person or class of persons by reason of race, color, national origin, sex, ancestry, creed, or on any other grounds prohibited by law.

24.2 Civil Rights Act. Lessee will not on the grounds of race, creed, color, national origin or on any other prohibited grounds, discriminate or permit any discrimination against any person or group of persons in any manner prohibited by Part 21 of the Rules and Regulations of the Secretary of Transportation, effectuating Title VI of the Civil Rights Act of 1964. Without limiting the generality of the foregoing, Lessee agrees not to discriminate against any employees or applicants for employment because of race, creed, color, national origin or on any other prohibited grounds.

24.3 FAA required terms. As required by the FAA, the following clauses are made part of Lessee's obligations under this Lease:

1. Lessee for itself, and its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease for a purpose

for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

2. Lessee for itself, and its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction or any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the Lessee shall use the Leased Premises in compliance with all requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

25. **Non-Waiver**. Waiver by either party of strict performance of any provisions of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provisions in the future or of any other provision. No act or omission shall constitute a waiver of this non-waiver clause.

26. **Notices**. Any notice required or permitted under this Lease shall be considered given when actually delivered in person or when deposited with postage prepaid in the United States mail as registered or certified mail:

To Lessor: Newport Municipal Airport
c/o City of Newport
169 SW Coast Highway
Newport, Oregon 97365
541.574.0603
s.nebel@newportoregon.gov

To Lessee: LBL Properties, LLC
ATTN: Rodney H. Barbour
1425 SW Walking Wood
Depoe Bay, OR 97341
916-288-6360
rbarbour@lawsonmechanical.com

Or to such other address as may be specified from time to time by either of the parties in writing.

27. **Interpretation and Liability**. In interpreting this Lease, the singular shall include the plural. If Lessee consists of more than one individual or entity, each such individual and entity shall be jointly and severally liable for Lessee's obligations under this Lease.

    The provisions of this Lease shall be governed by and construed in accordance with the laws of the State of Oregon, without regard to conflict of law principles. Any actions or suits arising under this Lease must be brought in the appropriate court of the State of Oregon, and the parties hereby consent to venue in Lincoln County Circuit Court, Oregon, unless exclusive jurisdiction is in federal court, in which case venue shall be in federal district court for the District of Oregon.

28. **Succession**. Subject to the limitations set forth elsewhere in this Lease on the transfer of Lessee's interest, this Lease shall be binding upon and inure to the benefit of the parties, their respective heirs, legal representatives, successors, and assigns.

29. **Clearing Matters of Record**. Only at the option of Lessor shall this Lease or a memorandum of this Lease be recorded. If, at the election of Lessor, Lessor determines to create and record a memorandum of this Lease, Lessee shall execute such memorandum at the request of Lessor. In the event this Lease or Lessee's interest in this Lease or in the Leased Premises becomes a matter of record by any means, directly or indirectly, without the consent of Lessor, then at any time after termination of this Lease or termination of Lessee's interest in this Lease, upon request by Lessor, Lessee shall execute documents, in recordable form, as Lessor may reasonably require evidencing the termination of Lessee's interest. This obligation shall survive termination of this Lease and termination of Lessee's interest in this Lease.

30. **Inconveniences During Construction**. Lessee recognizes that from time to time during the term of this Lease, it will be necessary for Lessor to initiate and carry forward programs of construction, reconstruction, expansion, relocation, maintenance, and repair in order that the Airport and its facilities may be suitable for the volume and character of air traffic and flight activity requiring accommodation, and that such construction, reconstruction, expansion, relocation, maintenance, and repair may inconvenience or temporarily interrupt Lessee's operations at the Airport. Lessee agrees that no liability shall attach to Lessor, its officers, agents, employees, contractors, and representatives by reason of such inconveniences or interruptions and, for and in further consideration of this Lease, Lessee waives any right to claim damages or other considerations therefore, except that rent payable under this Lease shall be abated proportionately during and for such period that access to the Leased Premises by aircraft of Lessee and its invitees is denied by reason of such inconveniences or interruptions.

31. **Rights Not Exclusive**. Except for Lessee's right to use and occupy the Leased Premises under this Lease, nothing in this Lease shall be construed as granting an exclusive right to Lessee.

32. **Entire Agreement**. This Lease contains the entire Agreement between the parties concerning the Leased Premises and supersedes all prior agreements, oral and written, concerning the Leased Premises. This Lease may be modified only in writing and signed by the parties.

The individuals executing this Lease warrant that they have full authority to execute this Lease and that they have thoroughly read this Lease prior to executing it.

LESSOR:

City of Newport
By: Spencer R. Nebel, City Manager

_____
Signature

_____
Date

LESSEE:

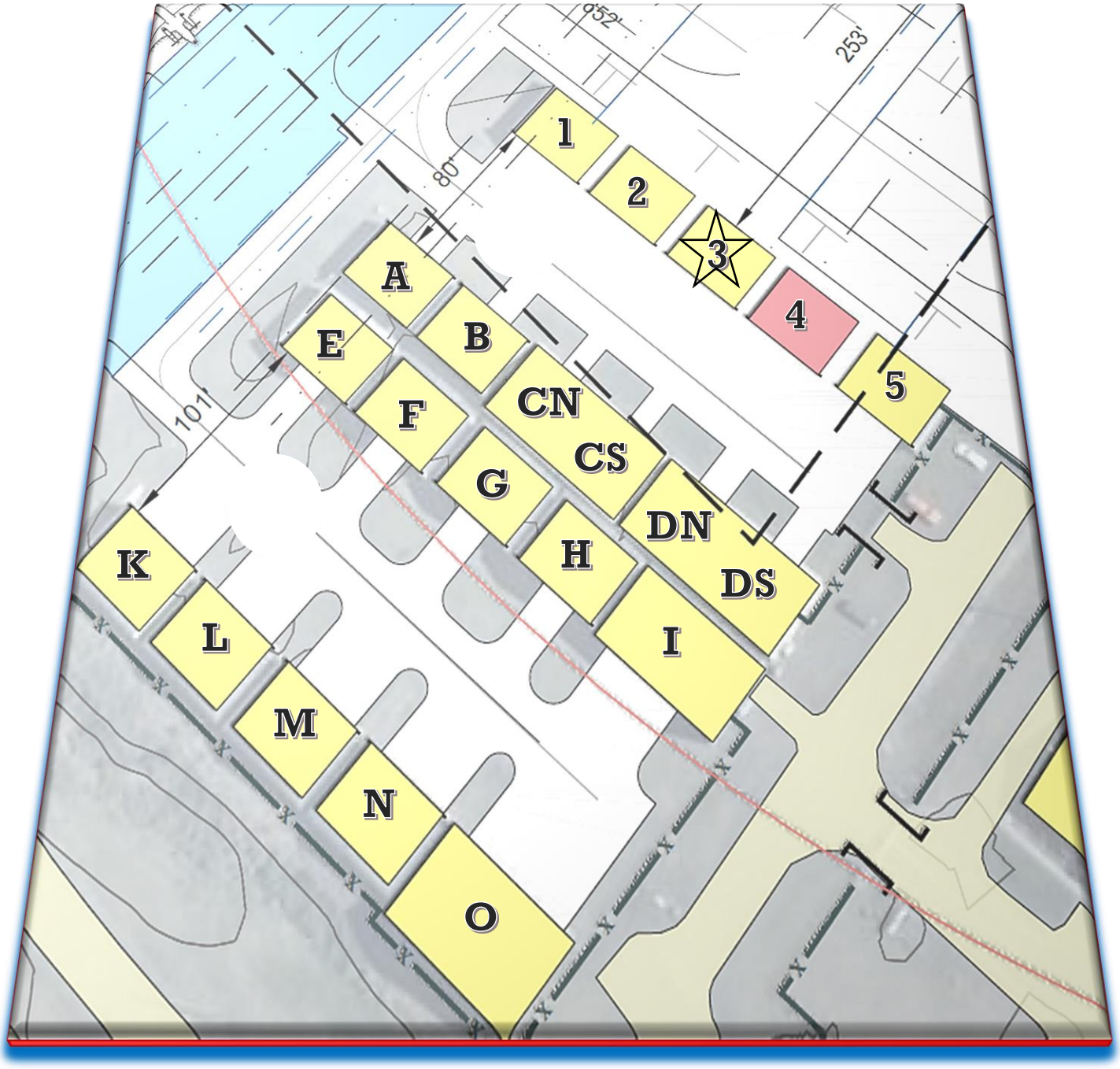
_____
Signature

_____
Date

Approved as to Form:

_____
David N. Allen, City Attorney

Newport Municipal Airport North Hangar Area



NEWPORT MUNICIPAL AIRPORT
HANGAR SITE LAND LEASE AGREEMENT

BETWEEN: The City of Newport, an Oregon Municipal Corporation **(Lessor)**

AND: Michael M & Michele L Monsanto **(Lessee)**

EFFECTIVE DATE: 12/6/2021

RECITALS

A. The Newport Municipal Airport (Airport) is operated by and under the jurisdiction of Lessor. In accordance with sound Airport management practices, the Airport rules and regulations and the Airport Plan of Development, as updated and amended from time to time, and other relevant policies of Lessor that apply to Airport usage, certain areas of the Airport are reserved for each of the several types of activities that occur.

B. Lessee desires to construct and maintain a hangar at the Airport in an area designated for such facilities, and Lessor is willing to Lease the land to Lessee for the purpose of constructing and maintaining such a hangar in accordance with the terms and conditions set forth in this Lease.

C. The following are attached and incorporated as part of the Lease:

Exhibit A - Description and Map of Leased Premises (land only).

AGREEMENT

1. Lease. For the purpose stated in this Lease and on the other terms and conditions stated herein, Lessor leases to Lessee the land as described on the attached Exhibit A, consisting of 1710 square feet (Leased Premises).

2. Initial Term for a New Lease. The period of the Lease will be fifteen (15) years, commencing 12-6-2021 and expiring 12-6-2036 subject to earlier termination in accordance with the terms of this Lease.

3. Extension Term. Provided Lessee is not in default in the performance of any term or condition of this Lease, Lessee shall have the option to extend this Lease for two (2) additional terms of five (5) years per term, commencing with the expiration of the first or additional term, upon the following conditions:

   3.1 The extension option may be exercised at any time between 360 and 60 days prior to the expiration of the initial term, or any extension term, with written notice given to Lessor by the Lessee. If not exercised within such period and in such manner, the option to extend shall be void. Even if

exercised timely, the granting of the option is conditional upon the provisions in this Paragraph 3.

3.2 Within sixty (60) days after receipt of Lessee's notice of exercise of the extension option, Lessor shall cause the improvements to be inspected by the Building Official for the City of Newport. The inspection shall be for the purpose of determining the condition of the improvements.

3.3 Following the inspection, Lessor shall notify Lessee of the inspection results, including a list of any necessary repairs. The additional term shall be contingent upon Lessee's completion of any necessary repairs and/or resolution of code compliance issues.

3.4 Additionally, Lessor may require as a further condition to Lessee's right to continue the Lease for an extension term, that Lessee make such alterations, improvements, or repairs Lessor deems necessary or appropriate for the good of the Airport, taking into consideration the state of repair and condition of other similar and newer improvements located at the Airport, and the overriding desire to maintain clean, safe, and attractive facilities for other users of the Airport. Items considered for improvement shall include, but shall not be limited to, structural integrity of the hangar, exterior finish, condition and operation of doors, and condition of roof. To effectuate any such additional conditions, Lessee's right to continue the Lease during the extension term shall be subject to a supplemental document between Lessor and Lessee, setting forth a reasonable time, determined by Lessor, in which such alterations and repairs will be made, and providing that upon Lessee's failure to make such alterations and repairs within that period, the extension term shall immediately terminate, in which event the provisions of Paragraph 18 shall apply.

3.5 As used herein, the Building Official is the individual occupying that position or similar position at the time the inspection is made, or that person's designee or agent, or the individual occupying a similar position in a successor agency or governmental unit having building code jurisdiction over the Airport facilities.

3.6 Upon the expiration of the two (2) additional terms of five (5) year extensions, the lease shall terminate. At that time, Lessee may negotiate with Lessor on the terms and conditions of a new lease.

4. **Basic Rent.**

4.1 Basic rent is $0.253 per square foot of ground space per year. Basic rent shall be due and payable on a monthly basis, $36.05 monthly ($432.63 annually), prorated to the first day of the month following signing, and due on the same day of each month thereafter.

4.2 Any payments or partial payments not made under this Lease shall bear interest at the rate of twelve percent (12%) per annum until paid.

5. **Adjustments to Basic Rent**.

5.1 CPI Adjustment. The basic rent provided in Paragraph 4 shall be increased each year by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor. Comparisons shall be made using the index entitled, "U.S. City Average/All Items and Major Group Figures for all Urban Consumers Portland Area (1982-84 = 100)," or the nearest comparable data on changes in the cost of living, if such index is no longer published. The change shall be determined by comparison of the figure for the previous January 1, with that of January 1 of the current year. In no event shall this calculation cause a reduction in base rent below that payable during the preceding year. The proposed adjustment shall be presented to Lessee by Lessor thirty (30) days prior to the effective date of the assessment.

5.2 Challenge. Lessee may give Lessor notice, within thirty (30) days of the notice of rental adjustment, challenging Lessor's figures. If any such challenge is not made within thirty (30) days, Lessee's challenge to the figures presented by Lessor shall be deemed waived. The challenge shall be restricted to Lessor's calculations of increases relating to Lessee and, if not resolved by the parties, will be referred to arbitration as described in Paragraph 23.

5.3 Fee. An annual maintenance fee may be established for hangar lease sites at the Airport pursuant to resolution of the Newport City Council as provided under Newport Municipal Code section 9.40.010.

6. **Taxes**. Lessee shall pay when and if levied, any taxes on the Leased Premises, as well as any taxes on improvements and fixtures constructed and maintained on the Leased Premises. If any taxes on the Leased Premises are levied against the Lessor, they shall be reimbursed to the Lessor within thirty (30) days of written notice from Lessor to Lessee.

7. **Pre-Approval of Plans**. Lessee shall construct and maintain upon the Leased Premises an aircraft hangar which shall in all respects comply with applicable laws, rules, regulations, ordinances, and resolutions of all governmental entities, including Lessor. The plans and specifications of the hangar shall be subject to approval by Lessor. Lessee shall submit such plans and specifications to the Airport Director. The Airport Director may withhold approval of Lessee's plans and specifications when, in the Director's reasonable judgment, the proposed development is not consistent with the plans, policies, rules, regulations, standards of quality, and practices at the Airport. No site preparation or construction shall be commenced without first obtaining the written approval of the City Manager.

8. **Construction of Improvements**. Lessee shall construct its planned facilities and install therein all necessary fixtures, equipment, and accessories, all of which shall be in accordance with the terms and conditions of this Lease and any applicable city code or FAA requirements. Lessee shall complete construction of the new improvements within one (1) year after the Effective Date of this Lease. Existing improvements shall be deemed to have been appropriately constructed so long as they are well-maintained and meet all applicable city code and FAA requirements. It is expressly understood that upon the expiration of the Lease, all hangar improvements shall become property of Lessor.

8.1 Lessee agrees to reimburse Lessor for the apportioned costs of roadway improvements including, but not limited to: excavation, paving, drainage, and fencing required for all extensions of the access road to the Leased Premises. Lessee shall be responsible for the cost of all extensions, as applicable, of all water, sewer, and other utilities to the Leased Premises, as well as any fees for obtaining service. Lessee shall be responsible for payment at the time improvements are completed. Lessee shall remit payment to Lessor within thirty (30) days from the date of invoice.

8.2 Lessee agrees to construct, at Lessee's expense, aircraft access improvements, including without limitation driveways, taxi lanes, aprons, and ramps to its planned facility. Construction and location of the access improvements shall comply with specifications set forth by Lessor at the time of plan's approval. Lessee understands that those portions of the constructed Airport access improvements situated outside the boundaries of the Leased Premises shall become, immediately upon their completion to Lessor's satisfaction, the property of Lessor. All construction and any connections to the runway of any apron or taxi lane shall in addition be governed by any rules or regulations regarding Airport operations and must be approved of and overseen by Airport management. Constructed facilities shall not be occupied until access is completed and accepted by Lessor.

8.3 Upon completion of improvements, Lessee shall provide an 8 ½" x 11" site plan detailing a scaled drawing of the Leased Premises, hangar foot print, office area, parking, landscaping, and any other improvements.

8.4 The provisions provided above do not relieve Lessee from compliance with all applicable building code requirements and acquiring all necessary licenses and permits from any governmental authority.

8.5 If the aircraft hangar or other improvements on the Leased Premises are damaged or destroyed, Lessee shall do whatever is necessary to repair, rebuild, or restore the structure and other improvements to substantially the same condition existing prior to the damage or destruction within 180 days of the date of destruction. Upon written request from Lessee, Lessor may extend the 180-day timeline to the extent reasonably necessary due to conditions beyond the control of Lessee.

9. **Use of the Leased Premises.** Use of the Leased Premises is limited to aeronautical uses. The Lessee may use the Leased Premises, at its own risk, for the following purposes and for no other purpose (including commercial or business use) without the prior written approval of the Airport Director:

9.1 Construction of an aircraft hangar for private use by the Lessee in accordance with Airport rules and regulations;

9.2 Storage of aircraft;

9.3 Supplies, equipment, and other ancillary items necessary for the safe operations and maintenance of the Lessee's aircraft;

9.4 Construction, maintenance, and repair of Lessee's aircraft by Lessee or by a person or firm in accordance with current and applicable future Airport rules and regulations.

9.5 The hangar cannot be used for temporary or permanent residential use.

10. **Lessee's Additional Use Rights.** Lessee shall have the use of Airport facilities and navigational aids for the purpose of landing, taking off, and taxiing of Lessee's aircraft, and related rights of ingress and egress 24 hours a day, subject to the current or any amended laws, rules, regulations, ordinances, and resolutions of applicable governmental bodies, including Lessor.

11. **Restriction on Assignment and Sublease.** Lessee shall not assign this Lease, or any interest herein, or sublease the Leased Premises without the prior written consent of Lessor. As a condition of any consent to assignment, Lessor may require one or more of the following:

11.1 Updating Lease. Lessor may require or allow Lessee and/or the assignee to execute Lessor's then current form of hangar site Lease, or a partial or complete amendment of this Lease to incorporate the terms and provisions of Lessor's then current form of hangar site Lease.

11.2 Environmental Assessment. If Lessor reasonably believes that there is a question regarding hazardous materials or other environmental issues that relate to Lessee's use of the premises, Lessor may require, as a condition of assignment, an environmental assessment. Such assessment would be at Lessee's expense, as a condition of approval of assignment.

11.3 Assumption. The assignee shall expressly assume Lessee's obligations under this Lease, as may be modified in accordance with Paragraph 11.1. Any approval of assignment is not a release from any and all obligations of Lessee under the Lease, except to the extent that Lessor specifically, in

writing, releases Lessee from such obligations. This provision does not apply to any of assignor Lessee's obligations as set forth in Paragraph 12.6.

11.4 As a condition of approval, Lessor may require any improvements to the Leased Premises to bring it into compliance with rules or regulations of the Airport.

12. **Specific Obligations of Lessee**. In connection with Lessee's occupancy and use of the Leased Premises, the following specific conditions shall apply:

12.1 Utilities. Lessor shall not be obligated to furnish any utilities or utility services to the Leased Premises. If, upon Lessee's request, Lessor agrees to provide utility services to the Leased Premises as a condition of providing service, Lessee shall be responsible for all costs of installation of such service, including transmission lines, connection fees and utility service charges. Prior to construction, a payment agreement in a form acceptable to the Lessor shall be entered into between the parties. If payment includes costs of any transmission lines that have the potential for use by other lessees, there would be included a repayment schedule to the original paying Lessee as other parties apply for service. Such reimbursement agreement shall not exceed ten (10) years in length.

12.2 Maintenance. Lessee shall, at its own cost, keep and maintain the Leased Premises, including hangar building, grounds, and all other improvements in good condition and repair. In determining whether or not the Leased Premises are in proper condition, the Airport Director shall take into consideration the appearance and character of other similar improvements at the Airport which are in good condition and repair. It is specifically acknowledged that the condition or repair includes appearance and improvements of the Leased Premises, and therefore the condition of paint or other exterior finish. Lessee shall not store parts, equipment, or other materials outside the hangar structure. Lessee shall not permit any refuse or debris to be deposited or to accumulate on the Leased Premises. Lessee shall not permit any bird nesting or attractants on the Leased Premises. Failure to maintain the Leased Premises shall be deemed a breach of this Lease.

12.3 Taxi Lane. The cost of construction of the taxi lane shall be an obligation of the Lessee. Such construction shall be subject to the approval of the Lessor. Once constructed, the Lessor shall be responsible for maintenance and repair of the taxi lane. A taxi lane is defined as the portion of the aircraft parking area used for access between taxiways and aircraft parking positions. A taxiway is defined as a parth connecting runways with ramps, hangars, terminals, and other facilities.

12.4 Compliance with Laws. Lessee shall comply with all applicable laws, ordinances, resolutions, rules, and regulations of any governmental bodies

having jurisdiction over the Airport with respect to Lessee's activity in relation to the use and occupancy of the Leased Premises, and of the Airport in general. Any act or failure to act by Lessee or by any subtenant, employee, invitee, or agent of Lessee in violation of any such laws, ordinances, resolutions, rules, and regulations shall be deemed a violation of this Lease.

12.5 Airport Rules and Regulations. Lessee's obligation under Paragraph 12.4 shall include, but not be limited to, the rules and regulations of the Airport. Lessor reserves the right to adopt additional rules and regulations and amend existing and future rules and regulations which govern the Leased Premises and the facilities at the Airport used by the Lessee. Lessee agrees to observe, obey, and abide by all such rules and regulations currently existing or hereafter adopted or amended. Any action or failure to act by Lessee or by any subtenant, employee, invitee, or agent of Lessee which is in violation of such rules and regulations shall be deemed a violation by Lessee of this Lease.

12.6 Environmental Laws. Lessee's obligations under this Lease specifically include, but are not limited to, strict and timely compliance with all environmental laws. Lessee shall ensure that all operations on the Leased Premises comply with all environmental laws and orders of any governmental authorities having jurisdiction under any environmental laws. Lessee shall exercise extreme care in handling hazardous substances and shall undertake any and all preventive, investigatory, or remedial action (including emergency response, removal, containment, and other remedial action) which is either required by any applicable environmental laws or orders of any governmental authority having jurisdiction under such laws, or necessary to prevent or minimize property damage, personal injury or damage to the environment or threat of any such damage or injury, by releases of, or exposure to, hazardous materials in connection with the Leased Premises or operations thereon. Lessee shall immediately notify Lessor upon becoming aware of any leak, spill, release or disposal of hazardous substances on, under, or adjacent to the Leased Premises. In the event Lessee fails to perform any of Lessee's obligations under this paragraph, Lessor may, but shall not be required to, perform such obligations at Lessee's expense. In performing any such obligations of Lessee, Lessor shall at all times be deemed the agent of Lessee and shall not, by reason of such performance, be deemed to be assuming any responsibility of Lessee under any environmental law or to any other third party. At any time Lessor reasonably requests, Lessee shall provide to Lessor further assurance of Lessee's compliance with this paragraph. The assurances shall be in a form and substance satisfactory to Lessor, in Lessor's sole discretion, and may include but not be limited to, Lessee providing to Lessor an environmental audit or assessment from a source acceptable to Lessor, at Lessee's expense.

12.6.1 As used in this Lease, the term "environmental laws" means all state, federal, and local statutes, regulations, and ordinances relating to the protection of human health and the environment.

12.6.2 In this Lease, the term "hazardous materials" is used in its very broadest sense and refers to materials that, because of their quantity, concentration or physical, chemical, or infectious characteristics, may cause or pose a present or potential hazard to human health and to the environment when improperly used, treated, stored, disposed of, generated, manufactured, transported, or otherwise handled on the Leased Premises. The term includes, without limitation, petroleum products or crude oil or any fraction thereof, and any and all hazardous or toxic substances, materials, or wastes as defined by or listed under the Resource Conservation and Recovery Act, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and any other environmental laws.

12.7 Signs. In addition to complying with any rule(s) or regulation(s) of Lessor pertaining to signs, Lessee shall not permit to be maintained any sign on the Leased Premises or at the Airport without the prior written approval of the Airport Director. This approval and rules and regulations are in addition to any rules or regulations that would apply to this site by any applicable governmental jurisdiction.

12.8 Aviation Easement. Lessee acknowledges that its right to use the Leased Premises shall be secondary and subordinate to the operation of the Airport. Lessor reserves a right of flight for the passage of aircraft in the airspace above the Leased Premises together with the right to cause noise inherent in the operation of aircraft. Lessee shall not take any action or construct any improvements that interfere with the navigational aids of flight operations of the Airport.

12.9 Security. Lessee recognizes its obligation to comply with federal airport security regulations. Lessee shall reimburse Lessor in full for any fines or penalties levied against Lessor for security violations as a result of any actions on the part of Lessee, its agents, invitees, or employees.

13. **Liability to Third Parties**.

13.1 Lessee's Indemnification. Lessee shall at all times indemnify, protect, defend, and hold harmless Lessor, its officers, agents, and employees from any claims, demands, losses, actions, or expenses, including attorney fees, to which Lessor may be subject by reason of any property damage or personal injury arising or alleged to arise from the acts or omissions of Lessee, its agents, invitees, or employees, or in connection with the use, occupancy, or condition of the Leased Premises.

13.2 Liability Insurance Required. Lessee shall procure and maintain throughout the term of this Lease and any extension, at Lessee's cost, public liability and property damage insurance from a company authorized to do business in the State of Oregon with the combined single limit of not less than $1,000,000 and the general aggregate of not less than $2,000,000 for bodily injury, death, personal property or property damage in connection with Lessee's use or occupancy of the Leased Premises, or the exercise of enjoyment of rights or privileges granted by this Lease. Lessor shall have the right to require Lessee to increase the limits of such coverage from time to time to an amount deemed by Lessor to be reasonable in view of conditions and circumstances existing at the time of such increase. Such circumstances include any modification by either court ruling or legislative change to the maximum recovery allowed under the Oregon Tort Claims Act. The insurance shall name Lessor, its officers, agents, and employees as additional insureds with the stipulation that the insurance, as to the interests of Lessor, shall not be invalidated by any act or neglect or breach of contract by Lessee. Lessee shall provide Lessor with a certificate of insurance evidencing the required coverage, with a thirty (30) day notice of cancellation or material change in coverage and shall provide Lessor with such evidence that the policy remains in force as Lessor may require from time to time.

13.3 Liens. Except with respect to activities for which Lessor is responsible, Lessee shall pay as due all claims for work done on and for services rendered or material furnished to the Leased Premises and shall keep Leased Premises free from any liens. If Lessee fails to pay any such claims or to discharge any lien, Lessor may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Lessor and shall be payable on demand. Such action by Lessor shall not constitute a waiver of any right or remedy which Lessor may have on account of Lessee's default.

14. **Subordination**. This Lease shall be subordinate to the provisions of any existing or future agreement between Lessor and the State of Oregon and/or the United States relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of state or federal funds for the development of the Airport, or any amendments thereto.

15. **Cessation of Airport Operation**. Lessor, regardless of the terms of this lease, as a result of any orders of the State of Oregon, the United States, or any other governmental unit or instrumentality, may cease airport operations. Lessee acknowledges Lessor's right to cease such operations and releases Lessor from any and all damage claims by Lessee against Lessor as a result of such cessation of operations. This release does not apply to any other party who may be the basis for Lessor's cessation of operations. Subject to the orders of cessation, Lessee

shall be granted a period of twelve (12) months free of any rents and fees in which to cause the Leased Premises to be restored to a condition free of all improvements, including hangars and debris. Lessor shall not be liable to Lessee for any damages related to loss in use of the Leased Premises due to action under this paragraph. This provision does not eliminate any obligations of Lessee as a result of liability or indemnification obligations as set forth in other provisions of this lease.

16. **Airport Development**. Regardless of the term of this lease, Lessor, at Lessor's discretion or as a result of any orders of the State of Oregon, United States, or any other governmental unit or instrumentality having authority over the property may require the cessation of use of the specific Leased Premises for their leased purposes, prior to the expiration of this lease for the purpose of airport development. At Lessor's option and expense, Lessor shall either (1) dismantle and move to another leasable premises on the Airport property, and there re-erect Lessee's improvement(s) or, (2) purchase Lessee's improvement for fair market value as determined below. If Lessor acts under the first option, the lease reference to location of the Leased Premises shall change, and all other remaining terms of the expired lease shall continue in full force and effect.

Fair market value under the second option shall be for an amount not less than the fair market value of the improvement immediately prior to determination as determined by an appraisal conducted by an independent appraiser engaged by Lessor. Specifically, the appraiser shall not determine salvage value, but rather the fair market value of the improvement, assuming the Airport was to remain in existence or the party to continue to use the leased area. Purchase price shall be determined and all funds transferred within 180 days of termination. Obligations of removal shall be Lessor's. This action does not eliminate any obligations of Lessee as a result of any liability or indemnification obligations as set forth in other provisions of this lease.

17. **Eminent Domain**. If the Leased Premises and any improvements thereon are taken as a result of eminent domain proceedings, it shall be as if termination was a result of Paragraph 15, except the time allowed for removal of Lessee's improvements by Lessee shall be subject to the time limitation in any condemnation order or twelve (12) months, whichever is shorter. Lessor shall be entitled to all proceeds of condemnation as applied to the value of any real property condemned. Lessee shall be entitled to the value of all improvements. Lessee specifically waives any claims against Lessor as a result of condemnation, except such condemnation as may be instituted by Lessor upon Lessor's own actions and not as a result of any order by other governmental unit.

18. **Removal of Personal Property and Fixtures**.

18.1 Lessee shall remove all personal property and return the Leased Premises to proper condition upon the end of the term(s), or other cessation of use by Lessee, as set forth below. Lessee shall remove all Lessee property except

fixtures permanently or semi-permanently affixed, which shall become property of the Lessor upon lease termination or abandonment by Lessee, and restore the grounds to a clean and orderly condition free of all debris.

18.2 Abandonment. If Lessee abandons the Leased Premises, Lessor may treat such abandonment as a default under this Lease, and Lessor may exercise any rights it may have as in the case of default for which Lessee is not entitled to notice. Lessee shall be deemed to have abandoned the Leased Premises if it fails to occupy the same for a period of three (3) months; however, Lessor may consider Lessee to have abandoned the Leased Premises by other acts, words, or conduct evidencing abandonment or intent to abandon the Leased Premises. Any personal property remaining on the Leased Premises sixty (60) days after termination of this Lease for any reason shall be deemed as abandoned by Lessee and Lessor may make any disposition of such personal property as it deems appropriate. Lessor may charge Lessee for the reasonable costs incurred in disposing of such personal property. Upon abandonment, Lessee loses all rights and options set forth in Paragraph 18.1. Lessee remains responsible for all Lessors' costs.

19. **Default**. Lessee shall be in default under this Lease upon the occurrence of any one or more of the following events (time of payment and performance being of the essence):

19.1 Failure of Lessee to pay any rent or other charges within thirty (30) days after the same becomes due.

19.2 Except as otherwise provided in this Paragraph 19, the failure of Lessee to comply with any term or condition, to fulfill any obligation, or to cure any violation of this Lease within thirty (30) days after written notice by Lessor specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within thirty (30) days, this provision shall be deemed complied with if Lessee begins correction of the default within the thirty (30) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable. Lessor may require, as part of the cure of any violation by Lessee, reimbursement from Lessee for any and all costs and expenses incurred by Lessor by reason of Lessee's violation of this Lease.

19.3 If Lessee cures a deficiency in the manner described in Paragraph 19.2, Lessee's subsequent failure to comply with the same term or condition within twenty-four (24) months shall constitute immediate default without requirement of notice or opportunity to cure.

19.4 If Lessee sub-leases or otherwise assigns its interests in this Lease, except in accordance with the provisions of the Lease, default shall be automatic without requirement of notice or opportunity to cure.

19.5 Lessee shall also be in default in the event of:

1. Lessee's insolvency;

2. An assignment by Lessee for the benefit of creditors;

3. The filing by Lessee of a voluntary petition of bankruptcy action;

4. Adjudication that Lessee is bankrupt;

5. The filing of an involuntary petition of bankruptcy and the failure of Lessee to seek a dismissal of the petition within thirty (30) days after the filing; and

6. The attachment of or the levy of execution on the Lease hold interest and failure of the Lessee to secure a discharge of the attachment or release of the levy of execution within ten (10) days after such attachment or execution;

7. Abandonment of the Leased Premises.

20. **Inspections**. Lessor shall have, at all times during normal business hours, the right to enter into the Leased Premises and inspect Lessee's facilities and operations for the purposes of determining Lessee's compliance with its obligations under this Lease. Lessor shall provide at least 24 hours' notice before any inspection except in cases of emergency. Notice shall be sufficient if prominently posted on the building on the Leased Premises 24 hours prior to the inspection.

21. **Remedies on Default**. In the event of a default, the Lease may be terminated at the option of the Lessor by notice in writing to Lessee. The notice of termination may be included in a notice of failure of compliance given under Paragraph 19. If the Leased Premises is abandoned by Lessee in connection with a default, termination shall be automatic and without notice. If the Lease is terminated for any reason, Lessee's liability to Lessor for damages for breach shall survive such termination, and the rights and obligations of the parties shall be as follows:

21.1 Lessee shall vacate the Leased Premises immediately, remove any property of Lessee including any fixtures which Lessee is required to remove at the end of the Lease term, perform any cleanup, alterations or other work required to leave the Leased Premises in the condition required by this Lease at the end of the term, and deliver all keys to Lessor. Possession to any structure on the Leased Premises shall immediately revert to Lessor and Lessee shall have no right or claim against Lessor as a result thereof.

21.2 Lessor may re-enter, take possession of the Leased Premises, and remove any persons or property by legal action or self-help with the use of reasonable force and without liability for damages.

21.3 Following re-entry or abandonment, Lessor may relet the Leased Premises and in that connection may relet all or part of the Leased Premises, alone or in conjunction with other properties, for a term longer or shorter than the term of this Lease, upon any reasonable terms and conditions, including the granting of some rent-free occupancy or other rent concession, and may make any suitable alterations and/or refurbish the Leased Premises, or change the character or use of the Leased Premises, but Lessor shall not be required to relet to any Lessee which Lessor may reasonably consider objectionable.

21.4 The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Lessor under applicable law or as set forth in this Lease.

21.5 Any holding over after the expiration of the lease, with the written consent of Lessor, will be construed to be a tenancy from month to month, at 150% of the Basic Rent payable for the period immediately before the expiration of the Term and will otherwise be on the terms and conditions of this Lease. If Lessor consents to any such holding over, either party may thereafter terminate the tenancy at any time upon thirty (30) days' advance written notice to the other party. Any holding over without consent will be a tenancy at sufferance, which Lessor may terminate at any time without notice.

22. **Attorney Fees and Costs**. In the event any action or claim relating to the enforcement or interpretation of any of the terms of this Lease is made, except as stated in Paragraph 23, the prevailing party shall be entitled to recover all costs, fees, and expenses reasonably incurred, whether or not taxable as costs, including without limitation, attorney fees, inspection and investigation costs, copying charges, and all other related expenses.

In the event any litigation is commenced relating to this Lease, including but not limited to any action or participation by Lessee or Lessor in or connected with a case or proceeding under the Bankruptcy Code or any successor statute, the prevailing party shall be entitled to recover all costs, fees and expenses reasonably incurred, before and after trial, and on appeal and review, whether or not taxable as costs, including without limitation, attorney fees (including estimated fees to collect a judgment entered in favor of the prevailing party), witness fees (expert or otherwise), deposition costs, inspection and investigation costs, copying charges and all other related expenses. Expenses incurred in the event of arbitration shall be treated as if they were expenses incurred in litigation.

23. **Arbitration**. If any contract dispute arises between the parties, it shall be decided by arbitration unless both parties agree to waive arbitration and proceed with

litigation. Upon request for arbitration, the party requesting arbitration shall submit to the other party a list of the names of five independent arbitrators. The other party may select any one of the five. If the parties cannot decide on an arbitrator with qualifications that relate to the dispute at hand within fifteen (15) days, then either party may apply to the presiding judge of the Lincoln County Circuit Court, Oregon, to appoint the required arbitrator.

The Arbitrator shall proceed according to Oregon statutes governing arbitration, and any rules specifically adopted by the parties. If the parties do not agree upon rules for the arbitration, the Arbitrator shall establish rules and advise each respective party. The award of the Arbitrator shall have the effect provided in the Oregon Revised Statutes. The arbitration shall take place in Lincoln County, Oregon. Costs of arbitration and attorney fees and costs may be awarded to a party at the discretion of the Arbitrator.

24. **Discrimination Prohibited**. In connection with Lessee's use and occupancy of the Leased Premises and the conduct of its operations at the Airport, Lessee shall be bound by the following non-discrimination requirements:

24.1 General. Lessee will not discriminate against any person or class of persons by reason of race, color, national origin, sex, ancestry, creed, or on any other grounds prohibited by law.

24.2 Civil Rights Act. Lessee will not on the grounds of race, creed, color, national origin or on any other prohibited grounds, discriminate or permit any discrimination against any person or group of persons in any manner prohibited by Part 21 of the Rules and Regulations of the Secretary of Transportation, effectuating Title VI of the Civil Rights Act of 1964. Without limiting the generality of the foregoing, Lessee agrees not to discriminate against any employees or applicants for employment because of race, creed, color, national origin or on any other prohibited grounds.

24.3 FAA required terms. As required by the FAA, the following clauses are made part of Lessee's obligations under this Lease:

1. Lessee for itself, and its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease for a purpose for which a US Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

2. Lessee for itself, and its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction or any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the Lessee shall use the Leased Premises in compliance with all requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

25. **Non-Waiver**. Waiver by either party of strict performance of any provisions of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provisions in the future or of any other provision. No act or omission shall constitute a waiver of this non-waiver clause.

26. **Notices**. Any notice required or permitted under this Lease shall be considered given when actually delivered in person or when deposited with postage prepaid in the United States mail as registered or certified mail:

To Lessor: Newport Municipal Airport
c/o City of Newport
169 SW Coast Highway
Newport, Oregon 97365
541.574.0603
s.nebel@newportoregon.gov

To Lessee: Michael M & Michele L Monsanto
505 Lowewood Place
Chula Vista, CA 91910
843.338.9636
mmmonsanto@gmail.com

Or to such other address as may be specified from time to time by either of the parties in writing.

27. **Interpretation and Liability**. In interpreting this Lease, the singular shall include the plural. If Lessee consists of more than one individual or entity, each such individual and entity shall be jointly and severally liable for Lessee's obligations under this Lease.

The provisions of this Lease shall be governed by and construed in accordance with the laws of the State of Oregon, without regard to conflict of law principles. Any actions or suits arising under this Lease must be brought in the appropriate court of the State of Oregon, and the parties hereby consent to venue in Lincoln County Circuit Court, Oregon, unless exclusive jurisdiction is in federal court, in which case venue shall be in federal district court for the District of Oregon.

28. **Succession**. Subject to the limitations set forth elsewhere in this Lease on the transfer of Lessee's interest, this Lease shall be binding upon and inure to the benefit of the parties, their respective heirs, legal representatives, successors, and assigns.

29. **Clearing Matters of Record**. Only at the option of Lessor shall this Lease or a memorandum of this Lease be recorded. If, at the election of Lessor, Lessor determines to create and record a memorandum of this Lease, Lessee shall execute such memorandum at the request of Lessor. In the event this Lease or Lessee's interest in this Lease or in the Leased Premises becomes a matter of record by any means, directly or indirectly, without the consent of Lessor, then at any time after termination of this Lease or termination of Lessee's interest in this Lease, upon request by Lessor, Lessee shall execute documents, in recordable form, as Lessor may reasonably require evidencing the termination of Lessee's interest. This obligation shall survive termination of this Lease and termination of Lessee's interest in this Lease.

30. **Inconveniences During Construction**. Lessee recognizes that from time to time during the term of this Lease, it will be necessary for Lessor to initiate and carry forward programs of construction, reconstruction, expansion, relocation, maintenance, and repair in order that the Airport and its facilities may be suitable for the volume and character of air traffic and flight activity requiring accommodation, and that such construction, reconstruction, expansion, relocation, maintenance, and repair may inconvenience or temporarily interrupt Lessee's operations at the Airport. Lessee agrees that no liability shall attach to Lessor, its officers, agents, employees, contractors, and representatives by reason of such inconveniences or interruptions and, for and in further consideration of this Lease, Lessee waives any right to claim damages or other considerations therefore, except that rent payable under this Lease shall be abated proportionately during and for such period that access to the Leased Premises by aircraft of Lessee and its invitees is denied by reason of such inconveniences or interruptions.

31. **Rights Not Exclusive**. Except for Lessee's right to use and occupy the Leased Premises under this Lease, nothing in this Lease shall be construed as granting an exclusive right to Lessee.

32. **Entire Agreement**. This Lease contains the entire Agreement between the parties concerning the Leased Premises and supersedes all prior agreements, oral and written, concerning the Leased Premises. This Lease may be modified only in writing and signed by the parties.

The individuals executing this Lease warrant that they have full authority to execute this Lease and that they have thoroughly read this Lease prior to executing it.

LESSOR:

City of Newport
By: Spencer R. Nebel, City Manager

Signature

03-29-21
Date

LESSEE:

Michele L. Monarto

Signature

12-20-2021
Date

Approved as to Form:

David N. Allen, City Attorney

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Communication from Councilor Parker and Update of Various issues from an Email dated October 22, 2023.

Background:
Councilor Parker requested an update on a number of issues with the report being provided at the second meeting in November. I have incorporated responses to those issues, in red, to each of the items listed. I added an update on item 12 as a separate issue regarding the traffic study for Oceanview Drive that he requested an update on.

1. The GSI Water Solutions Mid Coast Water Conservation Consortium: what action is currently being taken?

The Mid-Coast Water Planning Partnership continues to meet on a monthly basis. Our primary representative to these meetings has been Clare Paul from Engineering. Steve Stewart will be taking a more active role in future meetings. We also have the Water Conservation Work Group. This group did not meet during the summer. They will be involved in the watershed management grant study that the City has received and we will be retaining services to help bring together the water conservation principles that will be incorporated in the update of the water master plan that is on the street now requesting proposals from qualified firms. We are also looking at providing some direct professional assistance for the group through a consultant since with the key vacancies in the City organization, we have not been able to adequately support this effort.

2. Are there any gravel street segments that would be a good pilot location for trying permeable paving?

We do not have any plans to utilize permeable paving at this time.

3. I spoke to the PUD and they are amenable to possibly partnering with the school district to install a solar array, potentially on the middle school. Can we set up a meeting to potentially discuss this?

While this does not directly impact the City, if Council directs us, we could participate in a meeting with the parties. It does seem that a meeting directly between PUD and the School District would be the most appropriate pathway for this project to take place.

4. Water conservation among hoteliers: any feedback or action taken?

The Rotary Club has initiated information for Hotels to encourage energy conservation, including water use. This year, our water production is down significantly from the

previous year. See attachments from the October Status report. (Link below) https://www.newportoregon.gov/citygov/sr/Status_Report_for_October_2023.pdf A big portion of this use is relating to the fact that the surimi plant was shut down this summer due to other international competition from other sources of fish to produce surimi. We do not know how much conservation, business levels or other factors, played in these reductions.

July 7%

August 6.5%

September 10%

Oct 7%

Average 7.625%

5. NW 58th and Biggs speeding issue: report?

Samaritan will be doing a traffic study for the City's review to determine whether any traffic calming activities need to be made at this location relating to the extension of Biggs and access to the rehab center. Speed signs were placed at this location.

6. Sidewalk vegetation control-citywide. Has streets been fully staffed? Is their new IPM being acted upon?

Streets currently has one vacancy and we have no Public Works Director at this time. The City has 2 licensed applicators for pesticides and both of them are in Park Maintenance. A third Parks employee has been enrolled in a licensing program that will occur soon. Since the approval of the IPM plan, staff has been implementing across all of the parks. Staff has only applied pesticides twice as part of the new process and those applications were in the park system. If Streets needs assistance with any application, Parks will be more than willing to help. Staff is working to coordinate the annual meeting in January 2024. Sidewalk vegetation is still an issue that and direction from Council would be helpful. Currently code has some provisions requiring property owners to maintain some aspects of sidewalks. We do not have the resources to utilize City Employees for these purposes at this time. This would be a good budget discussion moving forward, if Council wanted staff to provide a higher level of maintenance of the sidewalks.

7. Police-communications about abandoned shopping carts. There has been a large uptick in carts being left around town, especially along 101 and feeder intersections.

Shopping carts: We are seeing some impact. The impact we notice is that we are successful when we contact a retailer. They have been responsive in responding and picking their carts up. We have also had success with Public Works delivering carts to retailers when they are available. Unfortunately, we do not have resources to specifically

patrol for shopping carts. Retailers have been responsible to our calls. We have not cited or delivered an economic sanction to a retailer.

8. Any facts about compliance calls for the plastic bag ordinance? Many restaurants and chain stores are continuing to use the low quality and highly littered LDPE bags.

Plastic bags: We received complaints about two retailers using EPS; BJ's and Mazatlan, and a retailer using plastic bags; Walgreens. All three were promptly contacted. They were educated on the ordinance and directed to immediately discontinue the use of products prohibited by ordinance. All were advised that continued non-compliance would result in a citation. All businesses were cooperative and agreed to be compliant. We respond to any complaint received. If it is the first complaint, we educate and issue a warning. If we have a second instance, a citation would be delivered.

9. Grants for building HVAC/ heating and cooling upgrades (excepting the PAC) These high energy draws will save the city money of building heating and cooling are upgraded. Please remind us of ongoing retrofit efforts. $ available from PUD

This is currently not on any work plan for the City. This is something that could be included in the climate action plan if it is a priority of the Council.

10. OCVA EV grants. Money available for businesses that put in chargers. They have given Bandon, Oregon funds and that City installed a bank of 4 level 2 chargers in their downtown.

At this point we have no plans to apply for funding for additional chargers. It is appropriate to decide if this is an area that Council wants to pursue as part of the climate action plan. It would be good to see the existing infrastructure utilized more heavily before we take the next steps.

11. I would like a copy of the $1 lease with TSS for the transfer station.

Attached.

12. What is the status of the Oceanview Traffic Study?

We had hoped that we would be ready for a presentation to Council by the end of this month. With Aaron's departure, we are will get a report scheduled by January, at the latest.

Thanks,
Ryan

Recommendation:
None.

Fiscal Effects:
None.

Alternatives:
None recommended.

Respectfully submitted,

Spencer Nebel
City Manager

From: Ryan Parker <R.Parker@NewportOregon.gov>
Sent: Sunday, October 22, 2023 12:24 PM
To: City Council <CityCouncil@NewportOregon.gov>
Subject: Variety of clean-up questions

Hi all,

I'm seeking an update on the following for the 2nd meeting in November. I actually might be able to zoom in for the first meeting, depending on connectivity. Please send me that link to my gmail since I wont have the city iPad on the road.

1. The GSI Water Solutions Mid Coast Water Consercation Consortium: what action is currently being taken?
2. Are there any gravel street segments that would be a good pilot location for trying permeable paving?
3. I spoke to the PUD and they are amenable to possibly partnering with the school district to install a solar array, potentially on the middle school. Can we set up a meeting to potentially discuss this?
4. Water conservation among hoteliers: any feedback or action taken?
5. NW 58th and Briggs speeding issue: report?
6. Sidewalk vegetation control-citywide. Has streets been fully staffed? Is their new IPM being acted upon?
7. Police-communications about abandoned shopping carts. There has been a large uptick in carts being left around town, especially along 101 and feeder intersections
8. Any facts about compliance calls for the plastic bag ordinance? Many restaurants and chain stores are continuing to use the low quality and highly littered LDPE bags.
9. Grants for building HVAC/ heating and cooling upgrades (excepting the PAC) These high energy draws will save the city money of building heating and cooling are upgraded. Please remind us of ongoing retrofit efforts. $ available from PUD
10. OCVA EV grants. Money available for businesses that put in chargers. They have given Brandon funds and that city installed a bank of 4 level 2 chargers in their downtown.
11. I'd like a copy of the $1 lease with TSS for the transfer station.

AGREEMENT FOR LEASE OF CONVENIENCE/TRANSFER STATION SITE

THIS AGREEMENT, made and entered into effective as of the 3rd day of January, 2012, by and between THE CITY OF NEWPORT, a municipal corporation and political subdivision, hereinafter called "Lessor," and THOMPSON'S TRANSFER AND DISPOSAL, INC., an Oregon corporation, hereinafter called "Lessee," and THOMPSON'S SANITARY SERVICE, INC., an Oregon corporation, hereafter called "Guarantor,"

W I T N E S S E T H:

In consideration of the covenants, agreements, and stipulations herein contained on the part of the Lessee to be paid, kept, and faithfully performed, the Lessor does hereby lease, demise, and let unto the said Lessee those certain premises, as is, situated in the County of Lincoln, State of Oregon, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the said described premises unto the said Lessee for a term of ten years, from January 3, 2012, to and including January 2, 2022, at and for a rental of $1.00 per year, and other good and valuable consideration, consisting of the Lessee's performance of the covenants and requirements of this agreement. It is understood that this Lease is a continuation of a prior Lease Agreement from Lessor to Guarantor, and Guarantor agrees that this Lease Agreement shall supersede and replace the prior Lease, and Lessee hereunder shall be responsible for and assume any obligations of Guarantor under the prior Lease (jointly and severally with Guarantor) which may have accrued under the prior lease, or which are to be performed in the future. Any default of or upon any other obligation or franchise between Lessor and the Lessee or the Guarantor shall likewise constitute a default under this Agreement, and vice versa, and this Lease shall terminate in the event of the franchise(s) from Lessor to Guarantor.

In consideration of the leasing of said premises and of the mutual agreements herein contained, each party expressly covenants and agrees to and with the other as follows:

1. Lessee accepts said lease and agrees to pay to the order of the Lessor the rental above stated for the full term of this lease at the times and in the manner aforesaid and to perform each and all of the obligations hereunder.

2. Lessee shall use said demised premises during the term of this lease for the operation of a convenience/transfer station for the receipt of solid waste from Thompson's Sanitary Service, Inc., to receive waste delivered to the convenience station by the general public and others, including demolition materials, and materials for recycling, to conduct recycling activities, and for no other purpose without Lessor's written consent. The convenience/transfer station shall be open and available for the receipt of such materials at least between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday, except Christmas and New Years Day. Guarantor has the right to receive and collect waste materials by reason of Guarantor's franchise, and Lessee may do so pursuant to agreement with Guarantor, but such agreement shall be consistent with the

terms and provisions of said Franchise, and this Lease Agreement shall be conditional upon, and subject to, the continued existence of a franchise in good standing for solid waste collection and recycling from Lessor to Guarantor, except as otherwise expressly agreed in writing.

3. Lessee (including any agent or sub-lessee) shall operate the convenience/transfer station strictly in accordance with all laws, rules, regulations, and requirements of any governmental body having jurisdiction thereof and, in particular, in accordance with the rules, regulations, and requirements of the Department of Environmental Quality of the State of Oregon. In particular, upon the expiration of the lease term, or any renewal thereof, or upon the sooner termination thereof, the Lessee agrees to close the site in conformance with all applicable rules, regulations, and requirements, and to save, hold, defend, and indemnify the Lessor against any liability, claim or demand, including any legal obligation to remedy any substandard condition, and to remove from the Premises any materials or substance, in whatever form, as may constitute a contaminant, pollutant, hazardous substance, or which is present in any quantity or concentration as to be in violation of any standard or applicable law, regulation, rule, ordinance, or other requirement of any governmental body.

4. Lessee shall comply at Lessee's own expense with all laws and regulations of any municipal, county, state, federal, or other public authority respecting the use of said leased premises. Lessee shall at all times keep and maintain the site in a clean, neat, and sanitary condition.

5. Lessee shall pay for all water, heat, light, power, and other services or utilities used in the leased premises during the term of this lease and shall be responsible for the real and personal property taxes assessed on the leased premises, if any, and all personal property located in the premises during the Lessee's occupancy thereof. Lessee may contest such taxes, so long as Lessee shall keep the premises free of all tax liens during the pendency of such proceedings.

6. There are certain improvements upon the leased premises, and Lessee agrees to insure such improvements against loss by fire, vandalism, or other casualty, with extended coverage, through a company or companies reasonably satisfactory to the Lessor, naming as insureds those parties having an interest therein, as their interests shall appear. Lessee from time to time shall provide to Lessor copies of such policies and certificates of insurance, evidencing such insurance. Upon the termination of the lease, Lessee shall remove such improvements and restore the premises to their original condition, within 30 days following the termination of the lease, unless Lessor, within 10 days following the termination of the lease, or at any time if prior to the removal of such improvements, shall elect, by written notice to Lessee, to retain all or part of such improvements.

7. Lessee hereby agrees to maintain and keep the leased premises in a safe condition, in good order and repair during the entire term of this lease at Lessee's own cost and expense. Lessee shall make no substantial alterations, additions or improvements to or upon said premises without the written consent of the Lessor first being obtained. Lessor hereby consents to the installation of that equipment needed for the operation of a convenience/transfer station for solid waste. Lessee shall keep all improvements, fixtures, and equipment placed upon the premises in good order and repair during the entire term of this lease agreement.

8. The Lessor, its agents and representatives, at any reasonable time, may enter upon or into said premises for the purpose of examining the condition thereof and for any other lawful purpose.

9. Lessee will not assign, transfer, pledge, hypothecate surrender, or dispose of this lease or any interest therein, or sublease or permit any other person or persons whomsoever to occupy the premises, or any part thereof, without the written consent of the Lessor first being obtained in writing. However, such written consent shall not be unreasonably withheld by Lessor if appropriate to the purposes of the lease and Guarantor's franchise. This lease is personal to said Lessee; Lessee's interest, in whole or in part, cannot be sold, assigned, transferred, seized, or taken by operation of law, nor under or by virtue of any execution or legal process, attachment, or proceeding instituted against the Lessee, nor under or by virtue of any bankruptcy or insolvency proceedings had in regard to the Lessee, or in any other manner except as above mentioned. Neither the Lessee, nor any other party acting on behalf thereof, shall knowingly deposit, permit the deposit, or accept for disposal at the leased premises any solid waste not originating within the territorial boundaries of Lincoln County, Oregon, without the express written consent of Lessor.

10. Lessee shall keep the demised premises free from all liens of every kind and description caused, incurred, permitted, or suffered by any act or omission of Lessee, and Lessee shall not have the right or authority to incur a mechanic's, laborer's, materialmen's or any other lien.

11. Lessor shall not be responsible or liable in any way for the injury or death of any person or damage to any property caused in or about the premises, nor shall Lessor be liable for any damage or loss suffered by the business or occupation of Lessee arising or resulting from any such accident or injury to goods or persons happening in or about the premises. Lessee does hereby covenant to save, hold, and defend Lessor harmless from any loss, damage, or liability resulting from or arising out of any such accident or injury, and in the event of any suit or action for damages being brought by any person whomsoever, arising out of occupancy of or operations upon the premises by the Lessee, its agents, employees, franchisees, or invitees, Lessee agrees at its own cost and expense to defend Lessor against any such suit or action and any and all appeals thereof and to satisfy and discharge any judgment which may be awarded against Lessor on account thereof. Lessee will at all times indemnify and hold harmless the Lessor, its agents and employees, against any and all actions or causes of actions, claims, demand, liabilities, losses, damages, or expenses of any kind or nature which Lessor shall or may at any time sustain or incur by reasons of Lessee's operations hereunder.

12. Lessee further agrees at all times during the term hereof, at its own expense, to maintain, keep in effect, furnish and deliver to the Lessor liability insurance policies in form and with an insurer satisfactory to the Lessor, insuring both the Lessor and the Lessee against all liability for damages caused by the negligence of the Lessee, its employees or agents, to persons or property in or about said leased premises; the amount of said liability insurance shall not be less than the greater of one million dollars or the limits of liability for municipal corporation as set forth in ORS 30.270, or any similar statute. Lessee agrees to and shall indemnify and hold Lessor harmless from and against any and all claims and demands arising from the acts or negligence of the Lessee, its officers, agents, invitees and/or employees, as well as those arising from Lessee's

failure to comply with any covenant of this lease upon its part to be performed and shall, at its own expense, defend the Lessor against any and all suits or actions arising out of such breach, acts and negligence, actual or alleged, and appeals thereof, and shall satisfy and discharge any judgments which may be awarded against Lessor in any such suit or action. Lessee shall provide to Lessor copies of such policy and certificates of insurance, from time to time, evidencing such insurance is in full force and effect.

It is understood that the foregoing limits of liability insurance are considered to be a minimum, and in the event that the Lessor shall reasonably determine that such limits of liability insurance are inadequate, the Lessor may require an increase in such limits of liability.

13. All additions to or improvements upon said leased premises, whether installed by the Lessor or the Lessee, shall be and become part of the real property on termination of the lease, except as provided above in Section 6.

14. Strict and literal compliance with the terms and conditions provided for any renewal of this lease shall be a condition precedent thereto, and in the event the Lessee shall for any reason hold over after the expiration of this lease, other than pursuant to a written renewal hereof, such holding over shall not be deemed to operate as a renewal or extension of this lease but shall create a tenancy at will which may be terminated at will at any time by the Lessor.

15. Any notices required by the terms of this lease to be given by one party to the other, or desired so to be given, shall be sufficient if the writing is in a sealed envelope, deposited in the United States registered or certified mail with return receipt requested and with postage fully prepaid and addressed to the other party at the following address, or such other address as to which either party may have properly notified the other:

Lessor: City Manager/City of Newport
169 SW Coast Highway
Newport, OR 97365

Lessee: Thompson's Transfer and Disposal, Inc.
PO Box 318
Newport, OR 97365

Guarantor: Thompson's Sanitary Service
PO Box 318
Newport, OR 97365

Any such notice shall be presumed to be delivered within forty-eight (48) hours after deposit in any United States registered or certified mail. In the event that the person desiring to give such notice shall become aware that such notice was not delivered within forty-eight (48) hours after deposit in such mail, the notice shall, nonetheless, be deemed to be effective within forty-eight (48) hours after such deposit; provided that within forty-eight (48) hours after such discovery the person desiring to give notice shall take appropriate steps to give actual notice to

the other. No further attempts shall be required, however, if such notice cannot be delivered due to the fault of the person for whom such notice is intended.

16. Full, strict, complete, and literal performance, and the time thereof, are of the essence of this agreement; any waiver by the Lessor of any breach of any covenant or agreement herein contained to be kept and performed by the Lessee shall not be deemed or considered a continuing waiver and shall not operate to bar or prevent Lessor from any right or remedy for that breach or for any succeeding breach, either of the same condition, covenant or agreement, or of any other.

17. If suit or action is instituted to enforce compliance with any of the terms, covenants, or conditions of this lease, the nonprevailing party in such suit or action agrees to pay the prevailing party's reasonable attorney's fees in addition to the prevailing party's costs incurred in such suit or action, including upon any appeal therefrom.

18. At the expiration of said term or upon any sooner termination of this lease, or upon the termination of any extension hereof, or upon the termination of any month-to-month tenancy created hereafter, the Lessee will quit and deliver up said leased premises and all future erections or additions to or upon the same, broom clean to the Lessor, or those having Lessor's estate in the premises, peaceably, quietly, and in good order and condition, reasonable use and wear thereof, damage by fire, unavoidable casualty and the elements, to the extent covered by insurance, alone excepted, as the same are now in or hereafter may be put in by the Lessor.

19. All rights, remedies, and liabilities herein given to or imposed upon either of the parties hereto shall extend and inure to the benefit of and bind, as the circumstances may require, the heirs, executors, administrators, successors and assigns of such parties.

20. Lessee shall have peaceable and quiet use of the demised premises during the term of this lease, and Lessor will defend Lessee's right to quiet enjoyment of the leased premises from the claims of all persons claiming under the Lessor.

21. If the leased premises, or any portion thereof, shall be taken by eminent domain during the term of this lease agreement, or any renewal hereof, the parties agree that the Lessor shall receive any portion of any compensation therefore as shall be attributable to the real property and improvements constructed thereon by the Lessor, and the Lessee shall receive such portion thereof as shall be attributable to improvements constructed thereon by the Lessee, as Lessee's interest therein shall appear. In the event of a partial taking, this lease agreement shall remain in full force and effect with respect of the remainder of the property and improvements, and the parties shall utilize such portion of the proceeds as is attributable to the taken improvements to replace the same so as to continue this lease for the purposes intended provided, however, that in the event that such taking shall be such as to prevent the continued utilization of the property for the purposes contemplated under this agreement, either party hereto may terminate this lease agreement upon notice to the other at any time within 120 days following the date on which the parties shall voluntarily enter into a binding agreement for disposition of the property under threat of condemnation, or on which any decree of condemnation shall become final. Upon the expiration of the initial term of this lease agreement, the Lessee shall have the right and option to

extend this agreement for an additional term of ten (10) years, but only upon condition of the following:

(a.) That this lease agreement shall not previously have been terminated for breach, and is not, at the time of expiration, or at the time of giving of such notice, in default;

(b.) At the time of exercise of the Lessee's option hereunder, and at the expiration of the initial term hereof, Lessee shall not be in default with respect to any obligation on Lessee's part to be performed hereunder, and;

(c.) Lessee shall give to Lessor written notice of Lessee's intent to exercise such renewal option not less than 180 days prior to the expiration of the initial term hereof.

(d.) The franchise and other relations of and with Guarantor remain in effect.

In the event the Lessee shall validly exercise its renewal option as above, the rent for such renewal term shall be as agreed by the parties. In the event that the parties are unable to agree to a fair rental for the renewal term, rent shall be determined by binding arbitration in the same manner as provided under the rules of the American Arbitration Association then obtaining such rental to reflect a fair market rental for the real property only, unless the parties shall otherwise agree.

PROVIDED ALWAYS, and this agreement is upon this condition that if the Lessee shall be in arrears in the payment of said rent for a period of thirty (30) days after the same becomes due, or if said Lessee shall fail or neglect to do, keep, perform, or observe any of the covenants or agreements contained herein on Lessee's part to be done, kept, or performed, and observed, and such default shall continue for ten (10) days or more after written notice of such failure or neglect shall be given to Lessee (except that written notice shall not be required for nonpayment of rent, and in the case of a failure of performance which cannot reasonably be cured within 10 days, Lessee shall have a reasonable period of time in which to remedy such non-performance, not exceeding sixty (60) days, upon condition that Lessee shall commence such remedy within 10 days of such notice and diligently prosecute the same to completion), or if Lessee shall be declared bankrupt or insolvent according to law, or if any assignment of Lessee's property shall be made for the benefit of creditors, or if upon the expiration of this lease Lessee fails to surrender possession of said leased premises, then, and in any of such cases or events, the Lessor, or those having Lessor's estate in the premises, lawfully at its or their option, immediately or at any time thereafter, without demand or notice, may enter into and upon said demised premises and every part thereof and repossess the same as of Lessor's former estate and expel said Lessee's effects at said Lessee's expense, forcibly if necessary, and store the same or lock the demised premises, all without being deemed guilty of trespass; and as a remedy pursuant hereto and not in derogation hereof and without prejudice to any remedy which otherwise might be used for arrears of rent, preceding breach of covenant, or otherwise, and may further, at Lessor's option, immediately or at any time thereafter, without demand or notice, declare the entire rent for the full term hereof immediately due and payable, and in such event Lessee expressly waives the service of any notice of intention so to terminate this lease or to retake the premises and waives service of any demand for payment of rent or possession and of any and every other notice or demand prescribed by any law of the State of Oregon and hereby waives any claim for damages by reason of such repossession.

In the event of termination or default, Lessor shall be entitled to request immediately, without waiting, any excess in the value of Lessee's obligations under this lease, from the date of default until the end of the term, over the reasonable rental value of the property for the same period figured as of the date of default plus the reasonable costs of re-entry and reletting, including without limitation, the cost of any cleanup, refurbishing, removal of Lessee's property and fixtures, and any other expense occasioned by Lessee's failure to quit the demised premises upon termination to leave them in the required condition, any remodeling costs, attorney's fees, court costs, broker's commissions and advertising costs plus the amount of the loss of reasonable rental value from the date of default until a new tenant has been, or with the exercise of reasonable diligence could have been, secured.

Each of the undersigned hereby executes this Lease Agreement on behalf of the entity described above and, to the extent that such execution is made by or on behalf of a corporation, partnership, limited partnership, limited liability company, or other entity or organization, each party warrants and represents that the signature of such party is affixed hereto on behalf of such entity pursuant to authority.

It is understood that each Guarantor shall be jointly and severally responsible with the Lessee and any other Guarantor for the performance of each and every obligation of the Lease Agreement on the part of the Lessee to be performed, not merely as a guarantor, but as a principal and co-obligor. In the event of any breach of said Lease Agreement by the Lessee, any claim therefore may be asserted jointly or severally against any one or more of the Lessees and/or any one or more of any Guarantors. Each Guarantor consents to any modification, extension or renewal of the Lease Agreement, and to any acceptance of late payment by the Lessor, failure of Lessor to enforce any of Lessee's obligations under the Lease Agreement, and any waiver of any breach or obligation of the Lease Agreement or reinstatement of the Lease Agreement, and no consent of any Guarantor shall hereafter be required for such purpose, nor shall the same serve to release any Guarantor, or to limit, waive, or otherwise diminish any right of the Lessor against any Guarantor In the event that any one or more of the parties who are a Lessee or Guarantor hereunder shall become insolvent or seek any relief under any bankruptcy or similar statute, it is understood that such proceeding shall not limit the right of Lessor to pursue any remedy as may exist against any one or more of the parties (whether a Lessee or Guarantor) not obtaining the protection of such proceedings, whether as Lessee or Guarantor. In the event that any payment by any one or more of the persons who are a Lessee or Guarantor shall constitute a preference or other amount recoverable by a trustee or otherwise in any such bankruptcy, insolvency, or other proceedings, the obligation of the other parties, whether designated Lessee or Guarantor, shall include the obligation to repay such amount to the Lessor. Moreover, to the extent that the right of subrogation of any party who is a Lessee or Guarantor hereunder would cause any payment made to the Lessor to constitute a preference under any bankruptcy or insolvency statute, or other statute or rule of law, each of such parties hereby waives such right of subrogation.

In construing this lease, it is understood that the Lessor or the Lessee may be more than one person, and if the context so requires, the singular pronoun may be taken to mean and include the plural, the masculine, the feminine, and the neuter, and that generally all grammatical

changes shall be made, assumed, and implied as are necessary to carry out the intent hereof and to make the provisions hereunder apply equally to corporations as to individuals.

IN WITNESS WHEREOF, the respective parties have executed this instrument in duplicate on this, the day and year herein above written, and any corporate signature is affixed hereto only pursuant to authority of its Board of Directors.

LESSOR:

CITY IF NEWPORT

BY: _____
Mark McConnell, Mayor

ATTEST:

_____
Peggy Hawker, City Recorder

LESSEE:

THOMPSON'S TRANSFER AND DISPOSAL, INC.

BY: _____
Robert M. Thompson, President

ATTEST:

_____
Kenneth Riley, Secretary

GUARANTOR:

THOMPSON'S SANITARY SERVICE, INC.

BY: _____
Robert M. Thompson, President

ATTEST:

_____
Kenneth Riley, Secretary

EXHIBIT "A"

LAND DESCRIPTION FOR THE EXTERIOR BOUNDARIES OF A PROPOSED LEASED AREA

A tract of land located in the Southeast one-quarter of Section 17, Township 10 South, Range 11 West, Willamette Meridian in Lincoln County, Oregon, being more particularly described as follows:
Commencing at the intersection of the south line of Section 17 and the westerly Right of Way of Northeast Avery Street (formerly "old" Highway 101), said point being a 5/8 inch iron rod; thence North 89°41'48" East, along said south line of Section 17 to the easterly Right of Way of NE Avery Street, a distance of 60.09 feet to the True Point of Beginning; thence continuing along said south line North 89°41'48" East, a distance of 255.00 feet; thence North 00°00'00" East, a distance of 150.00 feet; thence North 09°51'11" East, a distance of 287.04 feet; thence North 88°32'49" West to the easterly Right of Way of NE Avery Street, a distance of 282.92 feet; thence South 02°45'42" West, along said easterly Right of Way, a distance of 75.61 feet; thence South 87°14'18" East, along said Right of Way, a distance of 10.00 feet; thence South 02°45'42" West, along said Right of Way, a distance of 100.00 feet; thence North 87°14'18" West, along said Right of Way, a distance of 10.00 feet; thence South 02°45'42" West, along said Right of Way, a distance of 266.23 feet to the point of beginning.
Said tract contains 2.59 acres more or less.

SUBJECT TO:

1. Any right, title, interest, or claim of record, or as might be disclosed by an inspection or survey of the premises.

2. Rights of the public in and to any portion of the above-described premises lying within roads, streets, or highways.

3. Unpaid taxes, if any.

4. Any other right interest, claim, or encumbrance not created by the Lessor.

City of Newport
10-11-17
Tax Lot 1300
7 February 2012

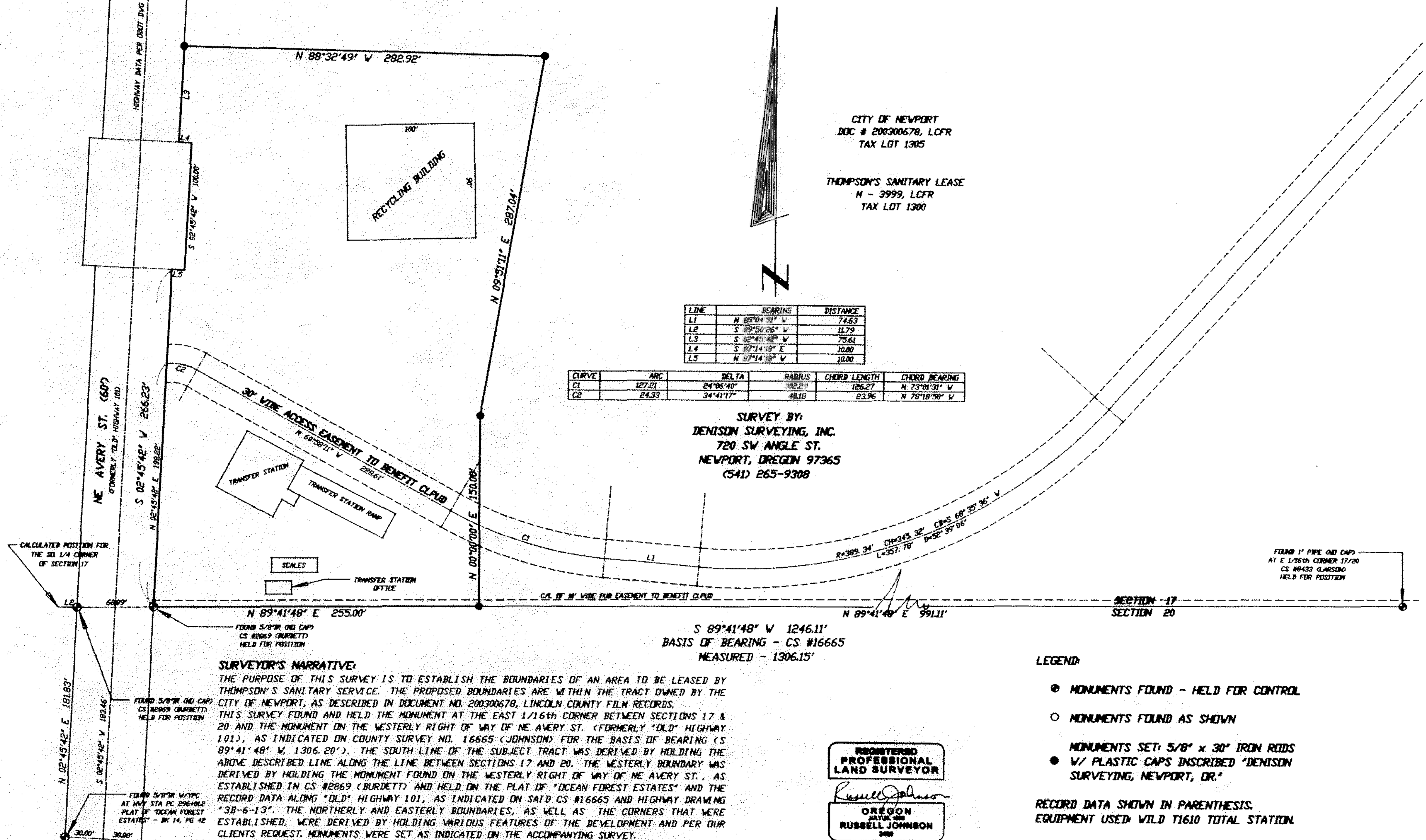
C.S.# 18924
FILED 21 February 2012
LINCOLN COUNTY SURVEYOR

SURVEY FOR: CITY OF NEWPORT

LOCATED IN THE SE 1/4 OF SECTION 17, T10S, R11W, W.M. IN LINCOLN COUNTY, OREGON.

SCALE: 1" = 50' DSI-4253 FEBRUARY 10, 2012

ASSESSOR'S MAP: 10-11-17 TAX LOTS 1300 & 1305



LINE	BEARING	DISTANCE
L1	N 85°04'51" W	74.63
L2	S 89°50'26" W	11.79
L3	S 02°45'42" W	75.61
L4	S 87°14'18" E	10.00
L5	N 87°14'18" W	10.00

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	127.21	24°06'40"	302.29	126.27	N 73°01'31" W
C2	24.33	34°41'17"	40.18	23.96	N 78°18'58" W

SURVEY BY:
DENISON SURVEYING, INC.
720 SW ANGLE ST.
NEWPORT, OREGON 97365
(541) 265-9308

S 89°41'48" W 1246.11'
BASIS OF BEARING - CS #16665
MEASURED - 1306.15'

SURVEYOR'S NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE BOUNDARIES OF AN AREA TO BE LEASED BY THOMPSON'S SANITARY SERVICE. THE PROPOSED BOUNDARIES ARE WITHIN THE TRACT OWNED BY THE CITY OF NEWPORT, AS DESCRIBED IN DOCUMENT NO. 200300678, LINCOLN COUNTY FILM RECORDS.

THIS SURVEY FOUND AND HELD THE MONUMENT AT THE EAST 1/16th CORNER BETWEEN SECTIONS 17 & 20 AND THE MONUMENT ON THE WESTERLY RIGHT OF WAY OF NE AVERY ST. (FORMERLY "OLD" HIGHWAY 101), AS INDICATED ON COUNTY SURVEY NO. 16665 (JOHNSON) FOR THE BASIS OF BEARING (S 89°41'48" W, 1306.20'). THE SOUTH LINE OF THE SUBJECT TRACT WAS DERIVED BY HOLDING THE ABOVE DESCRIBED LINE ALONG THE LINE BETWEEN SECTIONS 17 AND 20. THE WESTERLY BOUNDARY WAS DERIVED BY HOLDING THE MONUMENT FOUND ON THE WESTERLY RIGHT OF WAY OF NE AVERY ST., AS ESTABLISHED IN CS #2869 (BURDETT) AND HELD ON THE PLAT OF "OCEAN FOREST ESTATES" AND THE RECORD DATA ALONG "OLD" HIGHWAY 101, AS INDICATED ON SAID CS #16665 AND HIGHWAY DRAWING "3B-6-13". THE NORTHERLY AND EASTERLY BOUNDARIES, AS WELL AS THE CORNERS THAT WERE ESTABLISHED, WERE DERIVED BY HOLDING VARIOUS FEATURES OF THE DEVELOPMENT AND PER OUR CLIENTS REQUEST. MONUMENTS WERE SET AS INDICATED ON THE ACCOMPANYING SURVEY.

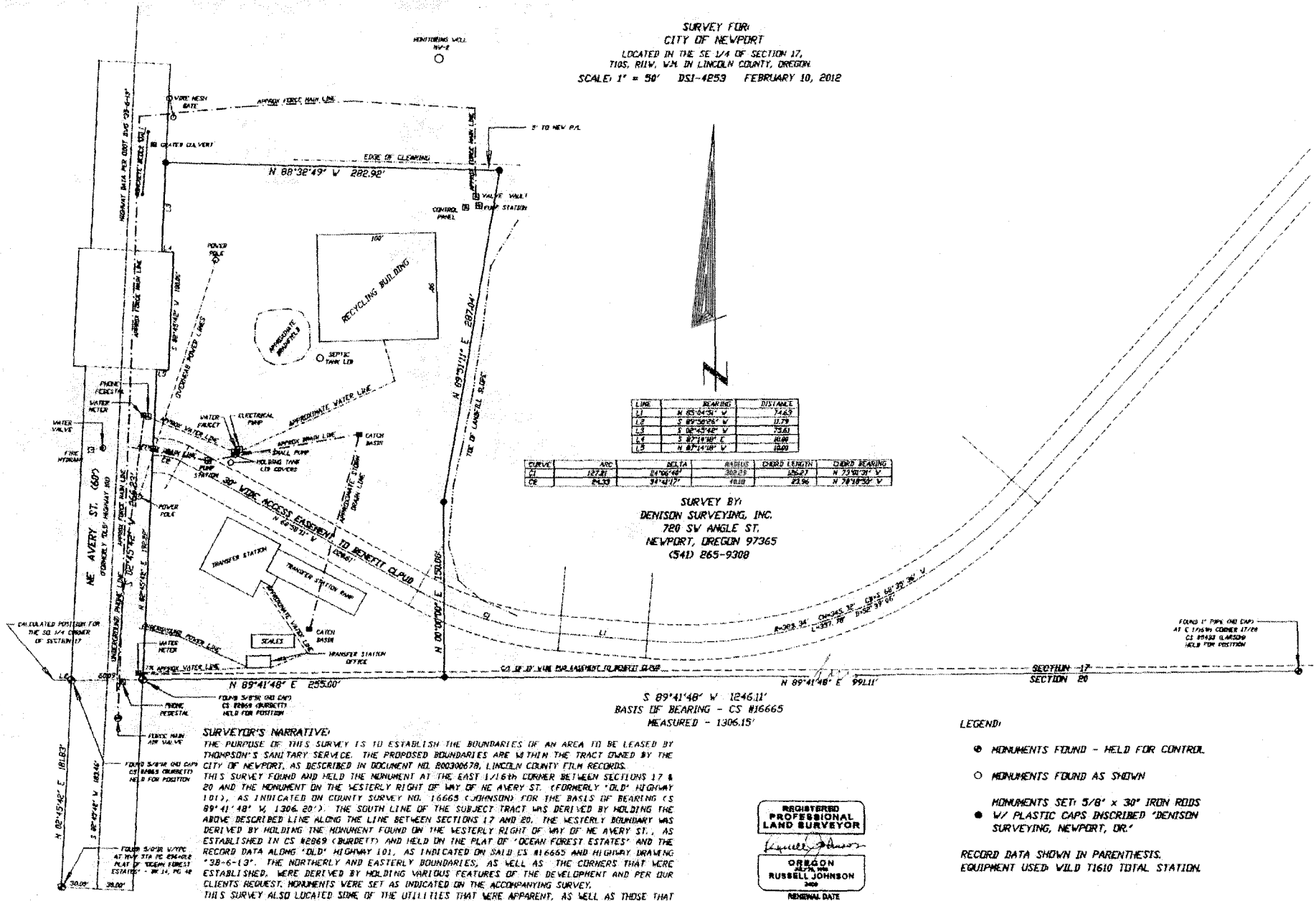
THIS SURVEY ALSO LOCATED SOME OF THE UTILITIES THAT WERE APPARENT, AS WELL AS THOSE THAT WERE MARKED OUTSIDE OF THE SUBJECT TRACT. THE UTILITIES THAT ARE SHOWN WITHIN THE SUBJECT TRACT, ARE APPROXIMATE ONLY. THEY REPRESENT THE UTILITY THAT WAS VISABLE FROM AN ABOVE GROUND INSPECTION BY THIS SURVEYOR. IT BECAME APPARENT THAT VERY LITTLE EVIDENCE WAS AVAILABLE TO LOCATE THE BELOW GROUND UTILITIES, THEREFORE THE WORD "APPROXIMATE" IS USED WHERE APPROPRIATE.

REGISTERED PROFESSIONAL LAND SURVEYOR
Russell Johnson
OREGON
RUSSELL JOHNSON
RENEWAL DATE JUNE 30, 2013

LEGEND:

- ⊗ MONUMENTS FOUND - HELD FOR CONTROL
- ○ MONUMENTS FOUND AS SHOWN
- ● MONUMENTS SET: 5/8" x 30" IRON RODS W/ PLASTIC CAPS INSCRIBED "DENISON SURVEYING, NEWPORT, OR."

RECORD DATA SHOWN IN PARENTHESIS.
EQUIPMENT USED: WILD T1610 TOTAL STATION.



LINE	BEARING	DISTANCE
L1	N 65°04'51" W	74.63
L2	S 89°56'06" W	11.79
L3	S 02°45'42" W	75.81
L4	S 87°14'18" E	10.00
L5	N 87°14'18" W	10.00

CURVE	ARC	DELTA	RADIUS	CHORD LENGTH	CHORD BEARING
C1	127.81'	24°06'48"	303.39'	126.87'	N 73°01'31" W
C2	84.33'	94°47'17"	51.00'	83.96'	N 76°18'50" W

SURVEY BY:
DENISON SURVEYING, INC.
720 SW ANGLE ST.
NEWPORT, OREGON 97365
(541) 265-9308

S 89°41'48" W 1246.11'
BASIS OF BEARING - CS #16665
MEASURED - 1306.15'

SURVEYOR'S NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE BOUNDARIES OF AN AREA TO BE LEASED BY THOMPSON'S SANITARY SERVICE. THE PROPOSED BOUNDARIES ARE WITHIN THE TRACT OWNED BY THE CITY OF NEWPORT, AS DESCRIBED IN DOCUMENT NO. 200306678, LINCOLN COUNTY FILM RECORDS.

THIS SURVEY FOUND AND HELD THE MONUMENT AT THE EAST 1/16th CORNER BETWEEN SECTIONS 17 & 20 AND THE MONUMENT ON THE WESTERLY RIGHT OF WAY OF NE AVERY ST. (FORMERLY "OLD" HIGHWAY 101), AS INDICATED ON COUNTY SURVEY NO. 16665 (JOHNSON) FOR THE BASIS OF BEARING (S 89°41'48" W, 1306.20'). THE SOUTH LINE OF THE SUBJECT TRACT WAS DERIVED BY HOLDING THE ABOVE DESCRIBED LINE ALONG THE LINE BETWEEN SECTIONS 17 AND 20. THE WESTERLY BOUNDARY WAS DERIVED BY HOLDING THE MONUMENT FOUND ON THE WESTERLY RIGHT OF WAY OF NE AVERY ST., AS ESTABLISHED IN CS #2869 (BURDETT) AND HELD ON THE PLAT OF "OCEAN FOREST ESTATES" AND THE RECORD DATA ALONG "OLD" HIGHWAY 101, AS INDICATED ON SAID CS #16665 AND HIGHWAY DRAWING "38-6-13". THE NORTHERLY AND EASTERLY BOUNDARIES, AS WELL AS THE CORNERS THAT WERE ESTABLISHED, WERE DERIVED BY HOLDING VARIOUS FEATURES OF THE DEVELOPMENT AND PER OUR CLIENTS REQUEST. MONUMENTS WERE SET AS INDICATED ON THE ACCOMPANYING SURVEY.

THIS SURVEY ALSO LOCATED SOME OF THE UTILITIES THAT WERE APPARENT, AS WELL AS THOSE THAT WERE MARKED OUTSIDE OF THE SUBJECT TRACT. THE UTILITIES THAT ARE SHOWN WITHIN THE SUBJECT TRACT, ARE APPROXIMATE ONLY. THEY REPRESENT THE UTILITY THAT WAS VISABLE FROM AN ABOVE GROUND INSPECTION BY THIS SURVEYOR. IT BECAME APPARENT THAT VERY LITTLE EVIDENCE WAS AVAILABLE TO LOCATE THE BELOW GROUND UTILITIES, THEREFORE THE WORD "APPROXIMATE" IS USED WHERE APPROPRIATE.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 30, 1986
RUSSELL JOHNSON
2400
RENEWAL DATE
JUNE 30, 2013

LEGEND:

- ⊕ MONUMENTS FOUND - HELD FOR CONTROL
- ○ MONUMENTS FOUND AS SHOWN
- ● MONUMENTS SET: 5/8" x 30" IRON RODS W/ PLASTIC CAPS INSCRIBED "DENISON SURVEYING, NEWPORT, OR."

RECORD DATA SHOWN IN PARENTHESIS.
EQUIPMENT USED: WILD T1610 TOTAL STATION.

"You never know the worth of water until the well runs dry."

BENJAMIN FRANKLIN

You can help conserve Newport's precious summer water.

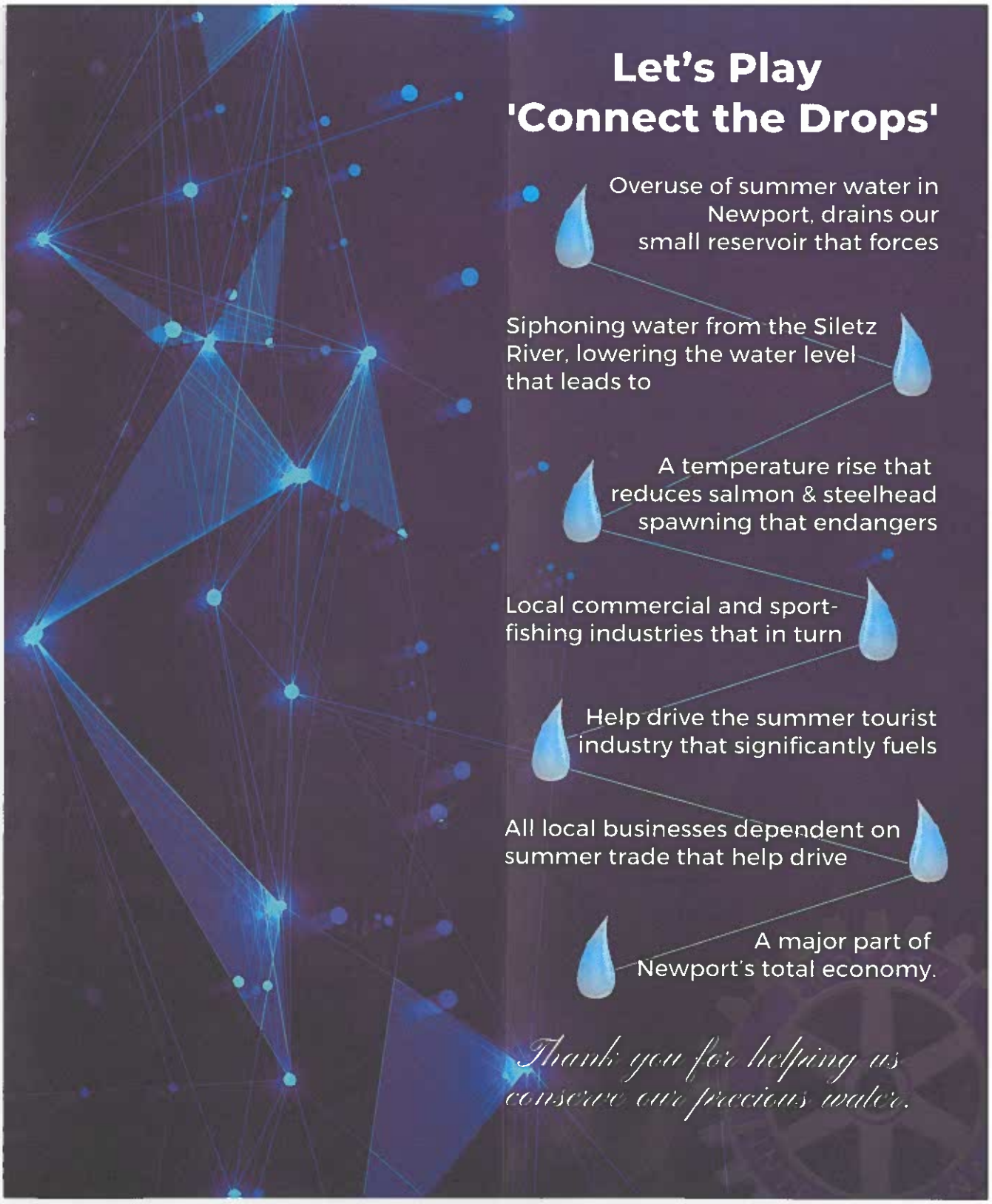
While Visiting Newport...

Here are some simple things you can do to be an eco-friendly visitor...

- Turn off the lights and TV when leaving your room. (Columbia River hydro power helps fuel our electricity.)
- Limit your hot shower time.
- Flush toilets when needed. Don't use them as a garbage can to discard tissues or trash.
- Turn off the water when brushing your teeth and/or shaving. Turn on to rinse. (A running faucet can waste a gallon per minute!)
- Recycle your towels for the next day to save water, electricity & detergents.
- Recycle cans and bottles. (It takes 95% less energy to remelt an aluminum can than to produce aluminum from bauxite ore.)
- Leave the "Do Not Disturb" sign on your door when you leave for a day. (If your room does not need cleaning, skip the housekeeping and save the water used for cleaning.)

Make a Newport memory.

Volunteer for a fun microplastics beach clean-up!
Watch our short video on how we do it.
Scan the QR Code to select
a date and time to volunteer


Let's Play
'Connect the Drops'
Overuse of summer water in Newport, drains our small reservoir that forces
Siphoning water from the Siletz River, lowering the water level that leads to
A temperature rise that reduces salmon & steelhead spawning that endangers
Local commercial and sport-fishing industries that in turn
Help drive the summer tourist industry that significantly fuels
All local businesses dependent on summer trade that help drive
A major part of Newport's total economy.
Thank you for helping us conserve our precious water.

Let's all be tsunami-safe

The Pacific Ocean accounts for 78% of all tsunami tidal waves. The best way to protect you and your family is to be prepared. Get an evacuation map by going online to **OregonTsunami.org** and have a strategy planned. Wireless Alerts are free one-way emergency messages sent from local public safety officials or the National Weather Service directly to cell phones in the local area of an emergency. To hear emergency alerts, go to **ready.gov** and sign up.

Drop, cover, and hold on if you are inside and feel the earth shake. If outside, move to an open area. If you are on the beach and feel more than 20 seconds of very strong ground shaking, move immediately inland to high ground. Do not wait for a warning. Go inland and upward at least 100 feet. GO ON FOOT. Do not attempt to pack, or drive. Grab your "Go Kit" (and pets) and move to high ground. Once you are safe, stay there. Do not return, more waves will be coming.

This is a publication of the Rotary Club of Newport and supporting businesses and organizations.

Rotary

Amendment to Agreement for Lease of Convenience/Transfer Station Site

THIS AMENDMENT is to the Agreement for Lease of Convenience/Transfer Station Site between City of Newport (Lessor) and Thompson's Transfer and Disposal, Inc. (Lessee) and Thompson's Sanitary Service, Inc. (Guarantor).

Recitals:

1. Lessor and Lessee entered into a lease agreement for a convenience/transfer station site for a term of 10 years, from January 3, 2012 through January 2, 2022.

2. Lessor and Lessee desire to extend the lease agreement for an additional term of 10 years, from January 3, 2022 through January 2, 2032, and to clarify and modify certain provisions in the lease agreement.

3. As provided on page 7 of the lease agreement, "Each Guarantor consents to any modification, extension or renewal of the Lease Agreement."

Terms of Amendment:

Lessor and Lessee agree to amend the lease agreement as follows, effective on the date of the last signature below:

A. The lease agreement is extended for an additional term of 10 years, from January 3, 2022 through January 2, 2032.

B. The "certain improvements upon the leased premises" as referenced in section 6 of the lease agreement are as follows: scale; scale shack; tipping floor building and pump house attached; concrete slabs, ramps, and approaches; recycling building.

C. The reference to "ORS 30.270, or any similar statute" in section 12 of the lease agreement should read as "ORS 30.272 to 30.273, or any similar statute."

D. This amendment may be executed in counterparts and a signed copy transmitted by facsimile or other electronic means, each of which will be deemed an original, but all of which taken together will constitute one and the same agreement.

Except as expressly set forth herein, all provisions of the lease agreement shall continue and remain in full force and effect.

City of Newport

Spencer R. Nebel, City Manager

Date: 12-10-21

Thompson's Transfer and Disposal, Inc.

Robert M Thomp Pres

Name/Title:

Date: 12-16-2021

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Report on House Bill 2984 Related to the Assessment of System Development Charges when Commercial Buildings are Converted to Residential Use.

Background:
House Bill 2984 was approved by the legislature in 2023 that require Cities to permit conversion of a building from commercial to residential use without requiring a zone change or conditional use permit. It does not apply to lands zoned for heavy industrial use. The Planning Commission is working on the land-use component of this legislation. In addition, there is a component of the bill specific to system development charges that is time sensitive. This requires the City Council to adopt a resolution at its December 4 meeting confirming that the City's existing system development charge methodology applies to conversion of commercial films for residential use. This is not a common situation, however, the legislation was structured in such a way that requires local governments to affirm this issue.

Recommendation:
I recommend the City Council consider the following motion:

I move to direct City Administration to prepare a resolution for consideration at the December 4 Council meeting to confirm that the City's existing system development charge methodology applies to the conversion of commercial buildings for residential use.

Fiscal Effects:
None by requesting preparation of the resolution.

Alternatives:
Forego approving a resolution, or as suggested by the City Council.

Respectfully submitted,

Spencer Nebel
City Manager

STAFF REPORT
CITY COUNCIL AGENDA ITEM

Meeting Date: November 20, 2023

Title: Report on HB 2984 (2023) Related to the Assessment of System Development Charges when Commercial Buildings are Converted to Residential Use

Prepared by: Derrick I. Tokos, AICP, Community Development Director

Recommended Motion: I move that the City Manager prepare a resolution, for consideration at the next Council meeting, which confirms that the City's existing System Development Charge methodology applies to the conversion of commercial buildings for residential use.

Background Information: HB 2984 (2023) is a housing related bill passed in the last legislative session that requires cities allow conversion of a building from commercial to residential use without requiring a zone change or conditional use permit. It does not apply to lands zoned for heavy industrial use. The legislation further prohibits enforcement of parking minimums greater than those required for existing commercial or residential use.

While the Planning Commission is working through the land use components of the legislation as part of a larger package of code amendments, there is a component of the bill, specific to System Development Charges (SDCs), that is time sensitive. That language, in Section 6(c), prohibits cities from requiring the payment of a system development charge for commercial to residential conversions unless they have adopted a specific policy requiring such payment on or before December 31, 2023. A copy of the bill is attached, with relevant language highlighted.

Newport's SDC ordinance and methodology, last amended in 2017, requires that all new development or redevelopment pay system development charges for impacts that they have on the City's water, wastewater, transportation, storm drainage, and parks systems. A commercial to residential conversion receives credit for the prior use. If a prior commercial use had a greater impact on a particular public system then the new residential use, then it won't have to pay an SDC fee (NMC 12.15.060(A)(2)). These are case-by-case determinations that consider the specific development plans for a property. If a commercial to residential conversion results in an increased impact, say a greater demand on water/wastewater or additional impervious surfaces, then it would only pay for the additional impact. All assessments are methodology (i.e. formula) based, and proceeds are used to fund upgrades to public systems to support growth.

The City Council should consider adopting a resolution at its December 4, 2023 meeting confirming that the City's existing System Development Charge methodology applies to the conversion of commercial buildings for residential use. That methodology does not carve out exceptions for particular types of development. This was intentional, to ensure equitable application of the rules. That is, all new development or redevelopment pays for its proportional share of any impact it has on the public systems.

It is rare for the City to see commercial to residential conversions, namely because there are few commercial structures in the City that are suitable. When it does occur, it tends to be small scale, such as adding a single apartment into an upper story office space.

Fiscal Notes: SDCs payable from such conversions are likely to be relatively modest considering that such projects receive a credit for the prior use.

Alternatives: Request a resolution with alternative language, forgo executing the resolution, or as suggested by Council. If the Council does not want to adopt the resolution, then it should direct staff to amend the City's SDC methodology to add commercial to residential conversions as a listed exemption. Otherwise the City staff could inadvertently apply SDC charges to these types of projects because they are unaware of this legislation.

Attachments:
HB 2984 Enrolled
NMC Chapter 12.15, Related to SDCs

Enrolled
House Bill 2984

Sponsored by Representative MARSH; Representatives ANDERSEN, DEXTER, FAHEY, HELM, MCLAIN, Senators ANDERSON, DEMBROW, GOLDEN, JAMA, PATTERSON (Presession filed.)

CHAPTER .....

AN ACT

Relating to housing; amending ORS 197.308.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, is amended to read:

197.308. (1) As used in this section[*,*]**:**

(a) "Affordable housing" means residential property:

[*(a)*] **(A)** In which:

[*(A)*] **(i)** Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income [*as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development*]; or

[*(B)*] **(ii)** The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

[*(b)*] **(B)** Whose affordability [*is enforceable*], including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) "Area median income" means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing[*, and may not require a zone change or conditional use permit for affordable housing,*] if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.

[*(3)*] **(4)** [*Subsection (2)*] **Subsections (2) and (3)** of this section:

[*(a) Does not apply to the development of housing not within an urban growth boundary.*]

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) [*Does*] **Do** not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

[*(c) Applies on property zoned to allow for industrial uses only if the property is:*]

[*(A) Publicly owned;*]

[*(B) Adjacent to lands zoned for residential uses or schools; and*]

[*(C) Not specifically designated for heavy industrial uses.*]

[*(d)*] **(c)** [*Does*] **Do** not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

(5) The development of housing under subsection (2) of this section may occur only:

(a) Within an urban growth boundary; and

(b) On lands zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(6) The development of housing under subsection (3) of this section:

(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;

(b) May not occur on lands zoned to allow industrial uses;

(c) May require the payment of a system development charge as defined in ORS 223.299 only if:

(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or

(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and

(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:

(A) The amount that may be required for the existing commercial use; or

(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.

[*(4)*] **(7)** A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

[*(5)(a)*] **(8)(a)** Subsection [*(4)*] **(7)** of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection [*(4)*] **(7)** of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

SECTION 1a. If House Bill 3442 becomes law, section 1 of this 2023 Act (amending ORS 197.308) is repealed and ORS 197.308, as amended by section 4, chapter 47, Oregon Laws 2022, and section 1, chapter ___, Oregon Laws 2023 (Enrolled House Bill 3442), is amended to read:

197.308. (1) As used in this section[*,*]**:**

(a) "Affordable housing" means residential property:

[*(a)*] **(A)** In which:

[*(A)*] **(i)** Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income [*as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development*]; or

[*(B)*] **(ii)** The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and

[*(b)*] **(B)** Whose affordability [*is enforceable*], including **affordability under a covenant** as described in ORS 456.270 to 456.295, **is enforceable** for a duration of no less than 30 years.

(b) "Area median income" means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing[*, and may not require a zone change or conditional use permit for affordable housing,*] if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109; or

(B) A nonprofit corporation that is organized as a religious corporation; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

(3) A local government shall allow the conversion of a building or a portion of a building from a commercial use to a residential use.

[*(3)*] **(4)** [*Subsection (2)*] **Subsections (2) and (3)** of this section:

[*(a) Does not apply to the development of housing not within an urban growth boundary.*]

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) [*Does*] **Do** not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

[*(c) Applies on property zoned to allow for industrial uses only if the property is:*]

[*(A) Publicly owned;*]

[*(B) Adjacent to lands zoned for residential uses or schools; and*]

[*(C) Not specifically designated for heavy industrial uses.*]

[*(d)*] **(c)** Except as provided in paragraph [*(e)*] **(d)** of this subsection, [*does*] **do** not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

[*(e)*] **(d)** [*Does*] **Do** apply to property described in paragraph [*(d)(C)*] **(c)(C)** and (D)(i) of this subsection if more than 60 percent of the lands within the urban growth boundary that the property is within are located within a tsunami inundation zone or if more than 30 percent of the lands within the urban growth boundary that the property is within are located within a 100-year floodplain.

(5) The development of housing under subsection (2) of this section may occur only:

(a) Within an urban growth boundary; and

(b) On lands zoned to allow for industrial uses only if the property is:

(A) Publicly owned;

(B) Adjacent to lands zoned for residential uses or schools; and

(C) Not specifically designated for heavy industrial uses.

(6) The development of housing under subsection (3) of this section:

(a) Applies only within an urban growth boundary of a city with a population of 10,000 or greater;

(b) May not occur on lands zoned to allow industrial uses;

(c) May require the payment of a system development charge as defined in ORS 223.299 only if:

(A) The charge is calculated pursuant to a specific adopted policy for commercial to residential conversions adopted on or before December 31, 2023; or

(B) The charge is for water or wastewater and includes an offset for at least 100 percent of the water or wastewater system development charges paid when the building was originally constructed; and

(d) May not be subject to enforcement of any land use regulation that establishes a minimum number of parking spaces that is greater than the lesser of:

(A) The amount that may be required for the existing commercial use; or

(B) The amount that may be required in lands zoned for residential uses that would allow the converted development.

[*(4)*] **(7)** The development of housing allowed under subsection [*(3)(e)*] **(4)(d)** of this section may only occur:

(a) Within an urban growth boundary located no more than 10 miles from the Pacific Ocean;

(b) In areas that require compliance with minimum federal regulations under the National Flood Insurance Program or with local floodplain development regulations adopted by the applicable local government, provided that the local regulations are equal to or more stringent than the minimum federal regulations;

(c) In locations that do not include floodways or other areas with higher risks of greater water velocity and debris flow;

(d) In communities with emergency response, evacuation and post-disaster plans that have been updated for the housing development; and

(e) In areas that are not public parks.

[*(5)*] **(8)** A local government may prohibit affordable housing or require a zone change or conditional use permit to develop affordable housing in areas described in subsection [*(3)(e)*] **(4)(d)** of this section.

[*(6)*] **(9)** A local government shall approve an application at an authorized density level and authorized height level, as defined in ORS 227.175 (4), for the development of affordable housing, at the greater of:

(a) Any local density bonus for affordable housing; or

(b) Without consideration of any local density bonus for affordable housing:

(A) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet;

(B) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet; or

(C) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet.

[*(7)(a)*] **(10)(a)** Subsection [*(6)*] **(9)** of this section does not apply to housing allowed under subsection (2) of this section in areas that are not zoned for residential uses.

(b) A local government may reduce the density or height of the density bonus allowed under subsection [*(6)*] **(9)** of this section as necessary to address a health, safety or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal. Notwithstanding ORS 197.350, the local government must adopt findings supported by substantial evidence demonstrating the necessity of this reduction.

Passed by House March 28, 2023

Repassed by House June 23, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 21, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State

CHAPTER 12.15 SYSTEM DEVELOPMENT CHARGES

12.15.005 Purpose

This chapter is intended to authorize system development charges ("SDCs") to impose a portion of the cost of capital improvements for water, wastewater, storm drainage, transportation, and parks on developments and redevelopments that create the need for or increase the demands on capital improvements, consistent with state law. The provisions of this chapter are to be interpreted consistent with state law.

12.15.010 Scope and Interpretation

The SDCs authorized by this ordinance are separate from and in addition to any applicable tax, assessment, charge, or fee. SDCs are not taxes on property or on a property owner as a direct consequence of ownership of property within the meaning of Article XI Section 11B, of the Oregon Constitution or the legislation implementing that section and are not subject to the limitations imposed by that section.

12.15.015 Definitions

The following definitions apply in this chapter.

A. **Applicant** means the person who applies for a residential, commercial, industrial, or other connection to the city's water supply system or sanitary sewer system and/or who develops property within the city or within the city's Urban Growth Boundary.

B. **Building** means any structure, either temporary or permanent, built for the support, shelter, or enclosure of persons or property of any kind and for any public, commercial, industrial, or other use. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintenance during the term of a building permit.

C. **Capital Improvements** means public facilities or assets used for:

1. Wastewater collection, transmission, treatment and disposal, or any combination.

2. Water supply, treatment, distribution, storage, metering, fire protection, or any combination.

3. Drainage and flood control.

4. Transportation facilities including vehicle and pedestrian.

5. Parks and recreation.

D. **Development** means any construction of improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and water and sewer fixtures. Development includes redevelopment of property requiring a building permit. Development includes improved open areas such as plazas and walkways.

E. **Equivalent Dwelling Unit** or **EDU** means the base element of the formula by which systems development charge rates are determined for various buildings or developments.

F. **Owner** means the owner or owners of record title or the purchaser(s) under a recorded land sales agreement, and other persons having an interest of record in the described real property.

G. **Permittee** means the person to whom a building permit, development permit, a permit or plan approval to connect to the sewer system, or right-of-way access permit is issued.

H. **Qualified Public Improvement** means a capital improvement that is:

1. Required as a condition of development approval;

2. Included in an adopted SDC project list and:

a. Not located on or contiguous to a parcel of land this is the subject of the development approval; or

b. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular

development project to which the improvement fee is related.

For the purposes of this definition, “contiguous” includes improvements within a right of way that abuts the parcel.

12.15.020 System Development Charged Imposed; Method for Establishment

A. The amount of system development charges may be set and revised by resolution of the City Council. Any resolutions setting or amending the amount of any SDC shall state the amount of the charge and the methodology used to set the amount of the charge.

B. Unless otherwise exempted, SDCs for water, wastewater, storm water, transportation and parks are imposed on all development within the city, on all development outside the city that connects to the water and/or sewer facilities of the city, and on all other development which increases the usage of the water and/or sewer system or that contributes to the need for additional or enlarged capital improvements. This shall include new construction and the alteration, expansion or replacement of a building or development if such alteration, expansion or replacement results in a change in any of the components of the formula for determining the amount of SDCs to be paid. For redevelopment, the amount of the SDC to be paid shall be the difference between the rate for the proposed redevelopment and the rate that would be applicable to the existing development.

12.15.025 Methodology

A. The methodology used to establish or modify a reimbursement fee shall be based on the cost of then-existing facilities including without limitation, design, financing and construction costs; prior contributions by then-existing users; gifts or grants; the value of unused capacity available to future system users, rate-making principles employed to finance publicly owned capital improvements; and other relevant factors identified by the City Council. The methodology shall promote the objective that future systems users shall contribute an equitable share of the cost of then-existing facilities.

B. The methodology used to establish or modify the improvement fee shall consider the cost of projected

capital improvements needed to increase the capacity of the systems to which the fee is related and other relevant factors identified by the Council. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users.

C. The methodology used to establish or modify improvement fees or reimbursement fees, or both, shall be adopted and may be amended by Council resolution.

12.15.030 Authorized Expenditures

A. Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of debt for such improvements.

B. Improvement fees shall be spent only on capacity increasing capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or providing new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development.

C. SDC proceeds may be expended only on projects identified in the SDC capital improvement project list or on the direct costs of complying with the provisions of this chapter, including the costs of developing SDC methodologies, system planning, providing an annual accounting of SDC expenditures and other costs directly related to or required for the administration and operation of this SDC program.

12.15.035 Expenditure Restrictions

A. SDCs shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

B. SDCs shall not be expended for costs of the operation or routine maintenance of capital improvements.

12.15.040 SDC Projects Plan

A. The Council shall adopt and may amend by resolution an SDC Projects Plan for each type of SDC that lists:

   1. The capital improvements that the city intends to fund in whole or in part with the improvement fee revenues; and

   2. The estimated cost of each improvement and the percentage of that cost eligible to be funded with improvement fee revenues.

B. In adopting the SDC Projects Plan, the city may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.

C. If the amount of SDC charges will be increased by a proposed modification to the SDC Projects Plan, the city shall:

   1. Provide at least 30 days' notice prior to adopting the modification to those who have requested notice; and

   2. Hold a public hearing if a written request for a hearing is received at least seven days prior to the date scheduled for adoption of the proposed modification.

12.15.045 Adoption or Amendment of Methodology

A. The Council shall hold a public hearing prior to adopting or amending the methodology on which any SDC is based.

B. The Council shall provide written notice to persons who have requested notice of any adoption or modification of SDC methodology at least 90 days before the hearing. If no one has requested notice, the city shall publish notice in a newspaper of general circulation in the city at least 90 days before the hearing.

C. The revised methodology shall be available to the public at least 60 days before the first public hearing of the adoption or amendment of the methodology. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the city. If the city fails to

provide sufficient notice, it can cure the defect by issuing a new notice and holding a new hearing. The city may consider comments submitted at improperly noticed hearings.

D. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the SDC methodology if the change is based on a change in project costs, including cost of materials, labor and real property, or on a provision for a periodic adjustment included in the methodology or adopted by separate ordinance or resolution, consistent with state law.

E. A change in the amount of an improvement fee is not a modification of the SDC methodology if the change is the result of a change in the SDC Projects List adopted in accord with this chapter.

12.15.050 Collection of Charge

A. The SDC is payable on:

1. Issuance of a building permit or any construction activity for which a building permit is required but not obtained.

2. Issuance of a development permit or approval for development not requiring the issuance of a building permit. A permit or approval to connect to the water and/or sewer system;

3. Issuance of a permit to connect to the water system or actual connection to the water system if a permit is not obtained.

4. Issuance of a permit to connect to the sewer system or actual connection to the sewer system if a permit is not obtained.

B. SDCs are payable only for those types of improvements affected by the development, permit or connection. For example, a permit to connect an existing structure to the sewer system does not necessarily trigger an obligation to pay Parks, Transportation, Water or Stormwater SDCs.

C. The amount of SDC payable shall be established by resolution relying on an approved methodology and SDC

project plan. The SDC project plan, methodology and amount of charge may be adopted in a single resolution, and more than one type of SDC (water, sewer, storm, transportation and park) can be included in a single resolution.

D. No permit listed in Subsection A. may be issued unless applicable SDCs have been paid or an agreement entered to pay over time as allowed by this chapter.

12.15.055 Installment Payments

A. The owner of the parcel of land subject to a systems development charge may apply for payment in twenty 20 semi-annual installments, to include interest on the unpaid balance, in accordance with state law. A shorter payment plan is acceptable if approved by the city. The parcel of land shall be subject to a lien for the unpaid balance.

B. The city manager shall provide application forms for installment payments which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

C. An applicant for installment payment shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the property interest of the applicant is adequate to secure payment of the lien.

D. The city manager shall docket the lien in the city's lien docket. From that time the city shall have a lien upon the described parcel for the unpaid balance, together with interest on the unpaid balance. The lien shall be enforceable in any manner authorized or permitted by state law.

12.15.060 Exemptions

A. The following actions are exempt from payment of SDCs:

1. Additions to multi-family and other dwelling units that are assessed SDCs on an Equivalent Dwelling Unit basis, provided the addition does not result in a new dwelling unit.

2. An alteration, addition, replacement, change in use or permit or connection that does not increase the parcel's or

structure's use of a public improvement system is exempt from payment for the SDC payment applicable to that type of improvement. Some redevelopment may be subject to some types of SDCs and not to others.

3. Temporary and seasonal uses, including special events, mobile food units (other than pods), and patio or deck seating associated with eating or drinking establishments.

(Chapter 12.15.060(A) was amended by Ordinance No. 2187, adopted on September 7, 2021; effective October 7, 2021.)

B. If all SDCs were paid at the time of the first action that triggered the obligation to pay, no additional payment is required at the time of other actions that would trigger the obligation to pay, even if the amount payable has increased, unless there has been a change in the design or use that would affect the amount payable.

12.15.065 Credits

A. When a development occurs that is subject to SDCs, the SDC for the existing use(s), if applicable, shall be calculated and if it is less than the SDC for the use that will result from the development, the difference between the SDC for the existing use and the SDC for the proposed use shall be the SDC that is assessed. If the change in the use results in the SDC for the proposed use being less than the SDC for the existing use, no SDC shall be required; however, no refund or credit shall be given.

1. For the purpose of this section, "existing use" is any use or structure on a property within the last 10 years. If more than one use or structure was on a property within this timeframe than the existing use shall be that which placed the greatest demand on the capital system during this period of time.

2. Credits shall not be transferable from one development to another, except as provided in NMC 12.15.065(D)(6).*

3. Credits shall not be transferable from one type of capital improvement to another.

Examples:

SDCs had been paid for three dwelling units on a property and the property is redeveloped with five dwelling units. A credit for three dwelling units' worth of SDCs will be provided, so the amount payable would be the amount for two dwelling units.

SDCs had been paid for two dwelling units and the property is redeveloped with a large retail use, with both residential units eliminated. The SDCs would be the difference between the SDCs payable for the new commercial structure and use and the SDCs that would be charged for two dwelling units.

SDCs were paid based on restaurant use, but then the property was converted to another retail use with lower SDCs. The property is then reconverted back to restaurant use within 10 years of the date a restaurant was last operating, using exactly the same configuration as the original restaurant. At the time of the conversion to retail use, no SDCs are payable, because the amount payable is less than the credit. The credit for restaurant use remains with the property, so at the time of reconversion to restaurant use, no additional SDCs are payable, because the credit remained in effect and the credit for the original use is exactly the same as the amount that is owed, so no payment is required, even if the SDC rates have increased in the interim.

B. For credit certificates issued under prior SDC ordinances, such credits are to be used by the deadline specified in the ordinance in effect on the date they were issued. Certificates issued without a deadline shall automatically terminate if not used by December 31, 2020.

C. Notwithstanding subsection (A), credit given against storm drainage SDC assessments for existing use(s) shall be limited to circumstances where SDCs were previously paid or the impervious surfaces existed as of January 1, 2008. A credit may be provided for new development that incorporates improvements designed to reduce the impact of runoff on the storm drainage system (e.g. cisterns, detention facilities, pervious surface technology, etc.). In each case, the city will review the proposed mitigation measures and determine an appropriate storm drainage SDC credit for impervious surface reduction.

D. A credit of the improvement fee portion of the SDC only shall be given to the permittee against the cost of the SDC charged, for the cost of a qualified public improvement incurred by the permittee, upon acceptance by the city of the public improvement. The credit shall not exceed the amount of the improvement fee even if the cost of the capital improvement exceeds the improvement fee.

1. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of the development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request shall be filed in writing no later than 60 days after acceptance of the improvement by the city. The city may deny the credit provided for in this section if the city demonstrates that the application does not meet the requirements of this section or if the improvement for which credit is sought is not included in the SDC Project List.

2. When construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project or otherwise imposed on the same property.

3. Credits for qualified public improvements may be used for future phases of development, redevelopment, a change in use of the property, or transferred to another property as provided in NMC 12.15.065(D)(6).*

1. Credit for qualified public improvements shall not be transferable from one type of capital improvement to another.

2. Credits for qualified public improvements shall be used within 10 years from the date the credit was given.

3. Credits for qualified public improvements may be transferred from one property to another within the 10 year period the credits are valid if (a) the receiving property is being developed with a residential use and (b) the amount of credit transferred is less than or equal to 50% of the total SDC assessment that would otherwise be payable.*

4. If the public improvement for which a credit is sought is not on the SDC Project List, the applicant may submit an application for both the credit and for the placement of the improvement on the SDC project list. If the city manager determines that the project is of a type and location that is appropriate for inclusion, the project shall be added to the SDC Project List and a credit may be given, but the additional of the project shall not change the SDC amount payable by others.

5. The City Council shall conduct a public hearing no later than August 21, 2023, to evaluate the impact of transferred SDC credits on the City's ability to fund qualified public improvements and determine if changes should be made to provisions of this section related to the transfer of SDC credits.*

D. The extent of the property to be considered in computing and allocating credits shall be stated by the applicant, and the applicant must have written authorization from the property owner(s). If properties under different ownership are developed together, the city may require the applicants to specify where any credits for the provision of capital improvements may be used and under which circumstances. Two or more contiguous properties may pool existing SDC credit rights as part of a common scheme for redevelopment of the contiguous properties.

E. For all credits under any portion of this section, the property owner is responsible for providing the facts justifying a credit.

12.15.070 Notice

A. The city shall maintain a list of persons who have made a written request for notification prior to adoption or

modification of a methodology for any SDC. Written notice shall be mailed to persons as provided in this chapter. The failure of a person on the list to receive notice that was mailed does not invalidate the action of the city.

B. The city may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

12.15.075 Segregation and Use of Revenue

A. All funds derived from an SDC are to be segregated by accounting practices from all other funds of the city. That portion of the SDC calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth allowed in this chapter.

B. The city manager shall provide the City Council with an annual accounting, based on the city's fiscal year, for SDCs showing the total amount of SDC revenues collected for each type of facility and the projects funded from each account in the previous fiscal year. A list of the amounts spent on each project funded in whole or in part with SDC revenues shall be included in the annual accounting.

C. The moneys deposited into the SDC account shall be used solely as allowed by this chapter and state law, including, but not limited to:

1. Design and construction plan preparation;

2. Permitting and fees;

3. Land and materials acquisition, including any cost of acquisition or condemnation, including financing, legal and other costs;

4. Construction of capital improvements;

5. Design and construction of new water facilities required by the construction of capital improvements and structures;

6. Relocating utilities required by the construction of improvements;

7. Landscaping;

8. Construction management and inspection;

9. Surveys, soils, and material testing;

10. Acquisition of capital equipment;

11. Repayment of moneys transferred or borrowed from any budgetary fund of the city which were used to fund any of the capital improvements as herein provided;

12. Payment of principal and interest, necessary reserves and cost of issuance under bonds or other indebtedness issued by the city to fund capital improvements.

12.15.080 Refunds

A. Refunds may be given by the city upon finding that there was a clerical error in the calculation of the SDC.

B. Refunds shall not be allowed if the applicant fails to timely claim a credit or fails to timely seek an alternative SDC rate calculation.

C. Refunds may be given on application of a permittee if the development did not occur and the all permits for the development have been withdrawn.

12.15.085 Appeal Procedure

A. A person challenging the propriety of an expenditure of SDC revenues may appeal the decision of the expenditure to the City Council by filing a written request with the city manager describing with particularity the decision and the expenditure from which the person appeals. An appeal of the expenditure must be filed within two years of the date of the alleged improper expenditure.

B. Appeals of any other decision required or permitted to be made by the city manager under this ordinance must be filed in writing with the city manager within 10 days of the decision.

C. After providing notice to the appellant, the City Council shall determine whether the city manager's decision or the expenditure is in accordance with this ordinance and state law. The Council may affirm, modify, or overrule the decision. If the Council determines that there has been an improper expenditure of SDC revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the Council shall be reviewed only by writ or review.

D. A legal action challenging the methodology adopted by the City Council shall not be filed later than 60 days after adoption and shall use the writ of review process.

12.15.090 Prohibited Connection

No person may connect to the water or sewer system of the city or obtain a building permit unless the appropriate SDCs have been paid, or the installment payment method has been applied for and approved.

12.15.095 Severability

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section, or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall be in full force and effect and be valid as is such invalid portion thereof had not been included. It is the City Council's intent that this chapter would have been adopted if the unconstitutional provision not been included.

12.15.100 Penalty

Violation of this chapter is a civil infraction.

*(*Chapter 12.15 was amended by Ordinance No. 2135, adopted on July 16, 2018; effective August 15, 2018.)*
(Chapter 12.15 was amended by Ordinance No. 2113; adopted on August 7, 2017; effective September 6, 2017.)

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Authorization of a Memorandum of Understanding Between the Oregon Department of Human Services, the City of Newport, and Lincoln County for the Placement of Two Connex Storage Containers at the Municipal Airport.

Background:
The Oregon Department of Human Services has been working with Del Lockwood and Lance Vanderbeck regarding the placement of Connex storage containers at the Newport Municipal Airport. These containers will store evacuation assembly point kits and other equipment and supplies to support people in the evacuation and initial sheltering phase of a disaster. It is the intent to place these units up at the airport and then conduct a joint exercise between the State, County, and City in May 2024. Responses will include equipment for emergency assembly point including tents, medical, water, and food supplies. We appreciate the joint effort that will provide additional emergency resources for people in Newport and Lincoln County.

Recommendation:
I recommend the City Council consider the following motion:

I move to authorize the City Manager to sign a memorandum of understanding with the Department of Human Services and Lincoln County to accept emergency supplies to be stored at the Newport Municipal Airport.

Fiscal Effects:
None to the City.

Alternatives:
None recommended.

Respectfully submitted,

Spencer Nebel
City Manager

Agenda Item # 8.B

Meeting Date 11-20-2023

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title MOU for Containers at Airport Emergency Storage
Prepared By: DL Dept Head Approval: RM City Mgr Approval: _____

Issue Before the Council:
SHOULD THE COUNCIL AGREE TO AN MOU WITH STATE DHS AND COUNTY TO ACCEPT EMERGENCY SUPPLIES TO BE STORED AT THE AIRPORT

Staff Recommendation:
STAFF RECOMMENDS AGREEMENT WITH MOU.

Proposed Motion:
I move to authorize the City Manager to sign the MOU with the Department of Human Services and Lincoln County to accept emergency supplies to be stored at the Newport airport.

Key Facts and Information Summary:

This Memorandum of Understanding (MOU) outlines the agreement for Oregon Department of Human Services to provide Conex storage containers at the Newport Municipal Airport containing Evacuation Assembly Point (EAP) kits and other equipment and supplies to support people in the evacuation and initial sheltering phase of a disaster. This equipment and supplies will be used for Emergencies, Incidents, and Exercises. An exercise with this equipment is scheduled for May of 2024.

Other Alternatives Considered:
No other alternatives are being considered at this time.

City Council Goals:
Emergency Preparedness

Attachment List:
MOU with State DHS and Lincoln County

Fiscal Notes:
No financial impacts

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
Oregon Department of Human Services
Office of Resilience and Emergency Management
AND
Lincoln County
AND
City of Newport (Newport Municipal Airport)

THIS AGREEMENT is made and entered into by and between the Oregon Department of Human Services, Office of Resilience and Emergency Management, hereinafter referred to as ODHS; Lincoln County; and the City of Newport (Newport Municipal Airport); and altogether referred to as Parties.

1. OVERVIEW.

ODHS is the lead State agency for Emergency Support Function 6 (Mass Care) and State Recovery Function 4 (Social Services) of the State's Comprehensive Emergency Management Plan (CEMP). Under this plan, ODHS is responsible for Mass Care, which includes sheltering, feeding, hydration, evacuee support, reunification, and distribution of emergency supplies to people affected by a disaster, as well as human and social services to help people recover.

In order to meet the needs of northern coastal communities more readily, ODHS will stage Conex storage containers at the Newport Municipal Airport containing Evacuation Assembly Point (EAP) kits and other equipment and supplies to support people in the evacuation and initial sheltering phase of a disaster.

The purpose of this Memorandum of Understanding (MOU) is to outline the agreement for placement and maintenance of the equipment, as well as the responsibilities all parties when an incident occurs.

2. LOCATIONS.

a. Aerial Map

b. Newport Municipal Airport (135 SE 84th Street/Newport, OR 97366)

i. Newport Municipal Airport is the site in which the storage containers will be staged and all activities under this MOU take place.

ii. The land of Newport Municipal Airport is owned by the City of Newport.

iii. Placement of the storage containers and activities will take place at the Northeastern end of the airport, primarily within the red box above. The space is behind a secure fence line. The fence line and gate are managed by the Newport Municipal Airport.

c. Lincoln County

i. Lincoln County Emergency Management will have access to site in the event of;

1) State Declared Emergency that requires use of Mass Care;

2) Exercises - Pre-arranged with Airport Management.

d. Conex Storage Containers

i. Unless moved during an incident or exercise, the storage containers will be located in the NE corner off runway 2.

3. ROLES & RESPONSIBILITIES.

a. Normal Operations (no emergencies or incidents)

i. ODHS will:

1) Store two (2) Conex storage containers as identified in 2b and 2c above. ODHS may add additional storage containers with approval from the City of Newport.

2) Lock the storage containers and provide the code for the locks to all Parties.

3) Provide training to all Parties on how to utilize the equipment and supplies stored in the containers during emergency situations.

ii. City of Newport will:

1) Provide the access code to the sliding gate located at the NE security fence to ODHS.

2) Unless otherwise arranged, provide 24/7 access to the area in which the storage containers are placed.

3) City of Newport is responsible for the security of the perimeter.

iii. Lincoln County will:

1) Periodically visit the site to inspect the storage container and the equipment and supplies inside to ensure inventory is present and there has been no tampering or other issues.

2) And ODHS with maintenance of equipment as needed.

iv. All Parties will:

1) Report within 24 hours any tampering with the storage containers or other issues, such as but not limited to break-ins, insect or animal infestation or damage, water damage, etc.

2) No other parties shall use or deploy the equipment and supplies contained in the storage containers without express permission provided by ODHS in writing.

b. Emergencies, Incidents, and Exercises

i. Staging

1) Lincoln County will:

a) Coordinate the staging and setup of the EAP and other equipment and supplies in the storage containers.

b) Coordinate with City of Newport Emergency Coordinator and airport for emergencies, incidents, and exercises

2) The City of Newport will:

a) Coordinate with Lincoln County for staging and setup of EAP and other equipment and supplies in the storage containers.

3) ODHS will:

a) Provide support as needed, as staff are available and can reach the site during an incident.

4) All Parties will:

a) Communicate and coordinate on needs related to transportation and staging of equipment.

b) Communicate to each other on their needs in regard to their responsibilities and any other emerging needs.

ii. Deployment

1) Lincoln County will:

a) Coordinate the operations and maintenance of the EAP site.

b) Provide on the job, "just in time" training on operations of equipment and supplies to personnel on site.

c) If water utilities provided by City of Newport are disrupted, coordinate the delivery of water to EAP site.

d) Provide fuel for operational needs related to the incident or coordinate with City of Newport if fuel is available on site

e) Coordinate sewage and wastewater removal.

f) Request shortage fulfillment from ESF6/ODHS for EAP operations during an incident.

2) The City of Newport will:
   a) Provide access to utilities including water and electricity if such utilities are functional or can safely be accessed.
   b) Provide access to and use of north-east part of airfield as show in 2.a for set up and storage.
   c) Assist with transportation of equipment and supplies, as directed by Lincoln County.
3) ODHS will:
   a) Provide support as needed with operations and maintenance of the EAP site, if staff are available and can reach the site during an incident.
   b) Receive EAP shortage requests from Lincoln County during an incident.
4) All Parties will:
   a) Provide support to Lincoln County as requested.
   b) Communicate to each other on their needs in regard to their responsibilities and any other emerging needs.

iii. Reset

1) Lincoln County will:
   a) Coordinate the teardown of equipment and supplies and restaging back to pre-incident status per ODHS requirements.
   b) Coordinate with City of Newport to transport equipment and supplies from storage containers to appropriate location within Newport Municipal Airport grounds.
2) The City of Newport will:
   a) Provide space in the Airport Rescue and Fire Fighting (ARFF) station engine bays for "resetting" of equipment and supplies, e.g., drying of, cleaning, and repacking. Other areas may be used if accessible at the time, such as the main FBO hangar.
   b) Coordinate with Lincoln County to transport equipment and supplies from the storage containers to appropriate locations within Newport Municipal Airport grounds, as directed by Lincoln County.
3) ODHS will:
   a) Provide support as needed for all reset operations.
4) All Parties will:
   a) Communicate to each other on their needs in regard to their responsibilities and any other emerging needs.
   b) Provide input towards an After Use Assessment.
   c) Participate in a Gap Analysis and After-Action Review.

c. General Provisions

i. Ownership of all equipment and supplies stores in its storage containers shall remain with ODHS.

ii. Equipment owned by ODHS shall not be lent to others that are not Parties to this MOU, unless permission from ODHS is provided in writing.

iii. ODHS reserves the right to repurpose and move components of or all of the EAP kit and storage containers offsite at any time if other incident and mass care needs arise.

4. COST.

There is no general cost associated with this MOU. However, if any party damages any equipment or building infrastructure beyond normal wear and tear, they will be responsible for the full cost of repair or replacement to the owner. Any party that has damaged equipment or building infrastructure shall immediately notify the point of contact of the owning party..

5. KEY CONTACTS.

All notices regarding this MOU should be sent to the Parties at the following addresses:

ODHS
Jeff Gilbert
Regional Emergency Coordinator, North
jeff.gilbert@odhs.oregon.gov
503-756-0596

Max Seiler
Finance and Contracts Chief, MOU Administrator
max.seiler@odhs.oregon.gov
503-890-2388

City of Newport
Del Lockwood MPA
Emergency Management
d.lockwood@newportoregon.gov
541-265-5332

Lincoln County
Adam Shanks
Administrative Lieutenant
ashanks@co.lincoln.or.us
541-265-0653

6. TERM.

a. Once signed by all Parties, this MOU is effective the date it is signed from all parties, through June 30, 2027 unless otherwise terminated or extended.

b. No amendment to this MOU shall be effective unless it is in writing and signed by all Parties.

c. Any party may request to terminate this MOU 30 days following delivery of written notice of termination to the other parties.

d. This MOU may be terminated at any time by mutual written consent of all parties.

7. SIGNATURES.

City of Newport

Authorized Signature	Printed Name
Title	Date

Lincoln County

Authorized Signature	Printed Name
Title	Date

State of Oregon, acting by and through its Department of Human Services, Office of Resilience and Emergency Management

Authorized Signature	Printed Name
Title	Date

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Review of Rules of Conduct for the City of Newport Municipal Library .

Background:
The Newport Municipal Library has been dealing with a number of problems relating to camping and inappropriate activities occurring in and around the Library. Newport Municipal Code 8.11.030(D) provides that the city manager may adopt the rules of conduct for various use of public property in the city. The development of these rules resulted from a meeting that was held with CIS, the County prosecutor, Police Chief, Jason Malloy, Library Director, Laura Kimberly, City Attorney, David Allen and myself. The incidences created significant concern for City staff and Library patrons.

One of the primary recommendations from CIS is to develop rules of conduct for the use of the Library and grounds. These rules, coupled with the Newport Municipal Code Chapter 8.11 *Trespass in Public Places,* would allow authorized individuals to trespass an individual from the Library and grounds if they are in violation of any of the formally adopted rules. If a person is trespassed and then comes back onto the property, then that individual can be arrested. Utilization of this process enables the Library and Police to address noncriminal issues that occur from time to time in and around the Library. Otherwise, the Police Department is limited with issuing a civil infraction (a ticket) that will eventually go before the Municipal Court which does not address the immediate concerns or problems at the Library. NMC 8.11.05 0(B) provides that the city manager shall provide at least 30-days' notice to the City Council with a copy of the proposed rules prior to its adoption by the city manager. I hereby present the rules for Council review and comment. Barring any concerns, these rules will formally be adopted prior to the end of the calendar year.

Recommendation:
I recommend the City Council consider the following motion:

I move to formally receive the draft Rules of Conduct for the Newport Municipal Library and offer no objections to the rules as proposed.

Fiscal Effects:
None.

Alternatives:
Suggest modifications to the rules, or as suggested by the City Council.

Respectfully submitted,

Spencer Nebel
City Manager

STAFF REPORT
CITY COUNCIL AGENDA ITEM

Meeting Date: November 20, 2023

Title: Library Patrons Rules of Conduct

Prepared by: Laura Kimberly, Newport Public Library Director

Background Information:

It is the Library's mission to provide equitable access to materials, entertainment, information and technology services of the highest quality to our diverse multigenerational community. To this end, the Library has established rules of conduct to promote a safe, comfortable, healthy, and barrier-free environment.

The Newport Public Library has been experiencing an escalation of safety and conduct violations, which have not been conducive to enjoyable use of the Library by all. The draft rules of conduct cover activities inside and outside the Library building, including the Library grounds and parking lots.

The Library Director was provided several examples of library rules of conduct from libraries across the state of Oregon as well as assistance from the State Library of Oregon. These examples where helpful with revising the existing rules of conduct for the Library.

The draft rules of conduct have been reviewed by the City Attorney and Library Advisory Committee board members.

Attachments: Draft of the Library Rules of Conduct and NMC Chapter 8.11-Trespass in Public Places

5.10 RULES OF CONDUCT

It is the Library's mission to provide equitable access to materials, entertainment, information and technology services of the highest quality to our diverse multigenerational community. To this end, the Library has established rules of conduct to promote a safe, comfortable, healthy, and barrier-free environment. Library staff shall make every effort to apply these rules in a fair, humane, and positive manner for the benefit of all. The Rules of Conduct cover activities inside and outside the Library building, including the Library grounds and parking lots. We ask for your cooperation in maintaining an environment conducive to enjoyable use of the Library for all.

While at the Library we encourage you to:

1. Ask for help when you need it.

2. Give us your suggestions about how we can improve our services, collections, and facilities.

3. Enjoy the time you spend at the Library.

Under Newport Municipal Code (NMC) Chapter 8.11 - Trespass in Public Places, the following are rules of conduct while on or about Library property:

A. No person shall violate any federal, state, or city of Newport law/ordinance.

B. No person shall enter or remain on Library property for purposes other than to conduct legitimate business with the Library or to use that property lawfully under the laws and rules that apply.

C. No person shall enter or attempt to enter any secure portion of Library property that is not open to members of the public without authorization from Library staff.

D. No person shall deface, damage, or destroy Library property.

E. No person shall engage in conduct that degrades the appearance of Library property, including but not limited to depositing trash or defacing property.

F. No person shall engage in conduct that disrupts or interferes with operations of the Library, including but not limited to conduct that creates unreasonable noise or physical behavior. (Examples may include but are not limited to: climbing, running, loud or disruptive noise, throwing things, pushing and shoving, public indecency, verbal or physical harassment or threat.)

G. No person shall engage in conduct that subjects patrons or employees of the Library to alarm or disturbance.

H. Unless specifically authorized, no person shall use Library property for the purpose of housing or camping, including but not limited to placing objects such as vehicles, bicycles, backpacks, carts, or other items in a manner that interferes with passage.

I. No person shall refuse to obey any lawful direction of Library staff or other city government employees.

J. No person shall violate any provisions posted on Library parking lots.

So that everyone may have a safe and enjoyable experience, the following are also prohibited while on or about Library property (NMC 8.11.050):

- Eating or drinking at the public computers.
- Talking on a cell phone outside of the designated areas.
- Using e-cigarettes/vaporizing/smoking or use of drugs. (NMC Chapter 9.20 - Smoking and Drug Use)
- Preventing ADA access.
- Consuming alcoholic beverages. (NMC Chapter 9.55 - Consumption of Alcohol in Certain Public Places)
- Violating another patron’s reasonable expectation of privacy to read, view, or listen to Library materials.
- Bringing animals other than approved service animals into the Library. Under federal and state law, only dogs and miniature horses qualify as service animals. Emotional support animals and therapy animals are not considered service animals under the ADA.
- Using skateboards, roller blades, roller skates, or other sports equipment.

- Being in the Library without shoes, shirts, or other appropriate clothing. Children too young to walk do not need shoes.
- Using Library facilities for the purpose of bathing or sleeping.
    - Patrons caught sleeping will be given two warnings and will be asked to leave the Library if they need to be awakened a third time in a single day.
- Excessive use of perfume or cologne.
- Bringing into the Library anything that is unsafe, including firearms or other weapons, unless the individual is licensed to carry a firearm, or anything that creates an obstacle or takes up seating, including bicycles, carts, or large backpacks.
- Leaving children under the age of 10 unattended. Children age 10 and older may use the Library on their own. Under Oregon law, children under the age of 10 cannot be in the Library without a parent, caregiver, or chaperone.

Violation of Library rules of conduct may result in verbal or written warning, exclusion, or other enforcement action identified under NMC Chapter 8.11.

Chapter 8.11 TRESPASS IN PUBLIC PLACES

8.11.010 Purpose

The purpose of this chapter is to protect citizens in their use of public buildings, public parks and city parking lots, and to authorize the city to exclude persons violating applicable laws from specific public places where such conduct is violent or disruptive of other users.

8.11.020 Authority

A. In addition to other remedies provided for violation of this code or any laws of the state of Oregon, a code enforcement officer or peace officer may exclude any person who violates any applicable provision of law in any place subject to this chapter in accordance with the provisions of this section. In addition, a police officer or authorized employee may exclude any person who violates any applicable provision of the rules of conduct in any place subject to this chapter. Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Oregon or U.S. Constitution. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law or rules of conduct, shall be subject to exclusion as provided by this section.

B. The City Manager may delegate his or her authority and assign a person or persons to be in charge of the various city properties for the purpose of enforcing rules of conduct. In addition, police and authorized employees shall have the authority to enforce the rules of conduct on city property, as deemed necessary by the person in charge, or when actually observed by the police officer or authorized employee.

8.11.030 Definitions

The following definitions apply:

A. “Applicable provision of law” includes any applicable provision of this code, any city ordinance applying to use of public places, any applicable criminal or traffic

law of the state of Oregon, any law regarding controlled substances or alcoholic beverages, and any other applicable local ordinance or regulation. For purposes of this section, "applicable" means relating to the person's conduct in the public place.

B. "City property" means any city owned or leased, or city managed, building, structure, or land, including but not limited to City Hall, Newport Public Library, and the Recreation Center, 60+ Center, city parks, trails, and open space, and city parking lots within Newport.

C. "Public place" means public property, as defined in NMC 9.50.010, including city property.

D. "Rules of conduct" means rules and regulations implementing this chapter, including but not limited to NMC 8.11.060, or adopted by the City Manager under the authority of NMC 8.11.050.

8.11.040 Prohibited Acts Generally

A. Any act or thing prohibited or the failing to do any act or thing commanded to be done in this chapter, in a public place, within the corporate limits of the city of Newport and such other areas as may be specified in this chapter, is hereby declared to be an offense against the public peace, safety, health, and general welfare of the people of the city of Newport.

B. Any act or omission made unlawful under this chapter shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing such act or omission.

8.11.050 City Manager Authorized to Adopt Rules

A. The City Manager or a designee is authorized to make such rules and regulations implementing NMC 8.11.060 and not otherwise inconsistent or in conflict with other law as the City Manager finds necessary for the better control and management of city property, including buildings, parking facilities, parks, trails, and open space. The rules of conduct may be posted at various city properties in abbreviated form and are not meant to be all-inclusive of the conduct prohibited or required by this chapter. Any person

aggrieved by a rule or regulation may appeal to the City Council to amend or repeal a rule by filing with the City Recorder a petition which shall be presented to the City Council at its next regular meeting. Until and unless amended or repealed by the council, any rule or regulation made by the City Manager or a designee shall be in full force and effect as if it were an ordinance, as of the date of notice from the City Manager adopting the rule or regulation.

B. Before adopting any rule, the City Manager shall provide at least 30 days' notice to the City Council with a copy of the proposed rule.

8.11.060 Rules of Conduct

While on or about city property:

A. No person shall violate any federal, state, or city of Newport law/ordinance.

B. No person shall enter or remain on any city property for purposes other than to conduct legitimate business with the city or to use that property lawfully under the laws and rules that apply.

C. No person shall enter or attempt to enter any secure portion of any city property that is not open to members of the public without authorization from the City Manager or a designee.

D. No person shall deface, damage, or destroy city property.

E. No person shall engage in conduct that degrades the appearance of city property, including but not limited to depositing trash or defacing property.

F. No person shall engage in conduct that disrupts or interferes with operations of the city government, including but not limited to conduct that creates unreasonable noise or physical behavior.

G. No person shall engage in conduct that subjects customers or employees of the city government to alarm or disturbance.

H. Unless specifically authorized, no person shall use a public place for the purpose of housing or camping, including but not limited to placing objects such as vehicles, bicycles, backpacks, carts, or other items in a manner that interferes with passage.

I. No person shall refuse to obey any lawful direction of a city government employee.

J. No person shall violate any provisions posted on any city parking facility.

8.11.070 Enforcement and Exclusion

A. An exclusion issued under the provisions of this section shall be for the following timeframes:

1. Thirty days for an exclusion based on an offense not covered by subsection (A)(2) or (A)(3) of this section.

2. Ninety days if the basis for the exclusion is a misdemeanor offense created by state law or city ordinance. In addition, if the person to be excluded has been excluded from any public place at any time within two years before the date of the present exclusion, the exclusion shall also be for 90 days.

3. One hundred eighty days if the basis for the exclusion is a felony or a felony sex offense as defined by state law. In addition, if the person to be excluded has been excluded from one or more public places on two or more occasions within two years before the date of the present exclusion, the exclusion shall also be for 180 days.

4. Nothing herein precludes a no-contact condition of pretrial release or probation condition that operates to exclude the individual from specified public properties.

B. If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the

subsequent exclusion. If the previous exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the previous exclusion had not been issued. If multiple exclusions issued to a single person for one public place are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.

8.11.080 Warning – Conduct Subject to Exclusion

Before issuing an exclusion under this section, the police officer (or person authorized to enforce rules implemented by this section) shall first give the person a warning and opportunity to desist from the violation of law or rule. An exclusion shall not be issued if the person promptly complies with the direction and desists from violating the law or rule. Notwithstanding the provisions of this section, no warning shall be required if the person is to be excluded for engaging in conduct that:

A. Is classified as a felony or as a misdemeanor under the following chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in the ORS:

1. ORS Chapter 162, Offenses against the State and Public Justice;

2. ORS Chapter 163, Offenses against Persons;

3. ORS Chapter 164, Offenses against Property, except for ORS 164.805, Offensive Littering;

4. ORS Chapter 165, Offenses Involving Fraud or Deception;

5. ORS Chapter 166, Offenses against Public Order; Firearms and Other Weapons; Racketeering;

6. ORS Chapter 167, Offenses against General Welfare and Animals;

7. ORS Chapter 475, Controlled Substances; Illegal Drug Cleanup; Miscellaneous; or

B. Otherwise involves a controlled substance or alcoholic beverage; or

C. Has resulted in injury to any person or damage to any property; or

D. Constitutes a violation of any of the following provisions of this code in a public place:

1. NMC 9.75.040, Public Parks - Animals;

2. NMC 8.20.015, Offenses - Animals;

3. NMC 8.20.005, Offenses - Weapons;

4. NMC 9.50.020, Prohibited camping;

5. NMC 8.20.010, Offenses - Urination or defecation;

6. NMC 9.20.010, Prohibition on smoking and drug use; or

E. Is conduct for which the person previously has been warned or excluded for committing in a public place.

8.11.090 Notice

Written notice shall be given to any person excluded from any public place. The notice shall identify the provision of law the person has violated and contain a brief description of the offending conduct, the places of exclusion, and the start date and end date of the exclusion period. The notice shall be signed by the officer or authorized employee and shall prominently display a warning of the consequences for failure to comply. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal.

8.11.100 Right to Appeal – Hearing Procedure

A. A person receiving a notice under NMC 8.11.090 may appeal to the municipal court to have the exclusion rescinded or the exclusion period shortened. An appeal shall be filed by providing a written request for hearing within five (5) business days of the date of the

exclusion notice. The notice of appeal shall be delivered to the City Manager's Office, and will be considered timely only if postmarked within the five (5) day period. Failure to file written notice of appeal within five (5) business days will be deemed a waiver of any appeal rights.

B. The request for an appeal hearing must be in writing, contain a copy or description of the notice of exclusion, and a statement of the basis on which the decision to exclude is invalid, unauthorized, or otherwise improper.

C. The municipal court shall schedule a hearing on the appeal within 10 business days of receiving the request, unless the appellant requests a later date. Notice of the hearing time and date shall be given to the appellant and to the person issuing the exclusion notice.

D. At the hearing, the appellant may contest the validity of the exclusion and may present evidence. The city shall have the burden of proving the validity of the exclusion by a preponderance of the evidence. The city may present evidence either by testimony or by written report of the officer or employee. If the city's evidence is presented only by written report and the municipal court judge cannot resolve a question by information contained in the report, the hearing may be held open for a reasonable time to complete the record.

E. If the municipal court judge finds the city has proved each element necessary to issue the exclusion notice, and if the exclusion is otherwise in accordance with law, the municipal court judge shall uphold the exclusion.

F. If the municipal court judge finds that the city has not met its burden of proof or that the exclusion is otherwise unlawful, then the municipal court judge shall enter an order rescinding the exclusion.

G. If an appeal of the exclusion is timely filed under this section, the effectiveness of the exclusion shall be stayed pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of

exclusion shall be effective immediately upon the issuance of the decision, unless the municipal court judge specifies a later effective date.

H. The determination of the municipal court judge is a final decision and is not appealable to the City Council. Appeals from any determination by the municipal court judge under this chapter shall be by writ of review to the circuit court of Lincoln County, Oregon, as provided in ORS 34.010 through 34.100.

8.11.110 Application for Waiver

At any time within the period of exclusion, and other than to conduct legitimate business with the city, a person receiving such notice of exclusion may apply in writing to the City Manager for a limited waiver of some or all of the effects of the exclusion for good reason. If the City Manager grants a waiver under this section, the City Manager shall promptly notify the Newport Police Chief and staff, as applicable, of such action. In exercising discretion under this section, the City Manager shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be in the public place during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the City Manager determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this section, the period of waiver will be included for purposes of calculating the appropriate length of exclusion under 8.11.070. The decision of the City Manager to grant or deny a waiver, in whole or in part, under this section is committed to the sole discretion of the City Manager and is not subject to appeal or review.

8.11.120 Violation – Criminal Trespass

No person shall enter or remain in any public place at any time during which there is in effect a notice of exclusion issued under this chapter excluding that person from that place. A person who knowingly violates a notice of exclusion from public places under this chapter commits the crime of criminal trespass. (ORS 164.245)

(Chapter 8.11 added by the adoption of Ordinance No. 2195 on August 15, 2022; effective September 14, 2022, and amended by the adoption of Ordinance No. 2200, on October 3, 2022; effective October 3, 2022.)

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Report on Draft Ordinance Restricting the Sale and Use of Fireworks within the City of Newport.

Background:
At the November 6 regular Council meeting, Council asked to review a draft code provisions that would prohibit sale and use of fireworks. Fire Chief, Rob Murphy, has created a rough draft of the potential Code provisions based on the ordinance passed by the City of Lincoln City in July 2022. This ordinance would replace Ordinance 2190 adopted by the City Council on January 3, 2022, which authorized the City Council to restrict the use of consumer fireworks on a year-by-year basis for a specific duration based on certain whether or weather-related conditions. The Code provisions can be found at NMC 8.20.020. The current ordinance does not restrict sales since the decision on selling consumer fireworks has to be made well before a determination can be made as to the weather conditions during the traditional Fourth of July activities. Chief Murphy drafted an ordinance that would prohibit sale, possession and use of fireworks within the City of Newport for your review. It would exempt fireworks displays that have been issued a State Fire Marshal fireworks display permit from this prohibition.

If the City Council wishes to proceed, then staff will develop an ordinance for a public hearing for consideration by the Council at the January 2 City Council meeting.

Recommendation:
I recommend the City Council consider the following motion:

I move to request that an ordinance be drafted to amend Newport Municipal Code 8.20.020 prohibiting the sale, possession and use of fireworks within the City of Newport except for permitted shows, with a public hearing being scheduled December 4 at 6 PM on the proposed ordinance.

Fiscal Effects:
None by scheduling the public hearing.

Alternatives:
Do not proceed with the change to the current Code provisions which allow the Council to restrict the use of fireworks during certain weather conditions, or as suggested by the City Council

Respectfully submitted,

Spencer Nebel
City Manager

Agenda Item # ??

Meeting Date 11-20-23

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Follow up report and draft ordinance for fireworks ban
Prepared By: RMM Dept Head Approval: RM City Mgr Approval: _____

Issue Before the Council:
SHOULD THE COUNCIL REFER THE PROPOSED ORDINANCE ON FIREWORKS RESTRICTIONS TO A FUTURE MEETING FOR A PUBLIC HEARING?

Staff Recommendation:
STAFF RECOMMENDS REFERRING THE PROPOSED ORDINANCE TO A FUTURE MEETING FOR A PUBLIC HEARING AND POSSIBLE ADOPTION.

Proposed Motion:
I move to refer Ordinance Number XXXX, an order amending NMC 8.20.020 to a future meeting for a public hearing and possible adoption.

Key Facts and Information Summary:
On January 3, 2022 the City Council passed Ordinance 2190. This ordinance created Newport Municipal Code (NMC) 8.20.020 which authorized the City Council to restrict the use of consumer fireworks on a year by year basis "for a specified duration based on certain weather or weather-related conditions."

Earlier this year, the Council indicated a desire to revisit the ordinance and consider broadening the restrictions set forth in NMC 8.20.020. In revisiting this ordinance, the Council has two main things to consider. First, whether to regulate fireworks year-round or only during times of high fire danger. Second, whether to ban sales along with use. While regulating only during certain conditions is appealing, and gives greater flexibility, there is a problem with doing it this way. Retail sales Firework permits are processed by OSFM in February through April of each year. Typically, we do not know what fire conditions are going to be on July 4th till late till mid to late June. There would be understandable frustration from applicants who have obtained a permit, and ordered their product, only to be told later they cannot sell it. Remember some of the organizations who sell fireworks in our community are non-profit and do this as a fundraiser. With current NMC language we have to inform applicants of the potential of

not being able to sell if Council, through resolution, bans fireworks for the season. Staff has done this by sending a letter to the permit holders in January.

At the November 6th Regular Council meeting, Council indicated they wanted to view a draft ordinance that would prohibit sales and use of retail fireworks. I have attached a rough draft of on ordinance based on the one passed by the City of Lincoln City in July of 2022.

Other Alternatives Considered:
The Council could keep the current Ordinance as written.

City Council Goals:

Attachment List:
Draft Ordinance
Ordinance 8.20.020

Fiscal Notes:
There are no financial impacts to the City with this ordinance.

A. The sale, offer for sale, possession, and use of fireworks, other than exempt fireworks, is prohibited within the city of Newport.

B. Fireworks displays that have been issued a state fire marshal general fireworks display permit are exempt from the prohibitions of this chapter.

C. The city may confiscate, destroy, remove, or have removed at the owner's expense all fireworks in violation of this section, when necessary for the preservation of public safety.

D. "Fireworks," "fireworks display," and "exempt fireworks" have the meanings defined in ORS 480.111. The current definition of exempt fireworks in ORS 480.111 is as follows:

> (5) "Exempt fireworks" means the following:
>
> (a) Paper caps containing 0.25 grains or less of explosive mixture and toy guns, canes or other devices designed for firing those caps.
>
> (b) Snakes or similar smoke-producing items containing 100 grains or less of combustible substances.
>
> (c) Model rockets and model rocket motors that are used to propel recoverable models of rocket.
>
> (d) Novelties and trick noisemakers.
>
> (e) Emergency signaling devices, if used in railroad, boat, motor vehicle or other means of transportation for warning or illumination purposes.
>
> (f) Blank cartridges of a type used:
>
> (A) For theater or other shows;
>
> (B) For signaling or ceremonial purposes in athletics or sports; or
>
> (C) By the militia, an organization of war veterans or other organizations, if parading an armed color guard.
>
> (g) Cartridges, shells or gunpowder for use in legally permitted types of firearms.
>
> (h) Military pyrotechnic and signaling devices classified by the United States Department of Transportation as Division 1.4 compatibility group S explosives that are assigned to and in the possession of the Armed Forces of the United States, or an authorized agent of the armed forces, as inventory for use by the armed forces or agent in training active members of the armed forces in their duties.
>
> (i) Other items that in the judgment of the State Fire Marshal do not require regulation or restrictions on sale.

E. Violation of this section is a violation and is punishable by citation as provided in Chapter XX NMC. No provision of this chapter shall interfere or excuse the prosecution of persons using or possessing fireworks deemed illegal under ORS 480.120 (a Class B misdemeanor criminal offense).

F. Notwithstanding the exemption above for "exempt fireworks," other city ordinances prohibit any type of firework, including consumer and exempt fireworks, in any city parks or open space, on any

city property, on any city streets or on any right-of-way in the city. Such offense carries a minimum $XXX.00 fine.

8.20.020 Fireworks

A. By resolution of the City Council, the use of consumer fireworks, as defined at ORS 480.111 (Definitions for ORS 480.111 to 480.165), which shall include using, discharging, or exploding consumer fireworks, may be prohibited within the city limits of Newport for a specified duration based on certain weather or weather-related conditions.

B. Subsection A. does not apply to a fireworks display that is issued a public display permit under ORS 480.130 to 480.150.

(Section 8.20.020 enacted by Ordinance No. 2190, adopted on January 3, 2022; effective February 3, 2022.)

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Authorization of Funding for the July 4, 2024 Fireworks Display.

Background:
The City of Newport provides a fireworks show for the community every year on July 4. The cost of last year's show was $47,500. In order to provide a 25-minute show as was done last year, the budget needs to be increased by 5%. I am requesting authorization from Council to spend $50,000 for the fireworks show provided by Western Display Fireworks. Since this event occurs in the next fiscal year, Council authorization of the funding is required.

Recommendation:
I recommend that the City Council consider the following motion:

I move to authorize the City Manager to commit $50,000 for the 2024 Fourth of July fireworks show.

Fiscal Effects:
Sufficient funds will be available out of the Room Tax Fund to cover this expense.

Alternatives:
Keep the show at $47,500, or as suggested by the City Council.

Respectfully submitted,

Spencer Nebel
City Manager

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Report on Composition of Membership for the Airport Committee.

Background:
NMC 2.05.025 *Airport Committee* provides that the Airport Committee is made up of seven members. The Mayor, City Manager and Airport Director serve as ex officio nonvoting members of the Committee and are not required to attend all meetings. Two members may be nonresidents. As the Council was filling the last of vacancy on the Airport Committee, there was discussion and a motion to request a report on possible membership criteria for members of the Airport Committee. Attached is a report from Airport Director, Lance Vanderbeck, with various compositions of Airport Committees from other Oregon airports. A question that arose in September was related to the number of Airport Committee members that have a financial interest in the airport. Over the past few years, this has evolved from a majority of Airport Committee members not being hangar owners, to all but one having hangar leases at the airport at this time. If Council would like to seek some sort of change in the membership structure for the Airport Committee, Council could redirect this matter back to city administration and city attorney for modifications to the existing code relating to the Committee and its membership. Airport Director, Lance Vanderbeck, suggested a potential structure for Council consideration. If changes are made, Council may wish to grandfather in existing members and seek reappointment or initiate these changes as terms expire. I would not recommend that Council restructure membership criteria and then remove members not meeting that criteria. Council also has the option of not having any additional criteria other than a limit of two nonresidents serving on the Committee. This item is for discussion purposes only. Following Council discussion, if any next steps are recommended we will proceed along those lines.

Recommendation:
None at this time.

Fiscal Effects:
None.

Alternatives:
Direct staff to develop code provisions for implementing different categories of membership to the Airport Committee, or as suggested by the City Council.

STAFF REPORT
CITY COUCIL
AGENDA ITEM

Meeting Date: December 4, 2023

Title: Discussion on balance of Airport Committee.

Prepared by: Lance Vanderbeck, Airport Director

Recommended Motion: approve city administration to amend current municipal code section 2.05.025 Airport Committee adopted by Ordinance number 2064 on May 5, 2014 sub-section "A" to state, "*no more than two members shall hold financial interest in the airport, three members currently residing full time in Newport and register to vote in Lincoln County for at least a year*", *two non-residence members.*

Background Information:
During the September 18, 2023 Council meeting, council requested further information on the balance of the airport committee, and what other airports composition reflect. Motion made by Dietmar Goebel; second by Cynthia Jacobi to refer back to City administration and City attorney for report on possible membership criteria for members of the Airport Committee.

Airport staff has researched other Oregon airports committees, boards and commissions from; City of Albany, City of Corvallis, City of Salem, Port of Astoria, Port of Portland-Hillsboro, PDX, City of Eugene, Jackson County Oregon – Medford, City of Pendleton, City of Redmond, Coos County Airport District, and Union County – La Grande.

Each one has small differences in their group balance. Information provided below.

City of Albany: Airport Advisory Commission
2.26.060 Term of office and compensation.
The Airport Advisory Commission shall consist of seven members, each having their principal place of residence within the jurisdictional limits of the City of Albany. Each Council member shall have one counterpart, with nominations to be ratified by the Council.

City of Corvallis: The Multi-Modal Operational Advisory Committee (MMOAC).
The City Manager and Public Works staff worked to establish the seven-member committee in such a way that it represented a diverse cross-section of the community, included underrepresented groups, and aligned the experience and interests of those community members with the modes our transportation systems are intended to support and serve. Committee members and the modes of interest they represent are: Transit, Active Transportation, Active Transportation, Freight, Business, General Interest, and General Interest.

City of Salem: Airport Advisory Commission:

Special Membership Requirements.

- At least two members of the commission shall be active pilots holding a current pilots license with a rating of private pilot or higher.
- At least one member shall be a resident of the ward in which the airport is located.
- One member shall be an individual who is appointed by the Mayor as a representative of the Army Aviation Support Facility after considering the recommendation of the Adjutant General.

Port of Astoria: Airport Advisory Committee:
No information found other than the last meeting was in 2021.

Port of Portland – Hillsboro: Airport Community Advisors (HACA)
Membership
HACA includes 10 advisory members representing aviation, government, business, and community interests. Two community members were selected in an open application process. Other members were selected by consultation with governmental, business and community partners.

PDX: Community Advisory Committee.
The 30-member PDX CAC, comprised of 20 voting members and 10 ex officio members, meets quarterly and is guided by an annual work plan developed by this body.

The 30-member advisory committee is an outgrowth of Airport Futures—a three-year planning process which created a long-range plan for PDX. The committee is charged with providing meaningful input on airport-related planning and development, and overseeing implementation of the Airport Futures plan. The committee is sponsored by three entities: City of Portland, Port of Portland and City of Vancouver, and meets quarterly.

Citywide Neighborhood Land Use Interests; Central Northeast Neighbors; Clark County neighborhood representative (Camas/Washougal area); Northeast Coalition of Neighborhoods; East Multnomah County Neighborhood; Environmental Justice. Business Organization: PDX Access; Airport Employee; Military; Multi-Modal Transportation. Portland Planning and Sustainability Commission; General Aviation; East Portland Neighborhood Office, Vice Chair; Environment/Wildlife/Natural Resources; Passenger Airline; North Portland Neighborhood Services; Vancouver Neighborhood; PDX Citizen Noise Advisory Committee; Columbia Slough Watershed Council; PDX Wildlife Committee; Clackamas County; Vancouver Community Development; Port Operations Division; Clark County; Multnomah County; Washington County; Portland Bureau of Planning and Sustainability; Metro; Facilitator; Aviation Long Range Planning

City of Eugene: Airport Advisory Committee.

Article III – Membership and Voting.

The Eugene Airport, as a Division of the Public Works Department of the City of Eugene, is committed to creating a welcoming and safe community for everyone and a place where every person can experience a sense of belonging. We value and foster diversity, equity, and inclusion and actively work to ensure this committee membership reflects these principles.

The thirteen committee members shall be selected form the following seven categories:

Three public members. The public members must demonstrate an interest in serving the greater Eugene community.

Two business community members. The business community members must be associated with the Eugene Area Chamber of Commerce or greater Eugene area business.

Two travel/tourism members. The travel/tourism members must be associated with the travel industry or the tourism industry in the greater Eugene area.

Two general aviation members. The general aviation members must hold pilot certificates and must be a part of the general aviation community at the Eugene Airport.

Two airport tenant members. Representatives who operate a commercial business at the Eugene Airport.

One Bethel Neighborhood member. A person who resides or works in the Bethel-Danebo neighborhood of Eugene.

One University of Oregon member. A person who works for or is a member of the Board of Directors of the University of Oregon.

Jackson County Oregon – Rogue Valley International Medford Airport. Airport Advisory Committee.

The committee membership includes a broad representation of the community. Membership positions include, to the extent possible, the following: an airline representative, a pilot, a tenant, a member at-large, a local corporate representative, a member to represent community leadership, a member to represent economic development, a member to represent fixed base operations, and a hangar owner. The Board of Commissioners reserves the right to vary membership positions.

City of Pendleton. Airport Commission.
SECTION 1. Membership. There is hereby established an Airport Commission for the Eastern Oregon Regional Airport at Pendleton, Oregon, consisting of eleven members and two ex-officio members to be appointed as hereinafter provided. Ex-officio members shall be the Airport Manager and Mayor who shall serve without vote.

The remaining members of said Commission shall consist of eleven persons, appointed by the Mayor and confirmed by the Council, and shall serve with voting privileges. The term of office of a Commissioner shall be three years, with the terms of not less than three expiring each year.

Vacancies on the Commission shall be filled by appointment by the Mayor and confirmed by the Council to serve the unexpired term so as to maintain the total number on the Commission. Commission members shall serve without compensation. No more than five members may be non-residents of the city. At least eight of the members shall reside not more than 20 miles from the City of Pendleton and not more than three of the members may reside more than twenty miles from the City of Pendleton

City of Redmond. Airport Advisory Committee.
The Committee is composed of nine (9) members. Five members appointed by the Mayor of Redmond and approved by the City Council; one member appointed by the City of Bend Commission; one member appointed by the Deschutes County Commission; one member appointed by the Jefferson County Commission; one member appointed by Crook County Commission.

Coos County Airport District Board of Commissioners.
The district is governed by a five-member board of commissioners elected by Coos County voters. Commissioners serve four-year terms. Positions #1, #3, and #5 will be elected in 2027. Positions #2 and #4 will be elected in 2025.

Sun River Airport.
Privately owned airport open to the public.

Union County Oregon – City of La Grande. Airport Advisory Committee.
This seven-member committee includes the County Public Works Director, a representative from the City of La Grande, US Forest Service, an engineering firm, a pilot, a member from the forest industry, and a member of the general public.

Additional information for the City of Newport committees and composition.
Current Municipal Code section 2.05.025 Airport Committee adopted by Ordinance number 2064 on May 5, 2014 sub-section "A" states, "*The Airport Committee shall include seven full members. The Mayor, the City Manager, and the Airport Director shall serve as non-voting ex-officio members of the Airport Committee, but are not required to attend all meetings. Two members may be non-residents. Only full members shall be counted for quorum purposes.*"

City council may want to consider Newport Municipal code 2.05.002 Board, Committee, and Commission Appointments and service sub section F, "*No individual should be considered for appointment to a position on any board, committee, or commission where a conflict of interest is likely to interfere with the individual's participation. Board, committee, or commission members shall not participate in any proceeding or action in which the member has an actual conflict of interest, as provided by applicable state law. Any actual or potential conflict of interest shall be disclosed at the meeting of the board,*

committee, or commission where the action is being taken, as required by applicable state law."

Current ordinance 2064 was presented to City Council during the April 21, 2014 City Council meeting, the Council reviewed a report from the Airport Committee, which suggested allowing for two members of the Airport Committee to be non-residents of the City of Newport. City Code at that time allowed for one member to be a non-resident.

Of the seven-member airport committee, three (3) terms will be ending in three months, December 2023. November would be a good time have City Council consider the make-up of the committee.

There are currently 21 committees listed on the city's web site. Below is a list in order based on what time of day the meetings are held. Of the 21 committees listed on the city web site, four (4) are not included in the list. The four excluded from the below are: City Council - elected, City Council Stipend/Compensation work group – couldn't locate, City Center Revitalization Planning Committee- newly forming, and Retirement Trustees – city employees.

Of the remaining 17 committees, boards, and commissions, 11 have specific positions listed. There is an asterisk at the beginning of bold underlined group title.

Arts: 8:30 am, 7 members - Chapter 2.05.060 Newport Municipal Code.
The Public Arts Committee shall consist of seven members serving four-year terms.

Retirement: 10:00 am, 5 members - Chapter 2.05.020 Newport Municipal Code.
The Retirement Trustee shall be comprised of five members. One member of the Retirement Trustee shall be a city employee in a position below department head.

***Water Supply Management and Conservation work group: 1:00 pm. 9-member committee, appointments expire 12/31/2023, Resolution No. 3949**
Water Supply Management and Conservation Work Group Established. There is hereby established a Water Supply Management and Conservation Work Group. The Work Group shall consist of an individual representing each of the following stakeholder groups:
Fish Plant Processing Industry (1)
Hydrologic and Service Water Industry (1)
Hospitality Industry (1)
Mid-coast Watersheds Council (1)
Brewery Industry (1)
Oregon Coast Community Forest Association (1)
Restaurant/Retail Industry (1)
Residential Customer (1)
Lincoln County SWCD (1)

Airport Committee: 2:00 pm 7 members - Chapter 2.05.025 Newport Municipal Code.

The Airport Committee shall include seven full members. The Mayor, the City Manager, and the Airport Director shall serve as non-voting ex-officio members of the Airport Committee, but are not required to attend all meetings. *Two members may be non-residents*. Only full members shall be counted for quorum purposes.

***Audit Committee: 2:00 pm. 3 members - Ordinance NO. 2107 NMC 2.05.080.**
The Audit Committee shall consist of three members; *two City Council members and one qualified voter in the city limits with a preference toward selection of a Budget Committee member.* There shall also be one alternate City Council member, and one alternate public member who is a qualified voter in the city limits. A quorum of the Audit Committee shall be a minimum of two members, at least one shall be a City Council member, and in no case would a quorum be comprised of two public members. Committee members, including alternates, shall be appointed for two-year terms. The city's Finance Director and his/her designee shall staff the Audit Committee.

***Destination Newport: 2:00 pm. 7 members - Chapter 2.05.045 Newport Municipal Code.**
The Discover Newport Committee shall have seven members serving one-year terms. Of the seven members*, two shall be owners or managers of hotels or motels, two shall be owners or operators of retail establishments, and three shall be at-large members.*

60+ Committee: 2:30 pm. 7 members - Chapter 2.05.050 Newport Municipal Code.
The 60+ Advisory Committee shall consist of seven members who serve two-year terms.

***Vision 2040: 4:00 pm. 16-member committee, Ordinance 2189 amending founding Ordinance 2124, and NMC 2.05.075. Quorum=6 members**
Visioning Advisory Committee Established. There is hereby established a Vision 2040 Advisory Committee. The Committee shall consist of 16 members. Members shall be appointed by the Mayor and confirmed by the City Council. To be eligible for appointment, members shall reside within the greater Newport area, own property in the city limits, own a business in the city limits, or work in the city limits of the City of Newport. The Vision 2040 Advisory Committee membership shall be comprised of:

1. *Five citizens at-large with at least one representative from the Latino community;*

2. Five members of existing City of Newport standing committees with one representative from the Planning Commission; and

3. Six members from stakeholder/partner organizations with one representative from the health community, one Member from the education community, one member from Lincoln County, and other stakeholder/partner organizations as identified through the appointment.

Sister City: 5:00 pm. 7-member committee, one Councilor, 6 at-large members, Created by Resolution No. 3870.

The City Council of the City of Newport hereby establishes a Sister City Committee, consisting of seven members, with the following composition:

A. One Member of the City Council; and

B. Six at-large members interested in the Sister City Program.

*Library: 5:15 pm. 7 members - Chapter 2.05.030 Newport Municipal Code.
The Library Board shall consist of seven members, *one of which shall be a high school student, and one of which shall be a cultural diversity representative*. The Library Director shall serve ex officio and may participate in all discussions but shall have no vote.

*Urban Renewal: 5:15 pm. Comprised of sitting City Councilors and Mayor, Terms concurrent with Council terms - Chapter 457 Oregon Revised Statutes.
ORS 457.065 Advisory board for housing authority acting as urban renewal agency.

For the purpose of coordinating its activities and undertakings under this chapter with the needs and undertakings of other local organizations and groups, a housing authority exercising the powers of an urban renewal agency under ORS 457.045 (Election of method of exercise of urban renewal agency's powers) shall establish an advisory board consisting of the chairperson of the authority, who shall be chairperson of the advisory board, and of sufficient members, to be appointed by the chairperson, to represent as far as practicable:

(1) The general public and consumers of housing.
(2) General business interests.
(3) Real estate, building and home financing interests.
(4) Labor.
(5) Any official planning body in the locality.
(6) Church and welfare groups. [Formerly 457.100]

Bike and Ped: 5:30 pm. 7 members, 3 alternate members (Ordinance 2191) NMC 2.05.055
The Bicycle and Pedestrian Advisory Committee shall consist of seven regular members, and up to three alternate members.

*Housing: 6:00 pm. 12 Member Minimum Committee-Policy Advisory Committee for Housing Capacity Analysis and Production Strategy-Resolution 3944.
March 21, 2022 City Council meeting. Resolution No. 3944 provides that the City Manager, or designee, will identify interested individuals of each stakeholder group identified in the resolution, and present that to Council for Council ratification. The resolution identifies various stakeholder groups that are to be represented in this discussion. A slate of members is presented for your review.

I recommend that the City Council confirm the City Manager's appointment of the following members to serve as a work group for the housing capacity analysis and production strategy:

• *Kathy Kowtko, (primary), James Bassingthwaite, (alternate) Affordable Housing Provider*
• *Todd Woodley, Market Rate Housing Provider*
• *Sheila Stiley, Shelter Service Provider*
• *Betty Kamikawa, Homeless Resource Provider*
• *Dr. Karen Gray, Superintendent or designee, Lincoln County School District*
• *Robert Cowen, (primary) Mark Farley (alternate) Oregon State University*
• *Wendy Hernandez, Latino Community Representative*
• *Dr. Lesley Ogden or designee, Community Healthcare Provider*
• *Bonnie Saxton, Hospital District*
• *Rev. Judith Jones, (primary) Dennis White (alternate) Faith Based Organization Representative*
• *Lee Hardy, Newport Planning Commission, and a*
• *Member from the City Council*

***Budget Committee: 6:00 pm. City and Urban Renewal Agency combined committee 3-year Terms, 14 members (seven City residents and the seven sitting City Council/Urban Renewal Agency) - Chapter 294 Oregon Revised Statutes.**
The city and the Urban Renewal Agency shall each have a budget committee formed in accordance with state law. ORS 294.414 section 2 states, *" The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee."*

***Parking: 6:00 pm. 11-member committee consisting of 3 Bayfront Reps, 3 Nye Beach Reps, 3 City Center Reps, and 2 At-Large Reps. Established by Ordinance No. 2164.**
Parking Advisory Committee Established. There is hereby established a Parking Advisory Committee. The Committee shall consist of eleven (11) members. Members shall be appointed by the Mayor and confirmed by the City Council, and shall include:

1. *Three members each from the Bayfront, Nye Beach, and City Center special parking areas as defined in Section 14.14.100; and*

2. Two at-large members that live or work within the Newport City limits.

B. *Committee Appointment Guidelines. When making appointments the City Council shall seek to ensure that a broad range of stakeholder interests are represented, including persons that reside, own property, own a business, or work within special parking areas; are affiliated with commercial fishing, fish processing, or tourist*

industries; have special parking/mobility needs (e.g., disabled persons); or are often underrepresented on city committees (e.g., members of the Latino community).

***Planning: 6:00 pm. 7 members - Chapter 2.05.005 Newport Municipal Code.**
The planning commission consists of seven members who are not officials or employees of the city. All voting members shall be residents of the city. The mayor, city manager, the city attorney, and city planning director shall be entitled to sit with the commission and take part in its discussions, but shall not have the right to vote. *No more than two members may be engaged in the same occupation, profession, trade, or business.*

***Police: 6:00 pm. 11 members, Resolution 3908-2 residents, 1 business owner or manager, 1 LCSD rep., 2 Latinx Community members, 2 NHS students, 1 mediator, 2 at-large members.**
The committee will be comprised of eleven members to be appointed by the Mayor and ratified by the City Council. Priority consideration for membership shall include:

A. *Two members shall be residents of the city of Newport, representing residential property owners and renters; and*

B. One member shall be an owner or manager of a business located within the city, regardless of place of residence; and

C. One member shall represent the Lincoln County School District; and

D. Two members shall represent the LatinX community; and Resolution No. 3991 - Revision to the Police Advisory Committee 2

E. One member shall be a student from Newport High School; and

F. One member shall have qualified experience in dispute resolution; and

G. Three members shall be at-large. In the event that a committee member holds more than one affiliation listed above, additional at-large members may be appointed

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Report on Workplace Culture Initiatives.

Background:
City staff has been engaged in a number of discussions on strengthening City workplace culture to attract and retain employees through a very challenging employment period over the next decade. There are number of items that we would like to move forward with in the near future. We will review those with the Council on Monday night. In reviewing the plan, you will see estimated dates for various activities. If Council is comfortable with the concepts outlined in the plan, then we will bring certain pieces back to Council beginning as early as the first meeting in December for implementation. Overall, this has been a comprehensive discussion and we are hopeful that implementation of a number of these steps will help us maintain and build our City workforce going forward.

Recommendation:
No specific action is required. If Council has any objections to any of the initiatives, it would be good to discuss those at tonight's meeting. These comments can be built into a finalized plan that would come back to the City Council for final approval.

Fiscal Effects:
None by reviewing the plan.

Alternatives:
None recommended.

Respectfully submitted,

Spencer Nebel
City Manager

Updated: November 17, 2023

DRAFT City of Newport
Strategic Plan for Strengthening Workplace Culture

Over the past year, the City Departments have held two day-long retreats to discuss workplace culture for the City of Newport. All employers have experienced many additional challenges through the pandemic and the Great Resignation, with people on a nationwide basis deciding to step out of the workforce due to retirement, family care, or other issues, the economic conditions of high inflation, and challenges of having available people to fill vacancies in many departments. Those factors place great importance on having a healthy workplace culture where employees working for the City want to remain, and where the City is viewed as an attractive workplace where people would like to work.

These discussions have led to the development of a statement of workplace culture values. These are the aspirational values that we, as employees of the City of Newport, would like to live by and use to build a stronger and healthier place of employment, where everyone is respected and practices the human skills that recognize the value that each of us provide.

An original list of values was provided in a survey to City employees. All of the final values were supported for inclusion by at least 66% of the respondents as part of an employee value statement. After reviewing comments made in the survey, the final values were modified to reflect the thoughts and ideas that came out of the survey. The value statements focus on ethics, professionalism, inclusiveness, empathy, respect and accountability, and are as follows:

Statement of Workplace Cultural Values

Who Are We?

We are professional service providers, community members, and problem solvers. We strive to operate transparently, and be good stewards of the public trust. We serve as caretakers of facilities and provider of services to the taxpayers.

What Do We Do?

We provide competent and professional municipal services and activities to enhance the quality of life of the community; and plan, build, and maintain public assets for use by residents and visitors, and support the community vision.

Why Do We Do It?

We are community-minded, and maintain a high level of optimism to make the community a better place by maximizing the use of available resources to address the basic health, safety, and welfare of the community, build a sustainable economy, and enhance the livability for the residents, and visitors in the City of Newport.

What Non-Negotiable Values Do We Have as An Organization?

In conducting our responsibilities to the people, workers, and visitors to the City of Newport, we:

Value ethics and vow to **operate with integrity and honesty to earn and maintain public trust.**

Ethics - A system of moral principles that defines acceptable and expected behavior.

Maintain a high value of professionalism in our relationship with each other, our residents and visitors.

Professionalism - Skillsets that include good judgment, respect, and high standards of conduct.

Value inclusiveness and equity in providing quality services to a diverse community.

Inclusiveness - The practice or policy of providing equal access to opportunities and resources for people who might otherwise be excluded or marginalized, such as those having physical or intellectual disabilities or belonging to other minority groups.

Exercise empathy by listening, understanding, and respecting other perspectives in carrying out our responsibilities.

Empathy - The ability to understand and share the feelings of another.

Respect each other and value the well-being of all.

Respect - A due regard for the feelings, wishes, rights or traditions of others.

Are accountable for our actions in carrying out our responsibilities for the City.

Accountable - Acceptance of responsibility for our actions.

A draft strategic plan was developed to strengthen a health workplace culture for the City of Newport.

A. Recruitment and Retention

(The Work group leads are in bold)

A.1 Fill the part-time position budgeted for Human Resources.
Work Group: **Barb**
Report Date: Completed

A.2 Review the following components of the recruitment process:

- Timetables for posting jobs and response to applicants, interviews, testing

and job offers
Work Group: **Barb**, Jason, Mike, Spencer
Report Date: December 15, 2023

- Review the background check components currently being used to determine what modifications should be made to this process
- Review the level of background checks that should be used for each specific postion
- With the addition of a part- time HR specialist, review how timing can be expedited for the hiring process
- Build in specific timing for advertising, initial review, phone screens and interviews with the job requisition process
- Review the possibility of decentralizing certain aspects of the hiring process
- Provide access to Department Heads to review applications as they are received
- Improve communications with candidates throughout the process
- Keep candidates close to the process throughout the hiring process
- Develop a hiring timeframe at the time of application, including interview dates and other key dates

- Review the City's website relating to employee recruitment
  Work Group: **Barb**, Travis, Erik
  Report Date: December 15, 2023

  - Improve the visibility of our job site on the home page without having to scroll down into the page on our existing web site
  - Provide additional information about the City of Newport including the DEI statement, Statement of Workplace Cultural Values, description of benefits (total compensation) and other information to help potential applicants understand more about City employment
  - Include total compensation information in the jobs area of the website
  - Include workforce values in a mobile friendly banner in the jobs area of the website

- Develop a video featuring City employees discussing the value of being a City employee
  Work Group: Barb, Travis, **Erik**
  Report Date: January 15, 2024

  - Obtain a proposal from production company by December 15 and develop a video focusing on working for the City of Newport with funding appropriated by the Council for the City Employeement page on the website.

- Review qualifications of job positions in order not to exclude otherwise capable candidates who can be trained to meet the responsibility of the job
  Work Group: **Barb**, Spencer
  Report Date: Completed

- Continue to expand efforts to reach out to underserved communities to build the City's workforce
  Work Group: **Jason**, Rob and Barb
  Report Date: Ongoing
- Explore expansion of internship opportunities
  Work Group: **Barb**, Laura, Steve S.
  Report Date: March 15, 2024
- Develop an internship program to give people an opportunity to experience local government work
  Work group: **Laura**, Steve S., Chris and Barb
  Report Date April 15, 2024
- Evaluate the role of HR and all departments in the hiring process, including the possibility of developing interviewing and screening skills at a Departmental level
  Work Group: **Barb**, Jason, Rob and Erik

A.3 Develop a strategy to implement Standard Operating Procedures in various departments to assist with long-term turnover of employees.

- Provide a report to determine the status of SOPs in each department, including recommendations on the specific needs of each department to develop SOPs where needed to meet this objective
  Work Group: **Erik**, Jason, Steve B.
- Develop standard operating procedures in the various departments
  Work Group: **Erik,** Jason, Steve B.
  Report Date: June 15, 2024
- Develop a standard filing protocal for all departments
  Work Group: **Erik**, Derrick, Steve B.
  Report Date: December 15, 2024

Other Ideas Identified but Not Prioritized

- Modify a vacation schedule to consider overall experience for new hires (4)
- Create organizational charts for every department, including names of employees to share with new hires (3)
- Review the policy for relocation compensation (1)
- Develop the City hiring brand and use social media channels and organizational connections to promote openings (1)
- Create an internal organizational chart with photos of employees (1)
- Secure storage for employees' personal belongings when they move to Newport.

B. Compensation

B.1 Provide a bonus payment to employees who worked through COVID-19 and staffing issues with the City of Newport.
Work Group: **Spencer** and Barb
Report Date: Completed

B.2 Complete a wage study for non-represented employees. Determine whether other governmental entities (PUD and County) can be included in this study.
Work Group: Spencer and Barb
Report Date: March 1, 2024

B.3 Develop strategies to address economic inflationary impacts on employees.
Work Group: Spencer, Steve and Barb
Report Date: Completed
COVID-19 bonuses paid out.
COLA adjustment made to all employees.

B.4 Review the compression of wages between supervisors and staff.
Work Group: Spencer, Barb, Steve and Jason
Report Date: March 1, 2024
The salary study should provide insight to the spread between supervisors and other staff.

B.5 Develop a longevity pay plan for non-represented employees considering the existing wage steps.
Work Group: Rob, Erik, and Barb
Report Date: December 15, 2023

Other Ideas Identified but not Prioritized

- Develop a compensation program to retain critical employees (4)
- Use a bonus compensation structure to award performance (1)

C. Benefits

C.1 Add Juneteenth as a City holiday.
Work Group: Spencer
Report Date: Completed

C.2 Add two floating holidays to the holiday schedule.
Work Group: Spencer
Report Date: Completed

C.3 Proceed with legal review to increase the amount that the City will match in the City's retirement program from 3% to 6% for post 2012 employees who are not part of the City's defined benefit program. Reduce full vesting to 5 years as is the case with MERS.
Work Group: Derrick, Rob, Mike and Spencer
Report Date: December 10, 2023

C.4 Review the City's vacation and sick leave program, including the following components:

- Adopt vacation caps that increase with increases in vacation accruals
  Work Group: Erik, Derrick and Spencer
  Report Date: November 15, 2023
- Review replacing the current system of sick leave and vacation
  Completed. (No change to PTO is recommended at this time)

Other Ideas Identified but not Prioritized

- Provide onsite childcare services for employees (2)
- Develop a cafeteria menu so employees can select the benefits most valuable to them

D. Advancement

D.1 Implement a tuition reimbursement program that will provide up to $2500 per fiscal year, with reimbursement occurring following evidence of passing the class with a grade C or higher, subject to available funding with priority being given to classes that provide professional development within the employees field.
Work Group: Barb and Spencer
Report Date: December 15, 2023

D.2 Develop a City of Newport leadership program by considering the following components:

- Create an internal academy
  Work Group: Jason, Barb
  Report Date: January 5, 2024
- Develop a program to train the City employee trainers
  Report Date: Not being considered at this time
- Provide notice to Department Heads each year to nominate employees to participate in Leadership Lincoln and other similar programs to help develop internal leadership skills
  Report Date: Completed
- Review requirements for minimum training standards for City-wide positions including a review of current requirements through Safe Personnel
  Work Group: Jason, Mike, Laura and Barb
  Report Date: February 15, 2024

D.3 Develop cross-training policies for each department.
Work Group: Dave, Steve and Erik
Report Date: April 15, 2024

Other Ideas Identified but not Prioritized

- Develop a specific policy requiring two to six hours of training per month per City employee regardless of department (3)

- Create meaningful feedback for measuring performance (3)
- Provide more robust safety training (2)
- Rotate job assignments to give employees an opportunity to understand what occurs in other jobs in the City (1)
- Develop training for supervisors to more effectively use evaluations as a development tool (1)
- Assign employees a role not just a job, so that they can work on specializing their skillsets in a specific area
- Provide training and supervisor/employee relationships

E. Recognition

E.1 Implement an "on the spot" award for Employees who go above and beyond their responsibilities on behalf of the City with awards being given out by Department Heads and the City Recorder's Office, compiling a list of recipients throughout the year, with this program being implemented on January 1.
Work Group: Erik, Mike and Laura
Report Date: December 15, 2023

E.2 Implement a program for quarterly and annual recognitions for City employees beginning in 2024 with the recipients being recognized by the City Council.
Work Group: Laura, Mike, Erik and Rob
Report Date: December 15, 2023

Other Ideas Identified but not Prioritized

- Develop a policy for supervisors to issue notes expressing thanks and acknowledging work (3)

F. Employees Mental, Physical, Health and Work/Life Balance

F.1 Increase the visibility of the City's Employee Assistance Program (EAP).

- Provide City-wide training for the program
- Develop information on the various benefits provided through the EAP program
  Work Group: Peggy and Barb
  Report Date: Completed/Ongoing

F.2 Proceed with shifting schedules from working five eight-hour days to four ten-hour days where practical for departmental operations effective January 1, 2024.
Work Group: Spencer and all Department Heads
Report Date: See below

- City Hall Offices – Define a standard 4-day work week (i.e. M-Th 7:00 am to 5:30 pm with a half-hour lunch, or other variant). Discuss open hours for City Hall (i.e. open during the entire work day or 8:00 am to 5:30 pm, or other variant). Would any departments allow an employee to work a five-day schedule with City Hall being closed on Fridays?
  Work Group: City Hall Department Heads, **Erik**
  Report Date: December 1, 2023

- Police Department – A variety of schedules currently exist in the Police Department. Records staffing should be available when City Hall is open. Parking should be on duty 5 days per week. Schedules will need to be defined for each class of employees in the PD
  Work Group: Jason, **Erik**
  Report Date: December 1, 2023

- Airport – A four-day week doesn't seem feasible with Airport staffing. This will need to be confirmed
  Work Group: Lance, **Erik**
  Report Date: December 1, 2023

- Library – A four-day week doesn't seem feasible at the Library, although there are opportunities to have some flexibility in schedules due to the open hours for the Library. This status will need to be confirmed
  Work Group: Laura, **Erik**
  Report Date: December 1, 2023

- Fire Department – Firefighters work 24-hour shifts and administrative staff work a five-day shift. It appears feasible to work four ten-hour days if Chief and Deputy Chief stagger their days. This will need to be confirmed
  Work Group: Rob, **Erik**
  Report Date: December 1, 2023

- Recreation/Parks Department – The Department runs a variety of programs that do not follow a Monday through Friday schedule. A determination will need to be made on whether full-time staff can work a 40-10 schedule or whether a 40-8 schedule will work best. This could vary between divisions in Parks and Recreation. A plan will need to be developed for each division as to whether a four-day week is appropriate for full time staff
  Work Group: Mike, **Erik**
  Report Date: December 1, 2023

- Public Works - The Department hosts different operations with some following a Monday through Friday schedule, some working four tens and some working weekends. A determination will need to be made on whether full-time staff can work a 40-10 schedule or whether a 40-8 schedule will work best. This could vary between operations, the WWTP, the waterplant and facilities. A plan will need to be developed for each division as to what schedule is appropriate for each crew
  Work Group: Justin, Steve, **Erik**

Report Date: December 1, 2023

- Information Technology – IT provides services to all departments including departments that operate on a 24/7 schedule, weekends and other times outside of normal office hours. Discussions will need to occur regarding what options work best for staffing of this operation
  Work Group: Travis, Erik
  Report Date: December 1, 2023

- Each Department should discuss whether employees have an option of working a five-day schedule instead of a four-day schedule, even if offices are closed
  Work Group: Department Heads, Erik
  Report Date: December 1, 2023

- A determination of how to handle holiday pay if we go to a different work schedule since 12 holidays x 8 hours equals 96 hours of holiday time and 12 holidays x 10 hours equals 120 hours of holiday pay, which is the equivalent of three extra days of pay
  Work Group: Barb, Erik, Spencer
  Report Date: December 1, 2023

F.3 Refine the policy regarding flex time for exempt employees.
Work Group: Spencer
Report Date: January 15, 2024

F.4 Create a method to prioritize and communicate work responsibilities when there is more work than people to complete the work.

- Provide an opportunity for departments to provide an overview of the core functions of each department at the time a new member is elected and prior to goal setting
  Work Group: Spencer
  Report Date: January 15, 2024

- Reduce the number of goals and conduct periodic check-ins with Council on changes or status
  Work Group: Spencer
  Report Date: January 15, 2024

- Consider moving to a two-year budget cycle
  Work Group: Spencer and Steve B.
  Report Date: February 12, 2024

- Develop a city-wide departmental work program that would identify steps for work projects over a 12-month period that also considers the department's core function responsibilities that must be provided
  Work Group: Derrick, Spencer and Erik
  Report Date: June 20, 2024

- Review the advisory committee structure and required staff support to determine whether any efficiencies can be achieved by combining or streamlining functions
  Work Group: Derrick, Spencer and Erik
  Report Date: May 15, 2024

G. Other Strategies

G.1 Further efforts to educate and embrace diversity, equity, and inclusion (DEI) in the workplace, including:

- Create a bilingual cultural position as funded by the City Council, with this position falling under the Library Director's responsibility to extend outreach programs that have been initiated in the Library and Recreation Center to other Departments in the City
  Work Group: Spencer, Barb, Laura
  Report Date: November 18, 2023

- Developing listening skills to understand different perspectives and embrace the value of diversity in the workplace through activities such as Lunch and Learns and other training opportunities
  Work Group: Laura, Mike, Barb
  Report Date: March 1, 2024

G.2 Review financial impacts of compensation and benefits changes on the long-term financial sustainability of the City.

- Review the impact of any compensation changes on the long-term finances for the City
- Review the impact of any benefit changes to the long-term finances for the City
- Work Group: Steve and Spencer
- Report Date: Various. When changes are proposed, the impact on the City's long-term financial outlook will be evaluated

- Develop a reporting and implementation calendar to keep focus on the priorties with interim reports due from each lead on a monthly basis, even if no activity has occurred
  Work Group: Spencer and Erik
  Report Date: December 1, 2023

Other Ideas Identified but not Prioritized

- Focus on building stronger and meaningful respect with staff for Department Heads and Department Heads for staff (2)
- Have clear expectations for staff (2)
- Promote gender equality
- Create a City employee committee

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Report on Annual Holiday Tree Lighting.

Background:
The annual Holiday Tree Lighting will occur on Monday, November 27 at 5:30 PM. Following the tree lighting, a reception will be held in City Hall with hot chocolate and other snacks. The holiday tree was donated by Starker Forest. Music will be provided by the Oregon Coast Sweet Adelines. We appreciate the annual contribution of a tree from Starker Forest.

Recommendation:
None.

Fiscal Effects:
None.

Alternatives:
None recommended.

Respectfully submitted,

Spencer Nebel
City Manager

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:
Status of the Oceanview Drive Slide Limited Emergency 2023-2.

Background:
An emergency declaration was issued on November 1, 2023, to address slide issues on Oceanview Drive. The work was instituted to provide support under a sanitary sewer line that was exposed during the slide. Unfortunately, the work in restoring the road caused the sewer line to break which created some additional settlement in the gravel that was placed in the patch. Since that time, the street has stabilized. We have the report from the geologists about how to stabilize this entire area, and Acting City Engineer, Chris Beatty, is working to get some estimates for what that work would be. We may have further information for you Monday night. I would ask that the emergency declaration be continued through January 3, 2024, to allow us to utilize funding necessary to pay for the work that needs be done to get the road reopened.

Recommendation:
I recommend that the City Council consider the following motion:

I move to extend the emergency declaration for Oceanview Drive (#2023-2) to January 3, 2024.

Fiscal Effects:
Undetermined at this time.

Alternatives:
None.

Respectfully submitted,

Spencer Nebel
City Manager

STAFF REPORT
CITY COUNCIL AGENDA ITEM

Meeting Date: November 20, 2023

Title: Oceanview Drive Slide Repair Update

Prepared by: Chris Beatty – Acting City Engineer

Recommended Motion: None

Background Information:

The roadway slide on Ocean View Drive occurred in October 2023. The slide caused a portion of the road to fall into the adjacent ravine. Additionally, The slide exposed a sanitary sewer gravity line and communication lines. The City's Geotechnical Engineer of Record, Foundation Engineering, Inc. (FEI) visited the site to observe and assess the slide conditions on October 27, 2023. FEI prepared a technical memorandum November that summarized their observations and provided recommendations to provide temporary support for the exposed utilities. Road and Driveway (R&D) provided construction services to complete the recommended repair.

Shortly after the repair, during a heavy rainfall event, the roadway began to slide again. It was found that the existing sanitary sewer pipe had broken. The pipe was repaired promptly by a general contractor hired by the City of Newport. The pipe may have been broken during the placement of rock to secure the pipe.

The City received another technical memorandum from FEI November 3, 2023. The attached report describes permanent mitigation measures.

In addition to the slide mitigation, an existing 24-inch storm pipe that crosses Oceanview Drive from NW 25th Street and discharges to the ravine adjacent and below the slide, will need to be repaired or replaced. The end of the pipe has not been exposed as it is likely covered by slide material. The pipe is approximately 27-feet deep and Public Works crews had a difficult time trying to access the pipe from the upstream manhole to perform video inspection so that the condition of the pipe could be evaluated. After pumping standing water out of the manhole, they were able to access the pipe which approximately 75' – 80 long. They were unable to continue video inspection of the pipe due to a sediment blockage at approximately 45-feet from the manhole.

During site investigation, it was found that replacing the 24-inch storm pipe was the best option for long term maintenance. The tentative plan is to install a new 24-inch pipe at

approximately 14-feet deep, abandon the existing 24-inch pipe by filling with low strength concrete (CDF), and filling in approximately 13-feet of the manhole with CDF up to the new outlet pipe elevation. Replacing the pipe will be difficult due to extensive, major utility lines that would need to be crossed to install the new pipe. These utilities include two (2) sanitary sewer lines (1 gravity and 1 force main), a high-pressure gas line that serves all of Newport, and a fiber optic line that serves all of Newport.

Thursday, November 16, an on-site meeting was held with Public Works staff, Engineering staff, and several contractors to discuss the mitigation measures. A plan is in-place to replace the 24-inch storm line, either by boring under the road or open trenching, and armoring the slope. Estimates for the construction costs are being prepared and, upon approval by the City, construction could begin as soon as 1-2 weeks following Thanksgiving. It should be noted that Public Works and Engineering is in the process of coordinating with Oregon State Parks to determine whether or not the work being performed in the ravine would require any special permitting. The ravine runs through their property to an outfall at the beach. If permitting is required, this could delay the repair timeline significantly. The estimated time for the repair is approximately 1-2 weeks.

Fiscal Notes: Based on the Declaration of a Limited Emergency the cost of an emergency repair should not exceed $250,000. If the cost exceeds this amount, the City Manager will schedule a meeting of the City Council to discuss additional funding. To date, approximately $30,000 has been expended for the temporary slide repair.

Alternatives:

None

Attachments:

Technical Memorandum – Geotechnical Consultation for Permanent Mitigation

Emergency # 2023-02
DECLARATION OF A LIMITED EMERGENCY

Findings:

1. Section 1.70.050 of the Newport Municipal Code reads:

   A. A limited emergency is defined, but not limited to, an emergency that is limited in effect, such as a landslide that affects only one area, or a water shortage that affects only water supply and usage.

   B. The City Manager, or Acting City Manager, has the authority to declare a limited emergency. It is the obligation of the City Manager, or Acting City Manager, to notify the City Council of the declaration of a limited emergency.

   C. If the anticipated cost for addressing the limited emergency is no greater than $250,000, the limited emergency shall be effective until the next regularly scheduled City Council meeting. In the event that the anticipated cost will likely exceed $250,000, the City Manager, or Acting City Manager, will schedule a meeting of the City Council to be held as soon as possible. The City Council may extend or terminate the emergency at that time.

2. The City to take any of the following necessary actions during the emergency:

   A. Procure goods and services without compliance with normal procurement procedures.
   B. Use any available city funds for emergency purposes.
   C. Close or limit the use of streets and other public places.
   D. Order and assist the evacuation of people to protect safety or health.
   E. Turn off water, gas, or electricity.
   F. Control, restrict, and/or regulate the sale of goods and services, including the imposition of price controls.

IT IS RESOLVED:

On October 25, 2023 at 08:09 P.M. Public Works was notified of the occurrence of a landslide/sinkhole on NW Oceanview Drive just north of NW 25th St intersection. On October 25, 2023 public works crews responded and discovered that the sinkhole/landslide eliminated approximately one-half of the southbound lane and had undermined the remaining half of the lane. Subsequent erosion has further undermined the entire southbound lane and is endangering the northbound lane. In addition, crews

determined that communication lines, and a sanitary sewer line ran through the affected area and were exposed/unsupported, but did not fail. On October 25, 2023 Public Works crews closed off NW Oceanview Drive from NW 25th St. to the Agate Beach Wayside. Public Works has had geotechnical consultant on site to obtain an analysis on the repair.

On November 02, 2023 crews will begin work to provide emergency support for the suspended sanitary sewer line, and shoring of the slide area.

The Limited Declaration of Emergency is declared to facilitate immediate temporary repairs to the landslide/sink hole area to mitigate the risk of further erosion to the roadway surface, a sanitary sewer or communications line failure, and to facilitate the process to bring contractors onsite to effect permanent repairs to the slide/sinkhole area allowing the section of NW Oceanview Drive to be opened.

At the City Council meeting to be held on Monday, November 06, 2023, the City Council will be asked to extend or terminate the emergency.

November 1, 2023

Spencer R. Nebel, City Manager — Date

Foundation Engineering, Inc.
Professional Geotechnical Services

Memorandum

Date:	November 3, 2023
To:	Clare Paul, P.E. Assistant City Engineer, City of Newport
From:	Dave Running, P.E., G.E.
Subject:	Geotechnical Consultation for Permanent Mitigation
Project:	NW Oceanview Drive Slide Project No.: 2231007

At your request, Foundation Engineering, Inc. is providing geotechnical consultation for the above-referenced project. This memorandum includes a description of our work, a summary of the site conditions, and a discussion of mitigation measures.

There are numerous values in geotechnical investigations that are approximate, including measured lengths and soil layer depths and elevations. For brevity, the symbol "±" is used throughout this memorandum to represent the words approximate or approximately when discussing approximate values.

BACKGROUND

Two small landslides have developed along the west shoulder of NW Oceanview Drive just north of the intersection with NW Pacific Place in Newport, Oregon. The approximate slide locations are shown in Figure 1 (attached). The slides are referenced as the northern slide and the southern slide in this memorandum.

The northern slide occurred in early January 2023. At the City's request, Foundation Engineering visited the site on January 5, 2023, to observe that slide. Subsequently, we prepared a memorandum dated February 2, 2023, that summarized our observations and provided a preliminary discussion of mitigating the slide by removing the slide debris and reconstructing the slope using imported quarry rock. The northern slide has not impacted the roadway and mitigation work has not been completed to date.

The southern slide occurred in October 2023. That slide impacted the roadway and the scarp exposed underground utilities. We visited the site to observe that slide on October 27, 2023. We prepared a memorandum dated November 1, 2023, that summarized our observations and provided recommendations to provide temporary support for the scarp and underground utilities.

The City is currently developing plans for permanent mitigation of the slides. At the City's request, we have prepared this memorandum to provide geotechnical recommendations for the permanent mitigation.

SITE RECONNAISSANCE

Dave Running, P.E., G.E. (Foundation Engineering) visited the site with Clare Paul, P.E. (City) on January 5, 2023, to observe the conditions for the northern slide. He returned to the site on October 27, 2023, and met with Ms. Paul, other City staff, and local earthwork contractors to observe the conditions for the southern slide.

During both site visits, we observed the site conditions and took photos. During the October site visit, we also used a 2-foot level and tape measure to develop a Cross-Section A-A' perpendicular to NW Oceanview Drive through the northern slide location and a Cross-Section B-B' perpendicular to NW Pacific Place west of the southern slide. The approximate cross-section locations are shown in Figure 1 and the cross-sections are shown in Figures 2 and 3.

SITE CONDITIONS

Northern Slide. The northern slide occurred along the sloping road embankment immediately west of the NW Oceanview Drive. The slide left a ±45-foot wide by ±1 to 2-foot tall headscarp within a few feet of the edge of pavement. The soil exposed in the headscarp appears to be fill comprised of a combination of sand, silt, and gravel. Photos 1 and 2 (attached) show the slide conditions during our January site visit. The headscarp did not appear to change appreciably between our January and October site visits.

The ground surface within an adjacent to the north slide is vegetated with grass and weeds along the edge of the road and grass, blackberries, and brambles along the lower slope. The slope extends down to a drainage that approximately parallels the roadway.

Survey data provided by the City and Lidar imaging available from the Department of Geology and Mining Industries (DOGAMI) (DOGAMI, 2023) indicates ground surface elevations ranging from ±El. 61 to ±El. 62 at the edge of the road above the scarp and ground surface elevations ranging from ±El. 40 to ±El. 42 at the toe of the slope. Based on our site observations and the surface profile shown in Cross-Section A-A', the slide appears to be a slump in the upper half of the embankment. That slide does not appear to extend to the toe of the slope. Our field measurements indicate slopes ranging from ±1.1(H):1(V) to ±1.3(H):1(V) on the embankment below the slide. Similar steep slopes extend along NW Oceanview Drive from the intersection with NW Pacific Place to ±75 feet north of the northern slide where the road embankment widens.

Southern Slide. The southern slide left a ±27-foot wide by ±15-foot tall headscarp that extends up to ±8 feet into the asphaltic concrete (AC) paved roadway. Photos 3 and 4 show the location of the slide relative the roadway during our October site visit. A portion of the AC pavement has fallen, and the remaining pavement was undercut by up to 3 feet (Photo 5). The soil exposed in the headscarp appears to be embankment fill comprised of predominantly sand (Photo 6). A sewer line and communication cables are exposed in the scarp and the slope movement resulted in a portion of these utilities being unsupported (Photos 7 and 8).

The ground surface adjacent to the southern slide is vegetated with grass and weeds along the edge of the road and the lower slopes are vegetated with grass, blackberries, brambles, and scattered small trees. The slide area includes exposed sand and slide debris. Cut branches and logs cover the lower slopes in some areas. The slopes below the roadways extend down to the ravine.

Survey data provided by the City and Lidar imaging available from the Department of Geology and Mining Industries (DOGAMI) (DOGAMI, 2023) indicates a ground surface elevation of ±El. 65 at the edge of the road at the top of the southern slide and a ground surface elevation ranging from ±El. 38 to ±El. 40 at the toe of the slope. Our field measurements indicate the embankment slopes adjacent to the southern slide and below NW Pacific Place south of the southern slide typically range from ±1.2(H):1(V) to ±1.3(H):1(V) with some short, near-vertical segments.

The toe of the southern slide terminates in the bottom of a ravine. We observed water flowing into the ravine from the outfall of a concrete storm drain pipe that extends approximately parallel to NW Oceanview Drive from the ditch at the southwest corner of the intersection with NW Pacific Place (Photo 9). The ground surface at the original outfall of that pipe has eroded and undercut the end of the pipe. The end segment of the concrete pipe has separated (Photo 9).

There is also a storm drain pipe that extends into this drainage from a manhole located on NW 25th Street just east of the intersection with NW Oceanview Drive. At the time of our October visit, the outfall of that storm drain was buried, and we understand there was standing water backed up in the manhole indicating the storm drain pipe was plugged.

A City crew was working on pumping water out of the manhole to allow them to inspect the pipe using a video camera. The City was also attempting to find the outfall of the pipe in the drainage by probing with a 4-foot probe rod and excavating with a hand shovel at the anticipated outfall location. The probing did not encounter the pipe indicating the outfall of the pipe was either further up the slope or the top of the pipe was more than 4 feet below the current ground surface (i.e., deeper than the length of the probe rod). Digging with the hand shovel encountered water seeping out of the soil near the anticipated outfall location. The seepage appeared to be water draining from the outfall of the buried storm drain.

We spoke with Chris Beatty (City) on November 1 and discussed the findings of the video inspection that was completed after our site visit. Mr. Beatty indicated they determined the manhole is ±27 feet deep. There are two pipes flowing into the manhole at depths of ±13 to 14 feet and an outflow pipe near the bottom of the manhole that drains to the ravine in the vicinity of the southern slide. Using Lidar imaging, we estimated a ground surface elevation of ±El. 69 for the top of the manhole. Assuming this top elevation and a depth of ±27 feet, we estimated and elevation of ±El. 42 for the bottom of the manhole and the inlet of the outfall pipe. The inlet elevation is only ±2 to 4 feet above the ground surface in the ravine at the anticipated outfall location, which is ±75 to 80 feet northwest of the manhole. Mr. Beatty indicated the video inspection encountered a soil plug in the pipe ±45 feet downstream of the manhole. This location approximately corresponds to the center of the southbound travel lane on NW Oceanview Drive. Comparing this location to the anticipated outfall location suggests the soil plug in the pipe may be ±25 feet long or more.

We observed debris from the recent slide extending down to the bottom of the ravine. Probing in the ravine and observations of buried shopping carts indicates disturbed soil extends deeper than 4 feet at the bottom of the recent slide. The depth of the disturbed soil further down the ravine is unknown. The disturbed soil appears to represent a combination of slide debris and sandy soil that has eroded from the slopes or been deposited by the storm drain pipe.

DISCUSSION

We understand both slides occurred during a period of heavy rainfall. Our observations suggest the failure surface of the northern slide is in the embankment fill in the upper half of the slope. The failure surface of the southern slide extends to the bottom of the ravine.

Based on our observations, we have concluded the permanent mitigation for both slides will require removing the failed material, constructing a key trench extending below the toe of the slope and below the failure surface, benching the cut slope above the key trench, and placing angular quarry rock (Stone Embankment Material) to reconstruct the slope. Re-supporting the exposed utilities and restoring the pavement on the failed section of the roadway will also be required.

We anticipate the northern limit of the slope reconstruction area will be ±55 feet north of the northern slide (i.e., to where the embankment begins to widen). From there, the repairs will extend south to the intersection with NW Pacific Place and then wrap around the corner on the side slope of the NW Pacific Place embankment to ±65 feet west of the intersection. Figure 4 shows the anticipated limits of the slope reconstruction area. The slope reconstruction area may need to be adjusted in the field.

The key trench should be at least 10 feet wide and should extend at least 2 feet below the ground surface adjacent to the toe of the slope as shown in Figures 5 and 6. The key trench should extend into competent material. The excavation depths required to reach suitable subgrade will need to be confirmed at the time of construction. We anticipate a key trench deeper than 4 feet will be required at the toe of the southern slide, where slide debris has accumulated (as shown in Figure 6).

In Figures 5 and 6, we have shown reconstructed sloped with the toe and finished slope approximately coinciding with the existing slopes. This configuration will require excavating up to 8 feet (measured horizontally) into the existing slopes. If it is permissible to place new fill extending beyond the existing slope, it would reduce the required benching depths into the existing slopes and reduce the required excavation and off-haul volumes. If the toe of the finished slopes can be shifted out from the current toe of slope, flatter finished slopes and a reduction in imported fill may also be possible. At a minimum, the benching should extend at least 3 feet (measured horizontally) into the original embankment slopes.

We recommend lining the bottom of the key trench and the benches in the lower ±10 feet of the slope with an ODOT Type 1 non-woven Riprap Geotextile prior to backfilling to reduce the risk of the sand piping through the voids in the Stone Embankment Material as a result of groundwater flow. We recommend constructing the new Stone Embankment Material slopes at 1.3(H):1(V) or flatter.

The mitigation work will include extending the outfall of the storm drain pipe that extends from the ditch at the southwest corner of the intersection of NW Oceanview Drive and NW Pacific Place. The City also plans to replace the storm drain pipe extending from the manhole on NW 25th Street. We understand the City plans to abandon the existing storm drain outfall pipe from that manhole in place. Then, they will install a new outfall storm drain pipe with the inlet in the manhole at a depth of ±14 feet. This approach will allow the pipe to be installed with a higher gradient, which should reduce the risk of future plugging. The City is considering using HDPE pipe to provide flexibility. The soil in the bottom of the ravine consist of sand that is highly erodible. Therefore, we recommend lining the bottom of the ravine at the outfall with 6-inch minus quarry rock underlain by a Riprap Geotextile to help diffuse the energy from the flowing water and reduce the risk of scour. The extension of the pipes and granular fill at the outfall should also help keep the ends of the pipe exposed for easier future maintenance.

RECOMMENDATIONS

The following sections provide material and construction recommendations for reconstructing the embankment slope. We recommend having a conference with the selected contractor on-site to discuss the site conditions and proposed approach prior to mobilization. Access to the toe of the embankment slope will require building a ramp that may require additional site preparation and excavation work. We anticipate the ramp can be built within the slope reconstruction area. The proposed equipment access, material removal and rock placement methods should be provided by the contractor for approval by the engineer as part of the approach.

Ideally, this work would be completed during the dry summer months (typically mid-June through September) to facilitate the construction during more stable slope conditions. However, due to the impact to existing facilities construction this winter will be required. The sandy soil will be highly erodible. Therefore, excavations and backfilling will likely have to be completed in sections to reduce sloughing of the excavation sidewalls. Shoring and dewatering will also be required in trenches.

Material Recommendations

Material recommendations below refer to sections in the 2022 Oregon Standard Specifications for Construction.

1. Stone Embankment Material (Section 00330.16) should be used to reconstruct the slope. The Stone Embankment Material should consist of durable, angular quarry rock that is visibly well graded. Stone Embankment Material for this application typically consists of pit-run quarry rock. Reclaimed 6-inch minus (jaw-run) quarry rock from the temporary repair may be incorporated in the slopes.

2. 6-inch minus quarry rock should be used to line the bottom of the ravine at the outfall of the storm drain pipes. This material should consist of clean, durable, angular rock.

3. Base Aggregate should consist of ¾"-0 or 1"-0 crushed rock that satisfies the material requirements of Section 02630.

4. Riprap Geotextile should consist of a non-woven geotextile fabric satisfying the strength requirements for a Type 1 geotextile in Table 02320-2.

5. Silty sand, organic soil, and slide debris generated from excavations for the key trenches and benches will be unsuitable for placement as fill during wet weather. These materials should be hauled from the site for disposal.

6. A Foundation Engineering representative should review submittals for the proposed fill materials and geotextiles and verify suitability prior to delivery and placement.

Construction Recommendations

Slope Reconstruction

7. Excavate a ±10-foot-wide key trench at the toe of the slopes to support the new fill. Complete the final excavations using an excavator equipped with a smooth-edged bucket to minimize subgrade disturbance. The key trench should extend below the failure surface and a minimum of 2 feet below the ground surface at the downhill edge of the trench as shown in Figures 4 and 5. Key trench excavations extending deeper than 4 feet below the current grades are anticipated at the toe of the southern slide where slide debris has accumulated. The key trench in the southern slide area is also likely to be wider than 10 feet to accommodate the removal and replacement of the slide debris. The excavation on the slopes above the key trench should bench into firm soil below any failure surfaces. The key trench depths and dimensions and benching requirements should be confirmed by a Foundation Engineering representative at the time of construction.

8. Place a Riprap Geotextile over the bottom of the key trench and the benched slopes above the key trench extending at least 10 feet above the finished grade at the toe of the slope.

9. Backfill the excavation with Stone Embankment Material. Place the backfill and compact in lifts to form a dense, well-filled mass. The appropriate lift thickness will depend on the compaction procedure and should be no greater than 2 feet where a vibratory roller or hoe-pac is used for compaction. Fill should be placed in 1-foot lifts if compaction is limited to tracking the fill using the excavator or tamping the rock surface using the excavator bucket.

10. Depending on the site conditions and the weather, the excavation and backfilling may need to be completed in sections. Use Base Aggregate to backfill beneath the new pavements.

11. Construction may disturb the soil outside the limits of the reconstructed slope. We anticipate the construction limits will extend at least 10 feet beyond the toe of the existing embankment. The disturbance area is expected to extend a greater distance at the drain outfall location. An erosion control plan should be provided including seeding the ground in the disturbed areas to re-establish vegetation.

Storm Drain Replacement

12. Replacement of the storm drain from the NW 25th Street manhole will require deep trenching in sandy soil. Caving of trench sidewalls should be expected, particularly where groundwater is encountered or where the soils are exposed to rainfall or runoff. Therefore, the contractor should plan to provide suitable cut slopes, benching, or shoring and dewatering, as needed, to protect workers from sloughing or caving sidewalls. Saturated, loose sandy soil will be highly susceptible to sloughing and will tend to flow in open excavations when exposed to groundwater. Therefore, special care will be needed in providing shoring and dewatering in wet areas.

13. We recommend using compacted Base Aggregate to bed the pipe and backfill the pipe zone extending at least 1 foot above the pipe. Base Aggregate may also be used to backfill the trench above the pipe zone and to backfill around the existing exposed sewer line and communication line.

14. Sand from trench excavations may also be reusable as trench backfill if it is relatively clean (i.e., contains less than 10 percent silt). Clean, imported dredge sand may also be considered. Silt or silty sand should not be used as trench backfill because it will be moisture-sensitive and susceptible to pumping when wet. The suitability of reusing the excavated materials will need to be determined at the time of construction.

15. We recommend compacting all trench backfill to a minimum of 95% relative compaction. The maximum dry density of ASTM D698 or AASHTO T99 should be used as the standard for estimating the relative compaction. The fill should be placed and compacted in loose lifts not exceeding 12 inches. Thinner lifts (±4 to 8 inches) will be required where light or hand-operated equipment is used. Field density tests should be run on the trench backfill to confirm adequate compaction.

DESIGN REVIEW AND CONSTRUCTION OBSERVATIONS

We should be provided the opportunity to review all drawings and specifications that pertain to site preparation and slope reconstruction. Figures 4 through 6 are intended to assist with the repair concept. Adjustments may be required in the field. Site grading will require field confirmation of the key trench and benching requirements and slope reconstruction. Mitigation of any subgrade pumping will also require engineering review and judgment. Foundation Engineering should be retained to provide construction observations.

VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS INFORMATION AND WARRANTY

The conclusions and recommendations contained herein assume our site observations are representative of the site conditions. The above recommendations assume we will have the opportunity to review final drawings and be present during construction to evaluate the soil conditions and confirm the required key trench and benching configurations. No changes to the enclosed recommendations should be made without our approval. We will assume no responsibility or liability for any engineering judgment, inspection or testing performed by others.

This memorandum was prepared for the exclusive use of the City of Newport for the NW Oceanview Drive Slide in Newport, Oregon. Information contained herein should not be used for other sites or for unanticipated construction without our written consent. This memorandum is intended for planning and design purposes. Anyone using this information for design or to estimate bid/construction quantities or costs does so at their own risk. Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or groundwater by hazardous or toxic materials. We assume those services, if needed, have been completed by others.

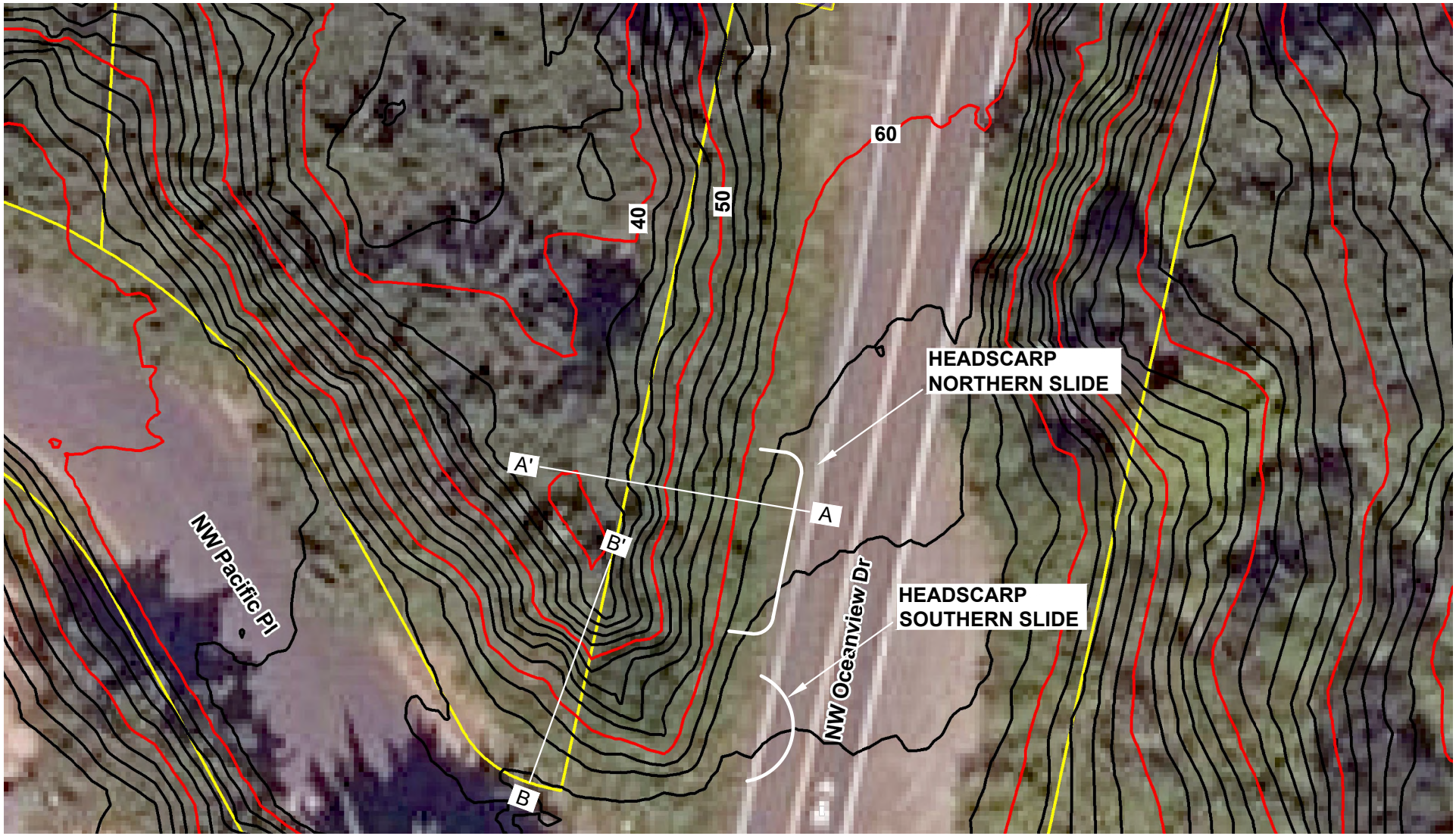
Our work was done in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made.

It has been a pleasure assisting you with this phase of the project. Please do not hesitate to call if you have any questions or require further assistance.

Enclosures

REFERENCE

DOGAMI, 2023, Lidar Viewer*:* Oregon Department of Geology and Mineral Industries (DOGAMI), Website: http://gis.dogami.oregongov/maps/slido, accessed October 2023.



NOTES;
1. BASE MAP WAS PROVIDED BY THE CITY OF NEWPORT.
2. SCARP AND CROSS-SECTION LOCATIONS ARE APPROXIMATE.
3. SEE MEMO FOR A DISCUSSION OF THE SITE CONDITIONS.

N

SCALE IN FEET

. 15 30 60

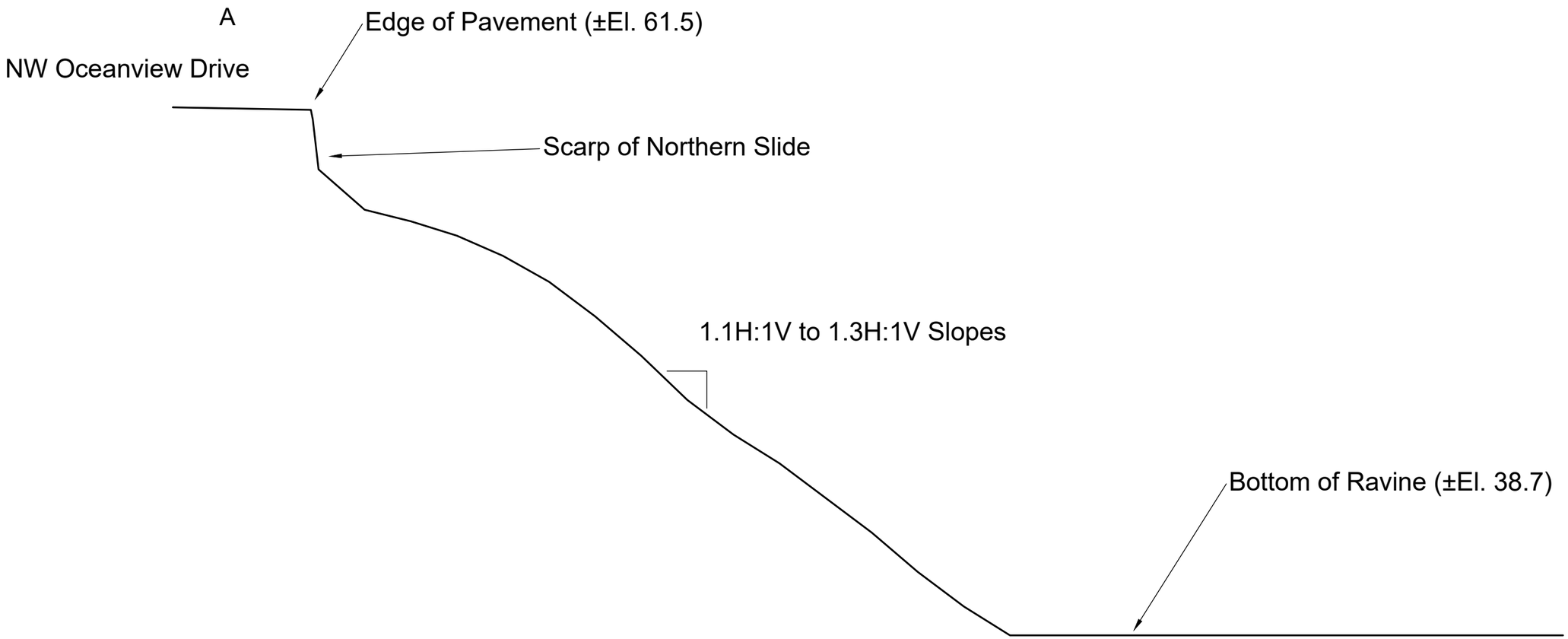
Foundation Engineering, Inc.
Professional Geotechnical Services

PROJECT NO.	DATE	DRAWN BY
2231007	11/2/23	DLR

SITE LAYOUT AND SLIDE LOCATIONS

NW OCEANVIEW DRIVE SLIDE
NEWPORT, OREGON

FIGURE NO.
1



SE ⟷ NW

SCALE IN FEET

0 2.5 5 10

NOTES:
1. GROUND SURFACE PROFILE IS APPROXIMATE AND IS BASED ON FIELD MEASUREMENTS USING A STEEL TAPE AND A 2-FOOT I-BEAM LEVEL.
2. APPROXIMATE GROUND ELEVATIONS WERE ESTIMATED USING LIDAR IMAGING.
3. SEE MEMORANDUM FOR A DISCUSSION OF SITE CONDITIONS.

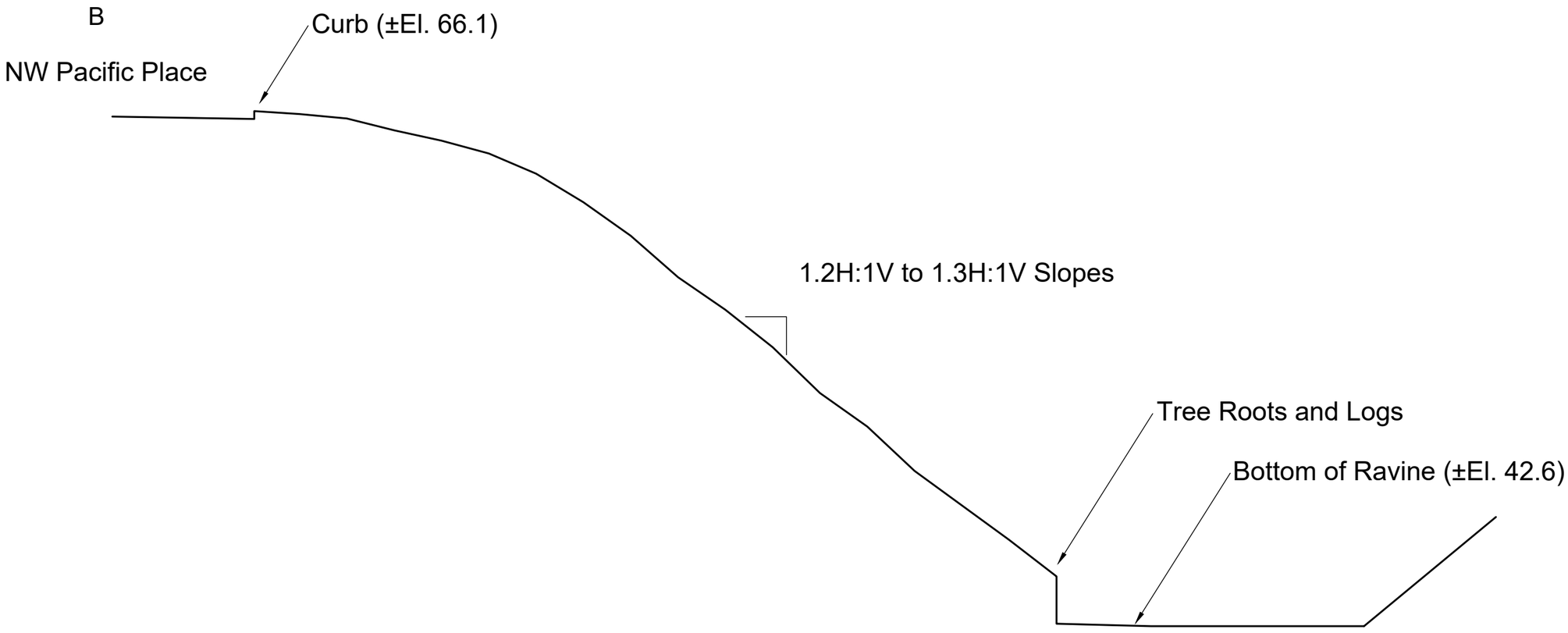
Foundation Engineering, Inc.
Professional Geotechnical Services

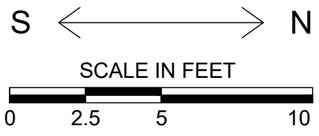
PROJECT NO.	DATE:	DRAWN BY:
2231007	11/2/23	DLR

CROSS-SECTION A-A' - EXISTING SLOPE

NW OCEANVIEW DRIVE SLIDE
NEWPORT, OREGON

FIGURE NO.
2





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Foundation Engineering, Inc.
Professional Geotechnical Services

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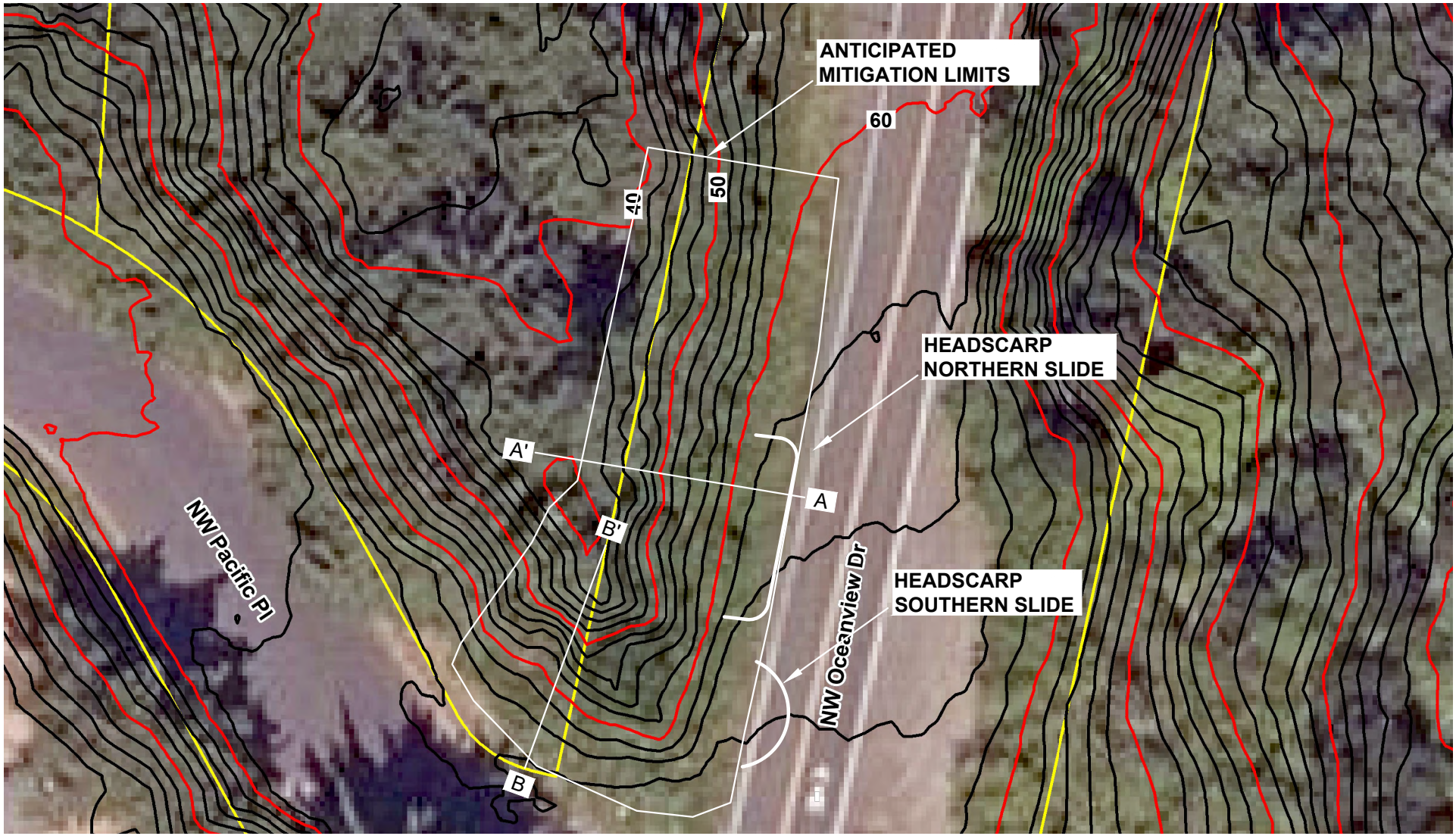
2231007	11/2/23	DLR

CROSS-SECTION B-B' - EXISTING SLOPE

NW OCEANVIEW DRIVE SLIDE
NEWPORT, OREGON

FIGURE NO.
3



NOTES;
1. BASE MAP WAS PROVIDED BY THE CITY OF NEWPORT.
2. SCARP AND CROSS-SECTION LOCATIONS ARE APPROXIMATE.
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N

SCALE IN FEET

0 15 30 60

Foundation Engineering, Inc.
Professional Geotechnical Services

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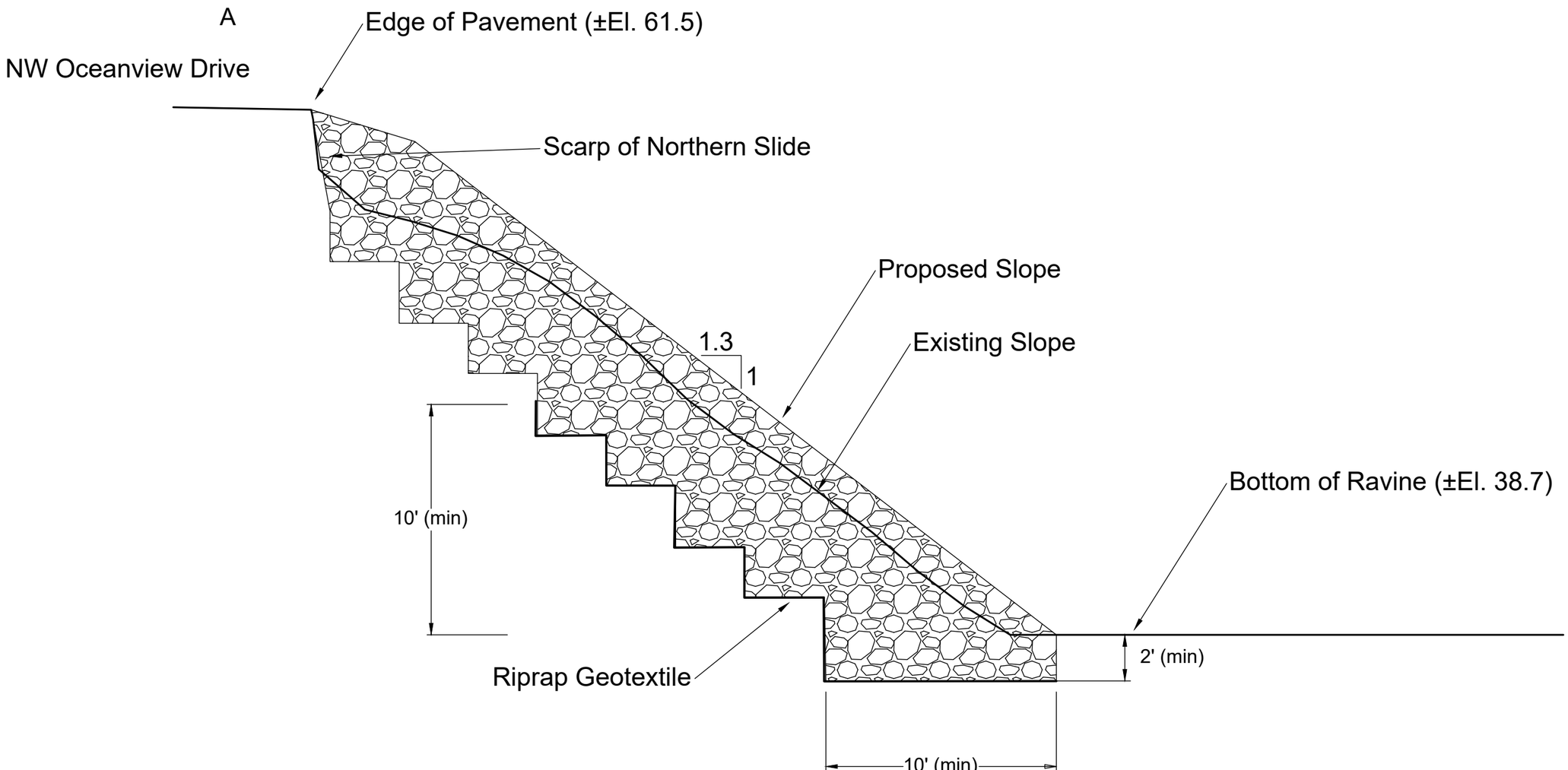
ANTICIPATED MITIGATION LIMITS

NW OCEANVIEW DRIVE SLIDE
NEWPORT, OREGON

FIGURE NO.



NOTES:
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2. APPROXIMATE GROUND ELEVATIONS WERE ESTIMATED USING LIDAR IMAGING.
3. SEE MEMORANDUM FOR A DISCUSSION OF SITE CONDITIONS AND CONSTRUCTION RECOMMENDATIONS.

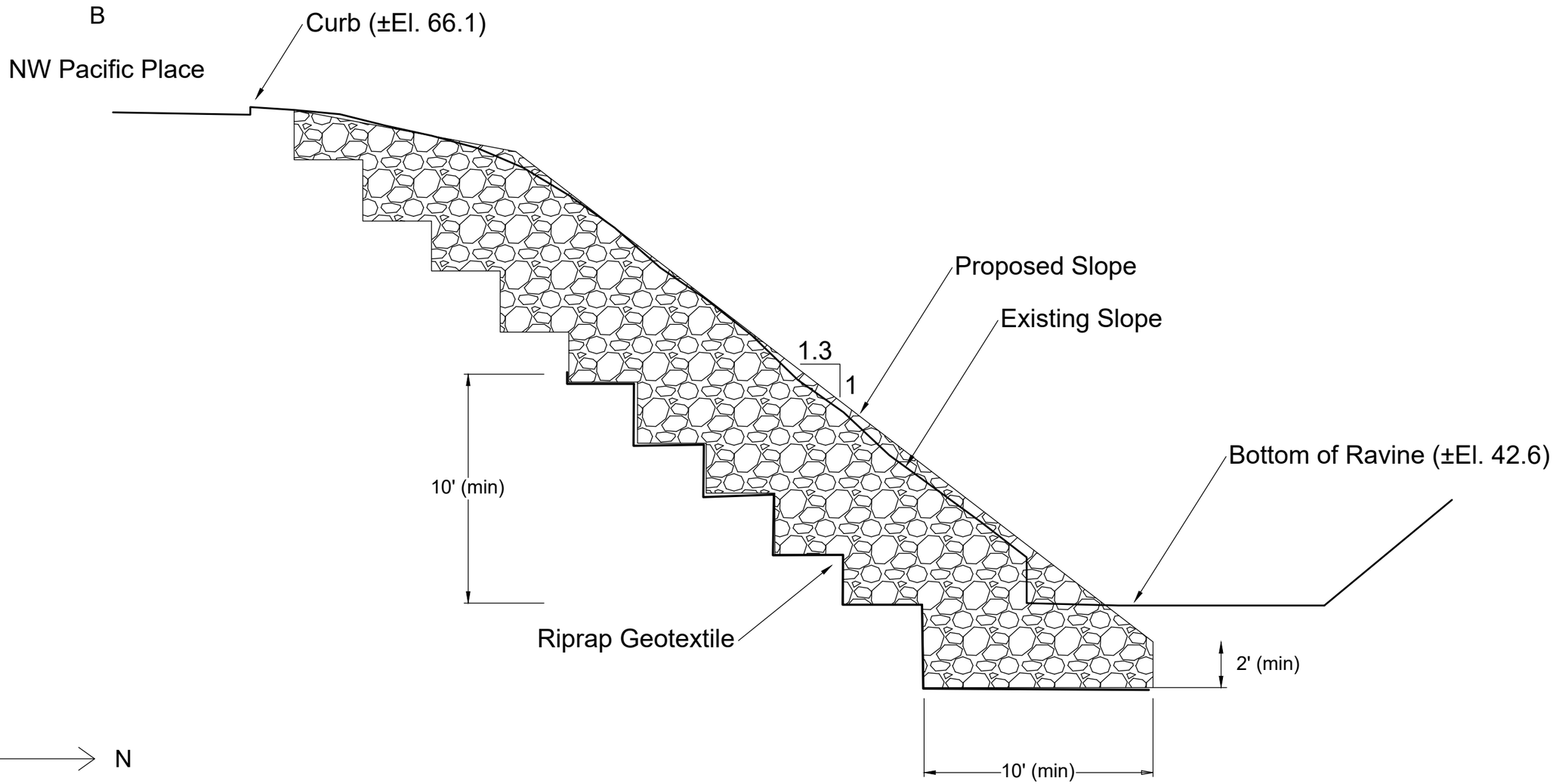
Foundation Engineering, Inc.
Professional Geotechnical Services

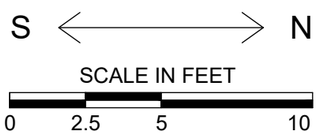
PROJECT NO.	DATE:	DRAWN BY:
2231007	11/2/23	DLR

CROSS-SECTION A-A' - PROPOSED SLOPE

NW OCEANVIEW DRIVE SLIDE
NEWPORT, OREGON

FIGURE NO.
5





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Foundation Engineering, Inc.
Professional Geotechnical Services

PROJECT NO.	DATE:	DRAWN BY:
2231007	11/2/23	DLR

CROSS-SECTION B-B' - PROPOSED SLOPE

NW OCEANVIEW DRIVE SLIDE
NEWPORT, OREGON

FIGURE NO.
6

Photo 1. North landslide looking northeast from NW Pacific Place along the west shoulder of NW Oceanview Drive (1/5/23).

Photo 2. Landslide looking south toward NW Pacific Place along the west shoulder of NW Oceanview Drive (1/5/23).

Photo 3. Southern landslide looking northeast from NW Pacific Place along the west shoulder of NW Oceanview Drive (10/27/23).

Photo 4. Southern landslide looking south toward NW Pacific Place along the west shoulder of NW Oceanview Drive (10/27/23).

Photo 5. Headscarp looking northeast.

Photo 6. Slide looking southeast from the toe of the slope.

Photo 7. Exposed utilities and headscarp looking southeast.

Photo 8. Exposed utilities and headscarp looking northeast.

Photo 9. Outfall of the storm drain culvert from the ditch on the south side of NW Pacific Place looking south.

CITY MANAGER REPORT AND RECOMMENDATIONS

Meeting Date: November 20, 2023

Agenda Item:

Authorization to Execute Task Order No. 22 with HD Engineering in an Amount Not to Exceed $5,900,000 for Detailed Dam Design Services.

Background:

In October 2022, the Water Supply Grant Agreement with the State of Oregon was authorized to provide an amount of $14 million from the Oregon Water Resources Department for remediation of the Big Creek Dam. Funding was provided in two installments. The first installment $4 million. The City entered into an agreement with HDR Engineering to initiate the design work in the amount of the initial $4 million. Task orders 18, 19, 20 and 21 have previously been authorized with HDR Engineering.

Since that time, the State has notified the City that the remaining $10 million of the $14 million committed to the project is now available for reimbursement. As a result, we are recommending that we proceed with Task Order No. 22. The services in Task Order No. 22 shall not exceed $5.9 million. This is intended to bring the detailed design of the dam up to 30% of the design phase. The components of this task are outlined in the attached report from Acting City Engineer, Chris Beatty. These tasks range from project management meetings, moving forward with fish passage mitigation, environmental permitting, right-of-way engineering and water rights.

Recommendation:

I recommend the City Council, acting as the Local Contract Review Board, consider the following motion:

I move to authorize the City Manager to execute Task Order No. 22 with HDR Engineering for continued detailed design services for the Big Creek Dam in an amount not to exceed $5,900,000.

Fiscal Effects:

State funding through OWRD will cover these expenses.

Alternatives:

None recommended.

Respectfully submitted,

Spencer Nebel
City Manager

STAFF REPORT
CITY COUNCIL AGENDA ITEM

Meeting Date: November 20, 2023

Title: Big Creek Dam Final Design – Authorize Task Order #22 with HDR for Detailed Design through 30% Design Phase

Prepared by: Chris Beatty, PE, Acting City Engineer
Aaron Collett, PE, (Past) City Engineer

Recommended Motion:

I move to authorize the City Manager to execute Task Order 22 (TO 22) with HDR Engineering, Inc. adding funds to support additional detailed design services for Big Creek Dam in an amount not to exceed $5,900,000 ($5.9M).

Background Information:

In October 2022, City Council authorized the City Manager to sign the Water Supply Fund Grant Agreement #WPG-D-0006-21 for remediation of the Big Creek Dams in the amount of $14M with Oregon Water Resources Department (OWRD). This agreement provides the funds in two installments. The first installment of $4M was made available for reimbursement at that time.

At the end of August, the City received a confirmation e-mail from OWRD that the additional $10M in Lottery Revenue Bonds were issued on May 9, 2023 for the Big Creek Dams Project and the $10M is now available to the City of Newport for reimbursement.

Since receipt of the initial $4M installment, work has started on final design of the replacement for Big Creek Dams. To date, Task Orders (TO) 18-21 have been approved to move the design forward.

- TO 18 – Geotechnical Drilling and Support ($1,440,739)
- TO 19 – Public Outreach and Stakeholder Support ($432,656.17)
- TO 20 – Design Kickoff Meeting ($84,213.73)
- TO 21 – Detailed Design – first installment ($1,700,000)

In addition to the above tasks, miscellaneous smaller contracts (~$140,000) have been executed to facilitate the project, such as constructing site exploration access roads, permit fees, etc.

When TO 21 was approved, the staff report mentioned that upon confirmation of receipt of the remaining grant funds, additional fee would be added to HDR's contract to facilitate the ongoing design efforts and avoid project delays.

Scope:

The overall scope of design was described in HDR's presentation to Council at the August 7, 2023 Work Session. Detailed design of the replacement dam involves many complex tasks, each one a project unto itself. What makes this such a complex project is the fact that those tasks are all interrelated and require significant coordination and management.

Given that the design phase is assumed to be a four-year process, it is reasonable to assume that the scope will be adjusted and amended during the project as new information adjusts our understanding of the project and what will be required to build a new dam. The scope presented and authorized in association with TO 21 addressed the entire design timeline and is the same scope associated with TO 22. TO 22 authorizes sufficient additional funds to support design tasks listed below and carries the design to the 30% stage. Other tasks such as water rights, right-of-way, and environmental permitting will receive a 100% allocation as they are critical to the schedule.

Task #	Task Name	TO22 % Complete
001	Project Management	45%
002	Meetings	40%
003	Data Collection	100%
004	30% Design	100%
005	Basis of Design	65%
006	60% Design	0%
007	90% Design	0%
008	100% Design	0%
009	Bid Award	0%
010	Consultant Review Board	30%
011	Fish Passage Mitigation	75%
012	Environmental Permitting	100%
013	Dam Safety Risk Analysis	0%
014	Right of Way Engineering	100%
015	Water Rights	100%
016	Public Outreach	100% through year two
017	Local Support	60%

Schedule is critical to this project because the dams are considered unsafe and time impacts total project cost due to escalation. It is important to authorize sufficient funds to keep the design running smoothly without delay.

Fiscal Notes:

To date, approximately $3.8M of the grant funds have been committed by contract. This task order authorizes an additional $5.9M of the Water Supply Fund Grant agreement and will be reimbursed from that funding source.

The committed fee to date ($3.8M), TO 22 ($5.9M), and the estimated remaining design cost ($4.3M) totals approximately $15.2M for final design of the new dam.

Alternatives:

None recommended, this project is driven by the need to replace unsafe/potentially unsafe dams and preserve the City's water supply and schedule is critical.

Attachments

- Task Order 22 with HDR, Inc.
- Confirmation of available lottery funds e-mail from OWRD

CITY OF NEWPORT
TASK ORDER NO. 22

Newport Dam Final Design (Detailed Design)

This TASK ORDER NO. 22 is to the Engineering Services Agreement, dated September 5, 2013, hereinafter called Agreement, between the City of Newport (CITY), and HDR Engineering, Inc. (ENGINEER).

A. SCOPE OF SERVICES

CITY agrees to utilize the services of ENGINEER and ENGINEER agrees to perform engineering services as defined within the scope of work, as identified in Exhibit A to Task Order No. 21 – Newport Dam Final Design (TO 21), dated September 19, 2023, which is incorporated by reference herein in its entirety; provided, however, that ENGINEER shall only perform that portion of the services in Exhibit A to Task Order No. 21 that it can provide for the not-to-exceed amount set forth in section C.2 below, which is in addition to the not-to-exceed amount set forth in Task Order No. 21. Details of the scope of work may be modified with future task orders as project design progresses.

B. CITY'S RESPONSIBILITIES

Set forth in Exhibit A to Task Order No. 21.

C. COMPENSATION

1. CITY shall pay ENGINEER on a time and materials basis as the Dam consultant of record according to the fee table set forth in Exhibit A to Task Order No. 21.

2. Services provided under this Task Order No. 22 shall not exceed $5,900,000, with future task orders to continue with scope of work and corresponding compensation.

D. MISCELLANEOUS

1. All terms and conditions of the Agreement (including as amended by Amendment No. 7 to the Agreement) apply to this Task Order No. 22 as though fully set forth herein. In the event of a conflict between this Task Order No. 22 and the Agreement, the terms of this Task Order No. 22 shall apply.

The parties do mutually agree to all mutual covenants and agreements contained within this Task Order No. 22.

CITY OF NEWPORT	**HDR ENGINEERING, INC.**
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Chris Beatty

From: Winter, Verena <Verena.Winter@hdrinc.com>
Sent: Wednesday, November 15, 2023 11:31 AM
To: Chris Beatty
Subject: FW: Newport (#WPG-D-0006-21) Lottery Funds

Sensitivity: Confidential

This is the confirmation email I received from Aaron about the $10M being available. See below.

Verena Winter, PE
D 503.423.3756 / C 503.317.8237

From: Aaron Collett <A.Collett@NewportOregon.gov>
Sent: Wednesday, October 11, 2023 14:09
To: Winter, Verena <verena.winter@hdrinc.com>
Subject: FW: Newport (#WPG-D-0006-21) Lottery Funds
Sensitivity: Confidential

Confirmation of lottery sale.

From: GRANTS Owrd * WRD <OWRD.Grants@water.oregon.gov>
Sent: Wednesday, August 30, 2023 1:51 PM
To: Aaron Collett <A.Collett@NewportOregon.gov>
Cc: Clare Paul <C.Paul@NewportOregon.gov>; GRANTS Owrd * WRD <OWRD.Grants@water.oregon.gov>
Subject: RE: Newport (#WPG-D-0006-21) Lottery Funds

Hi Aaron,

Thanks for the question. I confirmed that the Lottery Revenue Bonds ($10M) were issued on May 9, 2023 for the Big Creek Dams project. The $10M is now available to the City of Newport for reimbursement. You can consider this email the notification that those funds are available for reimbursement.

Please let us know if you have any additional questions.

Best,
Adair

Adair Muth
Grant Coordinator

Planning, Collaboration, and Investments
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 971-301-0718
Pronouns: she/her

OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Aaron Collett <A.Collett@NewportOregon.gov>
Sent: Wednesday, August 30, 2023 1:04 PM
To: GRANTS Owrd * WRD <OWRD.Grants@water.oregon.gov>
Cc: MUTH Adair * WRD <Adair.MUTH@water.oregon.gov>; KINGSLEY Lisa M * WRD <lisa.kingsley@water.oregon.gov>; Clare Paul <C.Paul@NewportOregon.gov>; Aaron Collett <A.Collett@NewportOregon.gov>
Subject: Newport (#WPG-D-0006-21) Lottery Funds

Good afternoon,
I am writing to follow up on the second installment of lottery funds for the Newport Big Creek Dam project. We have been progressing through design utilizing the first $4 million of funds that was initially made available (sorry, not sure if "installment" or "approval" is the correct term)

We are getting ready to execute the next contract amendment which will commit most of that initial $4M. I heard that the lottery bond sale may have gone through and it is possible that the final $10M could be available for us to access through reimbursement? Before we execute any additional contract amendments that would commit those funds, I wanted to confirm that they are available to the City and we can proceed with reimbursement requests beyond the initial $4M.

Will we receive some official notice that we can keep on file? I was not sure what the process would be to grant access to the next phase of funds.
Thank you for your time.
Regards,

Aaron Collett, PE
City Engineer
City of Newport, Oregon
169 SW Coast Highway, Newport, OR 97365
A.Collett@newportoregon.gov
Office: 541-574-3375
Fax: 541-265-3301

NEWPORT

CITY OF NEWPORT
TASK ORDER NO. 21

Newport Dam Final Design (Detailed Design)

This TASK ORDER NO. 21 is to the Engineering Services Agreement, dated September 5, 2013, hereinafter called Agreement, between the City of Newport (CITY), and HDR Engineering, Inc. (ENGINEER).

A. SCOPE OF SERVICES

CITY agrees to utilize the services of ENGINEER and ENGINEER agrees to perform engineering services as defined within the scope of work, as identified in the attached Newport Dam Final Design (TO 21), dated September 19, 2023. (Exhibit A); provided, however, that ENGINEER shall only perform that portion of the services in Exhibit A that it can provide for the not-to-exceed amount set forth in section C.2 below. Details of the scope of work may be modified with future task orders as project design progresses.

B. CITY'S RESPONSIBILITIES

Set forth in the attached Exhibit A.

C. COMPENSATION

1. CITY shall pay ENGINEER on a time and materials basis as the Dam consultant of record according to the fee table set forth in the attached scope of work. (Exhibit A)

2. Services provided under this Task Order No. 21 shall not exceed $1,700,000, with future task orders to continue with scope of work and corresponding compensation.

D. MISCELLANEOUS

1. All terms and conditions of the Agreement (including as amended by Amendment No. 7 to the Agreement) apply to this Task Order No. 21 as though fully set forth herein. In the event of a conflict between this Task Order No. 21 and the Agreement, the terms of this Task Order No. 21 shall apply.

The parties do mutually agree to all mutual covenants and agreements contained within this Task Order No. 21.

CITY OF NEWPORT

By: _____

Title: City Manager

Date: 9-22-23

HDR ENGINEERING, INC.

By: _____ Digitally signed by Tracy Ellwein Date: 2023.09.19 12:46:17-07'00'

Title: Vice President

Date: 9/19/2023

Exhibit A

NEWPORT DAM FINAL DESIGN (TO21)

SCOPE OF WORK

September 19, 2023

Contents

Exhibit A

NEWPORT DAM FINAL DESIGN (TO21)

SCOPE OF WORK

September 19, 2023

Contents

Introduction

This Scope of Services describes the work activities that will be performed for completion of the final design of the Big Creek Dam Mitigation Project for the City of Newport (City).

HDR Engineering, Inc. (HDR) has previously performed engineering evaluations and concept design for the Big Creek Dams mitigation; both the lower dam (Big Creek Dam No. 1 [BC1]) and upper dam (Big Creek Dam No. 2 [BC2]). The outcome of the engineering evaluation and corrective action study recommended a new roller compacted concrete (RCC) dam downstream of BC2 and removal of BC1 and BC2. The new RCC dam will have storage capacity to replace the current capacity of the two existing reservoirs, restore lost storage due to sediment accumulation in both reservoirs, provide for increased future water supplies, and provide storage to reduce the use of the Siletz River intake pump station. The feasibility of the proposed site, an update of the design configuration, initiation of environmental compliance activities, a preliminary reservoir operations study, and an AACE Class 5 cost estimate to support funding of the project have been completed during previous phases of the work.

Environmental compliance and permitting activities have been initiated during previous phases (wetland delineation, cultural resources survey, soil investigations, initiation of the permitting agencies involvement with the project) of work authorization by the City. Preparation for the application for a fish passage waiver also has been started.

This scope of services is intended to outline final design work for the new RCC dam and HDR's assistance to the City through the bidding period. The scope includes engineering services for site characterization and other data gathering, basis of design engineering analyses and evaluation, and preparation of design documentation (drawings, specifications, design reports, etc.) for the new dam (including appurtenant spillway and outlet works facilities), access road to the new dam, new raw water pipeline from the dam to the water treatment plant (WTP), removal of the lower dam, and partial breaching and lowering the crest of the upper dam, environmental permitting, water rights resolution, public and stakeholder outreach and support, fish passage mitigation, potential dam safety risk analysis, and construction cost and constructability assessments. Consistent with the industry standard of care for design and construction of a new high hazard dam, HDR will interact with a Consultant Review Board (CRB) that will provide an independent review of milestone deliverables, and confirmation that the design conforms to Oregon State Dam Safety requirements.

There are additional configuration resolution issues, regulatory compliance, and site uncertainties that may require adaptation or adjustment of this scope in the future. The individual tasks list the work activities, and basic assumptions made at this time. A general assumptions section related to the entire scope and fee is provided under the project management task.

Contained herein is HDR's scope of work, the City will initially allocate a partial amount for the work to begin and issue contract modifications for the remaining work. Due to the complexity and duration of this project, HDR's scope and fee will be updated at each contracting iteration, as needed.

Scope of Services

TASK 1 PROJECT MANAGEMENT

Project management activities include directing and managing project work, tracking project financials, maintaining the project schedule, managing changes to scope, schedule, and budget, managing subconsultants, and coordinating the overall program. Specific project management activities will cover the duration of this task order as described herein.

1.1 Project Setup and Coordination

This activity includes administrative processes for project set up and project coordination to execute the project. Monthly invoicing and close out activities are also included in this task. Subconsultant coordination and contracting is included in this task.

1.2 Scope, Budget, and Change Maintenance

The activities in this task include maintaining the project scope and validating scope items; developing and maintaining the project schedule; and tracking project budget expenditures, earned and planned value, physical percent complete, and percent spent. Activities under this task include identification of scope and related schedule and budget changes and to work with the project team and the City to proactively and effectively manage these changes.

Progress reports will be included with monthly invoices and provide a summary of work performed with scope, schedule, and budget updates. This task includes monthly subconsultant coordination.

1.3 Develop & Maintain Project Management Tracking Tools: Project & Quality Management Plan, Risk Register

The following management tracking tools will be provided: the project management plan, quality management plan, communication plan, health and safety information, decision log, change management plan, and input to the risk register. The risk register will be managed under the constructability review efforts with input from different discipline leads and is further described in subtask 3.6. The documents will be updated throughout the duration and serve as tools to track and document decisions.

1.4 Develop and Maintain Project Schedule

The project schedule using MS Project will be developed, maintained, and include submittal dates, review periods, and milestones. This schedule will represent the design phase and act as a project management tool.

1.5 Coordination and Communication

A communication plan will be prepared to provide the framework, strategies and documentation requirements for coordination and communication with the City, agencies, National Environmental Policy Act (NEPA) consultants, and other stakeholders as requested.

1.6 Internal HDR Review Meetings

HDR will conduct internal management review meetings to provide project oversight and support. An initial project approach and resource review meeting will be conducted. Quarterly project review meetings will be conducted with HDR management for check-in and support purposes. These review meetings differ from the design team meetings and are included in Task 1 Project Management activities and not in Task 2 Project Meetings & Site Visits.

1.7 Document Management

For the duration of the project, HDR will manage and organize project electronic files on its internal ProjectWise server. HDR also will set up a SharePoint site for external documents exchange.

1.8 Decision Log

HDR will maintain a decision log documenting salient decisions throughout design development. The decision log will be coordinated with a Risk Register and decisions implemented in response to risk mitigation and management.

1.9 Program Management

Preparing the project for procurement and construction involves City effort and engagement beyond final design development. In this task, HDR will support the City's programmatic efforts not directly addressed in the design tasks. An allowance is set aside to support strategic, task, and schedule coordination efforts between the City, subconsultants, agencies, and other stakeholders.

Summary of HDR Services for Task 1

- Set up the project and monthly finance management.
- Manage the project scope and validate scope items.
- Coordinate the design team, including subconsultants.
- Develop and update project decision log to document key planning issues and decisions that have been made, as well as expected scope, cost, and schedule implications.
- Develop and update the communication plan.
- Prepare and maintain project schedule.
- Prepare monthly invoices.
- Project manager will coordinate with the City to review project scope, schedule, and budget against design and permitting progress, and work with the City to resolve issues that may arise.
- Internal check-in meetings will be performed.

- Document management with the SharePoint site will be performed over the course of the project work.

Client Responsibilities

Timely coordination with HDR to resolve scope, schedule, and budget issues that may arise.

Task 1 Assumptions

- Monthly Invoices will be prepared in HDR's standard format.
- Project schedule will be maintained using MS Project.
- Project management tools include tracking of out-of-scope requests and potential scope changes, including opportunities to reduce scope and cost.
- Water Supply Fund Grant Agreement #WPG-D-0006-21 between Oregon Water Resources Department (OWRD) and the City states in Exhibit A, #2 that semi annual progress reports will be developed on June 30 and December 31. Progress reports provided with HDR's monthly invoices will provide sufficient information for the City to prepare and submit the necessary semi-annual progress reports needed by the State.

Task 1 Deliverables

- Monthly electronic copies of invoices including progress reports.
- Periodic updates to project schedule and management tools as described in subtask 1.3.

General Project Assumptions

- The estimated duration of this project is 3 years and 10 months (46 months). This duration estimate includes a projection of time needed to resolve water rights, an environmental permitting period of 2.5 years, landownership resolution, and other permits and approvals required for the project.
- Deliverable assumptions:
    - Review period for deliverables by the City and other agencies/stakeholders does not exceed 4 weeks per deliverable.
    - HDR will provide a comment table to external reviewers. Reviewers are expected to use that table for comment tracking. HDR will respond to comments in the table as a separate deliverable.
    - Stakeholders are expected to provide comments as one deliverable and not in separate deliverables.
    - Deliverables will be provided in electronic format (PDF and/or Word).
- Design platform: HDR will use Civil 3D version 2022.
- There will be one set of front-end documents (Division 00 and Division 01) describing the entire project. If it is decided later that several construction packages will be procured, an amendment may be necessary to develop specific front-end documents for the separate work packages.
- Specifications will be provided in the CSI 6-digit master specifications system.
- This scope is through contractor award and does not include engineering services during construction.

- This scope does not include a fish passage design at the new dam. It is assumed that a waiver will be granted to comply with fish passage requirements. The waiver process includes fish passage mitigation which is included in this scope of work under Task 11.
- Property access for field work will be provided and obtained by the City including the area at and around Big Creek Dams as well as the fish passage mitigation sites.
- The City will provide water quality analysis support including site access, equipment such as the rowboat or sampling barge, and performing water quality tests within the water treatment plant's capacities.
- Water treatment plant staff or City staff will help read staff gages or other monitoring instruments and equipment as times allows.
- The project will only have one bid period. Rebid is not included in this scope of work. HDR will strive to develop a design that is biddable to minimize the need for rebids but HDR has no control over the bidding environmental, economic conditions or contractor availability at the time project is ready to bid.
- Development of general site signage after construction is not included in HDR's scope. The City will provide general permanent site signs (such as "no trespassing"). HDR will provide guidance on dam safety related signs as appropriate for the new facility. HDR will not develop educational and interpretive signs for the public.
- The project limits reach from the upper reservoir about 200 yards east of the existing BC2 to the downstream reach at the confluence of Big Creek, Jeffries Creek, and Anderson Creek. The two private properties on the upper reservoir and access to these properties as well as the downstream area, below and past the lower BC1 playground area, are not currently part of this scope.
- This scope also excludes any analysis, or design of modifications to the two existing box culverts on Big Creek underneath Highway 101, or entrances or exits to Highway 101 just before Big Creek discharges to the ocean.
- This scope excludes an update to the emergency action plan of the existing dams and does not include a new emergency action plan for the new dam.
- Certain tasks are advanced to approximately a 30% design level with performance specifications and drawings that will then be completed by the contractor as part of the construction contract (City-hired). Should conditions be encountered that require any supplemental final design explorations or testing for the dam, such work would be authorized and completed as an addendum to this scope of work for inclusion in the data report.
- HDR design team meetings will be attended by the discipline leads (up to 12 people). Additional design team experts may attend these meetings on an as needed basis.

TASK 2 PROJECT MEETINGS & SITE VISITS

Completion of final design will require significant coordination, communication, and collaboration between the team members and stakeholders including the City; HDR; subconsultants; federal, state, and local agencies; and the public. Anticipated meetings and site visits between the design team, stakeholders, and agencies are defined herein.

HDR Services

The following list of meetings and site visits are anticipated over the duration of the project. The fee estimate includes an allowance for expenses associated with in-person meetings, when needed or required. Meetings are anticipated to be virtual unless noted otherwise.

2.1 City Team Meetings

- Weekly City meetings (PM attendance, 2 hours per meeting)
- Discipline specific meetings with the City (40 meetings each 1 hour long)
- Four specific electrical and Instrumentation and Controls (I&C) meetings (each 3 hours long)
- Design milestone review meetings – each meeting in-person (8 hours long; in Portland OR, or Denver, CO with 9 HDR staff attending).
- 30% design milestone
- 60% design milestone
- 90% design milestone
- City Council meeting attendance (6 meetings each 2 hours)
- Neighbor and citizen meetings (directly affected by the project, not part of public outreach meetings)

2.2 Oregon Dam Safety Coordination Meetings

- Oregon Dam safety coordination meetings will be attended by the PM and up to five other key project discipline leads.
- Up to five meetings (4 hours long) to be determined in coordination with select design milestone review meetings and/or state meetings.

2.3 Agency Meetings

Task 11 and Task 12 provide more detail about agency meetings. Agency meetings attended by the PM and permitting lead (if needed) for this task.

- Meetings with environmental permitting agencies
- Meetings with other permitting entities
- Meetings with fish passage waiver agencies
- Other public/stakeholder permitting meetings
- Water Rights agency meetings

2.4 Federal Agency and Funding Agency Meetings

- An allowance of 20 hours has been set aside for unanticipated federal agency, funding, and legislature meetings attended by the PM only. Environmental and fish passage mitigation meetings are included in their respective tasks.

2.5 Public Outreach Meetings

- An allowance of 40 hours for the PM has been set aside for meetings to attend public outreach efforts that are not included in Task 16 Public Outreach and stakeholder support.

2.6 Consultant Review Board Meetings

The CRB will have a mandatory site visit and attend the design milestone meetings. A detailed description of the scope and fee for CRB support is provided in Task 10.

2.7 Undefined Meetings and Site Visits

A contingency has been set aside for unforeseen meetings and site visits. It includes one site visit with travel expenses for two people (out of state) and budget for five meetings each 2 hours long for the design team leads (5 people).

2.8 Supervisory Control and Data Acquisition Workshops

The final design for the new dam will include an I&C system that includes control networks for a Supervisory Control and Data Acquisition (SCADA) system. The control system will be integrated with the WTP, dam, and valve house, and will incorporate monitoring and control of dam operating and dam safety monitoring systems.

Four workshops each up to 3 hours long are estimated to complete the I&C/SCADA system:

Workshop No. 1 – User Requirements
Workshop No. 2 – Equipment & Software Selection
Workshop No. 3 – Control Narratives & Human Machine Interface (HMI)
Workshop No. 4 – HMI Screens – Notional

Overall Client Responsibilities

- Attendance at in-person meetings (not virtual).
- Stakeholders will review provided materials and documentation prior to meetings.
- Some City meetings require the City Manager and/or the City Attorney attendance. It is assumed that City staff will be available to meet at the time of the scheduled meetings. HDR will assess schedule and provide advanced notice of such meetings to facilitate attendance.
- City staff will be expected to travel to the location where the meeting takes place.

General Task 2 Assumptions

- The design team/HDR will prepare electronic agendas, produce meeting notes, and, as necessary, develop presentation materials for meetings led by the design team or HDR.
- Meeting results will be documented in meeting notes. Critical decisions made during the workshops will be documented in the project decision log.
- City will participate in agency and stakeholder meetings.
- Preparation time and reprocessing time is included in the fee level estimate for each meeting lead by HDR.
- In-person meetings with the City or agencies to take place in Portland or in Denver at the HDR offices. Meetings in Newport will be held on site or at the City building as necessary.
- Schedule assumes three weeks of preparation time for the CRB to review materials before the CRB meetings take place and providing the CRB report within two weeks of the design review briefing. A final report shall be submitted within one week of receiving questions or comments from the City and HDR on the draft report.

- HDR will provide materials to stakeholders no less than one week prior to meetings to help facilitate the stakeholder's time to review.

Task 2 Deliverables

- Meeting agendas (electronic version)
- Meeting notes (electronic version)

TASK 3 DATA COLLECTION

Objective

HDR will obtain and assemble the information (data) required to complete the final design of the dam, spillway, stilling basin or energy dissipation structure, outlet works, and the ancillary roadways, pipelines, and water pre-treatment facilities associated with the new dam/reservoir. This task includes completion of final design level dam foundation and abutment explorations and laboratory testing work, construction materials testing, and assembly of a geologic/geotechnical data report. Other key data elements include 1) seismic hazards characterization (completed in a previous Task Order and will be included as a technical appendix to the design summary report), 2) characterization of sediment materials in both the lower and upper existing Big Creek reservoirs to establish material properties for handling and disposal designs and to confirm that the sediments are non-hazardous materials, and 3) flood hazard analysis that includes development of both construction and dam safety floods to serve as the basis of design. Additionally, the data collection task will include continued hydrologic data collection, reduction, and recording to develop a more complete hydrologic record of the watershed rainfall/runoff and low flow characteristics. These expanding datasets will enable refinement of water supply predictive methods to confirm the desired reservoir size and volume, as well as flood hydrology for confirmation of spillway and energy dissipator design parameters.

The Task Order 18 (TO18) site characterization work completed December 2022 through May 2023 (winter 2022/2023) for final design is intended to result in an overall package of information that will be included in the final design documents for construction bidding and award, and to support successful construction. The data from previous site characterization work as well as the final design exploration program summarized below will result in geologic interpretation and a geologic model bearing meaningful analysis and interpretation of subsurface conditions but will include inherent uncertainty. Actual conditions affecting foundation excavation and treatment requirements will become evident during construction and only to the extent construction exposes or provides additional insight concerning the true conditions. Conditions encountered during construction may lead to necessary design adjustments or construction requirements to fulfill the design intent.

The additional site characterization work will improve understanding of subsurface conditions and support development of geologic, geotechnical, and structural models needed for final design. There may also be conditions encountered or requirements that develop during the final design that indicate the need for additional, targeted explorations. Additional explorations, if warranted, will be developed to finalize design requirements, and provide additional design information. Although the exploration program will be targeted at designing foundation treatment and excavation, conditions identified during construction will be used to refine excavation and treatment requirements and will dictate the quantities required to construct the project.

3.1 Final Design Geotechnical Explorations

Final design level engineering analyses and corresponding design development activities will be completed using the geologic and geotechnical information summarized in the data report. Those geologic/geotechnical interpretations, analyses, and designs will be completed and documented as part of the 30%, basis of design, and 60% design tasks and activities, as well as part of final design documentation to be included in the final design summary report. Those scopes of work are described in the following subtasks.

3.1.1 Dam Site Explorations

A separate scope of work for completion of final (winter 2022/2023) design level geotechnical explorations for the dam was authorized by the City. The scope of work incorporated into this document includes the analysis of this collected data and assembly of a geologic/geotechnical data report that will be issued as part of the contracting documents issued for construction bidding.

The winter 2022/2023 site characterization program does not include, but has provisions for, three optional borings at a nearby quarry to improve our understanding of critical RCC and conventional concrete aggregate materials required for the dam.

3.1.1.1 Geologic/Geotechnical Data Report – Dam Site

A geologic/geotechnical data report will be prepared for the dam site only that presents and summarizes the previous data as well as the new (final design) data obtained from the different geotechnical explorations that will be (or have been) completed at the site, as discussed above. The data report will include project background; a summary of the geologic setting, drilling program results, geophysical survey results, and laboratory testing results; and characterization of the rock mass and bedrock structure. Appendices to the data report will include: composite borings logs (that display logging information, results of laboratory tests, hydraulic conductivity, televiewer, sonic suspension logging, and rock joint orientation), a core photo log, water pressure test calculations, downhole survey logs, geophysical survey report, laboratory test results, rock mass classification, and stereonets displaying bedrock structural data.

3.1.2 Ancillary Structures Explorations

Limited geotechnical explorations and laboratory testing and analyses will be conducted for the upper access road and raw water pipeline from the dam down to and including the bridge abutments for the creek crossing. Additional explorations, including geotechnical explorations downstream from the lower reservoir creek crossing will be the contractor's responsibility during construction and incorporated for the stream restoration and lower dam removal tasks. Allowances for completing up to 12 borings and cone penetrometer tests (10–40 ft depth), laboratory testing, and developing input tables and figures for the geologic data report for design of these project improvements (listed above) is included in the estimate. An exploration plan will be prepared providing details on access, drilling/testing methodology and requirements, sampling and insitu testing equipment and procedures, and laboratory testing, along with other pertinent information or requirements for completion of the explorations. The plan will be developed prior to the field work and used to establish contracts with drilling and lab testing subcontractors.

The program could include the following types of activities and analyses:

- Boring/exploration activities that provide:
    - Subsurface stratigraphy including soil depth and characteristics, depth to rock, depth to groundwater, etc.
    - Identification of geologic hazards including sulfate content (for concrete type), landslides, settlement, and liquefaction.
    - Input to engineering analyses and evaluations to develop recommended cut and fill slopes; parameters for pipeline and roadway design; parameters for building design; input for slope and subgrade stabilization and design including structural fills, and retaining walls; and surface and subsurface drainage systems, etc.
- Laboratory Testing Activities:
    - Engineering properties of soil and bedrock materials including Unified Soil Classification System (USCS) classifications, moisture content, gradation, consolidation, permeability, shear strength, moisture/density relationships, etc.
- Input to the Geologic Data Report:
    - Boring logs
    - CPT logs
    - Monitoring well installation logs
    - Summary tables and figures presenting data in format required for design and construction bidding

3.1.2.1 Geologic/Geotechnical Data Report – Ancillary Structures

A geologic/geotechnical data report will be prepared for ancillary structures (not including the dam site) that presents and summarizes data obtained from the geotechnical explorations that will be completed at the site according to subtask 3.1.2 above. The data report will include project background, a summary of the geologic setting, drilling program results, geophysical survey results, laboratory testing results, and characterization of the subsurface. Appendices to the data report will include: borings logs, a core photo log, and laboratory test results.

3.1.3 Construction Materials

A progressively detailed evaluation of construction material sources that could be used to construct the new RCC dam and related project features has been underway since 2018 through previous Task Orders. Major project construction material needs can be summarized as follows:

- Aggregate for (RCC) production
- Aggregate for conventional vibrated concrete (CVC) to be used for dam facing systems, spillway and outlet works reinforced concrete structures, foundation shaping block and treatments, dam crest treatments, outlet works control and injection buildings, retaining walls, etc.
- Cement for RCC and CVC materials
- Supplemental Cementitious materials for RCC and CVC (fly ash, slag, or other pozzolans)

- Cementitious and admixture materials for foundation grout mixes
- Structural and backfill materials for the dam and access roadways
- Granular filter, drain, roadway base, and roadway surfacing materials
- Riprap and riprap bedding
- Materials to be used for environmental restoration

TO17, Task 3 (June 2, 2020) includes provisions for further quarry evaluation and testing work. Work to be performed will build upon the previous material sourcing studies, testing, and evaluation work to result in completed source definitions and requirements for inclusion in basis of design engineering analyses, on project drawings, and in project specifications. The following subtasks generally describe the final increment of construction material evaluation work that will be completed under this final design scope of work.

3.1.3.1 Iron Mountain Quarry Evaluation

The Oregon Department of Transportation (ODOT) holds an active permit for the Iron Mountain quarry that is closest to the dam site. If Iron Mountain Quarry material is acceptable quality, suitable quantity, and available for contractor use, the materials would likely be a primary or partial source for the required RCC and/or CVC aggregate. Assuming ODOT provides approval to use this pit, final resource definition, testing, or evaluation not completed under the authorized TO17 will be performed. This could include a variety of activities ranging from additional borings for resource definition within the quarry, a limited amount of final qualification testing, and obtaining, processing, and testing of samples - from existing stockpiles of crusher feed stock and crushed aggregate needed to complete mix design testing of RCC and CVC aggregate from this pit. The Iron Mountain quarry has residual blasted basalt at the surface in areas within the pit that could be gathered, loaded, and hauled by the City to a commercial crushing facility such as the Cedar Creek Quarries to complete crushing to a suitable target gradation for production of RCC or CVC materials during dam construction. Once crushed and stockpiled, HDR will work with the City to load and ship barrels of the material to CTL Thompson (CTL; Denver, CO) for mix design use. Supplemental material processing at CTL Thompson may be required to obtain target grain size distribution.

The final mix design testing by CTL will be completed under a separate subtask described below.

For scoping purposes, we have assumed that adequate quantities of material will be available to provide a significant portion, or all the required RCC and CVC aggregate. If ODOT does not have suitable information to define the quantities of aggregate that can be produced, HDR will request permission to complete limited additional quarry explorations to define the limits and quantities of suitable materials under the current TO17 scope of work. Depending on the amount of drilling and testing required, some funding from the allowance established under this subtask would be used.

In summary, HDR will work with the City and ODOT to evaluate the Iron Mountain quarry and materials. Once this evaluation is complete, HDR will work with the City and ODOT to make the quarry available to prospective contractors or potential aggregate producing subcontractors to perform additional drilling and testing needed in advance of contracting for dam construction.

3.1.3.2 Commercial Material Sources for Mix Design

Under TO17, two commercial aggregate sources are being evaluated. These sources include the Cedar Creek Quarry and a commercial source from the Willamette Valley. Also, potential cement, and supplemental cementitious material (SCM) sources are being identified and evaluated. For this scope of work, the following necessary quantities of materials will be obtained from the target sources and shipped to CTL for mix design evaluations.

- Cedar Creek Quarry: Up to 7,000 pounds of aggregate
- Willamette Valley Source: Up to 3,000 pounds of aggregate
- Dredge spoils from Yaquina Bay: Up to 1,000 pounds of sand
- Cement: Up to 800 pounds
- SCM: Up to 800 pounds for each alternative type
- Necessary commercially available admixtures

Water used for the mix design will be obtained from local sources where the mix design will be evaluated. The water source intended for construction use will undergo laboratory testing to confirm it meets specified requirements. For aggregate sources supplemental processing and laboratory testing by CTL may be required prior to mix design evaluations. HDR will provide the contractor with typical and seasonal water quality information from the reservoirs and from the WTP for water usage development of the batch plants. Contractor to develop batch plant water quality and supply.

3.1.3.3 RCC Mix Design Evaluations

The RCC mix design program will include the following elements of work:

- Mix design plan – Up to three alternative sources of potential RCC aggregate, and three combinations of cementitious materials for each aggregate source.
    - Target gradation
    - Range of target design strengths shown in Table 1
    - Target water contents consistent with the quality control (QC) requirements that will be implemented during construction.
    - An outline of the testing program including mix designations, mix proportions, and laboratory tests required to qualify the RCC mixes. Cylinder samples will be prepared for testing at 7, 14, 28, 56, 128 and 365 days of sample maturity to establish the strength gain properties for use in specification development for the RCC production, placement, and compaction requirements for the dam.
- Obtaining samples of aggregate, cement, SCM, water and other admixture in sufficient quantities to prepare and test required specimens including samples to be held in reserve should additional testing be required. Performing lab testing needed to qualify and control materials for mix design testing (program will include both Vebe and standard density control methods to maximize understanding of the materials and specify quality objectives).
- Prepare and test alternative mix cylinders.
- Evaluate test results.
- Prepare summary RCC Mix Design technical memorandum I to be included as part of project design summary report appendix on construction materials.

Mix Design Objectives:

In general, the objective of the mix design program performed during final design is to identify and demonstrate that aggregate, cementitious materials, water, and other additive materials are available to meet design objectives for the RCC in an economical manner including:

- Density and workability (water content and control)
- Compression and tensile strength of parent material and lift joints
- Durability
- Permeability
- Cost

Secondary concerns include heat generation, shrinkage, and creep. In addition, the intent of the mix design program is to support development of specification requirements for aggregate quality and gradation, cementitious material quality and content, water content and control during construction as it pertains to target workability, and other requirements necessary to produce a consistent material that is uniform, and with well bonded lift surfaces. Water content and related control strategies during construction are critical to meeting not only the target strength and density of the materials but minimizing strength and density variations that can occur when mixes are either too dry or too wet. A summary of the initial total cementitious contents (cement and SCM) that will be considered for each alternative aggregate source are provided in Table 1. The target cementitious contents shown in this table may be updated/revised based on further structural analyses completed under the 30% design task.

Table 1. Summary of Initial Target Mix Design Cementitious Content versus Compressive Strength for the Newport RCC Dam, OR

Total Cementitious Content		Estimated Compressive Strength (psi)	
kg/m^3	lbs/yd^3	28-day	1-year
104	175	1,000	2,100
119	200	1,400	2,800
148	250	1,700	3,600

[a] Developed from Figure 3-1, U.S. Army Corps of Engineers (USACE) Engineer Manual (EM) 1110-2-2006

The following overall mix design objectives will form the basis of the mix design program:

- Category of mix design: MCRCC (medium cementitious RCC; 175 to 250 lbs/yd^3) to HCRCC (high cementitious RCC; > 250 lbs/yd^3) depending on seepage control strategy.
- Seepage control strategy: Both “separate” (upstream facing system) and “uniform” material with a mix consistency to allow for the use of Grout Enriched RCC (GERCC) procedures for the upstream and downstream facing systems.
- Unit Weight: 142 to 152 pcf (pounds per cubic foot)
- Strength: 1,200 to 2,500 psi unconfined compressive strength at 28 days (2,100 to 3,600 psi at 1 year). Final mix design proportions will be based on lab test results, design analysis results, facing systems requirements, constructability considerations and costs. Table 1

summarizes the initial estimated cement content verses compressive strength used to develop the mix design program.

- Durability: Low to moderate freeze thaw durability. Some water impact durability in the spillway stilling basin is required if conventional concrete facing is not utilized. It should be noted that anticipated water quality data for the reservoir will be obtained and evaluated to verify there are no water quality issues that might adversely contribute to freeze thaw durability of the upstream facing system.
- Other: Due to temperature and other conditions at time of placement, an ASTM Type D super plasticizer and set retarder additive shall be included as part of mix design studies. The type of admixture and an anticipated dosage rate shall be based on recommendations by the manufacturer considering the anticipated properties of each mix. No other additives are anticipated for the design level mix design program.
- Determine Vebe mix consistency with varying water content including an aggregate-only compaction (ASTM D1557) test to establish the maximum density and optimum moisture content.

Table 2 presents an initial summary of the anticipated batches to be included in the mix design evaluation.

Table 2. Anticipated Mix Design Batch Summary

Mix ID	Mix Description	Purpose	Target 1-Yr Strength	Equivalent Cement Content	SCM (% replacement by volume)
NP 1.11	Base CC Basalt - Low Target Strength	Strength curve by cement content	2,000	175 #/cy	40%
NP 1.12	Base CC Basalt - Mid Target Strength	Strength curve by cement content	2,800	200 #/cy	40%
NP 1.13	Base CC Basalt - High Target Strength	Strength curve by cement content	3,600	250 #/cy	40%
NP 1.21	WV commercial - Low Target Strength	2 pt strength curve with WV agg		match 1.11	match 1.11
NP 1.22	WV commercial - High Target Strength	2 pt strength curve with WV agg		match 1.13	match 1.13
NP 1.31	IM basalt - Mid Target Strength	1 pt comparison with base-mid		match 1.12	match 1.12
NP 1.32	IM basalt plus dredge spoils	1 pt comparison with base-mid, 1.31		match 1.12	match 1.12
NP 1.41	CC marginal - Mid Target Strength	2 pt comparison with base-mid, high		match 1.12	match 1.12
NP 1.42	CC marginal - High Target Strength	2 pt comparison with base-mid, high		match 1.13	match 1.13
NP 1.51	Base CC Basalt - alt SCM	1 pt comparison with base-mid		match 1.12	match 1.12

Mix ID	Mix Description	Purpose	Target 1-Yr Strength	Equivalent Cement Content	SCM (% replacement by volume)
Alternatives to NP 1.31-1.32, or NP 1.41-1.42					
NP 1.61	TBD; dredge spoils, Vebe or MC variability	TBD	TBD	TBD	TBD
NP 1.62	TBD	TBD	TBD	TBD	TBD

Notes: CC – Copper Canyon, WV – Willamette Valley, NP – Newport, IM – Iron Mountain, SCM – supplemental cementitious material, MC – moisture content, (pt) – point, TBD – to be determined.

3.1.3.4 Other Construction Materials Final Design Evaluations

- CVC materials will be evaluated in conjunction with the RCC aggregate and mix design evaluations.
- Filter/drain, riprap, riprap bedding, roadway base and surfacing materials are anticipated to be commercially supplied based on quality and gradation requirements established during design.
- Earthfill materials for structural fills around the dam, earthen embankment, roadway, and pipeline fills are expected to be obtained from dam site and roadway excavations. Specifications for earthfills and embankment will be established during design referring to geotechnical information gathered during prior phases and roadway geotechnical investigation.
- Structural backfill requirements will be established during design and while materials may be obtained on site, commercial supply is anticipated.
- Grout mix designs for consolidation and foundation grout curtain will be specified during design development.
- Grout laboratory mix designs for foundation surface treatments and grout enriched RCC will be prepared and include one neat cement grout and one sand-cementitious material mix design. These designs will lead to establishing mixed design requirements in the specification.

Deliverables

- Draft and Final Geotechnical Data Report for the dam site
- Draft and Final Geotechnical Data Report for the ancillary structures
- Draft and Final Construction Material TM

3.2 Conceptual Level of Reservoir Sediment Sampling and Testing

Sampling and testing of sediment that has accumulated in the Big Creek reservoirs will be completed to support engineering design of the removal of BC1 and BC2, and for restoration design in the Reservoir No. 1 pool area following removal of BC1. This scope of work will include the following activities:

3.2.1 Estimate Sediment Accumulation in Big Creek Reservoirs No. 1 and No. 2

Available original site topography information will be identified using as-built drawings and the survey datum. If necessary, the original topography will be adjusted to correspond to the survey datum used for the most recent bathymetric surveys of the existing reservoir pools. In addition to this topographic (original topography and most recent bathymetric survey) information, the logging and mining history (if any) within the catchment basin above the dams will be researched and summarized for consideration in development of the sampling and testing plan described below.

The topographic and bathymetric survey surfaces will be compared and estimates of total sediment accumulation locations and volumes will be made.

3.2.2 Sampling and Analysis Plan

Using the information obtained under subtask 3.2.1, a sampling and analysis plan (SAP) for each reservoir will be developed, consistent with the Sediment Evaluation Framework for the Pacific Northwest. The plan will include the locations and depths for obtaining sediment samples, the types of sampling equipment and procedures to be used for obtaining and properly handling the sample, and the types of physical and chemical testing to be performed on the samples obtained in each reservoir pool area. Sediment chemistry results will be compared to Oregon's sediment screening level criteria.

Access to the sampling locations will be made using a small barge system capable of safely accessing the locations and providing adequate working space for the sampling equipment and personnel. Depending on the sampling equipment required, a drilling subcontractor with suitable equipment will provide the barge and sampling equipment, maneuver the barge on station, and keep the barge on station during sediment sampling. No gas-powered boats or barges will be allowed.

Sampling will be through an opening near the center of the barge that will allow placement and use of a tripod or other suitable system for raising and lowering the sampling apparatus. In areas of limited sediment depth (less than 2 to 3 feet), the sampling apparatus would be limited to surface grab samplers, such as a Van Veen or Ponar sampler. For areas of deeper sediment, equipment capable of obtaining samples through the entire sediment profile will be required. Sampling and sample handling procedures will follow protocols for both chemical and physical property testing. A laboratory (or separate laboratories as may be required) will be selected in consultation with the City to perform the chemical analyses as well as physical properties such as density, gradation, and plasticity.

3.2.3 Reservoir No. 1 – Sampling and Lab Testing of Reservoir Sediment

Reservoir No. 1 sampling, sample handling, testing, and reporting of individual test results will be completed under this subtask to define engineering and chemical properties for restoration design. In general, up to 8 sampling locations will be selected with 3 to 5 samples tested from the sediment column at each location.

3.2.4 Reservoir No. 2 – Sampling and Lab Testing of Reservoir Sediment

Sampling, sample handling, testing, and reporting of individual test results will be completed under this subtask to define engineering and chemical properties for BC2 embankment and outlet works breach design. In general, up to 4 sampling locations near the intake to the spillway and outlet works intake structures as well as upstream of the dam breach construction location will be identified and sampling performed with 2 to 3 samples tested within the sediment column at each location.

3.2.5 Sediment Evaluation Technical Memorandum

The engineering and chemical properties of the sediment samples will be tested, assessed, and summarized for inclusion in the geological/geotechnical data report for the project. Requirements for handing these materials during construction will be developed for inclusion in the project specifications. The properties of the sediment needing to be removed will be evaluated and assessed for suitability to be used in the restoration work (e.g., bioengineered stream slopes, fill as required to establish new stream planform and profile, or soil lifts). The TM will document the data sources, methodology, and results of the sediment evaluation task.

Client Responsibilities

- Access to geotechnical exploration sites and reservoirs for drilling, testing, and sampling activities

Assumptions

- Any supplemental final design explorations (outside the winter 2022/2023 program) or testing that may be needed for the dam design only (not including the ancillary structures) are not included and will be authorized and completed as an addendum to this scope of work.
- Sediment and other samples will not contain any hazardous constituents. While chemical testing will be performed to confirm that no hazardous constituents exist in the reservoir sediments, the scope, budget, and schedule for final design assume that no special handling requirements will be identified by the testing program.
- If hazardous constituents are found, HDR will immediately report those results to the City and will meet to discuss the appropriate course of action necessary to continue with design work. Any special analyses or handling procedures that may be required will be identified and the scope of work, budget, and schedule for final design will be amended, if necessary.
- The exploration budgets for the ancillary structures investigations, and sediment sampling and assessment programs will require up to 4 weeks for completion of field activities with HDR on-site providing guidance/direction, handling samples, and logging the exploration borings. The budget also includes time required for investigation and health and safety plan preparation, subcontracting the boring, CPT and lab testing work, providing equipment for sediment sampling as well as coordination of activities while the field work is underway.
- An allowance of $40,000 for lab testing has been included in the fee sheet to cover both reservoirs.
- An allowance of $200,000 for sediment drilling in both reservoirs including the barge rental has been included in the fee sheet.
- The sediment sampling field program is assumed to be one week in duration for both reservoirs.

Deliverables

- Draft Sediment Evaluation TM
- Final Sediment Evaluation TM (to be appended to the Geologic/Geotechnical Data Report for use in BC2 breach design and BC1 restoration design.

3.3 Hydrologic Data Collection

HDR will continue and expand its hydrologic data collection in the upstream watershed to support continuous simulation modeling and refinement of required reservoir storage capacity. Collection of hydrologic data will continue at the existing treatment plant weather station, water temperature monitoring gages in the reservoirs, and stream stage/temperature/flow observations upstream of the upper reservoir and downstream of the lower reservoir.

To support calibration of continuous simulation hydrologic modeling (subtask 4.2), stream flow observations are required. Three existing pressure transducers to measure variation in water depth will continue operation: two locations upstream of the upper reservoir in Big and Blattner Creeks and one location downstream of the lower reservoir along Big Creek downstream of the confluence with Jeffries and Anderson Creeks. These continuous depth measurements will be supplemented with field gaging measurements of stream velocity and depth. A rating curve relating stream depth to stream flow will be developed to transform the continuous depth observations into flow measurements. In addition, a pressure transducer will be installed within the reservoir to record water level fluctuations and aid in characterizing the water balance components within the pool.

HDR Services

- Continue hydrologic data collection using existing weather station at WTP and streamflow and water temperature monitoring gages located throughout the watershed.
- Measure the depth and velocity at each of the stream observation locations (where the pressure transducers are installed) when hydrologic conditions range from low flow to high flow periods (when the hydrograph is on the rising and falling limb) to collect flow data for a wide range of flows. Subconsultants NHC and Civil West will provide support for this effort.
- Develop a data report to describe data collection equipment and approach, develop a rating curve, and summarize the data captured. The resulting report and data will be leveraged as part of the water supply hydrology analysis.

Assumptions

- Up to three additional pressure transducers, equipment to support data download and data measurements, and materials to maintain placement of and protect measurement devices will be purchased as needed.
- Up to 12 site visits (day trips) are budgeted to measure depth and velocity at each of the stream observation locations. Visits will occur every 8 weeks and as needed to collect rising and falling limb of high flow hydrographs to provide appropriate data download intervals avoiding gaps in the observed period.
- NHC, HDR, Civil West will do the first site visit together to set up the flow measurement operation. The following data collection site visits will be conducted by one person from HDR and one person from Civil West for high flow events.

- Up to 3 high flow events lasting up to about 48–60 hours will be measured by NHC, HDR, and Civil West staff using flow velocity and depth measurement equipment. Thereafter, typical flow velocity measurements will be conducted solely by HDR and Civil West staff.
- Hydrologic data collection will continue through 60% design to support development and update of continuous simulation hydrology.

Deliverables

- Draft Hydrologic Data Collection TM
- Final Hydrologic Data Collection TM to be appended to the water supply hydrology report.

3.4 Site Civil

To design the civil facilities of this project, some data is needed that has not been collected in previous Task Orders. With the removal of the lower dam (BC1) access to the WTP and the neighbors will have to remain. A bridge will be required near the existing intake pumps station for crossing the restored Big Creek. Some utilities in that area including gas line, abandoned asbestos-cement raw water pipe, current raw water pipe and piping system around the intake pump station, communication, sewer pipe from WTP, and underground power will need to be either relocated or incorporated in the new Big Creek crossing.

Further, utilities providing telecommunication and power to the upper reservoir residences and new dam location will have to be relocated and incorporated into the raw water pipeline design and construction as they will be part of the Big Creek road construction.

HDR Services

Civil facilities design will require the following additional subsurface data and information:

- Limited geotechnical information for road design, bridge crossing design, and borrow and disposal site grading will be documented in the data summary and incorporated into plan sheets, where applicable. This data will be obtained as part of subtask 3.1. Additional data may be required by the contractor.
- Existing utility data: HDR will collect data about utility owners, existing utility locations, utility types, capacities, and potentially encroachment permit requirements and relocation design criteria. These data will be documented in the data summary and the details incorporated into plan sheets, where applicable.
- Utility Potholing – Existing underground utilities for which precise locations are required will be potholed and surveyed. Location information will be added to topographic mapping and incorporated into plan sheets where applicable. An allowance of $60,000 is included in the fee estimate.

Deliverables

- Civil Data TM summarizing field work and results and addressing existing and proposed project utilities.

3.5 Additional Topographic Field Survey

Over the last 10 years, the topographic surveys for the project impact area have been completed in several work orders and Task Orders. A few remaining survey items requested by the City are still outstanding and will be covered. HDR's subconsultant S&F Land Services will provide the following tasks:

Services

- Quality assurance of the existing topographic survey – Quality check the previously completed surveys.
- Legal descriptions and right-of-way plat maps – Prepare legal descriptions and exhibits for the new access road to the upper reservoir. Locate monuments along property lines where access. Road crosses. Resolve the right-of-way of NE Harney St and NE 36th Street. Depict easements of record along new access road alignment. Research existing records in Lincoln County, OR.
- Supplemental field surveys – A contingency has been set aside for supplemental survey information that might be needed at specific locations where existing topography requires detailed supplementation.
- Benchmarks for existing dams – Set a minimum of three elevation benchmarks each (six total) on the existing upper and lower dam or a nearby solid structure to monitor the dam movement.

Assumptions

- Supplemental field survey contingency is budgeted for 7 field days.
- Monitoring of the benchmarks for movement is not included in this scope. Only setting benchmarks is included.

Deliverables

- Record of survey standards for Lincoln County, OR.
- Record of benchmark monuments.
- Topographic survey in CAD and PDF if applicable.

3.6 Constructability, Cost, Schedule, and Risk

Early constructability, cost, schedule, and risk assessment efforts will provide input to design criteria development, basis of design engineering analyses, and early design document development. The following tasks will be performed to support project development through and beyond the 30% design milestone.

3.6.1 Work Breakdown Structure

A final design level work breakdown structure (WBS) will be needed early in the 30% design process. Previous preliminary design studies have included a WBS to help clarify and address work contracts and packaging options, including work tasks to aid design planning, schedule development and understanding, and cost development and understanding. Building upon the preliminary WBS, a preliminary final design level WBS will be developed to support the design

and related activities. The WBS will be included within a WBS Project Startup TM and will contain a WBS and description of project setup considering temporary and permanent work activities, design options, design choices, permit support, construction schedule implications, construction cost implications, and interaction and touch points with design disciplines. Once developed and to aid project startup, the WBS will be utilized in cost, schedule, and technical design efforts. The TM will be periodically updated as needed.

3.6.2 Risk Register

As previously mentioned, a risk register coordinated with the decision log will be developed to support design activities and decision making. Early in 30% design development, a draft risk register will be developed for design team evaluation and contribution before finalizing to a working draft of the register. The risk register will be referenced during key design development, meetings, and workshops, and updated as needed to support remaining work. In addition to the working draft, the risk register will be updated at subsequent design milestones and include qualitative identification of risk items, risk significance, mitigation strategies, and assignment of responsibility and resources to support implemented risk management strategies. Also, included in the working risk register, information supporting the decision log will be developed and conveyed to the project manager and design team for inclusion in the decision log.

3.6.3 Reservoir Operations during Construction

The Big Creek reservoirs are the City's only drinking water source. Adequate water supply during construction needs to be maintained and planned during construction phases and startup operations of the new dam and outlet works/pipeline system. Under this task, HDR will work with City personnel to develop a draft interim water supply operation plan that will be incorporated into the project designs and further refined in later tasks. The plan will preliminarily identify:

- Design criteria related to reservoir operations and requirements for water delivery to the WTP.
- Coordination with design team and WTP staff about construction sequence and proposed systems and methods needed for each phase of construction to meet water supply objective.
- Requirements for passing local inflows, dewatering system discharges, and flood releases from the existing BC2 reservoir spillway.
- Other storm and surface water quality management requirements for each phase of construction and start up operations of the new dam.

Assumptions

- Participation of City WTP staff is required for the reservoir operations plan during construction.
- This information will be used to prepare specifications for the water management plan which will be performed in a later task.

Deliverables

- WBS Project Startup TM summarizing water supply, reservoir operations, and water quality management requirements during construction will be prepared for the project record and for reference during subsequent 30% and 60% design development activities and specification

preparation requirements. This TM will be updated, if necessary, during subsequent design phases.
- Develop and maintain risk register.
- Draft Interim Water Supply Operation Plan.

TASK 4 30% DESIGN

Objective

The overall objective of the 30% design task (noted herein as Phase 1) is to establish the configuration requirements for final project design. This includes such items as the storage requirements for the reservoir to set the overflow spillway crest elevation; spillway dimensions that lead to the flood routing freeboard and dam crest elevation; stilling basin or energy dissipation structure location and extents required to accommodate project discharges; curvature and cross-section properties of the dam, location and release requirements of the outlet works; and other items as described under this design task.

4.1 Phase 1 RCC Dam Structural Analyses

Finalizing the overall configuration of the RCC dam including the embedded spillway and outlet works components for final design will be completed as part of the Phase 1 structural analysis work. The overall objective of the Phase 1 analyses is to complete a series of representative but simplified models and analyses leading to a final design level plan and cross-section configuration of the dam including the overflow spillway and non-overflow portions of the dam between the spillway and abutments. The details of the configuration will be refined during 60% design (Task 6). Phase 1 work includes a sequence of analyses building in complexity as work proceeds as described under the subtasks below.

4.1.1 Initial 2D Modeling (Linear Elastic)

4.1.1.1 Modeling Inputs and Development

Assumptions will be needed to develop an initial 2-dimensional (2D) model of the dam and are critical to get as close as possible to the final configuration of the dam to reduce the number of study cases needed in the modeling effort. Given the high seismic forces on this dam and additional effort required to change dam geometry in the Finite Element (FE) models, EAGD Software program will be used for the initial modeling. Inputs needed include:

- Geometry-related parameters
    - Dam height
    - Crest width
    - Base length
    - Upstream slope and discontinuity point
    - Downstream slope and discontinuity point
- Reservoir water levels
- Concrete and rock mechanical properties

- Modulus of elasticity
- Mass density
- Damping ratio

- Design earthquakes

4.1.1.2 Modeling Analyses and Post-Processing

From the initial inputs, 2D (gravity) reference models of the spillway and non-overflow sections of the dam will be created using mean/median values of the design variables. The ground motion record among the three identified from seismic hazard analysis that results in significant structural response of the models (highest stresses) will be identified through a series of initial model simulations. This ground motion record will subsequently be referred to as the reference ground motion and used for subsequent 2D and 3D parametric simulations. Ground motion records for earthquakes with an estimated recurrence interval of 1,000 to 1,500 years will be the basis for simulations for the 2D analysis which does not account for the arch action but will be included in the 3D model.

A series of parametric simulations will then be performed based on reasonable combination of the variables identified previously. For each combination of parameters, 2D linear elastic seismic simulations will be performed for the overflow and non-overflow cross-sections using the 1,000-year or 1,500-year reference ground motion record.

The results of these simulations will be used to develop a summary table of design variables and their corresponding structural responses (e.g., displacement, maximum and minimum principal stresses, locations of maximum response). The Phase 1 design will be identified from this table by comparing the structural response with associated capacity. The capacity for stress results is the concrete tensile and compressive strength (including a dynamic amplification factor). The final shape of the cross-sections from this initial modeling will be referred to as “Phase 1_2D_LE.”

4.1.2 Initial 2D Stability Analysis

Based on the results of the initial 2D modeling and prior to initiating LS-DYNA modeling, HDR will perform a series of 2D sliding and overturning stability limit-equilibrium analyses to verify the section analyzed in the previous step as well as the maximum spillway (non-overflow section). These analyses will be based on a preliminary assessment of RCC and foundation material properties.

The analyses will be performed for static and hydrologic conditions with varying water surface elevations up to the maximum reservoir water surface expected during the Probable Maximum Flood (PMF). A spreadsheet calculation will be developed for the stability analysis so that input variables can be easily changed to evaluate numerous conditions. Input parameters will be varied for the anticipated low, high, and expected values which include foundation drain efficiency, foundation/dam contact strength parameters, lift line strength parameters based on the table of results completed in the previous step. The analysis will consider post-seismic stability with degraded strength properties. The dam cross-section will be modified as needed.

This analysis considers the dam as a 2D gravity section only and does not consider the 3D effects of the curved dam for high seismic loadings.

4.1.3 Initial 3D FE Model (Linear Elastic)

4.1.3.1 Initial Model Development and Verification

An initial 3D FE model will be developed based on the "Phase 1_2D_LE" model. Additional assumptions not previously developed will be included in the 3D model which include:

Structure Assumptions

- The structure will be a curved-gravity RCC Dam. The dam curvature will be 500 feet initially, but the goal of the initial 3D model is to refine the curvature radius.
- Dam-Foundation Contact – The dam/foundation contact will be horizontal, and the contact properties will be based on assumed material properties.
- Spillway Configuration – The reservoir storage volume, spillway crest elevation, inclusion of spillway gates or no gates, and spillway width will be estimated based on available information prior to starting the modeling effort.
- Foundation Excavation Objective – An approximate foundation excavation will be assumed based on the available information.
- Shear Key – with a curved gravity dam design, the shear key will not be needed.
- The transverse contraction joint spacing will initially be 60 to 80 feet.
- The dam will be designed to respond elastically for the 2,500-year probabilistic seismic event based on the updated seismic hazard (June 2022 Seismic Hazard by Shannon & Wilson) using a time history analysis.
- A drainage gallery is required, and the location will be based on standard practice in the initial modeling.
- A probabilistic seismic hazard analysis will be conducted to identify the dominant seismic hazard scenarios for each of the return periods. Using the dominant scenario, appropriate three-component ground motion records will be selected and scaled to reasonably match the target spectra at different return periods.
- The dam-foundation interface is modeled by contact elements capable of sliding and opening once the applied stress exceeds the threshold. The foundation boundaries will be modeled with viscous boundary condition to absorb the outgoing seismic waves. The far-end boundary of the reservoir domain is modeled by non-reflecting boundary condition. A damping ratio of 3% will be used which is consistent with the median of the experimental tests collected by Lokke and Chopra (2020).

Based on both the laboratory testing results and general experience in design of RCC gravity dams, material properties are needed for the structural analyses which will be developed in separate tasks are included below.

RCC and Conventional Concrete Material Assumptions

- Unit Weight
- Compressive Strength
- Tensile Strength
- Shear Strength (both parent material, and lift surface/monolith surfaces)
- Modulus of Elasticity and Poisson's Ratio
- Thermal expansion coefficient

- Heat transfer coefficient
- Thermal diffusivity
- Degraded Lift Joint Properties, if appropriate

Foundation Material Assumptions

- Unit Weight
- Compression and Shear Wave Velocities
- Compressive Strength
- Shear Strength
- Modulus of Elasticity and Poisson's ratio
- Shear Wave Velocity

Based on the "Phase 1_2D_LE" model and results of the stability analysis, a 3D LS-DYNA FE model will be developed and used to confirm the structural performance of the dam. LS-DYNA was chosen as the analysis program for final design because it is robust in modeling potential cracking and monolith interfaces which allow for non-linear response modeling including potential for sliding, development of tension cracking, or adhesion. It also has constitutive models for concrete that are nonlinear and present accumulated damage (which may be incorporated in a later step). The program is well-suited for seismic simulations because ground motions can be applied at depth and propagate upwards to the surface.

This model will be linear elastic which means that the nonlinear behavior of concrete damage, dam-foundation contact interface, or the vertical contraction joint interface will not be considered in the model. This model is referred to as the "Phase 1_3D_LE" and will be analyzed under the reference ground motion record. Thermal analysis is excluded from this step because 1) it will be too detailed and inefficient at this level, and 2) seismic loading for the new dam is intense and assumed to overwhelm the initial stress state in the dam due to the thermal loading.

The geometry of the 3D model will incorporate the curvature of the dam, 3D foundation and abutment excavation objective, spillway configuration, outlet works, and drainage gallery within the dam. The 3D model will include the gravity-arch dam, foundation, abutments, and reservoir extending for a length of approximately three times the dam height (or the length from dam to major bending point of the river, if less than three times the dam height) in upstream direction. In general, the reservoir will conform to the major topography of the canyon. Development of the excavation topography for dam-foundation interface is important as it helps to properly transfer loads between two bodies. A smoothly varying excavation surface, to the degree it can be achieved, prevents stress concentrations and initiation of cracking resulting from thermal loadings on the structure. Variability in foundation material will only be considered if there are large differences in subsurface strata.

To prepare the model for seismic response simulations, a series of Modal (or frequency) analyses are required to identify the mode shape of the dam, as well as several important vibration periods. The mode shapes are essential to validate the accuracy of the FE model and can be compared with those of similar dams. There are some approximate analytical equations to calculate the fundamental vibration of the 2D model. However, the 3D model should be mainly compared with the experimental results. Moreover, I fundamental period (T) of the dam

is an important parameter that will be used later to determine the first-mode spectral acceleration, $S_a(T_1)$, used in seismic hazard analysis, and interpretation of results.

In addition, other tests of the model will be performed including gravity loads, application of hydraulic loads, and that the dynamic water loads are being properly applied to the dam.

Ground Motion Deconvolution and Model Setup

Seismic events originate through tectonic slips and elastic (p- and s-) waves traveling through rock/soil foundation up to the surface. Hence, the seismographs record only the manifestation of the event (as they are installed on the ground surface). However, modeling the foundation (and dam-foundation dynamic interaction) is required for proper analysis of the dam structure, and as such the seismic excitation will have to be applied at the base of the foundation.

If the free-surface ground motion acceleration, A(t), is applied at the base of the foundation model, the computed signal at the surface, A'(t), will be different from original acceleration, A(t) – unless a rigid foundation model is assumed. Therefore, the ground motion acceleration recorded on the surface will be deconvoluted into a new one, I(t), such that the new signal applied at the base of the foundation in the model matches the one recorded by the accelerogram.

Curvature Optimization

Establishing the curvature is the main objective from the initial 3D linear elastic model. The dam cross-section will subsequently be refined using the results of 2D FE models. The curved configuration of the dam with the refined cross-section shape will be verified using an updated 3D model of the dam, spillway, and foundation/abutment system.

4.1.3.2 Initial Model Analyses and Post-Processing for MCE

Representative ground motions (time histories) that have been spectrally matched and scaled to represent the Maximum Credible Earthquake (MCE) recurrence interval (estimated to be the 2,500-year event) have been developed under the seismic hazard evaluation for use in structural analyses (June 2022 Seismic Hazard by Shannon & Wilson). The ground motions include two horizontal and one vertical component.

Early analyses performed with the 3D model will evaluate the representative ground motions developed as part of the probabilistic seismic hazard analysis. The differences in estimated dam response for the different ground motion records will be evaluated. Based on this evaluation, two of the five ground motions will be identified that provide an "average" and "upper bound" response for the 2,500-year earthquake records. Subsequently, other seismic return period analyses (5,000- and 10,000-year and possibly more remote return periods) will be performed using only those two earthquake records. Similarly, the "average" response ground motion for the 2,500-year event will be tested by reversing the ground motion polarity and the x and y component loadings. With the initial 3D model, 11 study cases will be evaluated.

Time-histories of side forces acting on a representative "slice" of the 3D model will be extracted from the "Phase 1_3D_LE" simulation for the non-overflow and overflow sections for use in 2D

model simulations for optimizing the dam cross-section. A Matlab or Python code will be used to interpolate and extrapolate the sides forces.

4.1.3.3 Initial Model Analyses and Post-Processing for Quality Assurance

As part of quality assurance, the design will be evaluated to consider failure risk for additional earthquake recurrence intervals (anticipated to be the 5,000-, 10,000-, and possibly more remote seismic events). The additional seismic return period analyses will be performed using the two earthquake records used for the 2,500-year return period.

The time-history of side forces will be extracted from the “Phase 1_3D_LE” simulation for the non-overflow and overflow sections. A Matlab or Python code is required to interpolate and extrapolate the sides forces for any other extended shape.

Assumptions

- The Oregon State Dam Safety requires a deterministic design for dams and does not require quality assurance using risk. For seismic loadings, the dam must be designed for the MCE (estimated to be the 2,500-year seismic event in the 2022 Seismic Hazard Report by Shannon and Wilson). Federal and other industry standard requirements consider failure risk for seismic loadings that would consider the condition of the dam for 10,000-year and often more remote events depending on the downstream population at risk. The current scope of work and design intent is to meet the Oregon State Dam Safety requirements as described in OAR 690-020, not the federal requirements. However, HDR will perform structural analyses for seismic events greater than the 2,500-year event as a quality assurance check which in turn can be used in discussions to inform the City and State throughout the design process.
- If at some point during the design, it is determined that federal dam safety guidelines must be met, the level of effort is greater to analyze and design for the additional seismic and hydrologic loading conditions than the state requirements and a modification to the scope, schedule, and fee would be needed. Prior to 30% design completion, federal dam safety guidelines will be reviewed and assessed and documented to minimize rework and unplanned scope changes by analyzing the requirements, likely funding sources, and determining which approach is required to finish design.
- For initial 2D analysis, several modeling assumptions are needed that will be verified and validated as the design progresses. A list is provided above, but key assumptions include the geometry-related parameters of the dam, as well as concrete and rock foundation material properties.
- The initial 2D FE analysis will consider a seismic event with a 1,000- to 1,500-year return period event to simulate linear elastic response and anticipate what the curved configuration will contribute to linear response for the MCE (estimated to be 2,500-year event).
- The initial 3D analysis is for a curved-gravity RCC dam. Several modeling assumptions are needed that will be verified and validated as the design progresses. A list is provided above, but key assumptions for the 3D model is the dam to foundation contact and geometry, the spillway and outlet works configuration, as well as the concrete and rock foundation material properties.
- If the federal government will be involved in the design and federal coordination and reviews are required, the scope and fee will need to be adjusted to that level of effort. Currently, the scope and fee assume no involvement of the federal government in the design.

Deliverables

- Phase 1 Structural Analysis TM (to be included in the design summary report as an appendix)

4.2 Hydrologic Update

Chapter 690, Division 20 of the Oregon Administrative Rules covers the requirements for dam safety and design of the new RCC dam for the City. Should federal funding for the project be obtained, in addition to state rules, the dam may be required to meet federal requirements for dam safety including a risk analysis. As noted previously, this will be assessed early in design and requirements for design of the new dam analyzed to minimize rework later in design.

Hydrology design criteria and the ability of a dam structure to safety pass a large flood event is a major requirement of both the state of Oregon rules and federal dam safety guidelines. Chapter 690-020-0037 of the Oregon rules covers the Hydrology and Inflow Design Flood requirements for a High Hazard Dam. For the new RCC dam, section (3)(a) of Chapter 0037 specifies the Inflow Design Flood and corresponding spillway design to be the PMF unless a quantitative analysis of risk to people demonstrates that a smaller flood can be used as the Inflow Design Flood. Federal guidelines are consistent with the Oregon rules in requiring the PMF as the design basis for the dam unless a risk analysis confirms that a lesser flood can be considered.

This task focuses on the update of three previously developed hydrologic studies regarding flood events (HDR's Hydrologic Routing Analysis Report [2023]) and long-term water demand and instream hydrology (HDR's Hydrologic Routing Analysis Report [2019]). These updates are intended to support final design of the dam including construction water supply and flood flow management requirements, outlet works, and spillway including freeboard requirements leading to a final crest elevation for the dam. In addition to hydrologic updates, a task is included to review future climate projections and develop related hydrologic inputs.

Hydrologic evaluations will be completed using a base scenario (i.e., current conditions) and up to two climate change scenarios.

4.2.1 Spillway Design Flood Hydrology

A recently completed flood flow hydrologic analysis (HDR 2022) provided baseline flood flows to support the spillway design, inform the construction diversion design, provide for uninterrupted water supply during construction, and develop hydrologic input data for downstream floodplain impact evaluations. This flood flow hydrologic analysis will be updated with new hydrologic data as needed from the ongoing data collection program. Revisions to the spillway design flood flow hydrology are expected to be minimal.

The recently completed flood flow hydrologic analysis did not consider long-term climate change impacts on flood flows. Hydrologic conditions predicted from the climate change scenarios evaluated in subtask 4.2.3 will be considered in the hydrologic update. The development of design flood flows for spillway sizing will compare the previously determined annual exceedance probability events and probable maximum precipitation events for the base condition against these same parameters for the predicted condition arising from the climate change scenario.

The spillway configuration from the Preliminary Design Report was based on instantaneous routing of the peak inflow from the hydrologic analysis for the PMF event through the spillway structure without consideration of attenuation provided by the reservoir volume. The preliminary design configuration of the spillway will be assumed to be the starting point for final design. The updated PMF will be routed to make final adjustments and establish the spillway crest structure length/shape, chute, stilling basin, and routing freeboard requirements for the dam chimney section. Alternative spillway widths and corresponding freeboard will be considered to identify the preferred combination of spillway dimensions necessary to satisfy predicted future flood flows estimated from the re-evaluation of PMF exceedance probability events, and potential climate change considerations.

4.2.2 Long-Term Water Demand and Low Flows

The recently completed flood flow hydrologic study (HDR 2022) did not advance the understanding of low flow hydrology as it pertains to environmental habitat maintenance or water supply storage requirements for the new dam. A previously completed water supply study (HDR 2019) utilized a recent water demand study (HDR 2018) with projected future demand, along with a preliminary low flow hydrologic assessment using gage data to estimate reservoir storage requirements and operations to meet the City's necessary water demand projections.

This task will refine previously completed analyses by developing a continuous simulation hydrologic model to improve estimations of Big Creek inflows and refining the current and future water supply demands. These will be used to assess the reservoir storage incorporating future climate predictions, evaluate the Siletz River pump station, and review the reservoir water quality regarding temperature and dissolved oxygen for outlet tower design. Updates will be coordinated with City of Newport future Water Master Plan project team.

4.2.2.1 Continuous Simulation Model Development

A continuous simulation hydrologic model of the Big Creek watershed will be developed to produce a long (multi-decade) time series of daily inflows to the proposed Big Creek Reservoir for use in the analysis of water supply reliability, refining estimates of reservoir storage requirements, estimating low flows and instream flow requirements, supporting water rights evaluations, and supporting various permitting efforts, as required. Hydrologic modeling will be conducted at a daily time step using the USACE HEC-HMS software package with precipitation inputs representative of historic conditions from the National Oceanic and Atmospheric Administration (NOAA) Newport gauge transposed to the Big Creek watershed. The historical data used to develop the model will be aggregated, filtered for apparently anomalous data points, and missing data may be filled if appropriate to complete the historical record.

Initial hydrologic model calibration will be to streamflow data from a nearby stream gage with the resulting model parameters applied to the Big Creek watershed. Model calibration will be refined using data specific to Big Creek once a sufficiently long record (several years) of observed Big Creek flows has been collected (Task 3) and completed as part of Task 6 (60% Design). Using parameters established as part of calibration, a "base scenario" model will be developed assuming current hydrologic conditions.

The impact of climate change will be investigated by modifying the HEC-HMS model with precipitation input time series to reflect the projected impacts of climate change on the

precipitation and temperature regimes (subtask 4.2.3). In addition to updating the hydrologic and water supply simulations described above for the base (present) historical record, the process will then be repeated to estimate supply reliability and storage requirements for up to two additional alternative future climate change scenarios as described above (a 'drier' scenario, and a 'wetter' scenario).

4.2.2.2 Refine Water Supply Demand Projection

HDR's 2019 future water demand study used City-provided raw water volume data from 2007 through 2018 to characterize water demand for a projected 50-year period into the future. HDR will review the 2019 study for application to this analysis and to consider including more recent data in the intervening period up to 2022. Contingency fee has been included should there be a need to update the future water demand projections.

4.2.2.3 Reservoir Storage Evaluation

Similar to the 2019 analysis (HDR 2019), a mass balance model of water supply and reservoir storage requirements will be developed. This model will use the synthetic record of daily reservoir inflows simulated using HEC-HMS and water demand (including environmental flows) as input to determine the reservoir storage required to meet specified levels of supply reliability. For determining supply reliability, a failure will be defined as a failure to meet demand. The model will incorporate constraints that may be imposed as a result of water rights or permitting considerations.

The previous study did not include a detailed assessment of the storage volume lost since original construction of the existing BC2 to sediment accumulation. As part of this evaluation, the reservoir sediment infill rate and extents will be determined with greater accuracy from updated survey data, and continued infill rates will be incorporated into the selection of the appropriate water storage volume to be provided with the new dam.

Reservoir storage evaluations will be completed with a base scenario and up to two potential future climate change scenarios as described in subtask 4.2.2.1 (e.g., 'drier' scenario and 'wetter' scenario).

4.2.2.4 Siletz River Pump Station Seasonal Capacity Analysis

The previous water demand analysis (HDR 2019) included Siletz River pumping only when the reservoir elevation would drop below elevation 70 feet, which was commensurate with the pattern of operations of the City's pumping plant to date. This often results in pumping while the Siletz River is at its lowest flow, which was acknowledged to be potentially environmentally disadvantageous to Siletz River water quality and fish habitat. Following the previous study and as a result of recommendations made as part of that study, the City changed its operations with the goal to provide as much water as practicable to the Siletz River for fish during the low flow season. This would be accomplished by starting pumping operations earlier in the season and holding higher reservoir levels that would allow for stopping of pumping operations when Siletz River flows drop to an undesirable level. In other words, these revised operation procedures would curtail or terminate the pump station operation when river flows fall to low levels, allowing the City to utilize the stored water between maximum reservoir level and elevation 70 feet during the dry season. This change was not evaluated as part of the previous water demand

study in 2019. As part of this task, Siletz River pumping operations will be re-evaluated with regards to reservoir storage with the new dam storage volume available. Siletz River flows, future climate projections, and future water demands will be included in this assessment.

This analysis of the Siletz River pumping operation will be completed with a base scenario and up to two climate change scenario pumping schemes.

4.2.2.5 Low Flow and Instream Flow Requirements

Low flow parameters will be determined based on available water in the watershed, reservoir storage capacity, and WTP demand, as well as measured and calibrated instream flows judged to be supportive of habitat needs. Typically, these flows are assumed equal to the 95 percent duration flows of the watershed as established by the Oregon Department of Fish and Wildlife (ODFW). This evaluation will be completed as part of the continuous simulation hydrologic modeling described in subtask 4.2.2.1 and will consider the current and future water demand, Siletz River pumping operation scenarios, future hydrology under base climate and two potential climate change scenarios, and instream flow requirements.

4.2.2.6 Reservoir Water Quality Evaluation and Refinement

Reservoir water temperature and dissolved oxygen were identified as important water quality parameters for the proposed dam and reservoir. Dissolved oxygen measurements were collected during 2009 and 2019 and hourly temperature data at eight elevations in the reservoir pool since 2018. These water quality data and the predicted reservoir storage pool elevations and characteristics resulting from potential operations as represented in the continuous simulation hydrologic modeling will be evaluated to support design of the multi-port water intake structure. This analysis will identify the number and elevations for ports in the intake structure that will allow water mixing to produce desirable reservoir outflow quantity and quality. These parameters will be considered in the water balance evaluation described in subtask 4.2.2.3 for the base climate condition and two climate change scenarios.

4.2.3 Climate Change Impacts

HDR will identify relevant published climate projections, isolate variables that directly affect the reservoir and Siletz basin hydrology, and extract or modify them for use in water supply planning and flood hydrology. The precipitation volume and pattern projections based on global and regional modeling (Global Climate Model and Regional Climate Models, respectively) conducted by others, including the University of Washington's Department of Atmospheric Sciences and Climate Impacts Group (CIG) will be used to support this study. We assume that the data set obtained from CIG through the year 2099 will be adequate to support both flood hydrology and dry season water supply considerations in this study.

The climatic projections obtained by WRF will be statistically downscaled and bias-corrected to the climate station used to calibrate HEC-HMS using the quantile mapping method. The method adjusts rainfall rates so that the simulations for the historical period (i.e., past years) will have the same probability distribution as the observations at the station of interest.

Two contrasting scenarios of projected daily rainfall will be developed for Big Creek, for each future horizon of interest:

1. Wetter scenario, representing projections at the wetter end of the spectrum in the wet (fall/winter) season.
2. Drier scenario, representing projections close to the drier end of the spectrum in the dry (summer) season.

Each of these two scenarios will be used to drive the calibrated HEC-HMS in a continuous simulation that will produce daily streamflow scenarios for the future horizons of interest for flood flows and daily low flows. Two alternative future horizons will be considered, 2040-2069 and 2070-2099, recognizing that the mid-century period could be wetter or drier than the end-of-century period due, for example, to natural climatic variability in the continuous simulation hydrologic model. The capacity of the new dam's hydraulic structures (e.g., spillway and outlet works) and reservoir storage volume will consider the variation in runoff attributed to climatic variations for both flood flows and water supply storage.

4.2.4 Construction Flows

A recently completed flood flow hydrologic analysis (HDR 2022) also evaluated monthly streamflow data. Once a preliminary construction sequence and schedule for the outlet works and dam is established, these analyses will be updated to estimate the frequency of flood flows within the construction season to inform design of construction flow diversion facilities.

Assumptions

- Recently completed flood flow hydrologic study will be updated with climate change impacts and other needed changes.
- Failure criteria of the reservoir to meet water supply demands will be estimated through coordination with the City. Examples include: insufficient storage capacity during a specified historic drought or inability to meet instream water quality criteria.
- Two climate change scenarios will be identified and evaluated, one representing a 'drier' climate scenario, and one representing a 'wetter' climate scenario.
- Water demand study recently completed by HDR will be used for predicted future demand and is assumed valid.
- Low flow (non-flood flows) and instream flow values will be determined based on input from resource agencies in consideration of low flow hydrology developed as part of this study. Both water demand and instream habitat flows must be given equal consideration.
- Climate change impacts will consider low and high flow watershed hydrology and provide predictive range of stream flow discharge and timing.
- HDR's hydrological loads selected for design are based on the information available at the time the analysis was conducted and standard of care. HDR makes no warranties or guarantees on future predictions of hydrological conditions that may affect the design, safety, or performance of the dam.

Deliverables

Four TMs will be developed:

- Updated Flood Flow Hydrologic Study TM: include updated hydrologic results, proposed spillway crest length and elevation, and proposed Spillway Design Flood.

- Continuous Simulation Model TM: include water supply study result and flow and instream flow requirements.
- Updated Construction Flows TM: include proposed flows for anticipated construction season(s).
- Climate Change Impacts TM: include documentation of climate change projections relevant to the drainage basin, and hydrologic inputs appropriate for long-term simulations and flood flows.

These components will inform Configuration Resolution (subtask 4.3).

4.3 Configuration Resolution

Previous preliminary design studies of the site have been completed to help establish the project configuration that will be developed during final design. That previous work has led to the selection of an RCC dam type with a curved gravity plan and cross-section configuration, and corresponding overflow spillway and outlet works for dam safety and normal water supply operations.

Under this task, remaining configuration issues will be resolved to proceed into the Basis of Design engineering analyses (4.12), and the subsequent 60% design development (i.e., drawings, specifications [Task 6]). Configuration resolution includes the following items:

- Storage volume of the reservoir and corresponding crest elevation of the spillway control structure
- Dam curvature (radius) and cross-section properties
- Spillway dimensions and flood routing freeboard (required chimney section dimensions including provisions for future increasing storage with flashboards along Ogee crest structure).
- Outlet works location, configuration, and release requirements (dam safety, minimum streamflow, water supply releases, and water quality management)
- Water supply pipeline and pre-treatment requirements
- Construction and permanent operational access roads and bridges for spillway and stream crossings
- Reservoir and municipal water supply operations during construction

4.3.1 Reservoir Storage Volume

The spillway crest elevation, as well as flood routing spillway dimensions and freeboard requirements for the non-overflow sections of the dam, require that the target storage volume in the reservoir be established. Under this task, factors influencing the decision on storage volume will be identified and an early decision made to allow the dam, spillway, and outlet works design to proceed. These decisions will be informed by both the flood hydrology and continuous simulation model results developed in subtask 4.2.

For the structural analyses of the dam, a conservative maximum storage volume will be selected that comports with the results of the water supply study discussed in subtask 4.2. A storage volume on the upper end of what is expected to emerge from water rights and environment compliance activities likely will be selected.

Minor adjustments to storage volume, if needed in the future, could readily be accommodated with additional flashboards installed on the spillway crest to increase the available volume, or alternately by regulating the reservoir level to a maximum allowable level below the spillway crest to decrease the available volume.

4.3.2 Dam Curvature and Cross-Section

The results of early structural analyses (subtask 4.1) will be used to establish the radius of the dam curvature and corresponding cross-sectional properties of the overflow and non-overflow (spillway) sections of the dam. Other considerations include foundation excavation, treatment, and right abutment shaping/thrust block elements of the design. These configuration resolution activities are critical for establishing the final 3D structural analysis model and performing the final structural analyses under 4.12.

4.3.3 Spillway Configuration including Flood Routing Freeboard

The spillway crest configuration identified in this task will be conservative from the standpoint of structural modeling of the dam/spillway/outlet configuration and will undergo additional refinement during later basis of design analyses and design drawing development (4.12 and Task 6).

The conceptual spillway design completed previously assumed a simple uncontrolled Ogee crest about 60 feet in length, with crest elevation of 112 feet. A recent update to the hydrologic analysis (TO13) suggests that the spillway crest length may be shortened to as little as 30 feet while providing adequate flood flow capacity. The configuration resolution phase will establish the preferred spillway configuration and determine whether to use a smooth or stepped configuration to integrate with the proposed RCC construction technique. Spillway design configuration and downstream energy dissipator-type selection and capacity will be finalized during 4.12 work using a Computational Fluid Dynamic (CFD) numerical model, which will validate the design parameters and verify spillway flow data. The model would be used to:

- Refine the spillway crest design and crest length
- Determine dam crest freeboard
- Determine spillway chute width, surface type, and training wall design
- Determine downstream energy dissipator design
- Demonstrate hydraulic capacity and characterization of hydraulics for the spillway and outlet works to City and agency staff involved in permitting and other regulatory activities
- Determine an operational discharge rating curve for the spillway and reservoir outlet works, as appropriate

Additional considerations for the spillway include:

- Evaluation of potential need for a bridge across the spillway
- Maximum normal and maximum allowable pool elevation
- Provide required freeboard for wave runup
- Potential accommodation of minor additional storage volume by means of flashboards on crest
- Type and size/capacity of energy dissipation structure

4.3.4 Outlet Works Location, Configuration, and Release Requirements

The additional site characterization information as well as access, operational, and maintenance requirements for the project will be considered to select the preferred location (lower left or right abutments) of the reservoir outlet works and flow control system selection. Hydrologic evaluation completed as part of subtask 4.2 will be used to determine outlet works release capacity and regulation to meet instream flow and evacuation release requirements. Additional considerations for the outlet works include: water temperature, water quality, requirements for multi-level reservoir withdrawals, constructability of the RCC dam, and dimensions and configuration of the outlet works intake structure for inclusion in the structural analyses performed in subtask 5.1. HDR will determine hydraulic head requirements, determine a preferred wet well or multi-level port system for selective withdrawal, size and configure valves for control and/or in-line energy dissipation requirements, establish bifurcation and flow distribution features to instream flow uses and to treatment plant, and determine pipeline connection requirements for the connection to the future raw water pipeline delivering flow to the WTP downstream.

The configuration identified will be conservative from the standpoint of structural modeling of the dam/spillway/outlet configuration and will undergo additional refinement during later basis of design analyses and design drawing development (4.12 and Task 6).

4.3.5 Water Supply Pipeline and Pre-Treatment Requirements

The current chemical injection for pre-treatment of the raw water has inadequate contact time for the chemicals to react completely. It is desirable to have an injection station further upstream to allow sufficient contact time for the chemicals prior to entering the WTP process. Possible locations for a pre-treatment facility and possible solutions for alternatives other than a pretreatment facility will be evaluated. Once a location of the chemical injection facility or an alternative is identified, requirements and general configuration of such solution will be summarized in a TM and provisions for future installation incorporated into the design. There will be no additional design work completed for the chemical injection facility in this scope of work other than potential locations for the facility.

4.3.6 Construction and Operational Access Roads and Bridges

Any unresolved issues related to construction and operational access roads and bridges will be configured for final design. This includes permanent access to the outlet works for reservoir operation, spillway bridge, and any bridge or stream crossing requirements associated with the restoration of BC1. A bridge across the spillway, a creek crossing at the approximate location of the current crossing, and a bridge across the creek in the vicinity of the lower dam is assumed for WTP access.

4.3.7 Reservoir and Municipal Water Supply Operations during Construction

Preliminary criteria for spillway operations and water supply requirements during construction developed under subtask 3.6.3 will be reviewed and project configuration requirements necessary to address water supply operations during construction will be resolved. Potential impacts to the configuration choices will be identified and addressed in the configuration resolution. Requirements will be noted for inclusion in design TMs, Risk Register, specification considerations, and construction cost and schedule development.

Deliverables

- Configuration Resolution TM: Draft and final versions of this TM will be prepared summarizing the alternatives considered and the basis for selecting the configuration that will be taken into the final design. The TM will be included in the Project Design Summary Report.

4.4 30% BC1 Dam Removal and BC2 Dam Breach Design

The BC1 dam removal will be designed to a level of performance specification and drawings. The contractor will determine the final means and methods to remove BC1. HDR will provide technical information and analyses (e.g., slope stability evaluations, removal extents), drawings and performance specifications needed for developing the BC1 dam removal 30% design. The 30% BC1 dam removal design will include integration or coordination with the stream restoration task, and integration or coordination of placing the new raw water pipeline, City proposed changes around water treatment plant, potential injection station, and dam outlet works into operation. Drawings (plan view, grading, typical sections, and basic details for the restored areas) and performance specification requirements for removing the dam will be identified. An initial discussion of the design and constructability risks, and sequence of removal of BC1 dam will also be developed.

The breaching of BC2 and providing full access to the storage pool behind the existing dam is an important consideration related to providing water supply during construction, the actual construction of the new RCC dam, and putting the new dam and reservoir into operation. Once the breaching requirements are identified, a list of technical analyses and 30% design drawings and specifications will be completed. A discussion of the sequencing requirements as well as design and construction risks will be developed.

HDR Services

- HDR will perform the slope stability evaluations and removal limits for the BC1 dam removal and develop the 30% performance drawings and specifications.
- Appropriate design criteria requirements will be added to the Design Criteria report (subtask 4.6).
- BC2 breaching 30% design drawings and specifications will be developed.

Assumptions

- HDR will take the BC1 dam removal to an approximately 30% design level and the contractor will develop the final documents.
- Dam removal and breaching design development will be based on existing as-built plans for the existing dams.
- Materials generated during dam removal and breaching may be incorporated into stream restoration design or alternative site or off-site disposal pending development of the 30% materials balance plan developed in subtask 4.9.

Deliverables

- 30% BC1 Dam Removal and BC2 Dam Breach Design Summary TM.
- Identified design and construction risks will be added to project risk register.

- 30% performance drawings and specifications for BC1 dam removal.
- 30% level design drawings and specifications for BC2 dam breach.
- Input to 4.12 scopes of work (Hydraulic Structures and Site Civil) required for breaching of BC2.

4.5 30% Big Creek Stream Restoration

The lower BC1 dam will be removed after the new dam has been constructed. The creek from the toe of the new dam to the confluence of Big Creek with Jeffries Creek and Anderson Creek will be restored to provide habitat for native migratory fish. HDR will provide a level of performance specification and drawings. The contractor will determine the final means and methods for the Big Creek stream restoration. HDR will develop 30% design drawings and performance specifications. To build the new dam, trees will have to be removed. Some of these trees may be able to be used for the creek restoration portion of this project. Initial coordination for incorporation of site-specific materials (e.g., woody material, soils accumulated behind BC#1) into the restoration component of the project as well as fish requirements for the newly restored creek and flows will be conducted. Coordination with the City about stream restoration elements will also be conducted.

HDR Services

- Coordination with the City about restoration elements
- Coordination with the design team to incorporate fish requirements, instream flow requirements, utility relocation concepts
- Obtain input from ODFW and National Marine Fisheries Service (NMFS) related to fisheries/channel design criteria.
- Develop 30% level design drawings and performance specifications
- Prepare TM summarizing the approach for the restoration
- Assess applicable permit requirements, if any, and develop a list of permits.

Assumptions

- The performance specifications will require the contractor to provide plan view, typical cross sections, stream profile, and basic large wood details for the restored area below the new dam and will include criteria on other design features.
- Stream restoration design will extend from the tailrace of the new dam to the upstream extent of Big Creek Park at the confluence with Jeffries Creek and Anderson Creek and will not encroach on the Federal Emergency Management Agency (FEMA) mapped floodway.
- Specifications provide stream restoration elements that include engineered stream banks using soil lifts or bio-engineered banks, large wood structures including rootwad logs, large woody debris structures, and native plantings on the stream banks and floodplain. Consideration will be given to utilization of surplus project excavated materials.

Deliverables

- 30% restoration design drawings and performance specifications
- Creek Restoration TM summarizing conceptual approach

4.6 Design Criteria

The initial Design Criteria Report for the new RCC dam published in May 2018 will be updated and used to guide final design activities for each project element. The updated Design Criteria Report will generally include the following:

- General Design Approach including:
    - Reservoir storage and operating criteria
    - Water supply during construction
    - Reservoir Operations including Water Quality Management
- Regulatory Design Requirements and Industry Standards:
    - State of Oregon Dam Safety
- Earthquake Design Criteria
- Hydrologic/Hydraulic Design Criteria and Selection of Preferred Outlet Works Configuration
- Construction Materials
- Geotechnical Design
- Structural Design:
    - RCC Dam Design
        - Spillway Design
        - Spillway Energy Dissipator Design
        - Outlet Works Design
- Hydromechanical and Electrical Design
- Pipeline and Pre-treatment Design
- Roadways and Bridges (including drainage design)
- Utilities
- Site Restoration including Stream Restoration and Dam Removal
- Sediment Management Design
- Construction Site Management
- Other project elements not listed above

The Design Criteria Report will be a living document and periodically updated as the design work progresses to address additions or changes identified by the design team. The report will be appended to the final Design Summary Report.

4.6.1 Provisions Associated with Federal Funding

The Design Criteria Report will be based on the State of Oregon Dam Safety rules and regulations with mention of industry standards and guidelines of federal agencies such as the U.S. Bureau of Reclamation (Reclamation), USACE, Natural Resources Conservation Service, and Federal Energy Regulatory Commission. If federal funding will be passed through to the City without design oversight from a federal agency, the scope is sufficient. If the federal agency handling the funding requires design oversight and a corresponding requirement to meet federal

dam safety requirements including a full risk assessment become a project basis of design, the scope, fee, and design criteria document may need to be modified to include the following:

- Risk-informed design criteria for earthquake loadings that exceed the requirements of the Oregon Dam Safety rules and regulations
- Methodology of estimating dam failure consequences (required for risk analysis)
- Risk assessment methodology and requirements to meet the tolerable risk guidelines

Deliverables

- Design Criteria Report updates (appended to Design Summary Report)

4.7 Other Design and Construction Administration Deliverables

The administrative framework for the final design package of documents will be initiated and includes the drawing framework and set up for the project (CAD management plan). HDR will compile the following and provide progress deliverables:

Deliverables

- Constructability, cost estimating including WBS, schedule, risk management (risk register) systems, and decision log,
- Design Summary Report outline
- List of drawings
- List of specifications
- Key specification considerations
- Key Division 01 specifications (Initial draft)
    - Measurement and payment
    - Site controls
    - Submittals
    - Framework for quality assurance and quality control (QA/QC)

4.8 30% Electrical and I&C Design

Electrical and communication system design is necessary for support and operation of the valve house, dam, and access gates. The design of electrical systems for the project is anticipated to include underground and embedded duct banks, wiring, transformers, circuit breakers, panelboards, switchgear, interior and exterior lighting, receptacles, and ancillary systems required for construction and long-term reservoir operations.

I&C system design includes control networks for a Supervisory Control and Data Acquisition (SCADA) system. The control system will be integrated with the WTP, dam, and valve house, and incorporate monitoring and control of dam process systems.

The following data gathering and evaluation subtasks will be completed.

4.8.1 Coordination with Local Utility

HDR will coordinate the design of a new power feeder from the WTP area to the new dam location with Central Lincoln Public Utilities District. Feeder will be designed underground and in accordance with 2023 National Electric Safety Code. This design will be developed to "requirements only" level and passed to the utility for completion. Refer to subtask 4.8.2.

Additional coordination will be required to evaluate the potential use of micro-hydropower generation at the dam for connection to the power grid. This effort is captured in subtask 4.8.3 below.

4.8.2 Load Study and Modeling

Based on expected loads at the dam and valve house during both construction and normal operations, HDR will prepare an electrical model and conduct a load study to determine appropriate capacity, phase arrangement, and voltage requirements for the project. This information will be shared with the utility to plan the feeder and coordinate the exact interconnection point.

4.8.3 Micro-hydroelectric Feasibility Analysis

Although the dam will not be designed to support hydropower generation on a large scale, exploring the possibility of micro-hydropower will responsibly support national green energy initiatives. Micro-hydropower systems are generally inexpensive, modular, and designed for simplified operation, low maintenance, and easy replacement.

HDR will coordinate with the utility to ascertain feasibility of interconnection with the grid along with export/no-export options. Depending on the established policies and guidance, HDR will evaluate two potential U.S. manufacturers of micro-hydropower systems and recommend a course of action based on the evaluations.

If micro-hydropower is feasible and advised, HDR will recommend a budget to incorporate this feature into the design. Currently, the fee for this scope of work does not include the micro-hydropower design.

4.8.4 Medium Voltage Feeder Design

The underground feeder and communications to the valve house and dam will require close coordination with the new raw water pipe replacement in NE Big Creek Road. The feeder length is approximately three-quarters of a mile along a narrow, winding road that skirts the edge of the existing BC1 reservoir with two culvert crossings, one at approximately 0.2 miles from the WTP and one crossing at approximately 0.7 miles from the WTP.

Handholes, manholes, pullboxes, sectionalizer switches, and transformers will be designed along the route at appropriate intervals, and where services are required.

After 30% design, the medium voltage electrical design will be completed by the contractor with HDR providing performance specifications based on the City's requirements.

4.8.5 30% Electrical Design

Thirty-percent design will develop the scope for the electrical system by locating equipment and devices on plan drawings and preparing an electrical single-line diagram for each service. Anticipated sizes of equipment will be estimated at this level of design. Mechanical, process, and ancillary equipment will be identified, and electrical drawings will be developed to illustrate connections to driven equipment and begin the process of coordinating with each individual discipline.

This design will extend power from each service location to feed the dam, valve house, area lighting, and access controls. Additionally, a standby generator will be placed near the dam for backup power in the event of a power outage. The low voltage electrical systems will include service entrance switchgear, switchboards, panelboards, transformers, circuit breakers, conduit, wire, light fixtures, receptacles, electric actuators, variable frequency drives, support systems, and electrical appurtenances.

Underground ductbanks will be shown on the site plan and coordinated with civil drawings for future refinement. Notional locations for handholes, manholes, pullboxes, and transitions from underground will be highlighted.

Preliminary conduit, junction box, and device embedment in the dam structure and supporting concrete will be coordinated with notional end points established.

Control system SCADA design requirements will be coordinated for networking, camera locations, and preliminary control wiring.

4.8.6 30% Electrical Calculations

Electrical calculations will be performed in accordance with the National Electrical Code, National Electrical Safety Code, Institute of Electrical and Electronics Engineers, manufacturer recommendations, and other relevant standards. Specific calculations will be performed for the following:

- Connected Load (Critical and Non-Critical)
- Voltage Drop
- Available Short Circuit Current (Phase-to-Phase; Phase-to-Ground)
- Protective Device Settings
- Conductor Sizing and Fill
- Standby Generator Sizing
- Lighting Design and Illumination

4.8.7 30% I&C Design

The I&C design will control and automate selected components within the dam, valve house, and ancillary devices. The SCADA system will be comprised of Programmable Logic Controllers (PLCs), HMIs, local control panels (LCPs), field devices, instrumentation, and communications systems. The new control systems will be integrated to the WTP as much as practical and remote control enabled.

Software and customized programming is not included in the design but will be specified with clear definition based on Workshop No. 1 (subtask 2.8) results.

4.8.7.1 I&C Calculations

Thirty-percent design will develop the scope for the I&C system by showing equipment on the Process and Instrumentation Diagrams (P&IDs) and identifying the location(s) for control panels that will eventually be shown on plan drawings. Preliminary input/output (I/O) and instrument lists will be developed. Sizes of equipment will be estimated at this level of design. Mechanical, process, and ancillary equipment will also be identified and shown on P&IDs to illustrate connections to driven equipment and begin the process of coordinating with each individual discipline.

Preliminary conduit, junction box, and device embedment in the dam structure and supporting concrete will be coordinated with notional end points established.

SCADA design requirements will be coordinated for networking, camera locations, and preliminary control wiring.

Workshop No. 1 with the Client will occur during this phase of the design.

General Electrical & I&C Assumptions

- Fire alarm or fire suppression system will be included as a performance specification for installation by contractor if required by code.
- Regulated hydropower generation is not included in this design. Micro-hydropower design is not included in this scope.
- All electrical permit applications submitted and obtained by contractor. HDR will provide a list of electrical permits in the specification.
- Construction power will be provided by contractor and is likely to require 480V, 3-phase power, potentially dropped from the permanent power installation or construction generators. Assuming the new power to the dam will be constructed at the same time as the new raw water pipeline, preceding the actual dam construction, that service may be available to supply some or all construction power needs. Power needs that precede dam construction or exceeds the capacity of the new permanent service will be provided by generators during construction or as determined by the contractor and approved by the City.

Assumptions

- Early out design portion to align with piping replacement and road repairs.
- Street lighting along NE Big Creek Road is not required.
- Area lighting will be provided in the vicinity of the dam and valve house only.
- The valve house and dam will require separate transformers.
- For the service extension along NE Big Creek Road, installation of conduits, wire, and other devices will be per the utility requirements. A contractor may be required to perform most of the work, including excavations, installation of conduits, wire, handholes, and other devices. Terminations typically performed by utility.
- Selection and execution of control system programming team will be part of the construction phase of the project.

- Design will be coordinated with fiber optic communication design.
- Backup power during construction will be provided by the contractor.
- Design Criteria will be updated in conjunction with this effort
- Design review meeting (Workshop No. 1) conducted in person with City of Newport

Deliverables

- Micro-Hydropower Feasibility TM
- Load Study with estimated capacity requirements and coordination of devices downstream of the utility.
- Area plan showing valve house and dam location
- Two detail sheets and legend sheets.
- 30% drawings
- Performance specifications
- 30% design calculations

4.9 30% Constructability, Cost, Schedule, and Risk

4.9.1 Basis of Design and 30% Design Support

Constructability, cost, schedule, and risk (CCS&R) team members will support the design disciplines during 30% design (Task 4) by providing critical input to design tasks.

CCS&R input during the 30% design will set important direction for the project that will be advanced through design completion of the 60% and 90% milestones. Many of the following topics will continue to be updated to a final design level of completion during the later design milestones. CCS&R topics and input to be provided during the 30% design include:

- Considerations and concepts for work sequencing and packaging
- Considerations and concepts for project access and staging
- Preliminary construction and site materials balance model
- Considerations and concepts for construction flood management and maintaining water supply and reservoir operations during construction
- Develop preliminary construction diversion parameters and schemes
- Develop preliminary dewatering and unwatering parameters and schemes
- Input and concepts for RCC dam details including constructability for consideration in design
- Identify design options and associated constructability considerations for components such as outlet works configuration, RCC details, or drainage alternatives for value planning evaluations
- Provide input to 30% specification outline and considerations
- Prepare preliminary RCC placement production model to support design, schedule, and cost development
- Develop a preliminary basis of estimate and benchmark prior cost estimates reflecting the final design WBS
- Develop preliminary cost-risk evaluation framework
- Provide input to project start-up requirements for new outlet works use and commissioning the new reservoir for consideration in design and project specifications

- Identify preliminary contractor procurement and project delivery considerations
- Provide input on preliminary industry interest, awareness strategies, and implementation plans
- Develop preliminary plan for panel selection and scoping for a formal constructability review to be held near the end of the 60% design milestone.
- Provide input for the 30% milestone independent CRB project review.
- Support technical and constructability input for: 1) environmental permitting; 2) stakeholder outreach; 3) access road design, and 4) stream restoration design.
- Prepare Draft 30% Design CCS&R TM

At strategic times to be determined, up to four 2- to 4-hour workshops involving two members of the CCS&R team and up to six discipline leads are anticipated to facilitate constructability input to the project designs. If practicable, these workshops may be incorporated into the quarterly internal HDR meetings. The work outlined above will be incorporated into internal TMs, selectively or summarily incorporated into a CCS&R TM which will guide and be referenced for the developing design.

Assumptions

- Aspects of the work described in this task will precede and inform the 30% design efforts described under Task 2, Task 3, and Task 4.
- The TM will be issued draft with the intention of preparing updates at the completion of each subsequent 60 and 90% design milestones. The CCS&R TM will eventually be appended to the overall Final Design Summary Report for the project.

Summary of Deliverables for Subtask 4.9

- Preliminary CCS&R TM to include:
    - 30% construction schedule
    - 30% construction risk register
    - 30% cost estimate
    - 30% bid form

4.10 30% Site Civil and Drawing Production

Site civil 30% design includes production of 30% Civil 3D drawings. Note that the upper and lower access roads (including two crossings of Big Creek) and the raw water pipeline will only be designed to the 30% level and the construction contractor will be required to provide qualified engineers to complete the design of these features as part of construction contract work. Site civil designs for features other than the access roads and raw water pipeline will be completed to this 30% design level under this task but eventually be completed to the 100% level under subsequent tasks.

HDR will include the following in the 30% construction contract documents for the access roads and raw water pipeline (from WTP to reservoir crossing):

- 30% level design drawings
- requirements for contractor’s and designer’s experience and qualifications

- relevant data obtained/developed in Task 3
- project topography and digital terrain models (DTMs)
- environmental permitting mitigation requirements and associated design/construction constraints obtained during project design (e.g., allowable construction season, trees/plants to be protected)
- additional permits to be obtained by contractor
- data to be obtained by contractor (e.g., supplemental geotechnical investigation)
- design criteria, specifications, and standards
- requirements for design analyses and calculations, (e.g., drainage/runoff)
- design progress submittal, review, and approval requirements
- provisions for payment to the contractor for design and construction progress

Features anticipated to be included on site civil 30% design drawings include the following:

- site grading specific to the dam site feature (dam, spillway, valve house)
- construction access and staging areas, including assessment of access impacts to surrounding areas and City as required by NEPA permitting process.
- permanent access areas
- permanent access road alignments and elevations
- borrow-specific features
- typical details and cross sections

Design and development of site civil features include construction limits, permanent and temporary site access roads and bridges, utility services, grading including temporary and permanent drainage, borrow development and restoration, and site safety/security provisions. The requirements for these items will be developed and documented including:

- Requirements for temporary construction access, parking, staging, and corridors. This access will include temporary bridges and other drainage features as well as drainage and runoff control including identified construction borrow source areas. HDR will coordinate with the City to identify these requirements, site constraints, and ultimately incorporate these requirements into the 30% design.
- A basis for development of civil-related quantities and quantity summary tables in support of construction materials development.
- Basis for site grading including cut and fill slope requirements and benching requirements.
- Development of cut and fill quantities, site borrow requirements, material distributions, and identification of potential on-site borrow sources.

Drawing setup for the project will also be performed under this task. AutoCAD Civil 3D DTMs will be developed in support of the 30% Design. DTMs will be developed for various phases of work and may include the following:

- A DTM will be prepared depicting existing conditions utilizing existing topographic information. This DTM will serve as the basis to layout site features and for development of earthwork quantities.

- A DTM will be prepared depicting existing conditions with required excavations. This DTM will consolidate existing topographic information with required excavations for various site features. This DTM will support development of excavation quantities.
- A DTM will be prepared depicting existing conditions and new site features (such as the dam, spillway, and access roads). This DTM will consolidate existing topographic information and site features into one seamless model (i.e., finished grade model). This DTM will support development of quantities and be used as basis for development of the 30% drawings.

Note that DTMs will be dependent on the results of supporting tasks developing the locations and limits of the foundation and abutment excavation requirements, treatments, dam, spillway, outlet works, site roadways, and bridge requirements.

4.11 Raw Water Pipeline Design (Dam Outlet to Bridge Crossing)

In TO11, the raw water pipeline was designed from the WTP to the bridge crossing the lower reservoir. The portion of the pipe from the lower reservoir bridge crossing to the outlet works connection in the valve house was not part of TO11 and will be designed to a 30% level of completion.

HDR Services

- 30% design of the raw water pipeline from the lower reservoir bridge crossing to the valve house.
- Review the TO11 design and confirm that the two pipe intervals provide a consistent design criteria and fully integrated configuration.
- Update performance specifications from TO11 and add other specification requirements as necessary.

Assumptions

- Design will be taken to a 30% design level of completion and contractor will incorporate the final design into the construction contract.

Deliverables

- 30% design drawings and specs that include the connection to the TO11 design drawings and specifications.

4.12 30% Design Team Meetings

This task includes the internal 30% design meetings (weekly design team meetings, quarterly in person check-in meetings).

The internal design kickoff meeting has been authorized under TO20 and the fee sheet has been adjusted to deduct the amount of $84,213.73 from Task 4.12.

Assumptions:

- Weekly design team meetings (1 hour long for up to 9 project team members)
- Quarterly design team meetings (in person; 2 days including travel for up to 9 people)

Summary of Task 3 and Task 4 Deliverables for 30% Design

The following deliverables package will be assembled for the 30% milestone review by the City, CRB, and State Engineer's office. These deliverables will be in Draft form and finalized for inclusion in the final Basis of Design Report.

- Project Base Map and Existing Conditions Surface/DTM
- Geologic/Geotechnical Data Report – Dam Site
- Geologic/Geotechnical Data Report – Ancillary Structures
- Construction Material Sourcing TM
- Sediment Evaluation TM
- Hydrologic Data Collection TM
- Civil Data TM
- Micro-hydropower Feasibility TM
- Reservoir Operations Plan during Construction TM Outline
- Phase 1 Structural Analysis TM
- Configuration Resolution TM
- Updated Flood Flow Hydrologic Study TM
- Continuous Simulation Model TM
- Updated Construction Flows TM
- Climate Change Impacts TM
- Dam Removal TM
- Updated Design Criteria Report
- Constructability, Cost, Schedule, and Risk TM
- Updated outline of Design Summary Report
- Updated list of Drawings
- Initial Specification List
- Draft of Key Division 1 Specification Sections

TASK 5 BASIS OF DESIGN (ENGINEERING ANALYSES AND EVALUATIONS)

Objective

The objective this task is to perform the engineering analyses necessary to finalize design requirements (based on the established design criteria) that will be used to establish plans, sections, and details that will be represented on the construction drawings and in the project specifications through the 60, 90, and 100% milestone completion levels.

5.1 Phase II RCC Dam Structural Design

Task 4 2D and simplified 3D structural analyses are intended to help establish the radius and general cross-section properties (upstream and downstream slopes) of the dam. These properties will be reviewed and approved as part of the 30% design milestone. Refined structural modeling including a 2D as well as comprehensive 3D thermal and structural analysis incorporating the dam foundation, excavation objective, right abutment treatments, and the

hydraulic structures (spillway and outlet works) will be completed to finalize the design for representation on the construction drawings.

The Basis of Design analyses are summarized below and will include refined 2D analyses to begin to understand the onset of damage states (non-linear behavior) that may occur under extreme earthquake loading and to refine the strength and construction requirements for the RCC materials. Analyses will also include thermal (to set the control joint spacing requirements for the dam) as well as initial stress conditions for seismic response modeling. A detailed 3D model development and analyses will be completed to provide confirmation that the dam design meets the State of Oregon Dam Safety requirements (Oregon Dam Safety OAR 690-020-041). These requirements stipulate that the dam must be designed for the MCE which was estimated in the 2022 Seismic Hazard Report by Shannon and Wilson to have a recurrence interval of about 1 in 2,500 years.

As part of quality assurance, the design will also be evaluated to identify loading conditions where damage to the dam would develop and the corresponding failure risks (both during and post-earthquake) under earthquake loadings with estimated recurrence intervals of 5,000-, 10,000-, and up to two additional remote seismic events.

Should the City achieve funding from a federal grant, conditions of that grant may require a formal risk analysis to confirm that the dam will meet the federal tolerable risk guidelines for dam safety (FEMA 2015). Under this condition, the 2D and 3D model study cases described above will need to be expanded to include additional seismic analyses beyond what is required as part of the quality assurance check for the more remote seismic events. If that occurs, the scope, fee and schedule will be modified.

5.1.1 2D FE Models (Nonlinear)

The preliminary geometry and curvature of the dam will be established during 30% design from the initial 2D and simplified 3D linear elastic models of the dam. A 2D FE modeling of the dam will be performed by activating the nonlinear/damage behavior of concrete incorporating side forces along the control joints forming the individual monoliths within the dam. These side force estimates will be obtained from the initial 3D model results. The 2D modeling will consist of two models: a cross-section through the spillway and a cross-section through the maximum non-overflow portion of the dam immediately adjacent to the spillway. The height of the non-overflow sections varies along the length of the dam, and it will be decided early in the analysis which section to model: the section incorporating the outlet works including the intake structure, or the maximum section on the other side of the spillway that does not include the outlet works. The goal of the 2D FE modeling is to establish the RCC and conventional concrete material properties requirements for the project specifications, and to complete any final optimization of the cross-section of the dam

5.1.1.1 Model Development and Verification

The modeling assumptions and inputs from the initial 3D FE model will be verified and updated as needed in the 2D models.

The starting point will be the “Phase 1_2D_LE” model created during 30% design and created for both the spillway and non-overflow cross-sections. The 2D simulation will include

appropriate reservoir and sediment loading conditions based on the results of hydraulic modeling, and the site-specific seismic hazard characterization previously developed.

The foundation and reservoir will be modeled to an extent of approximately three times the height of the dam in upstream and downstream directions and for a foundation depth below the dam/foundation contact that is about two times the height of the dam. The models will be tested and validated in a similar manner to that of the 3D FE model, but now that the models will be suitable for assessment of nonlinear behavior, proper functioning of nonlinear surfaces associated with monolith joint contacts, the dam/foundation contact, and the intermediate contact surface incorporated into the models will be validated.

5.1.1.2 Model Analyses, Post-Processing, and Iterations

The nonlinear 2D models will use the reference ground motion record determined from the initial modeling step. Extra design variability will be introduced to this model which includes:

- Base joint: tensile strength, cohesion, and friction angle
- Lift joints: tensile strength, cohesion, and friction angle

The goal of the 2D FE modeling is to refine the cross-section of the dam which includes the upstream and downstream slopes and crest width, verify a shear key is not needed, and determine required RCC and conventional concrete properties and specification requirements. In addition, the dam/foundation contact stresses will be checked to confirm they are within allowable ranges for loading conditions. If stresses exceeding allowable values are identified, the cross-section properties and/or material properties of the dam, including both the spillway and non-overflow sections will be modified until acceptable stress levels are achieved.

The nonlinear 2D modeling will help answer more detailed questions related to potential failure modes (PFMs) and/or crack initiation and propagation, particularly at the base of the chimney section, or at the dam/foundation contact. Cracking and crack propagation can be modeled using smeared and/or discrete crack modeling approaches.

The final dam model from this step is referred to as “Phase 1_2D_NL” and will be used to develop the final 3D model “3D_optimal_NL” described below.

5.1.2 3D Thermal Analysis

A 3D FE model will provide a more in-depth and realistic thermal evaluation of the dam and also provide a basis to confirm that the right abutment excavation and shaping block treatments are adequate and result in acceptable structural performance of the dam under the large seismic loadings of the site. The thermal evaluation consists of (S-1) thermal transient analysis of dam body only and (S-2) thermal stress analysis of dam and its surrounding foundation. The thermal analysis will be completed prior to the 3D nonlinear analyses as it provides the initial static loading stress conditions in the dam and at the monolith contacts corresponding to the summer and winter operating conditions prior to the onset of flood or seismic loading conditions. The thermal analysis will also be used to establish RCC placement temperature requirements and support construction schedule development, the temporal evolution and dissipation of temperature within the dam, and the consequential stress/strain (thermo-mechanical) behavior. Specifically, the analyses will identify the maximum placement temperature at which

consequential tension may develop as the dam cools to the long-term (T4) condition, the related potential for cracking, and confirm required spacing for transverse monolith control joints and intermediate crack inducers needed to avoid undesirable intermediate cracking.

While the effects of stress relaxation creep are not expected to have a major impact on the proposed dam, it will be considered during the hydration cycle to achieve an appropriate level of accuracy of the thermal analyses to evaluate zones near the foundation interface where high tensions can develop because of structural restraint.

5.1.2.1 Model Development and Verification

Climatic Information for Thermal Modeling

- Air Temperature: Seasonal air temperatures are required as part of boundary conditions for the thermal analysis. At minimum, the temperature for one representative year is required with weekly (if not daily) temperature. Having access to information at multiple years is beneficial as it shows the potential uncertainty in measurement, or the impact of climate change (if the yearly average temperature shows an increasing trend). Air temperature for the thermal analyses will be obtained from the nearest station to the dam. In case there are multiple stations, their weighted interpolation results can be used.
- Water Temperature: Seasonal water temperatures at different reservoir depths are required for thermal analysis. This information is available for the existing reservoir and will be used for the thermal analysis.
- Solar Radiation: while solar radiation can be an effective parameter for thin arch dams located at high altitudes, its effect is minor for thick RCC dams, and this parameter will be neglected in the FE simulations.

Placement Temperature

- A preliminary RCC production model will be developed and evaluated under a separate subtask 5.1.2.2. Representative RCC production and placement conditions from this evaluation will serve as the basis for the thermal analyses.

5.1.2.2 Thermal Analysis and Post-Processing

Level 1 Thermal Analysis

Perform level 1 thermal analysis using a Microsoft Excel calculation per USACE Engineering Technical Letter (ETL) 1110-2-542

Level 2 Thermal Analysis – 3D FE Model

A thermal analysis will be performed using the two types of 3D FE models summarized below:

- **S-1 – Thermal Transient Analysis:** at this stage, the dam body is modeled using the FEs with the ability to simulate the thermal transient procedure. Only the temperature fields that correspond to the dam exterior faces are available (those faces exposed to air and water), and the temperature inside the dam is unknown. This stage does not include stress analysis and the foundation region is not typically required to be modeled (as the dam-foundation interface is assumed to be an adiabatic surface). This analysis will be performed for a period

of 5 to 10 years or as required to reach the long-term (T4) temperature at the internal nodes of the model. This analysis will be completed using Merlin.

- **S-2** – **Thermal Stress Analysis:** knowing the estimated internal temperature field within the dam from S-1, a thermal stress analysis is required. The FE model for this type of simulation is similar to S-1; however, structural FEs need to be used instead of thermal elements. This step requires the addition of the dam foundation and abutments to the model as the dam-foundation interaction changes the stress distribution pattern. Again, thermal stress analysis will be conducted until stability is achieved for the stress field.

Thermal Modeling – Sensitivity Evaluations

Completion of both S-1 and S-2 for the proposed dam will require extra effort (compared to the effort required for evaluation of existing dams) as several parameters related to concrete thermal properties are either unknown or have some uncertainty during the early stages of RCC mix design. An initial round of thermal property testing will be performed for input to the thermal modeling including:

- Thermal diffusivity (USACE CRD 36-73)
- Coefficient of linear thermal expansion (USACE CRD 39-81)
- Specific Heat of aggregates (USACE CRD 124-73)

Other properties required for the thermal analyses include the convection coefficient of air and the convection coefficient of water. The laboratory tests for thermal properties of RCC are included in a separate task. An estimate analysis and a series of sensitivity analyses will be performed to develop requirements for the mix design, transverse joint and crack inducer spacing, and for input to the construction process. Staged construction (or placement interruptions) and the approximate time between layer placement, considering corresponding ambient temperatures, are also important parameters that need to be properly evaluated and defined for construction specifications. An optimal placement rate may allow for some hydration temperature to dissipate and reduce thermal stress concentrations.

5.1.3 3D FE Models (Nonlinear)

Once the 2D structural analyses and 3D thermal analyses reach a reasonable level of completion and the cross-section of the dam has been finalized, the initial 3D linear elastic FE model will be revised and then used for a more in-depth and realistic seismic response evaluation of the dam. This updated 3D model will be referred to as the “3D_optimal_NL” model. Similar to the initial 3D model (completed for 30% design), the updated 3D model will incorporate the curvature of the dam. In addition, the final 3D model developed and analyzed will include the 3D dam foundation and abutments, excavation objective, right abutment treatments, spillway configuration, outlet works, and drainage gallery within the dam.

Excavation, grouting, and shaping block treatment of the right abutment are anticipated to create a right abutment with similar characteristics as the left abutment of the dam. The site characterization and geotechnical analyses necessary to configure the right abutment treatment will be completed as part of the work described under Task 3 (geotechnical analysis) described below. Once these treatments are finalized, they will be incorporated into the right abutment of the model. Sensitivity runs will then be performed to test the response of the dam under a range

of anticipated abutment properties to verify that suitable performance will be achieved and identify the constructability requirements that must be achieved.

5.1.3.1 Model Development and Verification

Based on the initial 3D model and results of the thermal analysis, a nonlinear 3D LS-DYNA FE model will be developed and used to complete the final assessment of the structural performance of the dam under flood and seismic loadings. The seismic analysis will be conducted using the stress state from thermal analysis as an initial condition. This requires simulations with winter and summer thermal stress conditions to be combined with seismic analysis results.

Additional model development and verification of the 3D model will be similar to the initial 3D model with the additional verification needed for the nonlinear response.

Provisions for Nonlinear Modeling

The 3D model will include provisions for contact surfaces within the model for the vertical monolith control joints as well as the dam and foundation contact. Vertical monolith joints are expected at the edges of the central spillway structure, center of the spillway, and intermediate points along the non-overflow sections in each abutment. Based on experience with other RCC dam projects, vertical control joints will initially be assumed to be approximately every 60 to 80 feet along the dam and have a radial orientation consistent with the curvature of the dam. Final spacing of the vertical joints will be confirmed based on results of the thermal analyses.

In addition to the contact surface at the dam/foundation contact, 2D modeling results may indicate the potential for a horizontal crack to initiate at the base of the chimney section of the non-overflow portions of the dam or at an intermediate location associated with the planned gallery in the dam. If that is the case, a contact surface(s) will be added to the model at or near the base of the chimney section or within the dam for further 3D evaluation. No other major provisions for nonlinear response modeling of the dam are anticipated.

Ground motions that have been spectrally matched to the MCE recurrence interval (estimated to be the 2,500-year event in the 2022 Seismic Hazard Report by Shannon and Wilson) have been developed under the seismic hazard evaluation for use in structural analyses. In addition, ground motions for larger seismic events have been scaled from the spectrally matched, 2,500-year seismic event for use in the QA analyses to be completed. Each representative earthquake ground motion used in the structural analyses includes two horizontal and one vertical component.

Input for Evaluation of Foundation Stability including Potentially Moveable Blocks

The occurrence of Potentially Moveable Blocks (PMBs) in foundation and abutment areas is an important consideration in concrete dam design. PMBs that may occur in temporary or permanent excavation slopes, or beneath the dam must be identified and analyzed to set the final excavation objective and design of temporary or permanent slope treatments (e.g., anchorage, drainage). The design must also provide confirmation of foundation conditions during construction and design adaptations should PMBs not identified/considered during design be identified once excavation conditions are revealed.

Depending on the characteristics of joint sets (frequency, persistence, and orientation) and the rock blocks they form, 2D or 3D analyses of PMBs need to be considered. PMB analyses and evaluations require characterization of water pressures acting on block surfaces and loadings imparted on the block from the dam and reservoir. If joint frequency is high, it may be appropriate to evaluate the stability of slopes or the foundation of the dam using 2D limit equilibrium methods of analysis.

Based on the current understanding of the geology of the site, well defined, kinematically moveable blocks within the dam foundation and abutments are not expected. Rock under the maximum section of the dam is massive with few rock joints identified in the borings that could combine to form PMBs. The abutments are quite different as there is a rapid transition in the lower abutments to rock that is highly fractured and jointed. Discrete PMBs do not exist, rather, stability failures could develop along more generalized 3D circular or wedge-shaped critical failure surfaces. One notable issue will be the shaping block planned for the right abutment. The contact of the shaping block with the foundation bedrock will define an irregular shape surface on which sliding can occur.

Foundation stability will be assessed as sliding on the dam/foundation contact and for hypothetical circular or wedge-shaped surfaces using load input from the 3D structural model as well as reservoir and groundwater conditions acting on the dam and within the foundation mass estimated with conventional 2D seepage analysis models. The stability of the shaping block will also be assessed based on estimated dam loads acting on the block as well as estimated reservoir and groundwater pressures acting on the contact of the shaping block/abutment, a potential sliding surface.

If the additional site characterization work that is currently underway identifies PMBs of potential concern, they will be defined for further evaluation. Other than the shaping block stability evaluation, the need for using the structural model to estimate dam loads on discrete PMBs identified in the geotechnical evaluations is not included in this scope of work. Only general loads from the model along specific 2D analysis sections will be used for the 2D limit equilibrium stability analysis within the abutments.

5.1.3.2 Model Analyses, Post-Processing, and Iterations

Analysis of MCE for State Requirements

To develop the level of effort for the 3D structural analyses and design of the dam, the following summary of study cases have been assumed:

- Pre-seismic simulations will be conducted on the “3D_optimal_NL” model including the gravity loads, hydrostatic pressure, and thermal loads.
- Normal water level and PMF (or Inflow Design Flood).
- Winter and summer thermal conditions.
- Seismic simulation of “3D_optimal_NL” pre-seismic results with normal water level and two thermal conditions.
- Five multi-component ground motion records are initially selected and scaled for the 2,500-year event.

- For 2,500-year event, two simulations are required based on reference ground motion according to winter and summer conditions. The dominant case is selected.
- For 2,500-year event, five ground motions will be used in conjunction with worst case thermal loading. Identify the “average” and “upper bound” ground motions again.
- For 2,500-year event, six study cases of the “average” and “upper bound” ground motions with reverse polarity and reverse x- and y- components of the motions.
- For 2,500-year event and the “average” and “upper bound” ground motions, evaluate three contact assumptions (i.e., bounded, unbounded, and bilinear models).
- Three simulations will be performed using synthetically-generated “intensifying acceleration functions.” These input accelerations will push the system from linear elastic to nonlinear response, and finally failure point. The outcome will be the continued seismic capacity of the dam as recommended by International Commission on Large Dams and U.S. Society on Dams workshops.

As previously noted, the approach to 3D modeling will include contact surfaces for nonlinear simulation of the dam’s response at the monolith joints and at the dam and foundation contact.

Results of the simulations will be used to verify the dam meets the design requirements for the considered loading conditions are met. Results also will provide input to structural design of the intake tower, spillway crest structure and walls, and connection of the dam to the spillway stilling basin.

Quality Assurance Requirements

It is assumed that federal risk-informed dam safety design requirements do not have to be met. The Oregon State Dam Safety requires a deterministic design for the MCE (estimated to be the 2,500-year seismic event). Federal and other industry standard requirements consider risk-informed designs for seismic loadings that would consider the condition of the dam for the 10,000-year and often more remote events depending on the downstream population at risk. HDR will perform limited structural analyses for seismic events greater than the 2,500-year event as a quality assurance check that can be used to inform the City and State throughout the design process. Due to the different design requirements, HDR will evaluate the level of effort for different design standards (and resulting cost) and determine the standard to be used in design as an early task to minimize rework.

The following summary of study cases have been assumed:

- Seismic simulation of “3D_optimal_NL” pre-seismic results with normal water level and one thermal condition.
- Based on the analysis performed for the 2,500-year event, only the “average” and “upper bound” ground motions will be evaluated for the more remote seismic events (anticipated to be the 5,000-, 10,000-, and possibly more remote events).
- Analysis performed for the more remote seismic events will be similar to the 2,500-year event.

If at some point during the design, it is determined that federal dam safety guidelines must be met, the level of effort is greater to analyze and design for the additional seismic loading conditions than the state requirements and a modification to the scope of work would be

needed. Should the 3D models indicate the need for a modification to the cross-section of the dam, HDR will meet with the City to discuss how to proceed with the design.

Deliverables

The following TMs will be prepared and appended to the Final Design Report:

- Thermal Analysis TM
- RCC Dam Structural Analysis TM

5.2 RCC Dam Design Details

In addition to the cross-section requirements for the dam, there are other features of the dam that must be developed and included as part of the dam design. These design details of the RCC dam include the following:

- Upstream and downstream facing system(s)
- Seepage control within the dam and integration of dam and foundation drainage features in a drainage gallery.
- Right abutment shaping/thrust block configuration and treatments.
- Other leveling or shaping concrete treatments
- Drainage gallery and access adit details including seepage collection and measurement trench; walkways and stairs; wall and ceiling construction and finish requirements; lighting; ventilation; and security.
- Dam and foundation instrumentation
- Lift surface treatment requirements
- Details for integration of appurtenant structures including steel reinforcement (crest, parapets, spillway chute and training walls, outlet works intake structure and penstocks, gates/valves and mechanical operating systems, and spillway and outlet works stilling basin) into the configuration
- Control joints and crack inducers
- Dam chimney section and crest details including crest slab, parapet walls
- Connection of the outlet works intake structure and spillway bridge to the dam

The following subtasks will be completed as part of 4.12 basis of design analyses and evaluations to establish the design requirements and configurations that will be illustrated on the construction drawings and described in the project specifications prepared under Task 6.

5.2.1 Upstream and Downstream Facing Systems

Upstream and downstream facing systems are required as part of the dam design to achieve the desired durability and appearance of the dam, limit access and provide for safety, and assist in achieving the dam seepage performance objectives. The evaluation and selection of the preferred facing systems for the dam will be completed.

Alternative facing systems - consider construction methods (smooth verses stepped forming system) and the desired finish appearance and long-term durability. Alternative materials for construction of the facing systems includes RCC that can be vibrated, grout enriched RCC, and conventional concrete. The pros and cons of each construction method and facing material type

will be described including anticipated costs, and a final decision on the facing systems for the dam will be made in conjunction with City management personnel.

Both vertical/sloping and stepped forming systems are possible, each with pros and cons related to construction schedule and cost impacts. Under certain circumstances, stepped facing systems within the spillway chute can have significant energy dissipation benefits. Based on previous hydraulic analyses, it is believed that a stepped spillway chute system constructed with conventional concrete will provide significant benefits for the Newport Dam Project.

Outside of the spillway limits on the downstream face of the dam, and along with the entire upstream face of the dam, the facing system will likely be designed for vertical/sloping without steps but will be confirmed during final design. The design of the facing systems for the dam will be documented in the RCC Dam Design TM to be included in the Design Summary Report.

5.2.2 Seepage Control and Foundation Drainage

Seepage control provisions of the dam design will be developed and include elements required to provide an integrated strategy to control foundation water pressures under the dam, safely collect and discharge seepage through the dam face and along lift surfaces, and minimize reservoir seepage losses.

The overall system of seepage control for the dam will include the following:

- Foundation and abutment excavation and treatment.
- Foundation and abutment grout curtain.
- Foundation, abutment, and dam drain holes.
- Control joints and crack inducers in the dam with appropriate water stops and joint detailing to minimize cracking of the dam and leakage through those cracks. Develop preliminary spacing of joints and joint design.
- Integration of dam and foundation performance requirements and design provisions:
    - Integrate the treatment and drainage provisions for the foundation with the upstream facing system and dam drain provisions at the internal gallery in the dam.
    - Incorporate dam drainage gallery and manifold to collect, measure, and divert leakage that develops in the dam.
    - The combined dam and foundation seepage provisions will perform as a system to achieve the design intent of minimizing overall seepage from the reservoir; controlling uplift pressures acting on the base of the dam; and the collection, monitoring, and discharge of dam and foundation seepage that occurs.
- Identify and design instrumentation in the dam and foundation to monitor initial reservoir filling and long-term performance of the dam and foundation.

5.2.3 Lift Surface Treatment Requirements

Design details and requirements for RCC lift surfaces and related treatments to achieve bonded and water-tight lift joints in the dam will be developed. Treatment requirements will identify mix design provisions to increase the time lift surfaces can be exposed before subsequent layers of RCC can be placed and compacted while achieving bond of the lift surfaces. A range of

potential lift surface exposures will be identified with the RCC production placement model that will be developed as part of the constructability evaluation tasks in this scope of work.

5.2.4 Dam Appurtenant Structures

Details for integration of several important dam appurtenant structures with the construction of the RCC dam will be developed. These details include: 1) the dam chimney section and crest structure which will include the surface of the crest, parapet walls on upstream and downstream sides, and drainage design of the crest; 2) spillway crest structure chute, training walls, and terminal stilling basin structure; 3) low level outlet works intake structure, penstock(s), and discharge structure; and 4) drainage gallery within the dam which may include stairways, ladders, frames and grating for access.

5.2.5 Right Abutment Shaping/Thrust Block Configuration and Treatment

This subtask includes the sizing, geotechnical and structural design of the right abutment shaping/thrust block. Previous site investigations have identified highly fractured rock in the right abutment that has lower modulus and strength properties compared to the left abutment of the dam. The right abutment will need shaping and strengthening, and construction of a shaping block to provide an abutment able to resist the gravity/arch loads from the curved-gravity dam while providing a similar response to those loads as will occur in the left abutment area. The geotechnical seepage, stability, and modulus modification design as well as the related structural analyses will inform the design of the foundation excavation, treatment, and shaping/thrust block dimensions. It is anticipated that this section will be mass concrete.

Deliverables

- Dam Design Details TM (appended to Final Design Report)

5.3 Hydraulic Analysis and Design

Hydraulic modeling/analyses will be completed to verify the required design parameters for the spillway and outlet works including energy dissipation structures. The updated flood flow hydrologic study results discussed in Task 4 will provide estimated flood flows and recurrence intervals, from which the Spillway Design Flood will be selected. As previously noted, the PMF event will be the basis of hydraulic design of the spillway.

Preliminary analyses conducted to date have provided estimated spillway flows that have been used to route various flood events through the spillway structure. These will be updated as part of subtask 4.2 and used for this analysis. Once the basis parameters (spillway crest elevation, width, and freeboard) are established in subtask 4.3, the spillway and energy dissipation structure design will be confirmed using a CFD numerical model. The spillway model will also be used to develop design refinements needed to make spillway performance acceptable. We do not anticipate that a physical scale hydraulic model will be necessary for the spillway design.

5.3.1 Reservoir Wave Runup Analysis

To confirm dam crest freeboard adequacy, a wave runup analysis will be accomplished as part of the Basis of Design. Wind speeds and direction will be obtained from the nearby NOAA weather station at the Newport airport, and additional localized data from the weather station

installed at the existing WTP several years ago will be used to shape wind data for this analysis. It is expected that wave runup will be relatively minor given the dam location relative to the reservoir shape and typical wind directions of higher winds resulting in relatively short fetch. Given this is a concrete dam design, freeboard may be addressed through surface drainage design of the crest and additional parapet wall height.

5.3.2 Spillway Hydraulic Design

The preliminary spillway design and size/capacity selection was based on managed passage of the entire PMF event through the spillway structure without overtopping of the dam crest. The Configuration Resolution task (subtask 4.3) will confirm the safe passage of the PMF event, which is the selected Spillway Design Flood.

The spillway chute width, crest design, stepped or smooth surface, and flow training wall configuration will be determined in subtask 4.3, while subtask 5.3 will confirm spillway hydraulic performance. Specifically, the performance of a stepped vs. smooth chute will be evaluated, the design and configuration of the energy dissipation system will be confirmed, and the height and configuration of training walls will be evaluated to fully contain the Spillway Design Flood profile.

This analysis would finalize the following design requirements:

- The final requirements for spillway crest and chute design and required flood routing freeboard at the maximum reservoir storage crest elevation (subtasks 4.3.1 and 4.3.3) that is necessary to pass the Spillway Design Flood
- Maximum spillway flow profile for the Spillway Design Flood
- Chute surface (smooth or stepped) and effect on spillway chute performance for both, and training wall height and configuration
- Hydraulic input parameters (Froude number, flow velocity, etc.) for input to the spillway energy dissipator design

Design methods will include standard guidance available in EM-1110-2-1603 Hydraulic Design of Spillways (USACE 1990), the Design of Small Dams (Reclamation 1987), and Reclamation's Stepped Spillway HL-2005-06 manual, and others as applicable.

5.3.3 Spillway Energy Dissipator Hydraulic Design

The preliminary spillway energy dissipator design assumed a conventional hydraulic jump-type concrete stilling basin structure configuration. It was assumed the stilling basin would be the same width as the spillway chute, with a maximum depth of about 19 to 20 feet below controlling tailwater, a maximum unit discharge of 39 cubic feet per second (cfs)/linear foot of width, and length of about 50 feet. The initial design did not consider potential energy losses if the chute were of stepped configuration, and thus represents a conservative design assumption. Additionally, the initial design did not consider the alternative of a constructed plunge pool and flip bucket design that could potentially reduce long-term maintenance associated with a submerged conventional stilling basin concrete structure. The narrow width of the valley and the necessity to place the energy dissipation structure and the outlet works valve control building adjacent to each other may require a narrower energy dissipation structure than originally envisioned. Therefore, several options for design may be evaluated before a final selection is made, including:

- Converging spillway chute to narrow the energy dissipator structure and make more room for access roadway, outlet works valve control house, and other appurtenant features.
- Energy dissipation potential of stepped vs. smooth chute.
- Flip bucket spillway chute alternative design with preformed plunge pool.

A flip bucket and plunge pool dissipation structure, though potentially reducing capital cost and future maintenance costs, would require a plunge pool scour analysis to determine viability. The Big Creek valley floor geology and alluvial substrate are not anticipated to be particularly conducive to successful implementation of the flip bucket and plunge pool concept given their apparent low strength and poor scour resistance. If it is to be considered, the scour analysis would be the first assessment conducted to inform feasibility. This will be based on input from field investigation data to establish rock and soil characteristics to define scour susceptibility and erosion rates. Plunge pool scour cannot readily be simulated in a CFD model but would instead be approximated using desktop methods and the hydraulic characterization provided from the results of the CFD modeling. The design is then supported by observations of performance in the model.

In addition to design guidance documents listed above, design methods for the energy dissipator structure will include standard guidance available in documents listed above (USACE 1990; Reclamation 1987) and in the Reclamation's Engineering Monograph 25 Hydraulic Design of Stilling Basins and Energy Dissipators (Reclamation 1984).

5.3.4 Spillway Design Verification with CFD Modeling

The preliminary CFD model developed during the Configuration Resolution task will be updated and used during the development of the Basis of Design to verify refinements of the spillway, spillway chute, and energy dissipation structure. The model would simulate the hydraulic characteristics of the spillway, energy dissipator structure, and a portion of the downstream reach of the receiving stream to evaluate and confirm the performance of the selected alternative or evaluate multiple alternatives and select from the options. Plunge pool scour would be indirectly approximated by desktop methods using the hydraulic characterization results from the CFD modeling and the geotechnical characteristics of the native substrate in the plunge pool area.

The CFD model boundaries will extend far enough upstream of the spillway and dam crest to allow for uniform reservoir approach flow conditions to occur. HDR anticipates this will be about 200 to 250 feet upstream of the proposed dam crest. The boundaries will include the entire energy dissipation structure and/or plunge pool extents, both laterally and longitudinally, anticipated to be at least 100 feet downstream of the toe of the energy dissipation structure. The boundary will also include enough of the downstream reach of the receiving channel to establish an appropriate tailwater stage rating. HDR anticipates this will be achieved by extending the model boundary at least another 200 feet downstream of the energy dissipator structure or plunge pool extents. Model runs could occur concurrently with some of the structural design of the spillway chute and energy dissipator structure as refinements are developed during the modeling effort.

Key modeling parameters to be evaluated include:

- Spillway crest type and design capacity
- Spillway chute capacity and flow profile
- PMF and Spillway Design Flood routings and evaluations
- Potential allowable overtopping evaluation and downstream dam toe erosion mitigation, if any
- Spillway chute training wall height and configuration
- Spillway chute training wall hydrodynamic pressure measurement (for structural design)
- Energy dissipator structure type selection and size/capacity
- If flip bucket and plunge pool energy dissipator is selected, plunge pool scour analysis would be necessary to estimate depth and extents of scour of the substrate in the downstream channel
- Upstream intake tower, outlet works system, and downstream control valve system for flow release to pipeline and stream channel

5.3.5 Outlet Works Hydraulic Design

The preliminary design of the outlet works considered a valve-controlled outlet system with multi-level withdrawal ports in the intake structure attached to the upstream face of the dam to 1) draft reservoir water from multiple strata to help control and manage water quality and temperature, and 2) provide sufficient capacity for required dam safety releases. With regard to water quality, typical release flow capacity would need to be enough to accommodate maximum flows conveyed via pipeline to the WTP plus any required downstream flows discharged back to the stream needed to maintain habitat quality and meet instream flow requirements. Initial design assumptions considered a maximum outlet works capacity of about 50 cfs. Under subtask 4.3.4, the maximum release capacity, as well as other outlet works configuration requirements, will be re-evaluated to establish the final configuration of the outlet works system. This will include evaluation of instream flow needs and water demand forecasts. The configuration identified under subtask 4.3.4 will also consider sufficient release capacity to accommodate increased flows generated by rainfall events outside the winter high flow period, given that spilling over the spillway crest with a full pool is uncontrolled, and could result in rapidly varying outflows from the project. However, flood flows would continue to be managed by the spillway.

Design of the outlet works will also consider dam safety requirements for emergency reservoir evacuation, per Oregon State Dam Safety rules. Specifically, Section 690-020-0043 of the 2020 Oregon State Dam Safety rules requires high hazard dams to have a low-level conduit. The required capacity of the conduit must be established by hydraulic analysis that demonstrates the ability to lower the top 5 feet of the reservoir in five days under the condition of average annual inflow. In no case shall the low-level conduit be smaller than 8 inches in diameter.

The initial design of the outlet works included a multi-level intake tower, likely vertical in configuration and affixed to the upstream face of the dam. The intake tower preliminary design considered multiple outlet pipes carrying flow from each port opening or combining into a common penstock delivering flow to the valve house at the downstream toe of the dam. Though a mixing-type wet well will be considered during the 30% design (subtask 4.3.4) to simplify the configuration, practical considerations are likely to show that temperature management may be infeasible or impractical and an upstream mixing wet well concept is likely to be discarded.

Hydraulic analyses required to finalize the outlet works configuration (piping, gates, and valves) will be performed. Each port on the inlet tower will be provided with a slide or other suitable gate that can operate under the specified range of gate openings to achieve the desired water quality for WTP, streamflow, or dam safety releases. Other gates and piping will be included that allow for dewatering, inspection and rehabilitation of the outlet works system. The downstream valve control house will require piping and outlet valves capable of meeting water quality and dam safety release objectives and requirements. Three primary discharges are anticipated including 1) to the water supply pipeline, 2) for minimum streamflow releases, and 3) for dam safety release. Other discharge piping and valving may be added if additional operational flexibility is identified during 30% design. The discharge piping and value configuration will also be influenced by the system selected for selective withdrawal from the reservoir.

The downstream valve control system will discharge regulated flows of the desired mixture of flows and temperatures to the WTP pipeline, and/or the spillway stilling basin to produce the desired downstream temperature profile(s). This will be accomplished by regulating flows from each of the individual intake tower ports to achieve the desired mixing of flows. The initial design assumed that outlet flows destined for the WTP will be passed into a pressure pipeline leading down the access road to the WTP. Water quality regulation will be controlled by multiple valves discharging into a single discharge vessel, from which the water supply pipeline will exit and flow to the WTP. If an upstream wet well is selected under subtask 4.3.4, then a single outlet valve to the pipeline will be required. Both the instream flow release valve(s) and the WTP/pipeline flow release valve(s) will be provided with a full capacity bypass to discharge directly into the downstream discharge basin if needed. The outlet works valve control building will need to be accessible from the access road. If the outlet is on the left side of the channel, access to the valve house will be easily accomplished along the left side of the spillway chute and energy dissipator structure. Alternatively, if the outlet works is on the right side of the channel, a bridge over the spillway stilling basin will be required for access to the valve house and for carrying the discharge pipe from the valve house to the WTP pipeline.

In summary, the major elements of the outlet works to be included in the Hydraulic Design task are:

- Intake tower with wet well mixing chamber on upstream dam face discharging to a single penstock through the dam to the valve house, OR
- Multiple port intake tower with multiple penstocks through the dam and discharging to the valve house, and
- Penstock and pipe connection manifolds with appropriate control valves and/or appropriate slide gates or closure bulkheads, along with appropriate gates and valves that provide for system flow control, flow distribution, and system dewatering, maintenance, and component replacement when needed.

5.4 Hydraulic Structures Structural Basis of Design Development

The Configuration Resolution task will establish the type, basic dimensions of, and approximate hydraulic performance of the hydraulic structures associated with the proposed dam. Design refinement accomplished during the Basis of Design development will confirm or refine these

dimensions and configuration to satisfy hydraulic considerations to establish the detailed design of the spillway and outlet works, as discussed above.

5.4.1 Outlet Works

Structural analyses and designs will be performed to establish the dimensions and reinforcement requirements for the outlet works intake structure and discharge structure(s). This includes the gates, outlet works piping, and valve house. Additional discussion of each of these major structural design items are provided below. It is assumed that traditional hydropower will not be included in this project. The design will be in accordance with the Oregon State Dam Safety OAR 690-020-043 and other applicable design standards. Features will be designed for applicable loads and load combinations.

5.4.1.1 Intake Tower

Design of the intake tower to be attached to the upstream face of the dam and properly anchored to the dam for the specified seismic loading. The structural design will include appropriate opening for low-level emergency releases, selective withdrawal (likely three elevations) for water quality/temperature control purposes for river flow requirements and raw water pipeline. The structural design will include:

- Design second stage work related to diversion, water supply requirements during construction, and final gate closure sequencing for storage and operations.
- Design gates, gate guides, operators, deck for gate operators, and power supply facilities.
- Design bulkheads and bulkhead slots.
- Design trashracks for intake gates. The trashracks will be designed in accordance with Reclamation Design Standard No. 6, Hydraulic and Mechanical Equipment, Chapter 12, Trashracks and Trashrack Cleaning Devices (Reclamation 2016)
- Design footer and walls as necessary.

5.4.1.2 Outlet Works Piping

The outlet works piping and related connections, thimbles, bifurcations, reducers, and transitions required for raw water pipeline, river release flow, and emergency drawdown conditions will be specified in accordance with the Oregon State Dam Safety program, Reclamation, or USACE design guidance requirements.

5.4.1.3 Valve House

Design control house including walls, roof, and other support structures, access, platforms, valves, supports, and other mechanical and electrical equipment as required including systems required to support maintenance of mechanical systems within the control house. A decision will be made under subtask 4.3.5 if the chemical injection station will be located within the valve house or as a separate structure somewhere else along Big Creek Road.

5.4.1.4 Discharge Structure and Stilling Basin

Perform structural design of the discharge structure for dam safety and streamflow releases. It is assumed that the outlet works discharge energy dissipation will be within the stilling basin for the spillway but will need attention to detail regarding transition walls, thrust blocks, and penetrations.

5.4.1.5 Miscellaneous Metalwork

Design metalwork which consists of stairs, landings, guardrails, frames and grating, roof hatches, doors, door frames, and systems required for maintenance of the equipment within the control house.

5.4.2 Spillway

In addition to the structural analyses of the dam, structural analyses and design will also be performed to establish the dimensions and reinforcement requirements for components of the spillway including the crest structure, chute, and stilling basin. Additional discussion of each of these major items of structural design are provided below. The design will be in accordance with the Oregon State Dam Safety OAR 690-020-042 and other applicable design standards. Features will be designed for applicable loads and load combinations, including hydraulic loads developed from the spillway design and modeling effort above.

The spillway configuration from the preliminary design report is assumed to be the starting point used for final design. The spillway configuration will be reviewed and established in subtask 4.3. Table 3 provides a summary of the major geometry and operational criteria from the preliminary design of the spillway and stilling basin. The stilling basin is assumed to discharge into a riprap-lined section of the natural stream channel, and then into the natural channel downstream. Details for this flow transition will be developed as part of the final design.

Table 3. Initial Spillway and Stilling Basin Design Parameters

Spillway Crest Elevation (ft, NAVD88)	112
Spillway Crest Length (ft)	60
Peak Reservoir Discharge (cfs)	2322
Maximum Reservoir Pool Elevation (ft, NAVD88)	116.6
Peak Stepped Spillway Unit Discharge (cfs/ft)	39
Stilling Basin Sill Elevation (ft, NAVD88)	38
Peak Depth Over Stilling Basin Sill (ft)	6
Stilling Basin Bottom Elevation (ft, NAVD88)	25
Stilling Basin Length (ft)	50

Spillway design features include:

5.4.2.1 Spillway Crest

Design the spillway crest for the preferred spillway configuration. It is assumed the spillway is an uncontrolled Ogee crest that may or may not include piers and a bridge over the spillway crest.

5.4.2.2 Spillway Bridge

The spillway and outlet works configuration is one of the first tasks that need to be completed during final design for input to structural analyses of the dam. The current configuration is an

uncontrolled overflow spillway in the center portion of the dam. The main access to the dam crest will be from the right abutment. Access to the dam toe area will be to the lower left abutment area.

Depending on the location of the outlet works and operational/maintenance needs, access requirements to the dam crest and dam toe area will require one or more bridge structures across the spillway chute or energy dissipator structure, or the access road can be rerouted to the right abutment.

- ***Option 1*** - If the intake tower is located on the left abutment of the dam, access across the dam crest/spillway will be required for equipment to service the intake tower equipment including trashracks, and mechanical operating equipment. This bridge will need to accommodate heavy trucks capable of managing maintenance activities. For this option, the outlet works valve house would be readily accessible from the existing lower access road, or alternately from the right lower abutment across a stilling basin vehicle bridge if the existing lower access road crossing across the lower reservoir is decommissioned and reconstructed along the northern side of the lower right abutment.
- ***Option 2*** – If the intake tower and lower outlet works are located on the right abutment, access across the spillway to the left upstream abutment is not likely needed for heavy vehicles, and a light duty footbridge across the spillway at the dam crest would suffice. The lower right abutment valve house, however, would require a vehicle access bridge across the stilling basin if the existing lower access road crossing of the lower reservoir is maintained. If the lower access road is decommissioned and a new access road constructed along the north shoreline of the lower reservoir, the lower right abutment valve house and outlet works would be readily accessible from the new lower access road with no need for a stilling basin vehicle bridge. The water supply pipeline would traverse the spillway from the valve house to the lower left abutment aboveground and suspended from the access bridge.

If a spillway crest vehicle bridge is required at the top of the dam, it is assumed that a single span bridge can readily accommodate the anticipated maximum 60-foot crest length with no intermediate piers.

5.4.2.3 Spillway Chute and Walls

Design of the spillway chute and training walls will be based on the results of the FE structural analysis simulations, CFD hydraulic model study results, and loading requirements from applicable design standards.

The spillway chute may be smooth or stepped, pending results of spillway design determinations and results of CFD modeling. Regardless of whether the chute is stepped or smooth, it will likely be reinforced conventional concrete integrated into the RCC construction process, but RCC steps will be considered during design.

Design includes training wall sizing and structural connection of the steps and walls to the dam structure.

5.4.2.4 Energy Dissipation Structure

Design of the energy dissipation structure floor slab, walls, and connection of the structure to the dam will be based on numerical and desktop methods relevant to the energy dissipator type selected and will include refinements developed in the CFD and desktop modeling of the hydraulic structures. Design will consider applicable design standards from the USACE and Reclamation as well as other appropriate sources. Design includes control and contraction joints, and foundation anchorage and drainage.

5.4.2.5 Miscellaneous Metalwork

Metalwork design for the spillway and outlet structures (e.g., stairs, landings, guardrails, handrails, frames, gratings, fences, and gates) and performance specifications for the debris/safety boom located in the reservoir will be prepared.

Assumptions

- Configuration Resolution task will be complete so that type and location of spillway and outlet works has been determined.
- The spillway bridges will be single lane, single span, and designed only for City personnel, vehicle and equipment needed to access the intake structure from the dam crest for maintenance of mechanical equipment and monitoring of the dam and outlet valve house at the downstream toe of operation and maintenance activities and for monitoring the performance and safety of the dam.
- Regulating gates for intake tower are commercially available (not custom designed).
- A physical scale model for this dam is not necessary and is excluded from this scope.

Deliverables

The following TM will be prepared and appended to the Final Design Report:

- Hydraulic Structures TM

5.5 Geology and Geotechnical Engineering

The detailed final design of the dam foundation and abutments as well as support to the structural design of the dam, spillway, and outlet works will be completed. Data from Task 3 as well as configuration resolution work completed under Task 4 will provide the starting point for final analyses and modeling of the dam foundation to serve as the basis for development of contract drawings, specifications, geologic/geotechnical data report, design summary report (and appendices), cost estimate and schedule development, constructability reviews, and review and approval by state and federal regulators. The primary design requirements under this subtask include 1) the 3D geologic model of the site to serve as the basis of the foundation design, 2) excavation objective for the dam, spillway, energy dissipation structure, and outlet works, 3) material properties for input to structural and geotechnical analysis models, 4) foundation grouting and treatments, 5) foundation drainage, 6) temporary and permanent foundation and abutment excavation slope stability and stabilization design, and 7) geotechnical input for design of ancillary facilities.

5.5.1 3D Geologic Model

The previously developed 3D geologic model of the foundation and abutments of the dam will be updated and finalized using Leapfrog software. The 3D model will include stratigraphy of the soils and bedrock at the site and pertinent subsurface exploration information from the borings, insitu testing results, and geophysical explorations that will influence design. A 3D model is important to show features within the foundation or abutments that may affect design and construction, and for input to 2D and 3D structural or geotechnical analysis models. The subsurface model will be integrated with the excavation design as well as the 2D and 3D structural analysis models to confirm that the dam/foundation interaction meets specified design criteria for the dam.

Information from the 3D geologic model will also be used to generate site characterization information shown on the construction drawings, used in the development of design cross-sections and details, and development of the technical specifications for the project.

5.5.2 Foundation Engineering Properties for Analysis Models

Foundation engineering properties will be developed for structural and geotechnical modeling from the results of the data collection task utilizing the rock structure (jointing), rock quality designation (RQD) and rock mass classifications (RMR, GSI) developed from the borehole core samples, insitu (geophysical and pressure meter testing), and laboratory testing results. Data will be analyzed and evaluated to provide a range of probable unit weights, deformability (modulus), shear strength, hydraulic conductivity(rock), and permeability (soil) values that are representative of the subsurface conditions observed at the site.

5.5.3 Foundation Excavation Objective

The excavation objective for the new dam is the 3D excavation surface required to provide suitable rock foundation bearing, shear strength, deformability, and hydraulic conductivity conditions on which the dam will be built. The excavation objective is defined by considering rock properties such as rock jointing orientation, RQD, RMR/GSI, rock mass weathering characteristics, and compression and shear wave velocity.

The previous version(s) of the foundation excavation objective will be updated based on the collective geologic/geotechnical data set for the site including the new subsurface information obtained during the ongoing geotechnical explorations. In addition to providing a suitable surface for dam construction, the excavation objective is an important consideration for construction diversion planning, finalizing the outlet works location/configuration, designing foundation surface and subsurface treatments, and accurately estimating excavation and RCC quantities and costs.

The excavation objective identified, analyzed, and defined under this subtask will form the basis for excavation plan, sections, and details to be shown on the construction drawings, and described in the project specifications.

Because actual rock conditions are only known at the locations of the exploration borings, the excavation objective has some uncertainties and risks that will only become known as the excavation and foundation preparation activities progress. Understanding those uncertainties

and risks provides an important basis for establishing cost and schedule contingencies, as well as managing those contingencies through the design and construction process.

5.5.4 Excavation Slope and Foundation/Abutment Stability

The stability of temporary or permanent excavation slopes in soil and rock at the site required to reach the excavation objective will be designed. Similarly, the stability of the dam foundation and abutments under a range of normal, flood, and earthquake loading conditions will be assessed. The design of the following specific project elements will be completed through appropriate seepage and stability analyses.

- Soil excavation requirements (construction and permanent dewatering, slope stability and allowable temporary and permanent excavation slope angles, drainage)
- Temporary rock slope excavation requirements (excavation slope angles, surface and subsurface drainage, slope anchors and stabilization, etc.)
- Permanent rock slope excavation requirements (excavation slope angles, surface and subsurface drainage, permanent slope anchors and stabilization, rockfall provisions).
- Dam foundation and abutment stability under anticipated reservoir operating conditions.

A 2D limit equilibrium and 3D PMB slope stability analysis will be performed as needed for excavation slope and foundation/abutment design using the GeoStudio SLOPEW computer program or other appropriate suite of geotechnical software. Excavation slopes within the soil will be assessed with 2D limit equilibrium methods using appropriate factors of safety design criteria for either temporary construction, or permanent slopes.

Inputs for the rock slope, and foundation/abutment stability analyses will be developed from the 3D geologic model of the site, rock structure (jointing) characteristics, borehole and laboratory testing results, and other observations made during the geotechnical explorations. When possible, the rock excavation slopes will be evaluated and designed based on the results of a kinematic analysis that considers the structural bedrock data obtained from the geotechnical explorations. PMB analyses will be completed based on estimated rock and joint shear strength, and estimated water and dam pressures as appropriate for specific PMB identified for evaluation.

5.5.5 Foundation Treatments

Preparation of the excavation surface for the dam is a key element of the design to create suitable performance of the dam/foundation interface. Foundation treatment requirements for the rock surface will be developed based on site characterization data and industry best practices anticipated to include the following:

- Excavation shaping
- Excavation cleaning and defect treatments
- Consolidation grouting
- Right abutment shaping/thrust block configuration
- Other dental and shaping block concrete treatments

The anticipated treatments identified, analyzed, and defined under this subtask will form the basis for details to be shown on the construction drawings, and described in the project specifications.

5.5.6 Seepage Design

Seepage conditions that develop in the dam foundation and abutment areas under the range of anticipated reservoir operating conditions (including flood and earthquake loading) are a significant design consideration for the new dam. Engineering analyses and evaluations will be completed to characterize water pressures and seepage conditions that will develop, provide input to 2D and 3D structural and geotechnical analysis models, and provide the design basis for seepage related foundation treatments (foundation grout and drainage curtains) to be included on the project drawings and in the project specifications. These analyses will also be used to demonstrate the overall safety of the dam under loading conditions described in the project Design Criteria report.

Based on the results of the site characterization work and engineering analyses, the requirements for the following design elements will be identified:

- Foundation and abutment grout curtain
- Foundation drainage curtain
- Integration of foundation and dam seepage and drainage features including the drainage gallery in the dam, the upstream dam facing system, and control joints within the dam.

While recognized as a 3D problem, seepage through the bedrock foundation under the maximum section of the dam and spillway as well as each of the dam abutments will be evaluated using 2D FE methods (FEM) of the GeoStudio SEEPW computer program. Judgement will be applied to the 2D seepage analysis results to address 3D seepage impacts to the design. Input to the models will be hydraulic conductivity estimates for the bedrock based on the results of water pressure tests performed during the geotechnical explorations. The expected seepage conditions including water pressures acting on the base of the dam and stilling basin RCC pedestal will be estimated both with and without grout curtain and foundation drainage curtain treatments to confirm the need and requirements for each treatment system, for input to structural and PMB analyses, analysis of the right abutment shaping block stability, and to provide estimates of the amount of reservoir seepage contribution to minimum stream flows below the dam.

An excavation conceptual dewatering plan will be developed based on the results of the geotechnical explorations and limited 2D seepage modeling of the upstream and downstream excavation slopes in the foundation alluvium and shallow weathered bedrock.

5.5.7 Right Abutment Shaping Block Section

Bedrock conditions in the right abutment will likely result in foundation modulus and deformability properties that are lower than the similar properties anticipated in the left abutment. To create abutment engineering properties and conditions in the right abutment that are approximately the same as those of the left abutment is an important design requirement. Similar abutment modulus and deformability properties are necessary to achieve the desired structural response of the dam during earthquake and flood loading conditions. Treatment

requirements (consolidation grouting) of the rock beneath the excavation objective in the right abutment as well as dimensional requirements for a right abutment shaping block on which the right abutment of the dam will be placed will be developed. The right abutment treatments and corresponding estimates of modulus and deformability characteristics of the abutment will be provided as input to the 3D structural modeling of the dam.

The geotechnical data from Task 3 will be evaluated and incorporated into the design of the right abutment shaping block section to achieve the desired abutment properties, and necessary abutment seepage cutoff and drainage to achieve the required stability of the shaping block. Once the shaping block configuration is identified and input to 3D structural analyses of the dam, estimated loads from the dam (from the 3D structural analysis) along with water pressures acting on the shaping block will be used to confirm the stability of the shaping block and abutment rock below the shaping block.

5.5.8 Geological/Geotechnical Design Report

The results of the above tasks will be summarized in a geological design report that includes subsurface interpretations and design implications based on the geologic/geotechnical data report under Task 3.

A geotechnical design report will be prepared that summarizes the geotechnical analyses and evaluation results. Necessary calculations and supporting documentation will be provided in the appendices.

5.6 Site Civil Basis of Design

The site civil basis of design will include developing configuration requirements for major project site civil features, demonstrating physical and functional integration of those features with other project features, and providing input/requirements on site civil components of the work into the development of construction contract documents including drawings, specifications, and design summary reports.

Design and development of site civil features includes:

- Construction disturbance limits
- Permanent and temporary site access roads, bridges, and culverts within the dam footprint area (remainder of the water supply pipeline, utilities and access roads outside the dam footprint will be contractor design based on the 30% design of those features completed under this scope of work)
- Construction and permanent utility services inside the dam footprint (utility services outside of dam footprint will be contractor design based on 30% design of those features completed under this scope of work)
- Area in immediate vicinity of water treatment plant
- Grading and site fills for the spillway and outlet works discharge structures including valve house
- Temporary and permanent drainage systems within the dam footprint
- Construction staging area development and restoration

- Stockpiling, reuse, or disposal of excess excavated materials including restoration of disturbed areas
- Site safety and security provisions including fencing, gates, etc.

The requirements for these items will be developed, documented and integrated with constructability considerations developed under Task 3. The site civil design will include the following:

5.6.1 Permanent Access Roads - Upper and Lower Big Creek Access Roads

Two roads are proposed for dam and reservoir access: 1) Upper Big Creek Access Road will begin at NE Harney Street and extend to connect with NE Big Creek Road east of the new dam; and 2) Lower Big Creek Access Road will extend from the City's WTP and end near the new dam outlet works discharge valve house. The intent for the Upper Big Creek Access Road is to generally follow the alignments of existing logging roads along this proposed alignment. The Lower Big Creek Access Road will generally follow the existing access road to BC2 but include upgrades related to restoration of the lower Big Creek reservoir, incorporation of the water supply pipeline from the dam to the WTP, and include new stream crossing structures.

The Upper Big Creek Access Road will be a 16-foot-wide (wider at curves), gravel-surface public road. Steeper sections may be paved to enhance all-weather access. The road will be used for construction access, dam and reservoir operations and maintenance (O&M), local traffic which currently uses NE Big Creek Road to travel to and from homes at the upper reservoir, and by the public to reach the upper reservoir for recreation. Parking areas near the right dam abutment for O&M and along the north shore of the reservoir for recreation will be included.

Portions of the Upper Big Creek Access Road are currently in a preliminary design under TO11. This final design scope of work includes advancing the design from preliminary to final. The portion of the Upper Big Creek Access Road from the southern end of the existing logging road to the right abutment of the dam and the northern reservoir shoreline have not been designed as they depend on the design of the dam.

The Lower Big Creek Access Road will also follow NE Big Creek Road beginning near the City's WTP and ending near the outlet works discharge valve house to be located adjacent to the spillway stilling basin at the downstream toe of the dam. A bridge will be designed for the Lower Big Creek Access Road/Big Creek crossing. Site fills for the outlet work discharge structure building and parking at the downstream toe of the dam will be required. Most of the proposed raw water pipeline and project utilities will be constructed in or alongside the Lower Big Creek Access Road.

This task will also include design and overall design management of a precast culvert(s) or single span bridge on NE Big Creek Road to cross Big Creek approximately 0.25 miles downstream of the new dam. An additional bridge or culvert will be needed to replace the existing stream crossing within the WTP boundaries. Restoration of Big Creek, changes in spillway capacity/flood flows, and fish passage requirements will likely be incompatible with the cross-sectional area and configuration of the existing crossing at the WTP. The existing bridge over the spillway at the lower dam is also in questionable shape and needs to be replaced.

This task will include runoff calculations and drainage infrastructure design for the access roads.

Assumptions

- Task includes development of DTMs/surfaces for temporary stream diversion during construction, grading at the dam, outlet works and stilling basin, and foundation excavation.
- Two culverts/bridges downstream of the dam are proposed, one crossing of Big Creek near the current crossing BC1, and one crossing Big Creek within the WTP boundaries.
- The bridges required for the dam (spillway and possibly access to the outlet works valve house) will be designed and integrated into the overall dam design under a separate structural design subtask 4.3.
- Roads will be designed following ODOT Standards, modified and supplemented as appropriate to suit the project and site conditions.
- Upper Big Creek Access Road alignment will generally follow existing logging roads.
- Lower Big Creek Access Road will generally follow its current alignment.
- Road design to upper reservoir residences is not included in this scope.
- Bridge/Culvert cross-sectional area/bridge span will be determined by fish passage and hydraulics disciplines.
- Culvert/bridge design criteria for the stream crossings will be developed and provided under separate data gathering and design criteria task (loading, soil parameters, etc. by other disciplines)
- Detailed structural design of these two culvert/bridges for the stream crossings will be prepared by the construction contractor as described in Task 4.
- If permitting and fish passage requirements allow, culverts may be substituted for bridge.

Deliverables

- Section in Basis of Design Report addressing Upper and Lower Big Creek Access Roads
- Crossing configuration in compliance with hydraulic design parameters/fish passage requirements.
- Preliminary plans, profiles, sections and details for roadways, surfacing/pavement, slope stabilization, retaining walls, if required, and drainage.

5.6.2 Construction Access and Staging Areas

Construction access and staging areas will be needed to support construction activities including material storage and aggregate stockpiles for production of RCC and CVC materials. Construction access and staging in the upper right abutment area, upstream and downstream of the dam in the river valley, and in the left abutment areas will be needed.

HDR will size and locate construction staging areas, access routes, and limits of allowable site disturbance for use during construction. This will include determination of right-of-way requirements, applicable environmental clearances, stormwater drainage and water quality control, and other site constraints. The staging areas will be identified on the drawings along with grading, drainage, security, traffic control, and signage. Final design of the staging areas will be completed by the contractor and submitted for review and approval by the City and HDR.

Assumptions

- Potential staging areas will include, one above the dam and one below the dam in the valley area, near the valley entrance by the WTP, and in the upper right and left abutments of the proposed dam

Deliverables

- Sketches and input information to designate staging and site disturbance limits on the drawings and in the project specifications. The basis for setting construction access, the size of the staging areas, grading and drainage requirements, security, traffic control, and signage will be included in the information that is developed.

5.6.3 Intra-Site Access and Haul Routes

Temporary construction roads will be needed within the overall construction site for travel to and from work, staging, and borrow areas. These temporary roads may be adjacent to and cross Big Creek and other environmentally sensitive areas. Considering access needs as well as environmental concerns and sensitive areas, HDR will identify site access roads and design considerations related to slope stability, access constraints, water quality management during construction, and safety.

Deliverables

- A summary of construction access needs, locations, and design considerations related to environmental, drainage and water quality, and slope stability issues at the site. This includes input necessary to represent construction access provisions on the project drawings and specifications to be completed under subsequent work tasks.

5.6.4 Excavations, Temporary Stockpiles and Excess Excavation Disposal Areas

Earth material for backfill around the dam site, for road fills, site fills, raw water pipeline backfill, and general site grading and restoration will be needed. It is anticipated that the excavations required for construction of the access roads, dam, and for breaching of the BC2 embankment will provide the materials needed to complete roadway, dam backfill, and site fills associated with the new dam.

Input from constructability evaluations and data from site investigations will be considered. Estimated excavation quantities, timing of those excavations, along with construction fill requirements will be used to identify both temporary storage stockpile and permanent excess excavated material disposal volume requirements. Based on these estimates, HDR will identify potential temporary stockpile areas, and permanent disposal locations considering approximate quantities, suitability of excavated materials, right-of-way requirements and environmental constraints, and restoration of the site(s) after construction.

Deliverables

- Excavation and Site Fill Summary TM containing requirements and timing (material balance), along with temporary stockpile and permanent excess excavation material disposal requirements and details.

5.6.5 Temporary Construction Stream Diversions

Big Creek must be temporarily diverted and crossed for the new dam and pipeline construction and existing dam demolition. The diversion will require multiple phases that consider water supply and reservoir operation requirements, construction flood hydrology, and construction access that may include Big Creek crossings. HDR will develop a phased construction plan that describes the required stream diversions necessary to meet water supply needs, to route to-be-determined flood flows, and protect the creek while enabling construction activities. This activity will also consider construction water supply needs and protection of water quality in Big Creek.

Deliverables

- Temporary Construction Stream Diversion TM developed in conjunction with the 30% constructability task (subtask 4.9)

5.6.6 Dam Excavation and Finish Grading

The area around the dam will require extensive excavation, fill, and finish grading after the dam embankment is complete. This activity will include excavation plans (excavation objective, maximum cut and fill slopes, site drainage, final grading) for the dam and appurtenant structures.

Deliverables

- Preliminary plans and details for dam area grading and drainage

5.6.7 Existing Utility Relocations

HDR will contact area utility companies and consult with WTP operators to identify utilities present in the project area. For utilities that require relocation, HDR will work with utility owners to determine who will perform the relocation (utility owner or project contractor) and the corresponding schedule. If utilities relocate their own facilities, HDR will provide project information for the relocations. Anticipated utilities are the following: gas, sewer, chemical lines, aspects cement pipe, raw water pipes, telecommunication, and power.

5.6.8 Pre- and Post-Construction Restoration of Local Roads

HDR will work with the City to develop and include requirements for contractor pre-construction condition surveys, contractor post-construction surveys, and identification of required post-construction restoration requirements for the contractor to execute. The approach to pre- and post-construction surveys and restoration requirements will be summarized in a memorandum that will be used as the basis for specifying these requirements in project contract documents.

5.6.9 Fencing and Gates

HDR will work with the City to identify fencing, gates, and other site access and security provisions for the design. The requirements including locations will be documented in a design memorandum for subsequent inclusion in the project contract documents. Anticipated fencing, gates and other security/access provision locations include the outlet discharge building/facilities, spillway stilling basin, outlet works intake tower/structure, and dam crest.

5.6.10 Runoff/Stormwater Management

Storm runoff from the project site due to local storms may not exceed pre-project conditions. Additional impervious area from construction of the dam footprint, regrading, etc. may increase runoff and require mitigation. HDR will prepare pre- and post-project runoff estimates to determine the effect, if any, of project features. Depending on the source and magnitude of increased runoff, HDR will develop measures or refine project features to manage runoff to acceptable levels.

In addition, stormwater runoff during construction may affect water quality in Big Creek and elsewhere on the project site. HDR will examine major project features and construction activities and identify feasible measures that can be implemented to protect water quality during construction. HDR will consult with WTP operators for input and coordination.

Assumptions:

- The construction contractor(s) will obtain Oregon stormwater permits for construction.
- HDR will not direct construction contractors' means and methods with regard to water quality protection. This activity will identify elements that can be designed into the project to meet Oregon stormwater management regulations and identify potential areas of concern during construction such that drawings and specifications provide detail for contractor bidding.

Deliverables

- Portion of the Basis of Design Report regarding (civil, roads, utilities)
- List of applicable Technical Specifications
- Civil site work quantity summaries to support 30% cost estimate
- Stormwater Management TM

5.7 Stream Restoration Geomorphic Assessment

This task involves geomorphic analysis of the larger drainage system to verify that the final restoration design fits the project setting, and will develop proposed plan, profile, and cross-section for the restored channel. Floodplain configuration and vegetation will be included.

HDR Services

- This task will initially be a desktop exercise to assess watershed conditions through the review of historical aerial photos, topographic maps, historical construction plans and geological maps. A full day field visit for two staff will follow the desktop exercise to confirm initial information and collect additional data for the geomorphic assessment including performing three pebble counts in an appropriate reference reach.
- Assessment will include valley types, valley and channel slopes, channel type and reach breaks (based on geomorphic changes), and planform metrics of the channel.
- Vegetation and potential sediment sources will be included.
- Results will inform channel design.

Assumptions

- This task will include one field visit for two staff

- Pebble counts will be Wolman method and form the basis for the restored streambed sediment mix design

Deliverables

- Draft/Final Geomorphic Assessment TM

5.8 Electrical and I&C Basis of Design

Establish a basis of design for electrical power, I&C, and communication systems that identifies the technical approach and key components in design elements including major equipment, system architecture, reliability, resiliency, redundancy, supervision, maintenance, and operation.

Key identified components during scope development are:

- LED lighting for interior and exterior
- Security cameras at dam and chain-link access gates
- Dam water level transmitter
- Automated discharge valves
- Earthquake alert monitoring system
- Emergency power monitoring and control

Assumptions

- Basis of Design report will be submitted in draft and final versions with comment resolution between issues.
- Basis of Design report will be submitted and potentially updated as reference at each design phase.

Deliverables

- Draft/Final Electrical and I&C Basis of Design (as part of the overall Basis of Design report)

5.9 Intake Pump Station Modifications

With the new dam, the hydraulic head will change from the dam to the intake pump station at the WTP. The pressure into the WTP cannot exceed a certain amount without damaging the membrane filter housing. Under TO11, a hydraulic model was developed to simulate the flow from the new dam all the way through the WTP. At the time, assumptions were made about the elevation of the ports at the intake tower at the new dam. Once the exact water surface elevations and piping arrangement in the valve house are known, the model will be rerun and head losses adjusted to confirm the recommendations on how to change the intake pumps at the WTP to achieve the needed pressure going into the membrane filters.

HDR Services

- Revisit the hydraulic model from dam intake to WTP clearwell to confirm intake pump station modifications, and adjust the model as needed.
- Update the drawings showing the modifications

- Update Intake Pump Station TM with modifications

5.10 Early Warning System

The new dam will have an early warning system installed to monitor movement, reservoir levels, and the surrounding areas with cameras.

HDR Services

HDR will implement an early warning system to the new dam design. The system will consist of security systems and shaking alerts which will be connected to the WTP via SCADA.

Deliverables

- Deliverables will be included in the drawings and specifications.

TASK 6 60% DESIGN

Objective

The objective of 60% Design is completing draft construction documents and design documentation conforming to the results of basis of design work completed under Task 5. This includes 60% level contract drawings and specifications, and constructability-related deliverables including cost estimate, construction schedule and constructability/risk assessment. After the 30% design and basis of design tasks, certain design features will progress forward as contractor-design, performance-based specifications as noted in the following subtasks.

6.1 Geotechnical Design

Drawings: Develop 60% design level drawings including details for the dam and related appurtenant structures:

- Geologic and geotechnical information for construction:
    - Geotechnical and Geophysical Investigations Plan
    - Geotechnical Profiles and Sections
    - Geotechnical Legend
- Excavation objective for the dam and appurtenant structures (right abutment shaping block, spillway, outlet works and abutment access including survey controls
- Foundation treatment details
- Compaction and curtain grouting
- Foundation drainage
- Miscellaneous geotechnical design requirements for permanent excavation slope stabilization, drainage, and rockfall protection.

Specifications: Develop 60% design level technical specification for the dam and appurtenant structures. The specification sections will likely include Aggregate for Roller Compacted

Concrete; Foundation Excavation; Foundation Preparation and Treatment; Drilling and Blasting; Drilling and Grouting; Foundation Drains; Earthwork; Rock Scaling, Removal, Retention Netting, Bolting and Doweling; Rock Anchors; and Slope Drainage.

Other Geotechnical Design Items: The geotechnical design work will include development of foundation and abutment instrumentation requirements for monitoring water pressures beneath the dam and verification of the foundation grout curtain and drainage systems performance. Other geotechnical input to the dam performance monitoring will include such items as surface movement monuments, slope stability, and seismographs for recording ground motions should an earthquake occur. Geotechnical instrumentation will be combined with structural monitoring instrumentation to provide a basis to confirm the dam is performing in conformance with design assumptions, and assess operational performance during normal operations, flood operations, or following an earthquake event.

6.2 Hydraulic Structures Design

6.2.1 Hydrologic Update

Integration of additional hydrologic data collected (Task 3) into continuous simulation hydrologic model. Documentation will be incorporated into the Hydraulic Structure Design section within the Basis of Design report.

6.2.2 Outlet Works

Develop drawings to a 60% level and prepare draft construction specifications.

Drawings: Develop 60% design level drawings including details for the dam and related appurtenant structures:

- Intake tower
    - Structural plans, sections, and details (dimensions, reinforcing details, anchorage to dam, contraction and control joints, water stops, gate openings, etc.)
    - Mechanical plans, sections, and details (gates and operators for multi-level reservoir operations)
- Dam penetration piping/penstock(s)
- Outlet discharge system
    - Valves and piping for water supply, minimum streamflow, and dam safety releases
    - Discharge stilling basin
- Valve house

Specifications: Develop 60% design level Division 03 Concrete and 05 Metals technical specifications for the dam and appurtenant structures. The specification sections will likely include Cast-in-place Concrete, Concrete Forming, Reinforcing Steel, Concrete Curing, Polyvinyl Chloride Waterstop, Non-shrink Grouting, Epoxy Grouting, Concrete Accessories, Controlled Low Strength Material, Anchoring to Concrete, Structural Steel, Steel Joist Framing, Steel Roof Decking, Metal Fabrications, Steel Pipe for Water Transmission.

6.2.2.1 Intake Tower

- Draft design of the intake tower, including anchorage to the dam, and prepare drawings showing plan, section, and detail views.
- Develop details of the intake tower to include design and preliminary layout of gates, gates operators, operator anchorage, grating and railing layout, and gate guides, bulkheads and bulkhead slots. Prepare drawings.
- Draft design of trashracks and prepare drawings.
- Design second stage work related to diversion, water supply requirements during construction, and final gate closure sequencing for storage and operations.
- Develop initial gate procurement specification.

6.2.2.2 Outlet Works Piping

- Complete draft design of the outlet works piping and prepare drawings.
- Develop draft pipe specifications

6.2.2.3 Valve House

- Draft design of control house for valves, and other mechanical and electrical equipment as required and prepare drawings.
- Develop initial valve procurement specification

6.2.2.4 Discharge Structure and Stilling Basin

- Complete draft design of the discharge structure and prepare drawings showing plan and profile views.

6.2.2.5 Miscellaneous Metalwork

- Draft design of metalwork which consists of stairs, landings, guardrails, frames and grating, roof hatches, doors, and door frames. Prepare drawings.

6.2.3 Spillway and Stilling Basin Energy Dissipator

Develop drawings to a 60% level and prepare draft construction specifications.

Drawings: Develop 60% design level drawings including details for the dam and related appurtenant structures:

- Spillway Crest Structure; Plan, Sections, and Details
- Spillway Bridge: Plan, Sections and Details
- Spillway Chute and Training Walls; Plan, Sections and Details
- Spillway Stilling Basin Energy Dissipator; Plan, Sections, and Details

The drawing details will include the appropriate requirements for integrating the structures into the dam.

Specifications: Develop 60% design level technical specifications for the spillway structures. Specifications will be those required but not already included for the outlet works.

6.2.3.1 Spillway Crest

- Draft design of the spillway crest and prepare drawings.

6.2.3.2 Spillway Bridge

- The spillway bridge design will be a contractor-design performance specification after the 30% design.

6.2.3.3 Spillway Chute and Training Walls

- Draft design of the spillway chute and walls and prepare plan, section, and detail drawings.
- Prepare design details of these features.

6.2.3.4 Energy Dissipator

- Draft design of the energy dissipator configuration
- Consideration of results of erosion and scour analysis accomplished in the 30% Design phase and resistive or mitigative considerations for preventing adverse foundation scour or excessive scour of downstream receiving channel.
- Prepare design details of these features including control and contraction joints, foundation anchorage, and drainage.

6.2.3.5 Miscellaneous Metalwork

- Draft design of metalwork which consists of stairs, landings, guardrails and handrails, frames, and gratings. Prepare drawings.
- Complete performance specification for the debris/safety boom located in the reservoir.

6.2.4 Water Control Manual

Develop 60% design level Water Control Manual for operation of the new dam and outlet works to characterize typical and unusual operations in response to various conditions. The manual would include typical operating plans for the multi-level intake system, control valves, bypass systems, sediment management and removal, water temperature management, and water quality management. The Water Control Manual would also include guidelines for periodic inspection, maintenance procedures, and documentation requirements.

6.3 RCC Dam Design

Develop 60% design level drawings and details of the dam and related appurtenant structures (spillway, outlet works)

- General plan of dam and appurtenant structures
- General profile of dam
- Typical cross-sections and step numbering (non-overflow max section, spillway section, outlet works section)
- Upstream and downstream facing systems
- Control joints and crack inducers
- Dam seepage control including internal gallery and access adit(s), dam foundation drainage
- Other leveling or shaping concrete

- Lift surface treatment requirements
- Integration of other dam appurtenant structures (crest, parapets, etc.)
- Dam and foundation instrumentation

Develop 60% design level Division 3 specifications for the dam and integration of appurtenant structures. The specification sections will likely include Roller Compacted Concrete (RCC), Conventional Vibrated Concrete (CVC), RCC Production Uniformity Testing, Precast Structures, and Structural/Geotechnical Instrumentation.

6.3.1 Upstream and Downstream Facing Systems

Develop details for illustration on the drawings for the upstream and downstream facing systems. Develop requirements for inclusion in appropriate technical specifications.

6.3.2 Control Joints and Crack Inducers

Develop details for illustration on the drawings and inclusion in the RCC and other appropriate technical specifications.

6.3.3 Seepage Control

Integration of the foundation and dam seepage control provisions of the design will be completed and includes integration of the foundation grout curtain, and the foundation and dam drainage systems. Integration of the foundation and dam drainage systems will occur within the dam gallery, which may include drainage manifolds along the steep abutments where full gallery access is not possible. Combined dam and foundation seepage provisions will perform as a system to achieve the design intent relative to uplift pressures acting on the base of the dam and the safe collection and discharge of dam and foundation seepage that occurs.

Gallery requirements will be developed, and other seepage control provisions for the dam and foundation will be shown on the drawings.

The integrated system for the seepage control will include:

- Foundation and abutment excavation and treatment (developed under subtask 6.1)
- Foundation and abutment grout curtain (developed under subtask 6.1)
- Dam gallery
- Facing systems (developed under subtask 5.2.1)
- Control joints and crack inducers in the dam (developed under subtask 5.2.2) with appropriate water stops and joint detailing to control the locations where cracks will develop and minimize leakage through cracks. Spacing of joints and joint design will be based on thermal analyses as well as changes in the abutment excavation slopes and the location and configuration of the spillway and outlet works that act to induce cracking due to rapid changes in plan and profile dimensions and material properties.
- Combined dam and foundation seepage provisions will perform as a system to achieve the design intent relative to uplift pressures acting on the base of the dam and the safe collection and discharge of dam seepage that occurs.
- Design and detail instrumentation for monitoring initial reservoir filling and long-term performance of the dam and foundation.

6.3.4 Leveling and Shaping Concrete

Develop details and drawings for the leveling or shaping concrete required to be placed prior to RCC. Includes transition and joint details for foundation, composite section, hydraulic structures and transition of RCC at foundation and abutments and right abutment closure section.

6.3.5 Lift Surface Treatment Requirements

Develop details and drawings for the RCC lift treatments that require bond. Requirements for treatment of the lift surface including cleaning, green cutting, and bedding mortar placement will be detailed and the preferred method of treatment specified for up to three levels of “cold joint” maturity.

6.3.6 Dam Appurtenant Structures

Develop details and drawings for dam appurtenant structures at the crest of the dam which includes the surface of the crest, parapet on upstream and downstream side, drainage of the crest, stairways, ladders, frames and grating for access to intake tower, and mechanical access.

6.3.7 Right Abutment Configuration and Treatment

Develop details and drawings for right abutment closure section to transfer loads from the RCC dam to the right abutment.

6.4 Site Civil Design

The 30% design drawings and drawing list will be further developed, updated, and revised to be consistent with a 60% level of design completion for those features that will be fully designed through 100%. For the features (those not directly associated with the dam design) that will be contractor-design performance specifications, the 60% effort will be drafting the specifications. The general configuration of civil engineering components of the project will be defined. Information and analytical results from previous design phases (civil and other disciplines) will be incorporated into the 60% submittal.

Deliverables

- Draft and final 60% site civil drawings
    - Cover Sheet
    - Drawing Index
    - General Legend, Symbols and Abbreviations
    - General Notes
    - General Site Plan and Survey Controls (2)
    - Reservoir Area Capacity Curve, Dam spillway and outlet works rating curves
    - Upper BC2 Dam Drawings (3)
    - Stormwater and Drainage Plan (2)
- Draft and final 60% site civil specifications
- Updates to the basis of design report

HDR will deliver draft versions of the key Division 1 specifications that form the administrative framework for the technical specifications and includes:

- Measurement and Payment
- Submittals
- Quality Control and Quality Assurance
- Permitting
- Environmental Compliance

6.5 Upper Dam (BC2) Breaching Design

After 30% design, the upper (BC2) dam breaching design will progress to 100% while the lower dam removal design will be a contractor-design performance specification. This task will consider and incorporate 30% design comments and includes development of drawings and specifications and cost estimate to be incorporated into the overall construction documents for the upper (BC2) dam breach. Construction sequencing of the upper (BC2) dam removal design will be addressed under the 60% constructability task to account for water management and sediment control during construction. The 60% upper (BC2) dam removal design will include proposed grading, plan view, cross sections, and general details.

Assumptions

- Upper (BC2) dam removal design will progress to 100% design while the lower dam removal design will be a contractor-design performance specification.
- Existing topographic and bathymetric data combined with data collected in other tasks are adequate to prepare dam breaching drawings and specifications.
- Dam breaching design development will be based on existing as-built plans for the existing dams.
- Materials generated during dam removal are unacceptable for other on-site uses and will be disposed off site unless materials may be incorporated into stream restoration design.
- Reservoir restoration is addressed under stream restoration design.

Deliverables

- 60% upper (BC2) dam breach design drawings, specifications, and cost estimate.
- Construction Sequencing and Water/Sediment Management TM.

6.6 Electrical & I&C Design

6.6.1 60% Electrical Design

Sixty-percent design will further develop the details for the electrical system by scheduling connections to equipment and devices on plan drawings and finalizing the electrical single-line diagram for each service. Equipment will be sized according to capacity and physical dimension. Mechanical, process, and ancillary equipment is cross-referenced to electrical drawings and shown with disconnects, control panels, and other connections to driven equipment. Panel, conduit and cable, and lighting fixture schedules will be added to the package.

Underground ductbanks will be shown on the site plan and coordinated with civil drawings. Locations for handholes, manholes, pullboxes, and transitions from underground will be detailed, with exact dimensions and locations refined later.

Electrical rooms and galleries will be sized and coordinated with structural. Detailed conduit, junction box, and device embedment in the dam structure and supporting concrete will be coordinated with end points established. Final routing and embedment will occur during 90% design.

Special considerations for powered gates and access points will be included on plans for future detailed design.

Control system SCADA design requirements will be coordinated for networking, camera locations and connection, and known control wiring.

Deliverables

- Updated Electrical 60% design drawings and specifications

6.6.2 60% I&C Design

Sixty-percent design will further develop the details for the I&C system by scheduling connections to equipment and devices on plan drawings and finalizing the P&IDs. Equipment will be sized according to capacity and physical dimensions. Mechanical, process, and ancillary equipment will be cross-referenced to I&C drawings and shown with control panels, placeholders for motor control, and other connections to driven equipment. Instrument schedules, I/O schedules, fuse schedules, and preliminary bills of materials will be added to the package.

Underground ductbanks will be coordinated with electrical on the site plan. Locations for handholes, manholes, pullboxes, and transitions from underground will be detailed, with exact dimensions and locations refined later. Shake monitoring and other geotechnical monitoring instrumentation will be coordinated with geotechnical, structural, and civil.

Location of the control room(s) and primary control locations will be coordinated with the City during this phase.

Networking, camera locations and connection, and known control wiring will be closely developed and coordinated with electrical.

Workshops No. 2 and 3 will occur during this stage of the design.

Assumptions

- Basis of Design report will be updated in conjunction with this effort
- Final sizing of electrical equipment will be performed during this phase of design
- 60% design review meeting will be in person at the City of Newport

Deliverables

- 60% drawings

- 60% specifications – Technical specifications with minor edits will be issued
- Final calculations
- Cost Opinions and Equipment Availability TM

6.7 Constructability, Cost, Schedule, and Risk

Previous sections include a constructability, cost, schedule, and risk framework to support design through final design and procurement. The following subtasks will be completed to support design development from the basis of design and the 30% design milestones through a 60% design milestone:

- Selection of outstanding design options and alternatives support
- Construction drawing support
- Selection and development of diversion, dewater, and temporary construction works methods including developing contract responsibility assignment, drawing and specification development recommendations
- Prepare and review key cost, schedule, and risk driving specifications, including front-end contract provisions
- Develop 60% bid form including anticipated measurement and payment basis
- Update recommendations on work packaging, contract delivery, and procurement approach and implementation
- Organize and hold a formal constructability review, to include targeted option and value evaluations
- Update construction schedule to a 60% design level
- Transition the 30% cost estimate to a more detailed AACE Class 2-3 estimate, including a preliminary Monte Carlo-type cost-risk evaluation
- Support technical and constructability input and needs regarding: 1) parallel and peripheral environmental permitting; 2) stakeholder outreach; 3) access road design, and 4) stream restoration design

An in-person 2-day Constructability Review will be held at the site and targeted to occur after draft 60% deliverable documents are complete. The Constructability Review Panel will be comprised of up to two independent experts (budget includes two experts) and one HDR construction representative. A preparatory site visit and design briefing will be provided by up to three design team staff. A report will be required of the Panel and incorporated into the 60% Constructability, Cost, Schedule, and Risk TM update.

Assumptions

- Aspects of the work described in this task will precede and inform the 60% design package while other tasks, for example 60% cost estimate completion, will necessarily follow the 60% design.

Deliverables

- Update the Construction, Cost, Schedule, and Risk TM to include, in part:
    - 60% construction schedule

  - 60% construction risk register
  - 60% cost estimate
  - 60% bid form

- Recommendations TM on work packaging, contract delivery, constructability review, and procurement approach and implementation

6.8 60% Design Team Meetings

This task includes the internal 60% design meetings (weekly design team meetings, quarterly in person check-in meetings).

Assumptions:

- Weekly design team meetings (1 hour long for up to 9 project team members)
- Quarterly design team meetings (in person; 2 days including travel for up to 9 people)

TASK 7 90% DESIGN

Objective

The objectives of the 90% Design task are to complete the drawings to a level that is ready for final review by the City, state, and federal entities. The main focus will be on detailed drawings and specifications.

HDR Services

7.1 Geotechnical Design

- Develop details and drawings to a 90% level for final review. Complete construction specifications.
- Complete foundation and abutment instrumentation requirements.
- Complete foundation grout curtain and drainage system designs.
- Finalize dam performance monitoring inputs for surface movement monuments, slope stability, and seismographs for recording ground motions should an earthquake occur.

7.2 RCC Dam Design

Develop details and drawings for the following RCC dam design features to the 90% level:

- Upstream and downstream facing system
- Seepage control and foundation drainage
- Leveling or shaping concrete
- Lift surface treatment requirements
- Dam appurtenant structures (crest, parapets, etc.)
- Develop right abutment configuration and treatment

7.3 Hydraulic Structures Design

7.3.1 Hydrologic Update

Integration of additional hydrologic data collected as part of Task 3 into continuous simulation hydrologic model. Documentation will be incorporated into the Hydraulic Structure Design section within the Basis of Design report.

7.3.2 Outlet Works

- Develop details and drawings to a 90% level for final review. Complete construction specifications.

7.3.2.1 Intake Tower

- Finalize design, details, and drawings of the intake tower.
- Develop additional final detail drawings.
- Finalize design and drawings of second stage work related to diversion, water supply requirements during construction, and final gate closure sequencing for storage and operations.

7.3.2.2 Outlet Works Piping

- Finalize design of the outlet works piping and finalize drawings.

7.3.2.3 Valve House

- Finalize design and drawings of control house for valves, and other mechanical and electrical equipment as required.

7.3.2.4 Discharge Structure and Stilling Basin

- Finalize design and drawings of the discharge structure and separate stilling basin structure, if a flip bucket and plunge pool design is selected for the primary spillway energy dissipator.
- Finalize design and drawings for the walls, floor slabs, footings, chute and baffle blocks, end sill, control and contraction joints, and foundation anchorage and drainage.

7.3.2.5 Miscellaneous Metalwork

- Finalize design and drawings of metalwork which consists of stairs, landings, guardrails, frames and grating, roof hatches, doors, and door frames.

7.3.3 Spillway and Energy Dissipator

- Develop details and drawings of the spillway to a 90% level for final review. Complete construction specifications.

7.3.3.1 Spillway Crest

- Finalize design of the spillway crest and prepare drawings.

7.3.3.2 Spillway Chute and Walls

- Finalize design and drawings of the spillway chute and walls.

- Prepare design details of these features.

7.3.3.3 Energy Dissipator

- Finalize design and drawings of the energy dissipator selected during the 30% design phase and CFD or physical scale hydraulic modeling studies. Includes control and contraction joints, foundation anchorage, and drainage.

7.3.3.4 Miscellaneous Metalwork

- Finalize design and drawings of metalwork which consists of stairs, landings, guardrails and handrails, frames, and gratings.

7.3.4 Water Control Manual

Update Water Control Manual for operation of the new dam and outlet works to characterize typical and unusual operations in response to various conditions. At this design stage, the manual would be updated with additional details developed during 90% design pertinent to operating features. Typical operating plans for the multi-level intake system, control valves, bypass systems, sediment management and removal, water temperature management, and water quality management would be updated as needed to address the additional design details. The Water Control Manual would also update the periodic inspection procedure and documentation requirements.

7.4 90% Upper Dam Breach Design

This task will advance the 60% drawings, specifications, and cost estimate for the upper (BC2) dam removal design and incorporate City comments from the 60% submittal. The 90% dam removal breach design will include plan view, cross sections, and details for the upper (BC2) dam breach areas. The lower dam removal will be a contractor-design performance specification.

7.5 90% Constructability, Cost, Schedule, and Risk

Constructability, cost, schedule, and risk staff will continue to support discipline design development and the efforts will become more focused on final procurement planning, industry awareness and participation, document coordination, and preparation for successful construction. The following tasks will support design development from the 60% design through 90% design milestone:

- Finalization of work packaging splits
- Update the construction schedule emphasizing final or near-final recommendations regarding contract performance period(s), contract schedule restrictions or constraints, and interim contract milestones
- Support near-final drawing development
- Update a 90% Opinion of Probable Construction Cost (OPCC); including a final cost-risk analysis and beginning to emphasize market conditions and assessment that may influence bids

- Consider and provide recommendations for contractor qualifications, contractor proposal requirements, and contractor selection basis and criteria
- Support near-final industry awareness and pre-solicitation efforts
- Provide review and writing support of construction specifications, contract provisions
- Draft pre-construction and construction handoff considerations
- Perform final assessment and recommendations from risk register review and status
- Coordinate CRB 90% review, comment, and responses
- Support remaining needs regarding: 1) parallel and peripheral environmental permitting; 2) stakeholder outreach; 3) access road design, and 4) stream restoration design

Assumptions

- Aspects of the work described in this task will precede and inform the 90% design package while other tasks, for example 60% cost estimate completion, will necessarily follow the 90% design.

7.6 90% Site Civil

Incorporate 60% comments and provide additional detail to 90% drawings for those features that will be fully designed through 100%. For the features (mainly those not directly associated with the dam design) that will be contractor-design performance specifications, the 90% effort will be completion of the specifications. Resolve remaining minor analysis issues, finalize design concepts developed during previous phases.

7.7 90% Electrical & I&C Design

7.7.1 90% Electrical Design

The design is essentially complete at the 90% level with only minor updates or changes expected. Details for the electrical system will be fully developed through scheduling connections to equipment and devices on plan drawings and updating the electrical single-line diagram for each service. Equipment sizes will be updated according to capacity and physical dimension. Mechanical, process, and ancillary equipment is cross-referenced to electrical drawings and shown with disconnects, control panels, and detailed electrical connections to equipment. Panel, conduit and cable, and lighting fixture schedules will be finalized.

Updated locations of underground ductbanks will be shown on the site plan and coordinated with civil drawings. Locations for handholes, manholes, pullboxes, and transitions from underground will be detailed with exact dimensions and locations.

Electrical rooms and galleries will be verified and coordinated with structural. Detailed conduit, junction box, and device embedment in the dam structure and supporting concrete will be coordinated with final routing and embedment locations.

Powered gates and access points will be added to the detailed design.

Control system SCADA design requirements will be coordinated for networking, camera locations and connection, and the control wiring.

Significant details will be added at the 90% design phase that show mounting, orientation, connection, support, and appurtenant information for construction of the entire electrical system. This will include detailed wiring diagrams for motors, lighting, and control systems not covered under the SCADA task.

Calculations will be performed in accordance with the National Electrical Code, Instrumentation Systems Association, Institute of Electrical and Electronics Engineers, Manufacturer recommendations, National Institute of Standards and Technology, and other relevant standards. Specific calculations will be performed for the following:

- Heating and cooling loads within control panels and network equipment
- I/O development, points lists
- Control circuit ampacities
- Percent fill for conduits and wireway
- Load for uninterruptable power supplies and control circuitry
- Zero and span for instrumentation

Assumptions

- Basis of Design report will not require any updates
- Design review meeting will be conducted in person at City of Newport

7.7.2 90% SCADA Design

The design is essentially complete at the 90% level with only minor updates or changes expected.

- Details for the I&C system will be fully developed through scheduling connections to equipment and devices on plan drawings and updating the instrumentation diagrams for each typical type of instrument.
- Equipment sizes will be updated according to capacity and physical dimension.
- Mechanical, process, and ancillary equipment is cross-referenced to I&C drawings and shown with detailed control connections.
- Underground ductbanks will be coordinated with electrical on the site plan. Locations of instruments will be shown on the appropriate sheet.
- Control rooms and panel locations will be verified and coordinated with structural. Detailed conduit, junction box, and device embedment in the dam structure and supporting concrete will be coordinated with final routing and embedment locations coordinated with electrical.
- Powered gates and access points will be added to the detailed design.
- Control system SCADA design requirements will be coordinated for networking, camera locations and connection, and the control wiring.
- Significant details will be added to at the 90% design phase that show mounting, orientation, connection, support, and appurtenant information for construction of the entire I&C system. This will include detailed wiring diagrams for motors, instruments, and control systems.
- Electrical meeting with the City (Workshop No. 4) will occur during this design phase.

7.8 90% Design Team Meetings

This task includes the internal 90% design meetings (weekly design team meetings, quarterly in person check-in meetings).

Assumptions:

- Weekly design team meetings (1 hour long for up to 9 project team members)
- Quarterly design team meetings (in person; 2 days including travel for up to 9 people)

Overall 90% Design Deliverables

- 90% Drawings all disciplines
- 90% Technical specifications all disciplines
- 90% Front end specifications
- 90% Updated Water Control Manual
- 90% Basis of Design Report
- Update the Construction, Cost, Schedule, and Risk TM to include, in part:
    - 90% construction schedule
    - 90% construction risk register
    - 90% OPCC estimate
    - 90% bid form
- Updates for Recommendations TM on work packaging, contract delivery, constructability review, and procurement approach and implementation
- For electrical and I&C: Updated Cost Opinion and Equipment Availability TM

TASK 8 100% DESIGN

Objective

The objectives of the final design task are for the drawings and specifications package to be 100% complete and ready for bid. This includes incorporation of comments from permitting and stakeholders from the 90% level review. In addition, upon completion of the final design for the new dam, a Water Control Manual will be developed to provide clear expectations for dam operations, particularly the outlet works that would require operation of multi-level intake system, valves associated with the outlet works control system, and monitoring equipment necessary to observe conditions important for managing the new facilities.

8.1 Geotechnical Design

Finalize drawings and specifications. Complete comment resolution log and design summary report.

8.2 100% RCC Dam Structural Design

Finalize drawings and specifications. Complete comment resolution log and design summary report.

8.3 100% Hydraulic Structures

Finalize drawings and specifications. Complete comment resolution log and design summary report.

8.3.1 Water Control Manual

Finalize Draft Water Control Manual for operation of the new dam and outlet works to characterize typical and unusual operations in response to various conditions. This version will be updated once construction is complete and all vendor equipment has been selected and installed, to provide necessary specificity to installed equipment. In general, the Final Draft Water Control Manual would include typical operating plans for the multi-level intake system, control valves, bypass systems, sediment management and removal, water temperature management and water quality management. The Water Control Manual will also include a periodic inspection procedure and documentation requirements.

8.4 100% Constructability, Cost, Schedule, and Risk

Constructability, cost, schedule, and risk staff will support finalization of design and emphasize the coordination and consistency of construction documents in preparation for procurement and pre-construction. The following tasks will support the design development from the 90% design through 100% design milestone:

- Update the construction schedule making final determination of contract performance period(s), contract schedule restrictions or constraints, and interim contract milestones
- Finalize a pre-bid OPCC; emphasizing the anticipated construction bids, bid and market uncertainty, identifying recommended construction (post-award) contingencies, and awareness of remaining but not estimated non-contractor costs
- Oversee final review of bid form quantities and measurement for payment
- Provide final review and coordination of construction drawings, construction specifications, contract provisions, and other included contract documents
- Finalize supporting documents for bid and proposal evaluations, and pre-construction and construction handoff

A final Constructability, Cost, Schedule, and Risk TM will be updated to support procurement and construction services.

8.5 100% Site Civil

Finalize drawings and specifications for site civil. Complete comment resolution log and design summary report.

8.6 100% Electrical and I&C Design

8.6.1 100% Electrical Design

The design will be complete with minor changes expected during the bid period as a result of bidder questions. Details for the electrical system will be fully developed through scheduling connections to equipment and devices on plan drawings and finalizing the electrical single-line

diagram for each service. Equipment sizes will be finalized according to capacity and physical dimension. Mechanical, process, and ancillary equipment is cross-referenced to electrical drawings and shown with disconnects, control panels, and detailed electrical connections to equipment. Panel, conduit and cable, and lighting fixture schedules will be finalized.

Final locations of underground ductbanks will be shown on the site plan and coordinated with civil drawings. Locations for handholes, manholes, pullboxes, and transitions from underground will be detailed with exact dimensions and locations.

Electrical rooms and galleries will be finalized and coordinated with structural. Detailed conduit, junction box, and device embedment in the dam structure and supporting concrete will be coordinated with final routing and embedment locations.

Feeders to powered gates and access points will be finalized.

Final control system SCADA design requirements will be coordinated for networking, camera locations and connection, and the control wiring.

Details will be finalized that show mounting, orientation, connection, support, and appurtenant information for construction of the electrical system. This will include final detailed wiring diagrams for motors, lighting, and control systems not covered under the SCADA task.

8.6.2 100% I&C Design

The design will be complete with minor changes expected during the bid period as a result of bidder questions. Details for the I&C system will be fully developed through scheduling connections to equipment and devices on plan drawings. Equipment sizes will be finalized according to capacity and physical dimension. Instrument schedules, I/O schedules, fuse schedules, and bills of materials will be finalized.

Control rooms and galleries will be finalized and coordinated with structural. Detailed conduit, junction box, and device embedment in the dam structure and supporting concrete will be coordinated with final routing and embedment locations. Shake monitoring will be finalized.

Final control system SCADA design requirements will be coordinated for networking, camera locations and connection, and the control wiring.

Details will be finalized that show mounting, orientation, connection, support, and appurtenant information for construction of the entire system. This will include final detailed wiring diagrams for motors, and control systems.

Overall 100% Assumptions

- HDR is integrating the shareholders at each level of design. The assumption is that stakeholders provide major comments during the 30% and 60% design phases. The resolution of these comments have been addressed and are reflected in the 90% design phase. Major concept changes provided by the stakeholders at the 100% design are not included in this level of effort and will require a contract change.

Overall 100% Design Deliverables

- 100% Bid-ready drawings
- 100% Bid-ready technical specifications
- 100% Bid-ready front-end specifications
- Update the Construction, Cost, Schedule, and Risk TM to include, in part:
    - 100% construction schedule
    - 100% construction risk register
    - 100% cost estimate
    - 100% bid form
- Updates for Recommendations TM on work packaging, contract delivery, constructability review, and procurement approach and implementation
- Final Basis of Design Report
- 100% Water Control Manual

8.7 Final CAD Production

Objective:

This task entails the production of the final bid documents.

HDR Services

Final drawings and specs will be prepared for the Bid Phase.

Assumptions:

- Comments from City and stakeholders have been addressed and there are no more changes.

Deliverables:

- Bid package (drawings, specifications, Basis of Design report)

TASK 9 BID AWARD

Objective

HDR will assist with the bidding process and provide support, guidance, and answer questions from the contractor during the bidding period.

9.1 Bid and Award Period Constructability, Cost, Schedule, and Risk

Constructability, cost, schedule, and risk staff will support advertisement, pre-bid, bid period, and award services. The following tasks depend on contract packaging, project delivery, and procurement methods. Generally, this effort follows the completion of the 100% contract documents but some supporting effort is included during earlier design development.

- Support preparation for and participation in contractor industry awareness day (around 60%)
- Support contractor pre-bid inquiries and a mandatory site visit

- Support contractor bid-period inquiry responses
- Assist in proposal evaluation and selection
- Assist in post-bid, pre-award contractor interviews and negotiations

9.2 Assistance during Bidding

Objective:

HDR will provide assistance to the City during bidding. Hours have been included to answer contractor questions and issue addenda.

HDR Services

- Review contractor's questions and write addenda
- Prepare conformed documents post-bid

9.3 Bid Period Electrical and I&C Engineering Support

Electrical engineering support during the bid period will include attendance and participation in the bid walk by the Electrical Engineer of Record, response to questions directly related to the electrical design, and evaluation of up to three bids.

Additional support will include preparation of one addendum in response to questions and clarifications, which may affect drawings or specifications issued for bid.

Assumptions

- The scope anticipates a prequalified, value-based, contractor selection process that does not include formal early contractor engagement, Construction Manager/General Contractor (CMGC)/Construction Management at Risk (CMAR), or design-build processes. Value-based means contractor evaluation and selection based on technical proposals and cost proposals allowing award based on technical criteria as well as costs.
- Four addenda are included in the fee estimate.
- Budget includes one site visit with three HDR staff to interview contractors and provide bidding assistance.
- Review of contractor's approach and design is not included in this scope and fee, but will be included in the next phase of work (construction portion of this project).
- Bid walk for electrical portion will be at the City of Newport and no more than 3 hours long
- Response to bid period questions (fee assumes up to 10)
- Preparation of bid period addendum affecting a maximum of three drawings and three specifications

Deliverables

- Notes from bid walk
- Addendum documents
- Conformed documents post-bid

TASK 10 CONSULTANT REVIEW BOARD

Objective

The industry standard of care for dam projects of this size and complexity include independent review of the design from a CRB. The CRB consists of subject matter experts tailored to the major technical issues and requirements of the project. The City has decided to include a CRB in this project. HDR will provide input to guide the structure and formation of the CRB, however the CRB will be under contract by the City.

A minimum three-member CRB will be formed before the 30% design milestone. The 30% design submittal will be issued prior to a 2-day CRB meeting to be held at the site. Following the 2-day meeting that will include a site visit and review of foundation samples, the CRB will complete their review and provide written comments. HDR will review the CRB report and prepare an accountability report responding to the CRB comments. Likewise, a 60% design submittal will be prepared for the CRB to review. The CRB will develop a report that HDR will consider and respond to the CRB comments in an accountability report. Actionable outcomes will be incorporated into developing 90% design. Similarly, the CRB will provide a review of the 90% complete design package with a report summarizing comments. HDR will respond to CRB comments leading to 100% design development.

- The CRB will consist of up to three members with demonstrated expertise in critical disciplines associated with the design of the new Newport RCC dam. Those disciplines are expected to include Geotechnical, Civil/Structural, Seismicity, and Construction. The CRB will provide reviews at the following milestones:
    - Site Characterization, data gathering, and design criteria, 30% design milestone (configuration resolution)
    - 60% design milestone (virtual)
    - 90% design milestone (virtual)

Milestone deliverables will be provided to the CRB prior to the CRB review meetings. The meetings are expected to be up to a week-long (including travel) and generally include the following:

- A briefing by the design team (typically 0.5 days in duration depending on extent of materials to be reviewed by the CRB (attended by HDR PM and up to six discipline leads) 2 days of CRB deliberation and report preparation.
- An outbrief of 1 to 2 hours presenting the CRB findings and recommendations.
- A draft report will be provided by the CRB for review by the City and HDR. The CRB will finalize the milestone review report following receipt of comments from the City and HDR.
- City personnel, regulators, and other key stakeholders will be invited to attend the initial design briefings as well as the CRB outbrief. The outbrief will be attended by a limited number of people and include virtual attendance capabilities for broader stakeholder participation.

HDR Services

- At 30% design milestone, preparatory site visit and design briefing with the CRB with up to six HDR design team staff (four staff in person, two staff virtual).

- Responding to CRB comments from 30% review.
- Five meetings (4 hours long) in coordination with 60% and 90% design milestone review meetings (virtually attended by PM and up to six HDR staff).
- Support the CRB 60% review and provide review responses
- Support the CRB 90% review and provide review responses

Assumptions

- CRB will be under contract with the City, HDR will only provide review documents and materials. Coordination with CRB is the City's responsibility.
- Deliverables for the CRB will consist of design packages from other tasks. No additional deliverables will be developed for the CRB.
- CRB comments will be commented on or incorporated in the design and delivered with next design deliverable package.

Deliverables

- Provide the 30%, 60%, and 90% design packages to the CRB and communication with CRB.
- CRB input and outcomes will be tracked. Any actions from the CRB requiring HDR action or change in scope, will be coordinated through the City.

TASK 11 FISH PASSAGE WAIVER AND MITIGATION DESIGN

Objective

The proposed new dam on Big Creek would not have a fish ladder due to anticipated high capital cost, high maintenance costs, and unknown performance. The City plans to submit a fish passage waiver application to ODFW to mitigate the lack of fish passage over the new dam. The ODFW is allowed to grant a fish passage waiver if there is a net benefit to native migratory fish species associated with mitigation alternatives greater than the net loss associated with the proposed new dam. A list of potential mitigation alternative sites was developed under TO16. This work will tie into this previous work.

At the time when this scope was developed, it was unknown what type of fish passage mitigation project would be appropriate to satisfy fish passage waiver requirements. Therefore, this scope and fee is subject to change and may be adjusted when the mitigation strategy is known and approved.

11.1 Fish Passage Mitigation Site Investigation

11.1.1 Mitigation Sites Desktop Analysis

HDR will perform a desktop analysis for up to seven potentially viable mitigation sites to identify locations where passage barriers exist, can be removed, and reconnect fish habitat in lengths similar to the total habitat lost from the proposed project. The analysis will further assess the viability of the fish passage mitigation site. HDR will assist the City in selecting mitigation sites from the Potential Fish Passage Mitigation Sites memorandum dated December 06, 2022 (TO16). The desktop analysis will evaluate the length of affected riverine habitat and estimate

habitat quality upstream of the barrier. HDR will summarize the results in a brief memorandum with a recommendation of site prioritization.

HDR will coordinate one virtual meeting with the City to obtain input into site selection. HDR will also coordinate one virtual meeting with the ODFW to obtain input into site selection and concurrence on analysis methodology.

11.1.2 Mitigation Sites Field Investigations

HDR will perform a field investigation for up to four potentially viable mitigation sites. The field investigation will verify the viability of the fish passage mitigation site. For each site, HDR will document percent passability of the barrier and verify habitat quantity and quality upstream of the barrier calculated in subtask 11.1.1. HDR will summarize the results in a brief memorandum with a recommendation of site prioritization.

HDR will coordinate one virtual meeting with the City to obtain input into site selection. HDR also will coordinate one virtual meeting with the ODFW to obtain input into site selection and concurrence on field investigation methodology and one in-person meeting at up to four potentially viable mitigation sites.

11.1.3 Mitigation Strategy Development

HDR will develop up to three mitigation strategies to obtain a waiver from providing fish passage on Big Creek. Mitigation strategies will be comprised of up to four potentially viable mitigation sites identified in subtask 11.1.2. For each site included in a mitigation strategy, HDR will develop concept-level engineering plans, estimate an order of magnitude cost, evaluate environmental considerations, provide a list of necessary permits, develop a potential implementation schedule, summarize real-estate needs, and assess potential for successful Memorandum of Agreement. HDR will summarize the results in a Mitigation Strategy Report.

HDR will coordinate up to two virtual meetings with the City to obtain input into site selection and mitigation strategies. HDR will also coordinate up to two virtual meetings with the ODFW to obtain input into site selection and mitigation strategies. Meeting notes will be taken to document decisions and manage the selection and strategy process. Anticipated coordination points are after submitting the final Potential Fish Passage Mitigation Sites memorandum and again for concurrence after completion of the draft Mitigation Strategy Report. HDR will revise and finalize the report to include a recommended fish passage mitigation strategy after review comments on the draft Mitigation Strategy Report are received.

Assumptions

- Virtual meetings with the City will be 1 hour and attended by up to four HDR staff.
- Field investigations will include three days limited to 8 hours each and attended by four HDR staff.
- The City will obtain property access for fish passage mitigation site investigations to allow HDR to communicate directly with property owners.
- New information collected in the field will be limited to documenting existing infrastructure, measuring stream grade at the upstream limits of fish passage, documenting habitat quality

between the barrier and upstream limits of fish passage, and collecting bankfull width measurements.
- Under contract to and direction from the City, Right of Way Associates, Inc. will provide coordination with landowners and input on real-estate needs and guidance for obtaining a Memorandum of Agreement in a memorandum provided to HDR.
- The final Mitigation Strategy Report for submittal to ODFW will not exceed 30 pages excluding photographs, maps, and design drawings.
- Actual budget for this task is an estimate. Expectations from stakeholders and agencies are unknown as the sites are not determined yet. HDR budgeted $243,000 for subtask 11.1 as a good faith estimate.

Deliverables

- Draft Potential Fish Passage Mitigation Sites Memorandum, Revision 1
- Final Potential Fish Passage Mitigation Sites Memorandum
- Draft Mitigation Strategy Report
- Final Mitigation Strategy Report

11.2 Net Benefit Analysis for Fish Habitat and Productivity

Objectives

HDR will develop the methodology and conduct analyses necessary to inform the Fish Passage Waiver Application to be submitted to the ODFW. HDR will conduct a “Net Benefit Analysis” to compare the amount of fish habitat lost or rendered inaccessible to native migratory fish from new dam construction to habitat gained or made accessible through off-site mitigation actions. Habitat will be used as an index of fish numbers or productivity.

HDR will develop a draft Net Benefit Analysis for review by the City and ODFW. HDR will address comments provided by the City and ODFW to prepare a revised document. HDR will include the revised Net Benefit Analysis as part of the Fish Passage Waiver Application submitted to ODFW.

Assumptions

- Coordination will include up to two meetings with ODFW for up to two HDR staff.
- The Net Benefit Analysis will use the Fish Presence and Distribution memorandum dated April 26, 2022 as a baseline for habitat lost or rendered inaccessible.
- The Net Benefit Analysis will use estimated and field verified habitat quality and quantity from subtask 11.1.
- HDR will revise the draft Net Benefit Analysis based on one set of comments from the City and one set of comments from ODFW
- The final Net Benefit Analysis for submittal to ODFW will not exceed 30 pages.

Deliverables

- One draft Net Benefit Analysis.
- One revised Net Benefit Analysis for submittal as part of the Fish Passage Waiver application to ODFW.

11.3 Fish Passage Waiver Application

Objectives

HDR will assist the City to develop a waiver from providing fish passage on Big Creek. The waiver will utilize the form and application process required by the ODFW. Information collected, summarized, and developed as part of subtasks 11.1, 11.2, and 11.5 will be used to complete the waiver application. HDR will assist the City work with ODFW staff the application is recommended for approval by the ODFW Fish Passage Task Force and submitted for the ODFW Commission review and public notice process.

HDR will assist the City to present the fish passage waiver application at a meeting of the ODFW Fish Passage Task Force. The presentation is expected to highlight the main components of the application: net benefit, site selection, and waiver site proposal. If required, HDR will assist the City to revise the waiver application based on comments by the Fish Passage Task Force. HDR will also assist the City by consulting with the ODFW during and after the public notice process until the waiver is approved up to a budgetary allowance.

Assumptions

- The fish passage waiver application will utilize 30 percent design drawings described in subtask 11.5.
- Coordination will include four total virtual meetings with the ODFW including one presentation to the Fish Passage Task Force.
- Coordination includes phone calls with NMFS and inclusion in the ODFW meetings.
- HDR will revise the draft waiver application based on one set of comments from the City and one set of comments from the ODFW.
- The final waiver application for submittal to the ODFW will not exceed 20 pages excluding photographs, maps, design drawings, and appendices.
- Consultation with the ODFW during and after the public notice process up to a budgetary allowance of $15,000.

Deliverables

- One draft waiver application for review by the City and ODFW.
- One revised waiver application for submittal to the ODFW.
- Materials for presentation to Fish Passage Task Force.

11.4 Hydrologic and Hydraulic Analysis for Fish Passage

Objectives

The objective of the Hydrologic and Hydraulic Analysis task is to perform the hydraulic analysis and sizing of proposed fish passage structures at up to three fish passage mitigation sites. HDR will prepare a Draft and Final Preliminary Hydraulic Report (Report) documenting the analysis and minimum recommended sizing of the fish passage structure. HDR will perform a hydraulic engineering field site reconnaissance to collect stream and culvert baseline data, as applicable, including bankfull width measurements, pebble counts, large woody material loading conditions,

and general site observations. HDR will develop an existing and proposed conditions steady state hydraulic model.

Assumptions

- Hydrologic analysis will use either existing published hydrology or U.S. Geological Survey (USGS) Regression Equations. A detailed hydrologic model will not be developed as part of this task.
- Perform a preliminary scour analysis using the results of the hydraulic model and pebble counts using the minimum hydraulic opening and not specific structure types. Scour analysis will follow HEC-18 methodology and be summarized in the Preliminary Hydraulic Report.
- Scour analysis will be used to inform structure type selection and will need to be refined during future design phases.
- Two HDR staff will be in the field up to 8 hours (6 hours with 2 hours of travel time) to perform a site visit to collect bankfull width measurements, pebble counts, and general site observations at each potential mitigation site.
- Only one proposed stream alignment, profile, and stream section will be assessed.
- Analysis will be performed approximately 300 feet upstream and downstream of structure location, consistent with the detailed survey extents.
- HDR will not perform a Conditional Letter of Map Revision (CLOMR), or LOMR as part of this task. Instead, HDR will summarize preliminary hydraulic results that can be used in determining the appropriate floodplain requirements.

Deliverables

- Draft Preliminary Hydraulic Report for fish passage improvements, approximately 20 pages, and includes:
    - Summary of existing site conditions
    - Summary of available hydrologic data and hydrology used in the design
    - Design criteria and methodology based on ODFW and NMFS guidelines
    - Model development and assumptions
    - Summary of existing and proposed modeling results
    - Summary of anticipated impacts to 100-year water surface elevations
    - Summary and results of scour analysis
    - List of outstanding stream design elements needing refinement as the design progresses (habitat complexity, scour, model updates for final structure configuration, etc.)
- Comment response table prepared to resolve questions or comments from the City and ODFW on the Draft Preliminary Hydraulic Report.
- Final Preliminary Hydraulic Report incorporating City and ODFW review comments.

11.5 30% Fish Passage Design

Objectives

A 30 percent design will be required to support the Fish Passage Waiver Application process. HDR will develop 30 percent designs for up to three mitigation sites of moderate complexity.

Engineering plans developed in this subtask will be used in the Fish Passage Waiver Application described in subtask 11.3.

- A 30 percent OPCC will be prepared corresponding to a Class 5 OPCC and include a 30 percent contingency accounting for cost uncertainty and undetermined design items.
- The 30 percent OPCC will be prepared, in accordance with AACE standards, corresponding to a Class 5 classification and will include a 40 percent contingency accounting for cost uncertainty and undetermined design items.
- Field investigations will be conducted at each mitigation site limited to 4 hours at each site and attended by up to three HDR staff.
- No geotechnical information will be collected for 30 percent fish passage design.

Assumptions

- Detailed sections, details, and technical notes will be limited.
- HDR anticipates preparation of up to 12 sheets for the 30% design.
- Survey will be required prior to commencement of 30% design. HDR assumes the City will contract with a local licensed land surveyor capable of obtaining survey grade information suitable for final design.
- The topographic survey is not included in HDR's scope and fee.
- If complexity or number of the sites selected to advance change, this task and fee estimate will be re-evaluated.

Deliverables

- Electronic copies of Class 5 OPCC for up to three fish passage mitigation projects
- Electronic copies of 30% design drawings for up to three fish passage mitigation projects
- Updated electronic copies of comment-response tracking matrix

11.6 Development of Reference Designs and Performance-Based Specifications Packages

Objectives

After the approval of the Fish Passage Waiver by ODFW and comments have been received on the 30% design, HDR will address comments, advance each design to a reference level of detail, and develop performance specifications for each mitigation project assuming each project will proceed using a design-build delivery strategy. Contract documents will be developed such that each project will be bid separately, and the selected contractor will determine the final means and methods for the fish mitigation sites. HDR will provide technical narratives, analyses developed commensurate with design activities, drawings, and performance specifications for up to three mitigation sites of moderate complexity.

- HDR will incorporate comments received on the 30% level drawings and will prepare reference level design drawings at an approximate 30 to 50% level of completion.
- HDR will prepare project specific information that will be used as the basis of future design-build bid solicitation packages for up to three projects, including but not limited to:
    - Draft bid form

  - Draft project description and scope of work by bid item
  - Design criteria and performance requirements of proposed project
  - Draft project schedule

- HDR will prepare Class 4 OPCCs per AACE guidelines for up to three mitigation projects.
- Comment response tracking matrix updated for each project.
- HDR will continue coordination with ODFW and project owners to address comments received on the 30% design as the reference designs are completed.

Assumptions

- Bid solicitations and bid-ready documents are not included in this scope and will be prepared as part of a future contract or amendment.
- For budgeting purposes, project specific information generated for this project will be prepared in EJCDC format up to a total of 150 pages per project.
- Drawings will be marked “PRELIMINARY – NOT FOR CONSTUCTION”
- HDR anticipates preparation of up to 15 sheets for reference design.
- Reference designs will be prepared to a 30 to 50% level of completion.
- Geotechnical explorations are not included in this scope of services.
- Full completion of Specification Division 00 is not included in this section. It is assumed that the generated sections under this scope for the dam design can be used for the fish mitigation site construction.
- Cost data for each of the four initial alternatives will be developed to a Class 4 level of detail per AACE guidelines. Class 4 Cost Opinions will have a range of accuracy based on AACE International Recommended Practice No. 18R-97, Class 4, 1- to 15- percent project definition, +40% to -20% Range of Accuracy.
- If complexity or number of the sites selected to advance change, this task and fee estimate will be re-evaluated.

Deliverables

- Electronic copies of draft and final reference design drawings for up to three fish passage mitigation projects
- Electronic copies of project specific information that be used as the basis of future design-build bid solicitation packages for up to three projects
- Electronic copies of Class 4 OPCCs for up to three fish passage mitigation projects
- Updated electronic copies of comment-response tracking matrix

11.7 Bid Document Support for Fish Passage Design

HDR will provide assistance during bidding to the City for the fish passage mitigation portion of the project. Hours have been included to answer contractor questions and issue addenda.

- Review contractor’s questions and write addenda
- Prepare conformed documents post-bid

Assumptions:

- Four addenda are included in the fee estimate.

Deliverables:

- Addendum documents
- Conformed documents post-bid

TASK 12 ENVIRONMENTAL PERMITTING

Objective

The objective of this task is to address the environmental permitting needs for this project. The primary nexus/work will be the Clean Water Act Section 404 Permit (USACE) and the Oregon Removal-Fill Permit (DSL). These permits require or "trigger" a series of other state and federal reviews and compliance points (e.g., Endangered Species Act [ESA], Section 106 of the National Historic Preservation Act, etc.), for which this task includes studies, analysis, and agency coordination to provide necessary information to state and federal agencies for their review and use in developing authorizations.

12.1 Agency Coordination

Objective

Develop and manage a communication plan to plan for and document key agency conversations and obtain agency input on project and permit development.

12.1.1 Communication Plan and Decision Documentation

HDR will prepare an agency communication plan that summarizes the input needed for each regulatory agency, provides a proposed contact point, and records documentation of decisions or direction. This will be an active, working document that is updated in preparation for and after key agency meetings. An Excel document will be generated that includes one tab per key federal and state agency.

Assumptions

- Communication with OWRD and with ODFW, specific to the fish passage waiver process, are addressed in other tasks within the statement of work. However, documentation of key decisions will be centralized in the documentation log.

Deliverables

- Agency concurrence and decision documentation as requested in Excel format

12.1.2 Agency Meetings and Outreach

HDR will lead agency coordination that consists of emails, phone calls, and formal meetings, depending on topic and agency. Agencies and formal meetings would consist of the following. Generally, we anticipate meetings being virtual, with a provision for two total on-site meetings:

- USACE: up to four meetings to review project purpose and need, project components, impacts and mitigation and process with USACE as the federal lead agency.
- DSL: up to two meetings to discuss proposed project and impact assessment.

- ODFW: up to two meetings to address non-fish passage mitigation considerations that pertain to downstream water quality and quantity
- NMFS: Up to two meetings to discuss downstream water quality and quantity and review of the channel restoration design.
- USFWS: One meeting to address species listed under the ESA prior to completion of the Biological Assessment.

For identified meetings, HDR will prepare meeting agendas, materials, and meeting notes post-meeting. For phone calls, HDR will document the conversation in a conversation record. Email correspondence will be saved to project file.

Assumptions

- Up to two on-site meetings with agency staff, efforts will be made to consolidate in person meetings. Remaining meetings will be conducted virtually. On-site meetings will include task lead, one environmental staff person, project manager, and one other technical task lead as needed (e.g., fish passage lead, cost/constructability, etc.)
- Agency meeting materials will predominately use existing information developed through other tasks and compiled to meet the meeting intent. No additional memos, figures, or detailed analysis will be completed under this task.
- Up to 4 hours per month during environmental permitting for phone calls and emails

Deliverables

- Meeting agenda, materials, and meeting notes in Word document/electronically.
- Phone records documenting key phone conversations
- Emails saved to file

12.2 General Studies

Objectives

This task includes studies and investigations needed to supplement the permit applications. This work will build from past work and update as needed to reflect current project status and site conditions.

Studies will include additional inventory of project footprint associated with potential fish passage waiver mitigation sites. But does not include properties associated with either material source (i.e., quarry site) or disposal if outside the project footprint. It is assumed that the material sources and disposal have been/or will be cleared separately.

12.2.1 Wetland/Waters Inventory

A wetland/water Inventory was completed in 2019 for the area associated with the reservoir and dam construction footprint. This report will need to be reassessed to confirm that the boundaries as identified are consistent with current conditions and include the project-related components, including the fish passage waiver sites.

HDR will update the Waters of the U.S./State inventory to support the Clean Water Act Section 404 and Oregon Removal-Fill Permit applications. This includes a wetland functions and values

assessment per OAR 141-085-0685(3) and functions and values assessment for streams in accordance with their Aquatic Resources Mitigation Framework.

The study area will consist of the anticipated project footprint, which includes the current and proposed reservoir pools and areas that may be disturbed during construction (e.g., access road), plus a small buffer.

HDR will review existing available and standard sources of information to aid in determining locations that typically become regularly inundated or saturated. HDR will review past precipitation data and related information to determine existing hydrologic conditions including the statistical normality of recent precipitation.

The Waters of the U.S./State delineation and functional assessment will be done in accordance with the following:

- 1987 USACE Wetlands Delineation Manual and the Regional Supplement to the USACE Manual: Western Mountains, Valleys, and Coast Region
- Ordinary High-Water Mark (OHWM) in accordance with the USACE Regulatory Guidance Letter 05-05 and guidance in the DSL's Removal-Fill Guide
- Oregon Wetland Assessment Protocol (ORWAP) version 3.2 for wetlands
- Stream Functions Assessment Method (SFAM) version 1.1 for streams
- Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites: Statewide Classification and Profiles

HDR will use a Global Positioning System (GPS) device with sub-meter accuracy to map features, data plots, representative photographs, and other relevant information. If GPS is unable to field locate, HDR will take field measurements using identifiable features. The wetland boundaries and ordinary high-water elevations will not be ground surveyed by a Professional Land Surveyor.

One wetland per HGM class will be selected for assessment via ORWAP and at least one stream per flow regime type will be selected for assessment via SFAM.

HDR will prepare three separate reports: 1) a delineation report for wetlands and other waters, 2) ORWAP report for wetland functions and values assessment, and 3) SFAM report for stream functions and values assessment. Reports will be prepared in accordance with their respective requirements as outlined by USACE and DSL. The report will summarize study's methods, limitations (if any), and results.

Assumptions:

- There are no notable changes to wetland boundaries for the previously completed work.
- No more than two individual wetlands and no more than one stream occur within the study areas driven by the fish passage waiver site. No more than 2 acres of land will need to be field delineated for the waiver mitigation sites.
- No more than four SFAMs will be required and no more than three ORWAPS.
- One hard copy (if required) and digital copies (PDF) of the final report will be submitted to USACE and DSL.

Deliverables:

- Draft Revised Wetland Delineation Report
- Draft and Final Wetland Function and Value Assessment Report
- Draft and Final Stream Function and Value Assessment Report

12.2.2 Terrestrial Habitat Inventory

A terrestrial habitat inventory was completed in 2019 for the area associated with the reservoir and dam vicinity. HDR will update the work to represent current conditions (i.e., update aerial photo, and updated species lists), respond to comments from the U.S. Fish and Wildlife Service (USFWS) obtained during pre-consultation, and include sites identified for the fish passage waiver mitigation, if applicable.

The Terrestrial Habitat Summary TM will update and characterize terrestrial habitat and potential special status wildlife use to evaluate potential project-related impacts on biological resources as required by federal and state regulations. The primary intent is to assess the project area for marbled murrelet and northern spotted owl suitable habitat. This information will be used for ESA Section 7 Consultation. The presence of other special status species, including wildlife and plants listed by the State of Oregon ESA, and suitable habitat for these species, will also be documented. The study area will be identical to that used for the aquatic resources investigation.

HDR scientists will update publicly available information to identify known records of special status wildlife, habitats, and plants. HDR will also converse with USFWS biologists, ODFW biologists, and/or others who may be able to provide information on special status species in the study area or vicinity.

A GPS device with sub-meter accuracy and a wireless connection to a tablet will be used to navigate through the site, locate pre-determined plots, and digitally mark these plots, other data points, and observed features. If the GPS is unable to locate, HDR will take field measurements of known points/delineate from aerial features.

HDR will inventory vegetation in representative locations to characterize the site. HDR will estimate percent cover of vegetation by species and stratum (e.g., tree, shrub, herbaceous), bare ground, downed material and other features at the pre-determined plots and in other representative locations. HDR will record via GPS and assess key dimensions of stands of suitable habitat. HDR will record diameter at breast height and estimate tree heights of trees over 25 centimeters (10 inches) in those plots.

HDR will document wildlife observations made incidentally during the terrestrial resources field survey. Although preliminary research did not identify state or federally listed plant species or their associated habitat within the study area, incidental observations of any such plant species observed will be recorded. Each state or federally listed plant or colony observed will be marked via GPS, digitally labeled with a unique identifier, and photographed.

HDR will generate a summary TM describing terrestrial resources of the study area. The TM will document the work performed and describe environmental conditions found within the study area.

Assumptions:

- No more than three habitat inventory areas (i.e., plot locations) will be completed for work associated with the fish passage waiver mitigation site. No more than 2 acres of land will need to be field delineated for the waiver mitigation sites.
- Field investigation and mapping will be focused on ESA-related suitable habitat; however, other major habitat types will be mapped.
- Targeted plant (species specific) survey is not included.

Deliverables:

- Draft and Final Terrestrial Habitat Summary TM

12.3 Cultural Resources

HDR will support the City and USACE (federal lead agency) with meeting compliance requirements of Section 106 of the National Historic Preservation Act. Section 106 requires federal agencies (i.e., USACE) to consider the effects of their undertakings on historic properties (i.e., cultural resources eligible for or listed in the National Register of Historic Places [NRHP]). To assist USACE with their Section 106 compliance requirements, HDR will conduct field and archival research to identify and assess cultural resources within the newly identified fish waiver mitigation sites that could be historic properties. In addition to survey and inventory of the newly identified waiver mitigation sites, Phase II archeological investigation would occur within the Newport Water Supply Project area of potential effects (APE), in areas defined during the previous Phase I archeological survey as requiring further investigation. The Phase II investigation will consist of additional work to evaluate the NRHP eligibility of three historic archaeological sites identified during the Phase I survey.

Work will be conducted by a professional who meets the appropriate qualifications of the U.S. Secretary of the Interior's (SOI) Professional Qualification Standards (36 CFR 61) or under the direct supervision of a qualified professional. Work will be conducted to meet the SOI Standards and Guidelines for Archaeology and Historic Preservation (48FR 44716, September 29, 1983).

This task is broken into four main work tasks: 1) records search and archival research; 2) field survey; 3) reporting; 4) artifact curation; and 5) post reporting agency coordination. Each of these work tasks is described below.

12.3.1 Records Search and Archival Research

Prior to field survey, HDR will perform a records search and archival research to identify known cultural resources and previously conducted cultural investigations within and near the waiver mitigation sites. Additional archival research will also be conducted for the Phase II investigations to provide additional background information on three historic archaeological sites to be evaluated.

Specifically, this includes online review of archaeological and historical literature available through the Oregon State Historic Preservation Office's (SHPO's) databases, other sources, and historical maps. In addition, archival research will be performed at appropriate repositories to gather information on the environmental history, Native peoples, and Euro-American history

of the vicinity. The purpose of the archival research is to gather materials to develop a cultural context for the project location that will be used to evaluate cultural resources regarding their eligibility for inclusion in the NRHP (i.e., resources cannot be evaluated without understanding their history and what might make them important to history).

12.3.2 Cultural Resources Survey

12.3.2.1 Fish Waiver Mitigation Site Survey

HDR will conduct a cultural resources survey with crew members walking up to 15-meter-wide (50-feet-wide) parallel transects in accessible locations across the entirety of the waiver mitigation sites. Work will meet the Oregon SHPO 2013 guidelines for conducting cultural resources investigations. Fieldwork will consist of a surface survey supplemented with subsurface probes in areas of high probability for buried archaeological resources and in locations of low ground surface visibility. Fieldwork will be supervised and managed by personnel who meet the SOI's Professional Qualification Standards for archaeology and/or history. HDR will prepare and submit a request for an Oregon SHPO Archaeological Permit for the fish waiver mitigation site, which is expected to be incorporated into the APE.

The APE is "...the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historical properties, if any such properties exist." HDR will confer and confirm the APE with the USACE. The USACE, as the lead federal agency for Section 106 compliance, is responsible for defining the APE in consultation with SHPO. HDR will provide the proposed APE to the USACE for review and approval. However, the USACE may not review until a permit is submitted.

HDR will send one notification letter to potentially affected Native American tribes notifying them of the project and inviting them to participate in the field survey. HDR will coordinate with Native American tribes to attend the field effort as needed via email and phone.

Archaeological sites encountered during the survey will be documented using an Oregon Archaeological Site Inventory Form. Archaeological Isolate Forms will be used to record isolated findings. The locations of encountered cultural resources will be plotted using a hand-held Trimble GPS unit and the collected data uploaded into a Geographic Information System (GIS) database to map the locations of recorded resources onto the appropriate USGS 7.5-minute topographic quadrangles. The GPS data will also be used to generate resource sketch maps. Buildings, structures, districts and property types comprising the existing built environment will be recorded using the Oregon Inventory of Historic Properties Section 106 Documentation Form.

12.3.2.2 Phase II Archeological Investigation within the Newport Water Supply Project APE

HDR will conduct Phase II archaeological field investigations at three historic archaeological sites (sites HDR-BCD-03, HDR-BCD-11, and HDR-BCD-16) identified during previous Phase I survey efforts conducted by HDR in 2020. The Phase II investigation will consist of additional work to evaluate the NRHP eligibility of these three archaeological sites. The Phase II efforts will include acquiring SHPO archaeological permits prior to fieldwork, tribal notification, as described below, other pre-field preparations including scheduling field personnel, preparation of field equipment and paperwork, and setting up logistics for the fieldwork. Fieldwork will

include excavation of up to 15 shovel probes, two 1x1 meter units, and one 1x2 meter units up to 100 cm below the ground surface at each site, documentation of surface artifacts and features, and mapping. Field efforts will require ten 10-hour days for five archaeologists. Subsequent lab work will include artifact cleaning and analysis. Excavation efforts will be documented on field forms and via digital photography. All work will be completed in accordance with the Oregon SHPO 2013 guidelines for conducting cultural resources investigations under the direct supervision of an archaeologist who meets the SOI's Professional Qualification Standards for archaeology. Updated Oregon Archaeological Site Inventory Forms will be completed for each site. A GPS unit with submeter accuracy will be used to document excavation units and other finds in the field. These data will be used to develop GIS maps for the report discussed below.

HDR will send one notification letter to potentially affected Native American tribes notifying them of this proposed work and inviting them to participate in the fieldwork. HDR will coordinate with Native American tribes to attend the field effort as needed via email and phone.

12.3.3 Cultural Resources Inventory Report

The results of the cultural resources field survey and excavations (both archeological and historic reviews, as well as the Phase II documentation) will be documented in a single technical report of findings. The report will include a project description, a natural and cultural context, the research design guiding the study, study methods employed, results of the study, results of the records search and field survey, and management recommendations in accordance with SHPO requirements. HDR will prepare and include in the report NRHP evaluations for the three historic archaeological sites undergoing Phase II investigations and other cultural resources encountered during the field survey, if evaluations are possible based on the data gathered from the field surveys, records search, and archival research (e.g., newly identified archaeological resources encountered may require further work to complete evaluations). Cultural resources forms will be appended to the report, along with other pertinent attachments.

12.3.4 Artifact Curation

As a condition of the SHPO archaeological permit, HDR will be required to curate artifacts, digital photos, and a copy of the report with the Museum of Natural and Cultural History. Under this task, HDR will prepare these materials according to the museum guidelines and send them to the museum for final curation. The museum will invoice HDR for the curation fee, which will be applied to the project.

12.3.5 Post Reporting Agency Coordination

Up to four coordination meetings lasting up to 2 hours each to address agency comments post reporting submittal. Up to two cultural resources staff will attend each meeting.

Assumptions

- The APE will be approved by the USACE prior to field efforts and will not change after fieldwork has started. If any changes occur to the APE after that time, additional scope may be required. If USACE does not approve the APE, including the fish waiver mitigation site, prior to field efforts, HDR can proceed, however, there is the possibility that USACE will not

agree with the proposed APE and additional scope may be needed to address USACE's disagreement with the APE.

- No more than three potentially historic, built environment resources and one archaeological site, associated with the fish passage waiver mitigation site will be investigated.
- Tribal outreach is limited to the cursory notices and distribution of the report, as is required by the SHPO permits. Section 106 consultation will be completed by the USACE, as the lead federal agency.
- No more than 2 acres of total land will need to be surveyed for cultural resources for the fish waiver mitigation sites in total. No more than three fish waiver mitigation sites will require cultural resources survey and they will be no more than 2 hours driving distance from Newport, Oregon.
- There will be two site visit/mobilizations: 1) to conduct both Phase I and Phase II archeological investigations at both the dam site and fish waiver mitigation sites, and 2) to conduct the historic built-environment survey in the fish waiver mitigation sites.
- An ethnographic study or related consideration of ethnographic or tribal cultural resources is not required for the project, and not included.
- In the event human remains or funerary objects are encountered during fieldwork, all work will stop within 100 feet of the find; continuation of work (if feasible) at a later time would require additional scope or fee.
- Any private land access/permissions needed to conduct cultural resources field survey and excavation efforts, or to acquire SHPO archaeological permits, will be acquired by the City.
- Phase II artifact processing and analysis will require three 8-hour days for one person to complete. Should excessive materials be recovered during excavations (i.e., more than 200 items/fragments), additional scope may be needed.
- Up to five SHPO archeological permits total will be needed for Phase II survey of the previously defined APE, and Phase I survey at the waiver mitigation sites. No other permits will be needed.

Deliverables

- Draft Cultural Resources Report to Client (electronic copy)
- Draft Cultural Resources Report (electronic copy and one paper copy if required)
- Final Cultural Resources Report (electronic copy and two paper copies if required)

12.4 Section 404/Removal- Fill Permit

12.4.1 404 Permit Application

HDR will prepare the USACE Clean Water Act Section 404 Permit submittal documents and DSL's Removal-Fill Permit application (i.e., Joint Permit Application). This work includes:

- Documentation of the project Purpose and Need and Alternatives Analysis (i.e., 404(b)(1)).
- Generation/refinement of the project description based on project elements including input from project disciplines and leads.
- Information/studies prepared under subtask 12.3 (e.g., Cultural Resource reports, resource investigations)
- Preparation of quantities including removal and fill quantities and disturbance areas.

- Supporting figures to convey project-related elements such as locations, disturbance areas, erosion prevention/sediment control strategies, and site restoration plans (for temporary disturbances and downstream restoration). Drawings will be black and white ready for print 8.5 X 11 inch and are separate generally from plan drawings.
- Documentation of anticipated water quality impacts to support the 401 Water Quality Analysis.
- List and signatures of affected landowners acknowledging permit application has been submitted.

Assumptions

- It is unknown if the USACE will conduct the NEPA review as an Environmental Assessment or Environmental Impact Statement and/or the level of additional information they may need to support analysis. This work does not include additional support or analysis to support the USACE and/or assisting with the USACE NEPA process which may require scoping, other third party contractors and/or additional analysis beyond that of the scope.
- Prior work completed for the demand forecast is sufficient to support the purpose and need.
- Prior work completed for the alternative analysis (i.e., high level assessment of other supply options such as desalination, other water supply locations) will not require detailed analysis (modeling, computations) or field work. Some desktop analysis and/or GIS analysis may be required.
- Up to 20 figures will be created in support of the permit application (e.g., project site, temporary disturbances, etc.)
- The project will not change materiality after permit submittal (i.e., no changes that affect removal/fill quantities, pictures, project descriptions). For example, changing the fisheries mitigation site after permit application submittal.
- The project does not require off-site/compensatory mitigation plan.
- City will coordinate internal signatures related to the Land Use Affidavit (i.e., concurring use is compatible with land use.

Deliverables:

- Draft Joint Permit Application for City Review in electronic format.
- Final Joint Permit Application for submittal in electronic format.
- Assume general coordination happening in other tasks.

12.4.2 Public Interest Considerations

HDR will evaluate and summarize baseline conditions and effects to resources in support of the USACE analysis and decision. This task will include resource areas not customarily addressed as part of the Section 404 but that may have public interest such as noise, air quality, traffic and transportation, and socio-economic considerations. HDR will prepare a TM that summarizes current baseline conditions and potential effects, if any to the resources as a result of the project.

Assumptions

- Baseline information will be generated from existing, readily available information. No field investigations will be needed for the documentation.

- The assessment of changes to the baseline will be qualitative of semi-quantitative based on information being developed for other project tasks. No additional modeling (e.g., traffic study, noise modeling, etc.) will be completed.
- There will be one site visit/mobilization to conduct additional investigations at both the dam site and fish passage mitigation sites.

Deliverables

- Draft and Final Summary Baseline Conditions and Assessment TM to support the permit application.

12.4.3 Post-Submittal Coordination and Comment Response

HDR will respond to agency comments after permit submittal and public comments during the Section 404/Removal Fill comment review period. HDR anticipates that the agencies will request clarifications and additional information during their initial intake and review period. HDR will revise permit application and provide supplemental information.

HDR will complete follow up and check-ins with federal and state natural resource and permitting agencies to respond to miscellaneous questions during the permit review period, not inclusive of fish passage waiver or water rights. HDR will respond to public comments during the public comment period for the Section 404 and Removal-Fill permit. This includes coordination with USACE, USFWS, NOAA Fisheries, SHPO, and ODFW, exclusive of the fish passage waiver process.

Assumptions

- There will be one revision to address comments as part of the agencies' completeness review. Responses will be based on existing/previously developed project information.
- Up to 30 public comments will be addressed during the public comment period.
- General post-submittal coordination with regulatory agencies is estimated at 4 hours per month for 18 months.

Deliverables

- One revision of the Joint Permit Application during project intake.

12.5 Biological Assessment

HDR will prepare a Biological Assessment for the USACE to use for Section 7 consultation under the ESA. The Biological Assessment will address the northern spotted owl, marbled murrelet, and red tree vole (candidate species) for consultation with the USFWS and Coho salmon (Oregon coast distinct population segment) for NMFS. Additional marine species (present in Pacific Ocean) may be included, depending on consultation with the agencies.

The action area for the ESA consultation will include the Siletz River, as the proposed reservoir could affect (by lowering) withdrawals from the Siletz River. Assessment of effects to the Siletz River will be based on using USGS gage information along with current and anticipated Newport withdrawals to affect percent change on flow and related potential habitat access/quality.

HDR will leverage prior work completed under separate Task Orders related to determination of fish presence (i.e., eDNA) and habitat limits, as well as information from the terrestrial habitat inventory and aerial mapping to assess species presence for terrestrial species. HDR will rely on this work, literature reviews, and discussion with resource agencies and Tribes to assess habitat and presence within the project action area.

As part of the Biological Assessment, HDR will prepare Essential Fish Habitat Assessment compliant with the requirements of the Magnuson-Stevens Act.

Assumptions

- No species-specific surveys will be conducted.
- No plant species protected under either the federal ESA and/or Oregon ESA are located within the project action area.
- One biological assessment will be prepared for all species (i.e., one document submitted both to USFWS and NFMS).
- No species-specific or habitat-related field work will be completed under this task. Biological Assessment will rely on literature and information gathered in other Task Orders.
- Project will not require compensatory mitigation.

Deliverables

- Prepare Draft and Final Biological Assessment for USFWS and NMFS

12.6 FEMA No-Rise Analysis

HDR will perform a no-rise analysis to verify that the proposed stream restoration design complies with County regulations concerning FEMA designated floodplains. The downstream reach of proposed stream restoration is a Zone A special flood hazard area and will require a floodplain permit from the local floodplain administrator. The no-rise analysis will inform the floodplain permit application.

Assumptions

- Hydraulic modeling from other tasks will be sufficient to inform the no-rise analysis.
- Final proposed stream restoration design will result in a “no-rise” determination.
- Neither a CLOMR nor a LOMR will be required.

Deliverables

- Prepare Draft and Final No-Rise TM.
- Prepare floodplain permit application.

TASK 13 SEMI-QUANTITATIVE RISK ANALYSIS FOR QUALITY ASSURANCE

Objective

HDR will utilize the fundamentals of risk informed design as a quality assurance to evaluate the dam design. A semi-quantitative risk analysis (SQRA) will be performed to understand the total

risk posed by the new dam and evaluate the PFMs associated with the dam. This approach will align well if future federal funding requires the use of a quantitative risk analysis.

In addition to the dam and foundation, risk associated with operation of the spillway and outlet works is also considered in a risk analysis. The limited approach to dam safety risk evaluation is outlined below.

HDR Services

13.1 Potential Failure Mode Analysis

Leading up to the 60% design milestone, HDR will conduct a potential failure mode analysis (PFMA) workshop to better understand the PFMs for the dam design considering it is a new dam design. Low risk PFMs will be screened out with the justification documented during the PFMA workshop. The PFMA will consider a range of loading conditions and associated PFMs (normal operations, flood, and seismic PFMs). This is anticipated to be a 2-day workshop.

Identifying PFMs early is an important quality assurance step in the design including the generation of information required for completion of the dam design.

13.2 Consequence Assessment

To estimate dam safety risk, an understanding of the downstream consequences is required. Consequence assessment for flooding during construction, operation of the spillway and outlet works, and dam/foundation failure scenarios will be analyzed.

Inundation modeling will be performed using USACE's HEC-RAS 2D to establish flood extents, depths, and velocities needed for consequence estimation.

13.2.1 Construction Flood Hazards and Consequences

Construction flood routing analyses will be performed on alternative construction staging scenarios to identify potential hazards associated with temporary work elements such as coffer dams and the existing dam. The routing analyses will be performed for the 5-, 10-, and 25-year events and carried to downstream areas where potential incremental impacts to roadways, bridges, residences, or businesses and community resources can be evaluated. These routing analyses will be performed to compare with existing risk independent of new dam construction and to inform establishing design and construction requirements that produce acceptable construction and public safety risk during construction.

13.2.2 Non-Breach Consequences

Even without a dam breach, large spillway flows have the ability to create downstream flood hazards and associated consequences. Non-breach consequences are required for the risk analysis to inform incremental damages. A downstream impact evaluation characterizes the expected consequences and damage points. Identification of these consequences and damage points will inform the Water Control Manual and support development of warning systems.

13.2.3 Dam Breach Parameter Analysis

The consequence assessment associated with dam safety PFMs requires estimation of dam failure breach parameters and resulting dam failure flood inundation that will occur. Dam failure consequence estimating requires assumptions related to the failure configuration of the dam. Breach parameters for failure of dam and spillway will be evaluated. Appropriate breach size, timing, and other characteristics will be identified for various PFMs.

13.2.4 Life Loss Consequence Estimation

Potential life loss consequences associated with dam failure will be estimated using the Reclamation Consequence Estimating Methodology (RCEM 2014). Flood severity (depth and velocity) and potential warning time will be analyzed for downstream population at risk (PAR). The results of the consequence estimating will be included as an appendix to the Risk Analysis Report.

Comparing fatality rates and life loss estimates to historic dam failure case histories is an important element of consequence analysis. Expected flood conditions and impacts for the new dam will be compared to case studies for similar potential conditions.

13.2.5 Non-Life Loss Consequences

Potential non-life loss consequences identified when evaluating flood inundation limits downstream and the incremental impacts of dam failure will also be described qualitatively in the Risk Analysis TM. The scope of work and associated level of effort does not include detailed evaluation of these other types of consequences such as economic damage assessments.

13.3 Risk Analysis Workshop

An SQRA workshop will be held for the risk driving PFMs associated with the design loads of the project in addition to loading more remote (i.e., larger loads) than the design loads. The goal of the SQRA is to demonstrate that the dam design meets Oregon State Dam Safety requirements. The seismic performance of the dam will also be evaluated for the 5,000-year, 10,000-year and up to two additional remote seismic events. The performance of the dam against these remote events will be developed to determine if the dam remains a tolerable risk range and provide insight if there are risk-reduction measures that can be incorporated into the design should the City desire a higher level of performance by the dam. The SQRA workshop is anticipated to be 3 days. The SQRA workshop will occur when the design has progressed to a point where the team is confident in the cross-section of the dam and foundation excavation objectives, anticipated to occur around the 60% design milestone. Construction risk such as bypass flow requirements, modifications to the discharge capacity of the upper dam will be considered in the SQRA workshop. The SQRA workshop is described in detail below. The dam safety risk relative to the design events will be revisited during the 90% design phase in a 1-day workshop to address changes in the design that would affect the overall risk.

The SQRA workshop will be facilitated by HDR in its Denver, Colorado office. In addition to the workshop facilitator, the risk estimating team consists of the recorder (note taker) and subject matter experts to support the risk estimating activities. There will be four subject matter experts consisting of geology, geotechnical, and structural engineers. The City and CRB are expected

to participate in the workshop and can add to technical discussions, but those individuals will not be estimating risks.

The likelihood of failure and associated downstream consequences will be estimated for each PFM. The workshop recorder will document the PFMs, influence factors, risk estimates and will capture key discussion topics in the workshop notes. Preliminary results of the risk estimates will be available during the workshop meeting for evaluation and discussion as led by the workshop facilitator.

13.4 SQRA Risk Analysis Report

Upon completion of the PFMA and SQRA workshops, HDR will prepare a Risk Analysis report documenting the workshops and presenting the risk analysis results. The report outline is expected to include the following main sections along with tables and figures and appendices of supporting information:

- Introduction including project description, scope, and participants
- Risk Analysis Methodology
- Summary Description of the Dam, Site and Geology
- Seismic Hazards
- Flood Hazards
- Summary of Engineering Analyses supporting the Risk Analyses
- Summary of Consequences Assessment
- Potential Failure Modes
- Analysis of Risks
- Results and Conclusions

The report will be submitted in Draft form for review by the risk team and observers including the City, CRB, and federal entities if required.

Client Responsibilities

- Participate in and provide needed information to support the SQRA workshop.

Assumptions

- Federal dam safety requirements for risk-informed design and decision making do not apply.
- A quantitative risk analysis is not required.

Deliverables

- Draft and Final Risk Analysis Report

TASK 14 RIGHT-OF-WAY ENGINEERING

The City hired Right of Way Associates to provide support and guidance with property acquisition within the City limits. Their scope also includes property acquisition for the dam project and does not include the two private properties at the end of the upper reservoir. This

task includes an allowance to provide technical information needed to define and acquire real estate property for the project. HDR will provide limited support to Right of Way Associates.

- Provide materials and documentation to Right of Way Associates.
- Title reports, legal descriptions, right-of-way maps will be provided by HDR's subconsultant S&F Land Services described under subtask 3.5.

Assumptions

- An allowance of $20,000 is set aside for this task for on demand services to Right of Way Associates.

Deliverables

- Materials (maps, drawings) developed under other tasks for Right of Way Associates' use.

TASK 15 WATER RIGHTS (SUBCONSULTANT)

Objective

As part of this project, the City intends to increase its total reservoir storage capacity and seek a new storage water right. The City's objective is to continue use of its existing water rights as documented in its three storage water right certificates; these water right assets have been developed and documented over several decades. However, a recent opinion by the Oregon Department of Justice has advised OWRD that the agency does not have legislative authority to transfer (modify) water right certificates that authorize the storage of water in a reservoir. House Bill (HB) 3103 (2021) changed the existing transfer statutes to allow transfers to change the type of use identified in a storage water right certificate, but did not enable changes to the authorized points of diversion (including dam location) or places of use (reservoir footprint), which are critical components of the City's project. OWRD would not accept a water right transfer application to change the location of the City's dams and associated reservoirs.

In response, GSI (subconsultant to HDR) worked with the City/lobbyist to develop a legislative concept (Legislative Counsel Request LC0958) in November 2022 that authorizes a transfer of point of diversion and place of use for a storage water right under specified circumstances. The legislative concept was introduced as HB 3211. The City/lobbyist worked with state legislators, OWRD, and other stakeholders to refine HB 3211. GSI provided support to the City/lobbyist and communications/feedback with the involved parties during the legislative session. With this effort, HB 3211 ultimately passed and was signed into law by the Governor on August 3, 2023. This allows the City to submit a water right transfer application to change the location of the City's dams and associated reservoirs.

HDR and GSI's (subconsultant to HDR) water rights experts will work with the City to obtain the water rights necessary.

GSI/HDR Services

GSI's scope of work includes the following tasks:

15.1 Project Management

GSI will complete project management activities including project set-up and close-out, monthly invoicing and progress report, and regular coordination and communication with HDR project manager. The project duration is assumed to be two years from notice-to-proceed; it is further assumed that over that period GSI will only invoice during periods when technical work is completed.

15.2 Prepare Storage Water Right Applications (Transfer and New Permit)

The City's new Big Creek Dam is planned to store up to 2,270 acre-feet (AF). Water rights applications are needed for two components: (1) transfer applications to allow the City to change the authorized points of diversion and places of use for its three existing certificated storage rights to authorize storage of 1,170 AF in the new reservoir; and (2) permit application for a new storage permit to store the additional 1,100 AF. If an upstream transfer of the Big Creek storage water rights is ultimately not authorized by HB 3211 or transfer applications submitted to OWRD, a new water right for storage of the full 2,270 AF would be required.

Under a previous Task Order, GSI prepared the transfer applications (one for the lower reservoir and one for the upper reservoir) up to the point of submittal to OWRD. Under this task, GSI will continue the effort to process the transfer applications which includes facilitating OWRD's review of the transfer applications, communication with OWRD through the review process, and reviewing the preliminary and final orders from OWRD. This also includes up to three (virtual) meetings with the City/HDR for updates and issues that may arise.

GSI will also develop a permit application for the storage of water in a reservoir consistent with the dam design concept. GSI's current understanding is that the permit application will be for storage of up to 1,100 acre-feet (depending on the outcome of HB 3211 and/or transfer applications submitted to OWRD). Activities include, but are not limited to:

- Coordinate with HDR/City on storage design and information relevant to the applications
- Facilitating OWRD's review of transfer applications and communicating with OWRD staff
- Develop storage permit application forms and supporting documentation including an application map, Form M documenting demand for the water, and coordinate with HDR to obtain preliminary drawings and specifications, including a diagram of the reservoir
- Obtain "sign off" on a land use information form for the permit application
- Submit permit application to OWRD
- Facilitate OWRD's review of the permit application and communicate with OWRD staff
- Review OWRD orders on the application
- Provide updates to HDR/City as needed
- Prepare the necessary transfer applications for the secondary water rights to use the stored water consistent with the dam design concept.

15.3 Agency Communications

Related to the efforts under subtask 15.2 (in particular associated with the permit application) several issues require preparatory communications and coordination with ODFW and Oregon

Department of Environmental Quality (DEQ). GSI will support City/HDR by preparing for and participating in up to three meetings with DEQ to discuss potential conditions to protect water quality for listed fish species; and up to three meetings with ODFW to discuss bypass flows or other conditions to protect listed fish in Big Creek. These meetings are assumed to occur virtually. GSI will prepare meeting notes for City/HDR review.

15.4 General Permitting Support and Coordination

HDR has been developing a permit strategy and will lead the overall permitting for the dam project. GSI will provide requested coordination and support/review for the permitting activities led by HDR that relate to water rights permitting. This task also includes participation in meetings related to the permitting activities.

15.5 General Outreach and Communications Support

HDR will lead the overall external outreach and communications activities for the dam project. GSI will provide requested coordination and support/review for communications activities led by HDR that relate to water rights permitting strategy. This task includes review of communications materials prepared by HDR. GSI will review communications materials under this task but will not develop original content (see subtask 15.7 for contingency activities).

15.6 City of Newport/Design Team Meetings and Coordination

GSI will participate in general project meetings with City/HDR under this task that are not specifically included in the activities associated with the previous tasks. The base effort assumes up to 8 hours of meetings with allocation for preparation and/or travel. Meetings are assumed to be virtual meetings, with the exception of two in-person meetings requiring travel by GSI's technical leads.

15.7 Contingency: Activities for Additional Agency/Third Party Coordination and Initial Steps for Conversion of Natural Flow Water Rights

A complex project to build a new dam and secure water rights poses significant uncertainties with respect to the water rights permitting, including how the legislative approach proceeds, how OWRD will view the submittal of transfer applications, and potential comments and issues raised by third parties and/or the agencies. This task includes contingency budget to allow for additional meetings with the agencies or third parties. This task also includes contingency budget for GSI to support the development of communication materials related specifically to water rights issues (e.g., fact sheet or graphics for water right permit process and timeline specific to this project).

Finally, the City has two natural flow water rights that would be affected by construction of the new Big Creek Dam. This contingency task would initiate the modifications for the points of diversion. This effort would include discussions with the City on use of these water rights and the need and options for transferring their points of diversion.

Client Responsibilities

- Participate in the process and provide information as needed.

Assumptions

- This scope does not include effort if/when a protest is issued by a third party. A revised scope/amendment needs to be issued if that occurs. The level of effort for protest periods is unknown and cannot be foreseen.
- GSI anticipates the duration of activities in this scope of work will be completed over a 2-year period.
- The submittal of a permit application to store water will commence once there is more clarity regarding the outcome of HB 3211 and submitted transfer applications.
- Schedule assumes timely receipt of requested information, meetings can be scheduled with regulatory agencies in a timely manner, and reviews for the water right applications occur within typical review periods.
- Task does not include the OWRD fee for the water right applications. City will pay this fee and any land use information review form fee directly.

Deliverables

- Prepared applications as outlined above.

TASK 16 PUBLIC OUTREACH AND STAKEHOLDER SUPPORT (SUBCONSULTANT)

Objective

Task 16 has been issued under Task Order 19 for the first year only. An allowance for years 2, 3, and 4 was set aside in the overall fee and is included in TO21. The scope for years 2 through 4 level of effort will be developed after the year 1 progress.

TASK 17 LOCAL SUPPORT (SUBCONSULTANT)

Objective

Civil West Engineering Services Inc. (Civil West) is a local firm that is very familiar with the City and the City's infrastructure. Civil West will support HDR on a local level.

Subconsultant Services

Civil West will support HDR on the following items:

- Provide technical and communication support to the City for managing the project (council resolutions, budget support, contract administrations)
- Support HDR data in the field with data logger retrieving, reading, repairing
- Represent HDR in person for local events that need a timely response (for example meeting a contractor on site)
- Civil West understands City processes and will provide input to schedule, reviews, management strategies.

- Civil West will be the liaison between HDR and the City on a local level to keep them updated and informed on the status of the project.
- Provide support with local contractors as needed and help with procurement processes and procurement advertisement locally.
- Provide support for local public outreach (neighbors, citizens)
- Participate in HDR weekly meetings as needed.
- Participate in City and agency meetings as needed.

Assumptions

- HDR has added an allotted amount that will be issued to Civil West by HDR as needed for the above-referenced services.
- No decisions will be made without confirmation or approval to make decisions from HDR.

Deliverables

- Meeting notes including documentation of discussions and decisions made when HDR is not present.
- Monthly status reports

Attachment A – Fee Summary

City of Newport - TO21 Newport Big Creek Dam Final Design

18-Sep-23

Tasks	Hours	Hours (%)	Preliminary Estimated Fee
001 Project Management	5,161	10.0%	$ 1,185,600
002 Meetings	1,151	2.2%	$ 386,000
003 Data Collection	3,423	6.6%	$ 1,587,400
004 30% Design	8,814	17.1%	$ 2,243,300
005 Basis of Design	8,619	16.7%	$ 1,726,200
006 60% Design	7,356	14.3%	$ 1,589,300
007 90% Design	3,910	7.6%	$ 942,600
008 100% Design	1,882	3.7%	$ 420,900
009 Bid Award	282	0.5%	$ 104,700
010 Consultant Review Board	770	1.5%	$ 283,000
011 Fish Passage Mitigation	5,679	11.0%	$ 1,077,400
012 Environmental Permitting	3,277	6.4%	$ 595,400
013 Dam Safety Risk Analysis	800	1.6%	$ 180,100
014 Right of Way Engineering	---	0.0%	$ 20,000
015 Water Rights (Sub-GSI)	158	0.3%	$ 127,700
016 Public Outreach and Stakeholder Support (Sub)	164	0.3%	$ 278,400
017 Local Support (Sub)	80	0.2%	$ 319,900
Project Totals	**51,526**	100%	**$ 13,067,900**

CM Hall's City Council Report, 11/2 - 11/19, 2023

11/2/23: Attended Newport Chamber of Commerce 75th Anniversary Party

11/6/23: City Council Work Session

11/6/23: City Council Meeting

11/7/23: Attended Arts as an Economic Engine

11/8/23: ODOT ADA Advisory Committee meeting

11/9/23: Out for Sustainability - Climate & Disaster Resiliency Webinar for Elected Leaders

11/14/23: Met with Oregon Legislative Water Caucus and Council President Goebel at Big Creek Dam

11/14/23: Met with Oregon Legislative Water Caucus for social mixer at Local Ocean

11/15/23: Attended League of Oregon Cities - Small Cities Meeting at Newport City Hall