



PLANNING COMMISSION REGULAR SESSION AGENDA

Monday, June 13, 2022 - 7:00 PM

City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

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 Peggy Hawker, City Recorder at 541.574.0613, or p.hawker@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.

1. CALL TO ORDER AND ROLL CALL

Commission Members: Jim Patrick, Bill Branigan, Bob Berman, Jim Hanselman, Gary East, and Braulio Escobar.

2. APPROVAL OF MINUTES

- 2.A Approval of the Planning Commission Work Session Meeting Minutes of May 9, 2022.**

[Draft PC Work Session Minutes 05-09-2022](#)

- 2.B Approval of the Planning Commission Regular Session Meeting Minutes of May 9, 2022.**

[Draft PC Reg Session Minutes 05-09-2022](#)

- 2.C Approval of the Planning Commission Work Session Meeting Minutes of May 23, 2022.**

[Draft PC Work Session Minutes 05-23-2022](#)

- 2.D Approval of the Planning Commission Regular Session Meeting Minutes of May 23, 2022.**

[Draft PC Reg Session Minutes 05-23-2022](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

- 4.A Initiate Draft SB Commercial/Industrial Code Revisions.**

5. PUBLIC HEARINGS

- 5.A File 1-CP-17/ 7-Z-17: Amendments to the Transportation System Plan Element of the Comprehensive Plan and Transportation Related Land Use Standards in the Newport Municipal Code.**

[Staff Memorandum](#)

[Attachment A - Newport Transportation System Plan Executive Summary](#)

[Attachment B - Newport Transportation System Plan Full Document](#)

[Attachment C - Draft Transportation System Plan Edit Tracking Sheet](#)

[Attachment D - Amendments to Transportation Element of the Newport Comprehensive Plan](#)

Attachment E - Updated Transportation Goals and Policies
Attachment F - Transportation Related Land Use Amendments to NMC Titles XIII and XIV
Attachment G - Notice of Public Hearing
Attachment H - Minutes from Planning Commission April and May Work Sessions
Attachment I - Comment Received Since Release of Draft Transportation System Plan
Attachment J - Feedback from Angelo Planning Group on Goals and Code Amendments
Public Comment - Jennifer Ames 6-13-2022
Public Comment - Ulrike Bremer 6-13-2022
Public Comment - Laurie Sanders 6-13-2022
Public Comment - Wendy Engler 6-13-2022
Petition for Traffic Control at Device at San Bay O Circle and US 101

6. NEW BUSINESS

7. UNFINISHED BUSINESS

8. DIRECTOR COMMENTS

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 9, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, Jim Hanselman, and Bill Branigan.

PC Citizens Advisory Committee Members Absent: Greg Sutton, and Dustin Capri (*excused*).

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

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

2. **Unfinished Business.**

A. **Transportation System Plan Part II— Land Use Regulations (Partial).** Tokos reviewed the changes to the Municipal Code related to the Transportation System Plan (TSP). He acknowledged the public comment received from Nyla Jebousek.

Tokos reviewed the changes to Chapter 14.03, zoning district standards. He discussed the transportation facilities additions to the tables. Hanselman asked if these were mandated code changes. Tokos explained they were recommended code changes from the Project Advisory Committee and noted that early on they had looked at some of the State mandated code changes as well. The City only had to do some of these changes. Not all of the changes were mandated. Escobar asked to have the changes that were mandated pointed out for the Commission. Tokos would try to point them out during the discussion but would have this done when they met on May 23rd.

Tokos reviewed the changes to Chapter 14.45, traffic impact analysis. Berman noted that "PM" peak hours was incorrect and should be "p.m." Tokos would change this. Tokos reviewed the changes to the way phase developments needed to look at all phases when doing a traffic impact analysis (TIA). Berman asked if this was done for the Wilder subdivision. Tokos explained that in their case there was a Urban Growth Boundary amendment and annexation that had rules that said they had to assess it. This resulted in a trip hard cap originally. This was lifted later in favor of the transportation analysis zones in South Beach, and a further allocation of trips as part of that process. Escobar asked what it would cost to prepare a TIA. Tokos explained it varied based on how detailed that analysis needed to be, how big the project was, the scale of the project, and how many intersections they needed to look at. He gave an example of the TIA to analyze if 36th Street would be signalized. The cost was around \$5,000.

Tokos reviewed the changes to Chapter 14.44, transportation standards. He reported that he would bring in the neighborhood traffic management changes to review later. Tokos would also give the Commission a copy of Tech Memo 14 to compare this to. Tokos reviewed the transient improvements, street standards, sidewalks standards, and the cul-de-sac standards next. He noted that the Fire Chief would give testimony on the standards during the hearings process. Tokos reported that the Fire Chief was comfortable with keeping the 400 maximum foot length.

Gary East joined the meeting at 6:29 p.m.

Tokos reviewed changes to Chapter 14.01, purpose and definitions; Chapter 14.14, parking loading and access requirements; and Chapter 14.19, landscaping requirements. Berman asked if the changes to the landscaping and screening requirements for parking applied to parking lots. Tokos thought that it applied to any parking lot that was constructed. He pointed out that there was a threshold for surfacing and they could key it off of that.

Tokos reviewed the changes to Chapter 14.33, adjustments and variances. He would go through the planned development standards to match up with these changes.

Tokos reviewed Chapter 14.46, tsunami hazards overlay zone next. Berman asked what the recourse was for when the design for approaches was done wrong, such as the Dutch Bros coffee drive thru. Tokos explained there wasn't much the city could do after the fact to say they had to redesign the driveway because it was fully permitted. If they came in to do a modification the city may be able to revisit it.

Tokos reviewed Chapter 14.47, a new chapter for pedestrian access next, and Chapter 14.48, land divisions. He noted he would like to change the requirement to have a deferred improvement agreement for sidewalks when the city could add a stipulation for occupancy that they put in sidewalks. A discussion ensued regarding the cost of construction of sidewalks for Public Works at the time of building compared to years in the future. Patrick thought they should refine it so there weren't separate lots scattered in a subdivision without sidewalks. East asked if rolled curbs were allowed. Tokos said they weren't generally. Berman asked that when the Commission saw the revised document they show the sections of text that had been moved from different chapters be different than text that was added. He suggested they show that they were accepted changes. Tokos thought they could also note what was carried over. Patrick asked if they would be picking up the district standards for the overlay signs. Tokos explained it wouldn't impact the overlays but he would talk to Public Works about it.

Tokos reviewed Chapter 14.49, property line adjustments; and Chapter 14.52, procedural changes next. A discussion ensued regard the pre-application conferences for different types of applications. Escobar thought that for the enforcement considerations they lower the maximum jail term to 30 days to be consistent with the \$1,000 fine.

3. **New Business.** None were heard.
4. **Adjourn.** The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
May 9, 2022

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, Jim Hanselman, and Bill Branigan.

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

Public Members Present: Nyla Jebousek (by video), Linsey McLane-Godwin, Allen Wells (by video), Peter Seaders, and Mark Watkins.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:01 p.m. On roll call, Commissioners Patrick, Branigan, Hanselman, Berman, Escobar, and East were present.

2. **Approval of Minutes.**

A. **Approval of the Planning Commission Work Session Meeting Minutes of April 25, 2022.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Work Session meeting minutes of April 25, 2022 with minor correction. The motion carried unanimously in a voice vote.

B. **Approval of the Planning Commission Regular Session Meeting Minutes of April 25, 2022.**

MOTION was made by Commissioner Berman, seconded by Commissioner Branigan to approve the Planning Commission Regular Session meeting minutes of April 25, 2022 as written. The motion carried unanimously in a voice vote.

3. **Public Comment.** Nyla Jebousek addressed the Commission. She read the letter that she submitted to the Commission into the record. She added that the intersection on US 101 and 15th Street was misaligned. If San-Bay-O came out straight to the street instead of a center, it would be the same distance from 15th to San-Bay-O Circle. The section of 15th was called an alley instead of a street and was considered San-Bay-O's cross street. Jebousek it was an illegitimate thing to do felt for traffic counting. Patrick encouraged her to participate in the hearing process and reported that her testimony would be included in the hearing documents.

4. **Action Items.** None were heard.

5. **Public Hearings.** At 7:09 p.m. Chair Patrick opened the public hearing portion of the meeting. Chair Patrick acknowledged the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None

were heard. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. File 1-CUP-22.

Tokos reviewed the staff report with the Commission.

Berman thought they wanted to see the Traffic Impact Analysis (TIA) condition be beefed up to take into consideration the cumulative effect of the tenants. He was also concerned about the overnight usage of yurts. He thought the permissible uses didn't allow residences on the first floor. Tokos noted that this was for the fly in village for Phase 2 and not so much the live/work option. This would be more for pilots or tourists for overnight lodging. Tokos thought there might be building codes that would come into play that could be an issue with yurts, and included the construction type. Berman was concerned about C-1 not allowing residences on ground floor. Patrick noted RV parks were allowed in C-1 and this might fall under those rules.

Escobar asked what was the expectation on the use of this area was when the lease was entered. Tokos explained the concept for the lease was for an industrial park with a flex type range of uses. They wanted to see uses that would benefit the airport in some way.

Berman asked if there should be some kind of environment mitigation to the system when the septic system was operational. Tokos explained there would be a decontamination on the tank.

Hanselman noted many uses could have hazardous materials involved with them that some users might not dispose of in an honorable method. He noted most of the hazardous materials were detrimental to septic systems and asked what kind of mitigation they would use to subvert them from going into the septic system and creeks. Tokos noted that if hazardous materials were a part of the uses for the flex spaces, there were building code provisions to take care of the infrastructure of the building to protect against this. If they observed anything going into the system that was interfering with the operation of the septic system, the city would engage to get the problem sorted out and addressed. The stormwater runoff wouldn't be such an issue as septic runoff.

East asked how many years it would take for the city to extend services to the airport. Tokos reported that it would be a long time because of the costs of infrastructure. This probably wouldn't be seen unless there were areas near the Airport where DEQ asked the city to step in to give them service.

Hanselman noted the rent collected would be split between city and the airport and asked what the split between the two would be. Tokos reported he hadn't looked at this because it wasn't a part of the approval standards. Berman pointed out this would be determined by the budget impact.

Escobar asked what the impact of having the TIA done immediately rather than having it be subject to as time went on and the use increased. Tokos said they could do it immediately but noted to do a proper TIA you needed to have a sense of what the use was.

Linsey McLane-Godwin with MSS Engineering addressed the Commission and gave a slide show presentation on their proposal for the applicant. She discussed what brought them to this point in the process. McLane-Godwin reviewed the criteria for the application approval. For Criteria #1 she said she understood that during the permitting process the use for the septic system was

declared to determine if the use could be accepted by the septic system. She believed there would be checks and balances with this. McLane-Godwin discussed the sanitary sewer service, water service, fire suppression, vehicular access, storm drainage, and power for the property. She covered the parking conceptual site plan as well.

McLane-Godwin covered the Criteria #2 requirements and how the applicant had met them. They felt the uses they were proposing were aligned to the airport use and permitted uses that would have minimal impact. McLane-Godwin reviewed Criteria #3 sharing how they met the requirements and what their proposed uses were to make it more attractive the airport users. She then reviewed Criteria #4 noting the buildings would be consistent with the overall development character of the area McLane-Godwin reviewed Criteria #5 on how they didn't create safety hazards for airport uses. She then concluded that the criteria had been met and asked Allen Wells to speak. Wells noted they had a good sense of the market in Newport and thought the uses outlined in the proposal were what the market was looking for.

Escobar asked if Phase 2 and 3 would happen after funds were available, and what the timeline for all three phases was. Watkins explained that given the amount of money and complexity of the project, all three phases wouldn't be built at the same time. The developers would look at what would work and what wouldn't. Then Phases 2 and 3 would be tailored to what worked. He thought they could be built out within the first 5 years because of the demand. They needed to tailor to what was in most demand. Costs and rents would come into play on the considerations for projects.

Branigan asked if the bid demand for the proposal was based on a survey or from people asking for uses. He also wanted to know what were they looking at for mixed uses that the public wanted. Wells reported he had a community property management company and had a good sense of what people were looking for. He felt these kinds of projects would work at the airport. There wasn't much space to lease in Newport, and once it went up for lease, it would immediately be snatched up. Wells explained they tried to identify all the uses they could think of for this proposal. Branigan noted the east end of Aquarium Village was storage and asked if they were looking to do this. Wells noted the project was more indicative to the Newport Business Plaza East. Branigan asked if the fly in village concept was more of just an idea. Applicant, Mark Watkins addressed the Commission and explained that there was an entire way of life for fly in villages. This was similar to RV groups and where they wanted to camp. Watkins wanted to make the airport similar to a destination for people to fly to Newport and take a car to visit the Newport area. He wanted to have five yurts for pilots to fly in and stay at to visit Newport. Watkins thought this would enhance the tourist attraction to Newport. Branigan asked if the FFA would put in a taxi for this. Watkins said they wouldn't. This area was outside the tarmac area and would be a walking facility.

Escobar noted he was having trouble understanding the concept and questioned why it was not a fly in camp area. Watkins noted this was just a portion of the area and not a part of the flex units. It would be a different phase than Phase 1 and it would be away from the industrial site.

East asked if all the conditions were approved, would the camping be a part of Phase 1, 2 or 3. Watkins wanted to do it in Phase 1, but noted it would be away from the Phase 1 area.

Escobar asked for clarification on the concerns about waste water. Peter Seaders with MSS Engineering explained the grinder pump for all three phases would pump the effluent up the hill. It worked with a holding tank for the grinder pump and kept all the contaminants from going into the drain fields. There would be no runoff to the system because the storm drain system would be

independent. It would be in accordance with the DEQ regulations for what got into the streams. This was what all other jurisdictions used for water quality treatment. There was also storm water detention systems so there wouldn't be damage to the system as well.

Hanselman was glad they addressed his concerns but didn't think it was very convincing because of his extensive experience in this field. He reported that they couldn't have pavement without runoff. The runoff would go into the containment ponds and that was what he was most concerned with. Hanselman was familiar with a grind and pump station in another state that he campaigned against since he was young. It took many years to get pump and grind systems for several lakes. The systems allowed the lakes to recover over years. He knew the systems could work but it took a lot of effort to get them to. Hanselman thought the onsite septic system would need to be extensively protected.

No opponents were heard.

Chair Patrick closed the hearing at 8:23 p.m.

East liked the idea of the fly in campground. As long as all the requirements were met he was for the project. East noted that they should be flexible for traffic control and the types of businesses that came in. He thought they should move forward with approving it.

Berman thought it was a great concept and thought it was needed. He liked the yurt addition. If the industrial warehouse worked out, his concerns would be for the TIA and having the big picture taken into account. Berman supported the request.

Branigan noted the consideration was for a conditional use permit and going through the staff report and McLane-Godwin's PowerPoint slide, it appeared that they met the criteria to meet the conditional use permit. There was a demand for light industrial and this was needed help for the airport. Branigan was in favor of this and had no concerns.

Hanselman wished they knew more about the tenants. He placed his trust in the applicant to select good tenants when doing so. Hanselman noted that this would increase the tax base. He had hesitations but thought in large measure they needed to move this forward. Hanselman could support it but was concerned about traffic. He thought he would go along with this project.

Escobar thought the applicant met the criteria. He had concerns with the TIA but noted the analysis would come later as traffic increased. There was a need for this and he thought it would be an economically successful project. Escobar wouldn't have a problem approving it.

Patrick noted everything met the criteria. He thought it was odd to be prewriting conditions but understood the reason behind it. Patrick liked the concept and the fly in village. He thought the parking was more than what they needed but it might be because of truck parking for the warehouse. Patrick wanted to see that it get connected to the airport. He was all in favor.

MOTION was made by Commissioner Escobar, seconded by Commissioner Berman to approve File 1-CUP-22 with the 14 conditions. The motion carried unanimously in a voice vote.

6. New Business. None were heard.

7. **Unfinished Business.** None were heard.
8. **Director Comments.** None were heard.
9. **Adjournment.** Having no further business, the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 23, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, Jim Hanselman, and Bill Branigan (by telephone).

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 Patrick called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Review Results of Newport Housing Needs Projection Report.** Tokos reviewed a PowerPoint presentation of the Newport Housing Needs Projection Report with the Commission. He first reviewed the building permits issued between 2012 to 2021; the population growth; the factors that affected housing demand; and the aging population. Patrick noted that the projection from years before was behind what they estimated. Tokos confirmed this was just a guess and was to show that a large number of the population that was moving to Newport was the older population.

Tokos reviewed the population forecast by age. Capri asked if they came up with the numbers through the census. Tokos explained the census was part of it and they did intermediate surveys to form their projections and track over time.

Tokos reviewed household size; household income; the share of Latino households; commuting flows for 2019; median house sales price; and monthly asking rent costs for Newport. He noted this was the aggregate for all bedrooms. Tokos covered the cost burden; the cost burden by tenure; financially attainable housing; existing households by income level in Newport; and housing affordability by income levels.

Tokos reviewed the preliminary housing population forecast, Newport UGB. He noted they weren't bound by the projections but they had to meet the Portland State projections under State law. Tokos noted that they planned to have ECONorthwest provide a couple of alternate forecasts that they thought were more realistic. Berman pointed out that the forecast showed a rise but then it declined. He thought that at some point they should use the top of the rise to decide what housing they needed because they couldn't wait for the population to decrease. Berman noted that these numbers were off from the Transportation System Plan (TSP) discussion, which were almost 10 times as much. He questioned if it was the intent of the particular activity to maximize it on the TSP. He thought it was weird to use two such different numbers when they were both referencing Portland State. He felt it was a problem. If they were going to forecast they should all use the same forecast. Tokos noted this forecast was within the UGB. He noted with respect to the TSP he didn't think the population growth

estimates were particularly aggressive and thought this was a reasonable estimate. When you compound this with background traffic, the State minimized background growth on US 101 and US 20. The city had to reflect housing in their study but they didn't have to base their policies on assumptions that they were only going to have 248 new residents. Portland State philosophy in terms of what they were looking at were what the city's trends were in terms of growth, and what the life expectancy they had over time. They anticipated that the population growth would go down but didn't take the other things into account. Tokos explained they would reflect Portland State's numbers in the report and there would be a couple of alternative estimates provided to get a better picture of where the city was at. Branigan didn't think Portland State factored in aging residents who were buying homes as part time residences, and were not renting them out and lived in them part of the year. He asked how this factored into the growth rates. Tokos didn't have the answer but they would have a figure that showed the percentage of the housing that was second housing.

Berman reported he had a list of changes for the document and asked how they should be reviewed. Tokos requested Berman send an email of the changes to him because this was a running draft document.

Tokos reviewed the implication for housing needs. Patrick asked what they wanted for a wider range of demographic trends. Tokos explained thought they would see more demand for detached housing and for rentals for multi-family. He thought they should look more at the percentages of different types of housing. Patrick noted more would be factored in because of accessory dwelling units. (ADU). Hanselman asked if ADUs would have a housing boom in the city. Tokos didn't think they would and reported there wasn't a huge number of new ADUs coming in over the years. Capri thought ADUs would fill the gaps for housing. Tokos noted the city was considering standard plans for ADUs to share. He thought taking out the costs for plan review fees could help make them be more affordable. Tokos pointed out there wasn't a demand for stock plans for ADUs in Newport at that time. Berman asked why the document didn't reference cottage clusters. Tokos reported they fell in with the single family attached, duplexes, triplexes, or quadplexes, depending on what they were building. Escobar asked if there was a conflict between the types of housing projected to destruct over the next 20 years, and the income of the people who lived in Newport. The incomes levels showed there was a certain percentage that could afford houses, and others that wouldn't be able to afford to rent or purchase housing in Newport. Tokos agreed that the big challenge they had was meeting the needs of those who had the income to find single family housing but weren't able to find anything because there wasn't anything on the market. They would continue to see subsidized housing coming in under the Housing Authority who managed projects to build rentals units that were managed by the Housing Authority or others at 60 percent median area income or less. Tokos noted there would always be a demand for higher income housing.

Tokos reviewed the forecast of new housing. He noted the last Housing Needs Assessment came up with a need for about 850 dwelling units over the planning period which equaled to about 45 every year.

Tokos reviewed new dwelling units; the implications of housing needs; how housing needs often differed by group; the housing needs for people experiencing homelessness; ability to pay for housing by race and ethnicity; cost burden by race and ethnicity; and the housing need by race and ethnicity. Patrick asked if they were picking up the housing that was being sold outright in the counts. Tokos thought this was counted in one of the sections.

Tokos reviewed the people's ability to pay for housing who were aged 64 years and older; and housing needs for people 65 years or older. Berman asked if they were counting special housing such as nursing

homes and assisted living homes. Tokos confirmed they were and they would also pick up drug alcohol treatment facilities and group homes. The transitional housing for the parole office would be picked up as well.

Gary East joined the meeting at 6:39 pm.

Tokos reviewed the persons with disabilities next. Berman asked if 40 percent of the residents had disabilities. Patrick pointed out that it said nearly a quarter of the population. He noted they weren't picking up the people who were retired in advanced age who got older and needed better healthcare, which forced them to move to the valley. Tokos noted as long as employment was strong in Newport you wouldn't see a drop in population in Newport.

3. Unfinished Business.

- A. **File No. 1-CP-17, Transportation System Plan Part I and II – Final Review.** Tokos suggested the Commission spend a few minutes on this discussion before they had to start the regular session meeting that night. Then, they could come back to the discussion after that meeting. He noted they would have a little time now and before the first public hearing on June 13th. The plan was to have the TSP code work passed along to Angela Planning for quality control review and to double check the administrative rule obligations on what they needed to meet for public facilities planning in the Comprehensive Plan. If Angela Planning had any changes he would highlight these so the Commission had a chance to take a look at them and then be able to give Tokos their edits, such as typos, through an email. If there were substantive changes the Commission should note it at this meeting.

Tokos reviewed the code changes since the last meeting starting with Chapter 14.01, purpose, applicability, and definitions. Branigan asked if under the “compliance required” they should add the word “demolished” to the list. Tokos noted this chapter didn't reference demolition of structures. Branigan thought that a demo to rebuild something was more than a reconstruction. A discussion ensued regarding what constituted a demolition versus reconstruction.

Tokos reviewed Chapter 14.01.020, definitions. Berman asked why the Community Development Director was defined but the City Engineer or City Manager wasn't. Tokos reported that the Community Development Director made the decisions and why they were included. Berman asked what sale or transfer was. Tokos explained this pertained to short-term rentals. Berman noted when referencing that "a license" was valid they should talk about which license this entailed. Tokos would note this and try to pick it up in the changes they did with the short-term rental ordinance amendments. Berman asked if there would be an effort to update the illustrations for the yards. He would volunteer to do this if needed. Tokos thought Berman could work on this.

The meeting was temporarily adjourned at 6:59 p.m. for the start of the regular session meeting and then reconvened at 7:05 p.m.

Tokos continued his review of the changes starting with Chapter 14.03, zoning districts. Berman noted that 14.03.030 referenced the zoning maps and thought the city's GIS technician could produce a full resolution city limits map for them. Tokos noted the new GIS technician was working to clean up the minor discrepancies on the GIS maps and Tokos would work with the technician on this.

Tokos reviewed Chapters 14.03.050 and 14.03.110 next. Berman thought 14.03.110 was a duplicate of 14.03.090. Tokos noted these were two different zoning areas and could possibly be consolidated.

Tokos reviewed Chapter 14.14.010, parking and loading requirements; and Chapter 14.14.060, compact spaces next. Berman asked if anyone got a ticket for parking a large truck in compact parking spaces. Tokos explained this section was for private properties and they would only be ticketed on public property.

Tokos covered Chapter 14.14.070, bicycle parking. Berman questioned if the parking spaces requirement chart was correct for the 1 to 4 spaces, and 5 to 25 spaces numbers. Tokos would clarify this. Berman asked if bicycle spaces needed to be signed. Tokos would take a look into this. He noted that under "E" it said it needed to be clearly marked.

Tokos reviewed Chapter 14.14.090, parking lot minimum standards table. Berman requested the images be high resolution. Tokos then covered the driveway standards.

Tokos reviewed Chapter 14.19, landscaping and screening for parking lots requirements. Berman noted that there was no mention of the Tree Plan to make sure they are planting the correct plants. Tokos would add this. Berman pointed out that under 14.19.060 it listed that the values should be based on year 2000 dollars and adjusted on July 1 of each year for inflation. He suggested putting in the 2021 numbers instead.

Tokos reviewed Chapter 14.33 adjustments, variances and transportation mitigation, starting with Chapter 14.33.070, transportation mitigation procedures. He acknowledged the memorandum the City Engineer submitted to the Commission. Tokos noted that 24 feet wasn't a city standard, the existing standards are much wider. He reported that the 20 feet of clearance was in the Fire Code and was why the Fire Chief wanted larger streets. Tokos noted that there would probably be testimony from the Fire Chief and City Engineer at the public hearings. The City Engineer wanted his memo included on the record. He understood there was a lot of work on the yield street items and that it had been vetted out with the committee. Tokos emphasized that they weren't doing anything they hadn't done before. The yield street standards were in line with what Portland adopted in terms of their yield street dimensions, and were aligned with recommendations they would see from other organizations that had yield and street recommendations. He reported they had vetted this with what they had on the ground to see what they were working with. They used examples of streets in Newport to know they could make it work. Escobar questioned if they looked at the Wilder Development streets widths. A discussion ensued regarding street widths and if the response time for fire trucks was considered. Patrick asked how the Fire Chief felt about roundabouts. Tokos noted he was clear about not wanting traffic calming measures that produced wear and tear on their vehicles.

Tokos reviewed Chapter 14.33.070, process for determining street cross-sections in constrained conditions; then Chapter 14.44.050 transit improvements. He noted with these standards would have required the hospital to do bus shelters when it was built. Tokos reported that the hospital had plans to build a shelter later because they received the budget to install it.

Tokos reviewed Chapter 14.44.060 street pathways accessways and trails; Chapter 14.45 traffic impact analysis; the fee in lieu option; Chapter 14.46, vehicle access and circulation; Chapter 14.47, pedestrian access; and Chapter 14.48, land divisions. He noted that he would talk to Angela Consultants about delayed sidewalk construction and a better way to do this. Berman asked if there was a construction cost index they used. Tokos reported they used the Engineer's News Record for a construction cost index. They also used this as a modifier for the city's System Development fees. Berman suggested saying 15 percent plus for the increase. Patrick asked if the city had done sidewalks after the fact. Tokos reported they did this in the small subdivision on Avery Street and 71st Street. They also did this on the Lincoln Lane where they were building one section of sidewalks at a time as

new houses were built. Patrick asked why the city didn't do rolled curbs. Tokos didn't have the information but would get back to the Commission on this.

Tokos reviewed Chapter 14.49, property line adjustments; Chapter 14.50, tsunami hazards overlay; Chapter 14.52, procedural requirements; and Chapter 14.52.140, expiration and extension of decision. Berman asked if A2 was missing the word "not" between "has" and "been." Tokos would add this.

Tokos reviewed Chapter 14.53, Council review; Chapter 14.54, penalty; and Chapter 14.57, fees next. He noted the goals and policy changes were to pick up some typos.

Berman asked how the list of the future summary of requested changes would be handled. He wanted to know if this list would be a part of the presentation during the hearing. Tokos confirmed it would be part of it. The public hearings gave people the opportunity to raise issues. Tokos noted they had the opportunity to have two public hearings. The first hearing would be on June 13th, and they could have an special alternate second hearing date in June if needed. He would have some dates available if the Commission wanted to do this. Berman asked if they weren't merging the document at that time because of the time and cost of the consultants. Tokos confirmed this was correct. They only had the budget to do one more revision. Berman noted that they needed to make it clear during the public hearing that these were things that were going to be put into the document.

4. **Adjourn.** The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers
May 23, 2022

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, Jim Hanselman, and Bill Branigan (by telephone).

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

Public Members Present: Nyla Jebousek (by telephone).

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Patrick, Branigan, Hanselman, Berman, Escobar, and East were present.

2. **Approval of Minutes.** None were heard.

3. **Public Comment.** Nyla Jebousek addressed the Commission. She noted that at the May 9th meeting she notified the Commission that she had requested at the last Transportation System Plan Advisory Committee meeting that the intersection of US 101 and San-Bay-O Circle be included in the TSP for traffic control. This language had been deleted and replaced with the revised draft Newport TSP #5: Add project to coordinated with ODOT to develop signage and/or pavement solutions where appropriate to limit side street blockage or stop vehicles. Jebousek thought San-Bay-O Circle needed to be specifically named after the discussion agreed at the last TSP Advisory Committee meeting unless it became a Tier 1 financially constrained project that needed immediate attention. San-Bay-O Circle must be named because it was the only intersection in town discussed by the TSP Advisory Committee on its traffic configuration and blockage. Not naming it minimized the problem and the TSP Advisory Committee's recommendation, and led to ambiguity. Jebousek requested this at the last Commission meeting but it appeared it had been overlooked. She reported she had a petition in support of a traffic control signal at their street corner signed by over 100 residents and persons who worked in the area that she could share with the Commission. Jebousek wanted it corrected.

Tokos reported that the tracking sheets of changes would be passed along to the consultants after the public hearing on June 13th so they could make the final round of edits. He would put together some language that addressed Jebousek's concerns if it was acceptable by the Commission to add it to the list at that hearing.

4. **Action Items.**

A. **File 1-CUP-22.**

MOTION was made by Commissioner Berman, seconded by Commissioner Escobar to approve the Final Order and Findings for File 1-CUP-22 with attached conditions. The motion carried unanimously in a voice vote.

5. **Public Hearings.** None were heard.
6. **New Business.** None were heard.
7. **Unfinished Business.** None were heard.
8. **Director Comments.** Tokos mentioned that he appreciated the discussion the Commission had from the conditional use hearing dealing with the cumulative impacts on traffic. This was useful and lead to some changes on Chapter 14.45 that the Commission would be touching on as well.
9. **Adjournment.** Having no further business, the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

PLANNING STAFF MEMORANDUM
FILE No. 1-CP-17 / 7-Z-17

I. Applicant: City of Newport. (Initiated pursuant to motion of the Newport Planning Commission at its March 28, 2022 meeting).

II. Request: Updates to the Newport Comprehensive Plan and the City of Newport's Zoning Ordinance (Titles XIII and XIV of the Newport Municipal Code) necessary to adopt a new Transportation System Plan. Changes include new project priorities, goals, and policies to guide future investments in the City's transportation facilities. Transportation related land use standards that apply to new development and redevelopment are also being revised.

III. Planning Commission Review and Recommendation: The Planning Commission reviews proposed amendments to the Comprehensive Plan Zoning Ordinance and provides a recommendation to the City Council. At a later date, the City Council will hold an additional public hearing(s) prior to any decision on the amendments.

IV. Findings Required: The Newport Comprehensive Plan Chapter entitled "Administration of the Plan" allows major amendments of this nature that address new or updated information, and/or a change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information. Such amendments may be pursued if one or more of the following conditions exist: (1) A significant change in one or more conclusions; or (2) A public need for the change; or (3) A significant change in community attitudes or priorities; or (4) A demonstrated conflict with another plan goal or policy that has a higher priority; or (5) A change in a statute or statewide agency plan. All applicable Statewide Planning Goals must be addressed. Implementation Strategies may be amended or replaced if there is: (1) A change in one or more goal or policy; or 2) A new or better strategy that will result in better accomplishment of the goal or policy; or 3) A demonstrated ineffectiveness of the existing implementation strategy; or 4) A change in the statute or state agency plan; or 5) A fiscal reason that prohibits implementation of the strategy. For the new transportation related land use standards, Newport Municipal Code (NMC) Section 14.36.010 requires findings that the amendments to the Zoning Ordinance are required by public necessity and the general welfare of the community.

V. Planning Staff Memorandum Attachments:

Attachment "A"	Newport Transportation System Plan Executive Summary, March 2022
Attachment "B"	Full Copy of the Newport Transportation System Plan, February 2022
Attachment "C"	Tracking Sheet of Edits to be made to the TSP
Attachment "D"	Amendments to the Transportation Element of the Newport Comprehensive Plan
Attachment "E"	Amendments to the Transportation Goals and Policies of the Comprehensive Plan
Attachment "F"	Transportation Related Land Use Regulatory Amendments to Titles XIII and XIV of the Newport Municipal Code
Attachment "G"	Notice of Public Hearing
Attachment "H"	Minutes from the April 25, 2022, May 9, 2022 and May 23, 2022 Planning Commission Work Sessions
Attachment "I"	Comment Received Since the Initial Draft Version of the Transportation System Plan was Released in December of 2021
Attachment "J"	Feedback from Angelo Planning Group on Draft Comprehensive Plan Policies and Newport Municipal Code Amendments

VI. Notification: Postcard notice of this public hearing was provided to all record owners within the postal carrier route for the 97365 zip code (7,157 properties). Email notice was also provided to the 309 individuals that signed up to “stay informed” through the project website and the project advisory committee that help guide the development of the TSP. A press release advertising the hearing date was sent to media outlets and a legal notice was published in the June 3, 2022 addition of the Newport News-Times. As this is a post acknowledgement plan amendment, the Oregon Department of Land Conservation & Development (DLCD) received notice of the amendments on April 1, 2022, in accordance with OAR 660-018-0020.

VII. Comments: Comment received since the initial draft of the Transportation System Plan was presented to the Project Advisory Committee at its January 27, 2022, and the meeting where they were considered, are listed below and included collectively as Attachment "I".

January 27, 2022 TSP Advisory Committee Meeting:

Steve and Roseann Kennett Email
Richard Gutknecht Email
Jeff Bertuleit Email

February 24, 2022 TSP Advisory Committee Meeting:

Aaron Bretz, Port of Newport Email
Rex and Theresa Capri Email
Martin Desmond Email
Jan Kaplan Email

March 24, 2022 TSP Advisory Committee Meeting:

Carla Perry Email

April 25, 2022 Planning Commission Work Session Meeting:

Jeff Bertuleit Email
Wendy Engler Email

May 9, 2022 Planning Commission Work Session Meeting:

Nyla Jebousek Email

May 23, 2022 Planning Commission Work Session Meeting:

City Engineering Staff Memorandum (this was also presented to the Council)

June 6, 2022 City Council Work Session Meeting:

Fire Department Memorandum
Nye Neighborhood Association Letter

VIII. Discussion of Request: In the Fall of 2019, with the assistance of a team of consultants, the City of Newport and Oregon Department of Transportation began working in earnest to update the City of Newport’s Transportation System Plan (TSP), portions of which had not been reviewed since 1997. The City’s TSP considers all modes of travel and provides guidance on how investments should be made to the transportation system through a combination of projects, policies, and programs to meet travel needs over a 20-year planning horizon. They must also comply with State of Oregon guidance and requirements in the Transportation Planning Rule (OAR Chapter 660, Division 12) and the public facilities planning requirements (OAR Chapter 660, Division 11). Development of the new plan was informed by public input over a 24-month period with in-person outreach activities being limited as a result of the pandemic. Approximately 970 people were engaged as part of the process that included:

- 21 individual and group stakeholder interviews.
- Two (2) online open houses with 650 unique visitors and 300 responses.

- Three (3) virtual workshops with a total of 60 participants.
- One (1) in-person workshop with 30 participants.
- Project website that received 36 comments.
- 80 short surveys conducted with Spanish speaking residents via phone outreach
- Two (2) written surveys sent to nearly 2,000 residents with nearly 500 being completed
- Multiple individual and joint Planning Commission and City Council work sessions

The effort was also supported by a Project Advisory Committee of key stakeholders and the City of Newport's Bike & Pedestrian Committee. The consulting firm JLA Public Involvement prepared stakeholder engagement summaries that are available on the project website www.Newporttsp.org and included in the case record.

At the conclusion of its last meeting on March 24, 2022, the Project Advisory Committee recommended the February 2022 draft City of Newport Transportation System Plan (TSP), with its executive summary, be presented for adoption to the Planning Commission and City Council. This was the group's last meeting, and in making their recommendation they noted that projects they discussed and identified in the TSP might be refined as part of the adoption process. Through April and May, staff incorporated the TSP's recommendations into draft amendments to the Newport Comprehensive Plan and the Newport Municipal Code. These changes were reviewed by the Planning Commission in work sessions on April 25, 2022, May 9, 2022 and May 23, 2022. A handful of changes have been made since that last Planning Commission work session, in consultation with the project consultants and they are highlighted in the attached materials. DKS Associates, the lead consultant that prepared the TSP, has enough budget reserved for one more comprehensive round of revisions. A tracking sheet has been developed, identifying the additional edits, and they will undertake a final round of revisions once the Commission provides its recommendation. Components of the TSP up for the Commission's consideration at this hearing include:

- Transportation System Plan Executive Summary, dated March 2022. This document is the first chapter of the TSP, and is a 16 page summary of its key elements.
- Transportation System Plan (Full Document), dated February 2022. This 126 page document provides context to the City's transportation system, describes existing conditions and projected growth, explains system design and management principles, identifies how projects were developed and evaluated, spells out project priorities, and addresses ongoing implementation needs/strategies. Projects listed on the "financially constrained" list are likely to be funded. The document includes placeholders for an extensive appendix of technical memos that support the plan. These memos are available on the project website www.Newporttsp.org, and will be added to the document with the final draft.
- Tracking Sheet of Edits to be made to the TSP. This document lists agreed upon edits that will be made to the TSP before it is finalized. **The sheet has been updated since the Commission's last work session to include additional changes discussed with the Advisory Committee, Commission, or raised as part of public comment. They include:**
 - **Adding an intersection project for NE San-Bayo-O Cir to improve vehicle egress onto US 101.**
 - **Allowing for sidewalk or a multi-use path on one side of NW Neff, between NW 2nd and US 101.**
 - **Modify Nye Extension project to include options for full street connection or bike/ped only.**
 - **Identify construction of NW 55th as a neighborhood collector on the fiscally constrained list**
 - **Adjusting the pathway connection for project TR7 from NW Rocky Way to NW Biggs, to facilitate an Oregon Coast trail connection to the Yaquina Head Natural Area via the Smith Tank easement access.**
 - **Amend Footnote No. 2 of TSP Table 5, to allow shared use paths along state facilities to be narrower than 12-feet in width if approved by ODOT (pg. 67).**

- Amendments to the Transportation Element of the Newport Comprehensive Plan. OAR 660-011-045 requires cities adopt public facilities plans, like the TSP, into their Comprehensive Plans along with a list, description, and maps of the transportation projects they intend to construct. This 39 page document addresses that requirement.
- Amendments to the Transportation Goals and Policies of the Newport Comprehensive Plan. This four page document includes new transportation goals and policies to inform and guide decision making. OAR 660-011-045 requires they be incorporated into Comprehensive Plans. **Since the Commission's last work session, a handful of policies that were to be deleted have been added back with respect to coordinating with ODOT regarding the future of the Yaquina Bay Bridge, enhancing transit service, and monitoring transportation impacts in South Beach. These changes are highlighted in Attachment "E."**
- Transportation System Plan amendments to the Newport Municipal Code. This 170 page document include the land use regulatory changes recommended in Technical Memo No. 12 to the TSP. Title XIII of the Newport Municipal Code, Land Divisions, is being merged into Title XIV, Zoning, which includes the rest of the City's land use regulations. This allows the transportation standards for new development or redevelopment to be housed in one location. It also allows for procedural streamlining. The nature of the regulatory revisions is summarized below and described in greater detail with the staff comments included with Attachment "F."
 - Chapter 14.01, Purpose, Applicability, and Definitions. Adds Title XIII subdivision related definitions. A number of existing transportation related definitions have been modified, and new terms added, per TSP recommendations.
 - Chapter 14.03, Zoning Districts. Clarifies that transportation projects are outright allowed uses.
 - Chapter 14.14, Parking. Adds standards for angled and Electric Vehicle (EV) parking, clarifies and enhances bike parking requirements, includes cross-references to new driveway and landscaping requirements, and adds vanpool/carpool parking standards.
 - Chapter 14.19, Increases minimum parking lot landscaping area from 5 to 10 percent, establishes screening requirements, and specifies minimum parking lot planting requirements.
 - Chapter 14.33, Transportation Mitigation Procedure. Adds land use process to the Adjustment and Variance Chapter that sets out standards for the City to allow deviations from the Transportation Standards of Chapter 14.44.
 - Chapter 14.44, Transportations Standards. Incorporates subdivision street improvement standards, allows for Neighborhood Traffic Management (calming), and adds street, pathway, accessway, and trail development standards recommended in the TSP.
 - Chapter 14.45, Traffic Impact Analysis. Adjusts threshold for when analysis is needed and adds intersection Level of Service requirements.
 - Chapter 14.46, Vehicular Access and Circulation. Establishes dimensional and spacing standards for driveways and drive through queuing requirements.
 - Chapter 14.47, Pedestrian Access. Establishes standards for the placement and sizing of pedestrian facilities on private/public properties, including connections to the public transportation system.
 - Chapter 14.48, Land Divisions. Title XIII provisions have been consolidated in this chapter and updated to incorporate recommendations from the TSP.
 - Chapter 14.49, Property Line Adjustments. Language has been moved from Title XIII.
 - Chapter 14.50, Tsunami Hazard Overlay Zone. Language has been moved from Chapter 14.46.
 - Chapter 14.52, Procedures. Added pre-application conference requirements, updated mail notice standards, and merged in the land division procedural provisions.

- Chapter 14.53, Council Review. Deleted as it contained no provisions.
- Chapter 14.54, Applicability. Moved to NMC Section 14.01.010.
- Chapter 14.55, Compliance with Ordinance Provisions. Moved to NMC Section 14.01.015.
- Chapter 14.56, Enforcement. Moved to NMC Chapter 14.53.
- Chapter 14.57, Penalty. Moved to NMC Chapter 14.54 and provisions have been replaced with a cross-reference to the civil infraction chapter of the Newport Municipal Code (i.e. Chapter 2.15).

A few changes to this document have been made since the Commission's last work session, following review of the draft by Angelo Planning Group. They include clarifications to the transportation standards that can be varied using the new "Transportation Mitigation Procedure in NMC 14.33.070, added requirements for private streets under NMC 14.44.060(R), clarified the future street alignment standard under NMC 14.44.060(E), added language to NMC 14.44.060(O) allowing shared use paths to be narrower than 12-feet along state facilities if approved by ODOT, and amended the post construction warranty language under NMC 14.44.060(F) so that it covers all public improvements (not just those subject to an improvement agreement) and reduced the warranty amount to 10% of the total construction cost. Additionally, discretionary final plat review language has been eliminated and the requirement that hardcopies of final plats be provided once recorded has been removed (that information is now available online). Redundant language has been deleted from NMC 14.44.050 and the delayed sidewalk improvement agreement requirement in NMC 14.48.030(5) has been eliminated in favor of an allowance for sidewalk in residential subdivisions to be delayed until homes are built. These changes are highlighted in Attachment "F."

The Planning Commission should review the proposed amendments and consider whether or not they adequately address the project's critical success factors and key themes heard from the public when the plan was being prepared. The project's critical success factors, developed under the guidance of city policymakers and a project advisory of community stakeholders, are as follows:

- Develop desired streetscape, urban form, and roadway alignment for downtown commercial core to spur redevelopment.
- Identify transportation enhancements for the Agate Beach neighborhood that are sensitive to local geologic conditions.
- Update the TSP capital projects and planning level estimates for near- and long-term system investment priorities.
- Clarify whether the US 101 highway alignment may change as a part of the future replacement of Yaquina Bay Bridge.
- Evaluate the viability and efficiency of NE Harney Street extension as north-south alternative to US 101.
- Develop a city-wide integrated multi-use bike and pedestrian network.
- Identify areas suitable for neighborhood traffic calming measures and address pedestrian safety needs.
- Identify transit needs of the community.
- Address the City's role in supporting emerging transportation technology.
- Refine street cross-section requirements to provide options that address site constraints.
- Amend infill frontage improvement requirements to better balance cost and community needs.

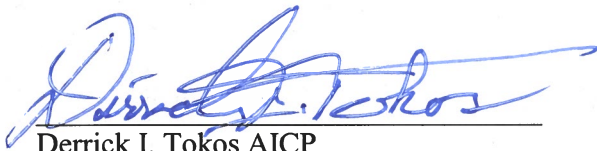
Key themes that emerged from feedback the City received from community members as the plan was being developed include:

- Enhance pedestrian and bicyclist safety.

- Increase bus/transit/shuttle options.
- Improve traffic flow and reduce congestion for all users.
- Provide parking improvements, especially in the downtown area.
- Enforce traffic speeding.
- Preserve/rebuild the Yaquina Bay Bridge in the same location.
- Support emerging technology such as Electric Vehicle (EV) charging stations.

The February 2022 Newport Transportation System Plan, and other documents referenced herein, can be viewed in their entirety on the City of Newport website: <https://newportoregon.gov/dept/cdd/> or the project website at www.Newporttsp.org. As the City of Newport is the principal entity responsible for maintaining and enhancing Newport's transportation system, it is important that the Comprehensive Plan be updated to reflect the City's role in implementing the goals, and policies contained in the plan. It has been 25 years since portions of the TSP have been updated, which in of itself is sufficient grounds for the Commission to find that there is a "public need for the change" and that the City amend its Comprehensive Plan in the manner recommended. The Commission can use a similar rationale to conclude that it is necessary, and consistent with the general welfare of the community, to updated the City's land use regulations to implement the TSP.

IX. Conclusion and Recommendation: The Planning Commission should review the proposed amendments and make a recommendation to the City Council. As this is a legislative process, the Commission may recommend changes to the amendments if the Commission chooses to do so. If the Commission provides a favorable recommendation, then an ordinance will be prepared with the requisite findings for the City Council's consideration. The Council may also make changes to the proposal prior to, or concurrent with, the adoption of an implementing ordinance.



Derrick I. Tokos AICP
Community Development Director
City of Newport

June 10, 2022



Chapter 1: Executive Summary

INTRODUCTION

The City of Newport initiated this update to their Transportation System Plan (TSP) to address a range of challenges and opportunities that emerged since the 2012 Newport TSP. In general, the TSP update process was designed to comply with the State of Oregon guidance and requirements per the Transportation Planning Rule (OAR 660-012-0015), which includes a public outreach process, an evaluation of current and future transportation needs, and a strategic and reasonable funding program (see Figure 5, Chapter 2 for more details).

Critical Community Issues were developed specifically for Newport, under the guidance of city leaders and a committee of key community stakeholders, referred to as the Project Advisory Committee. This TSP update focused on the following critical community issues:

- Developing desired streetscape, urban form, and roadway alignment for downtown commercial core to spur redevelopment.
- Developing transportation enhancements for the Agate Beach neighborhood that are sensitive to local geologic conditions.
- Updating the TSP capital projects and planning level estimates for near- and long-term system investment priorities.
- Clarifying whether the US 101 highway alignment may change as a part of the future replacement of Yaquina Bay Bridge.
- Evaluating the viability and efficiency of NE Harney Street extension as north-south alternative to US 101.
- Developing an integrated multi-use bike and pedestrian network.
- Developing neighborhood traffic calming measures and pedestrian safety needs.

- Identifying transit needs of the community.
- Identifying the city's role in supporting emerging transportation technology.
- Refining street cross-sections requirements to provide options that address constraints.
- Refining infill frontage improvement requirements that better balance cost and community needs.

The outcomes and recommendations are presented in the following chapters. Technical background information that formed the basis for many of the recommendations are available in a separate volume (see Newport TSP, Volume 2). The overall structure of the is summarized below.

Chapter 1: Executive Summary is a high-level overview of the TSP and its findings.

Chapter 2: Transportation System Context introduces the local history of Newport and its transportation system. It defines the planning goals and objectives and lays out the challenges and opportunities that the city addressed through this TSP update. The stated goals and objectives are the basis for choosing preferred transportation projects (see Chapter 5).

Chapter 3: Newport Today & Tomorrow presents how the city is planning to grow through 2040, and how historical travel patterns could change as a result. Each component of the local transportation system was reviewed and evaluated to consider how effectively it performs its intended objectives, and to identify gaps or limitations that should be addressed. The outcomes of these evaluations provide a list of transportation system needs around the city that will be examined to develop solutions (see Chapter 5).

Chapter 4: System Design & Management Principles defines the preferred routes and hierarchy of the system as it relates to freight, motor vehicles, transit, bicycling, and walking. In addition, the facility standards show specific design requirements regarding the overall dimensions, amenities, and provisions for individual travel modes. These facility cross-sections are used later in the process (see Chapter 6) to prepare initial estimate construction costs, and right-of-way requirements.

Chapter 5: Project Development & Evaluation presents the process used to identify investments that best align with the goals and objectives, which involved a combination of technical analysis as well as feedback from the project stakeholders and the public.

Chapter 6: Projects and Priorities lists the outcomes of the solution development and scoring process from Chapter 5. Projects are listed in four groups, according to funding priorities.

Chapter 7: Implementation & On-Going Strategies lays out the steps ahead to act on the TSP update, and to address on-going community issues related to transportation that are not specifically resolved by the TSP process and recommendations.

TRANSPORTATION SYSTEM CONTEXT (CHAPTER 2)

The City of Newport incorporated in 1882, and the 1910 census reported about 700 residents. Over the past century, the city has grown to just over 10,000 permanent residents today. The summertime population peaks at 25,000 because of the seasonal changes in tourist, employment, visitor, and recreational activities. As a popular Oregon Coast community and active seaport, Newport experiences its highest transportation demands during summer months when tourism and recreation are at their peak, whereas travel activity during the winter months is much lower. For example, the daily traffic counts on US 101 near City Hall drop by about 40 percent between July and January. This planning process recognizes how these seasonal swings in travel activity affect the community.

KEY TRANSPORTATION OPPORTUNITIES AND CHALLENGES

Newport faces the challenge of accommodating growth while maintaining acceptable service levels on its transportation network. Some of the key opportunities and challenges noted for this TSP update are listed below:

- **US 101 and US 20** form the primary transportation network and carry most the motor vehicle traffic. Outside of the downtown core area, the geographic constraints of the ocean coast, Yaquina Bay and local hillsides have fostered a strong reliance on the state highway system both for local travel and regional service to nearby communities. These highways were built with limited walking and bicycling amenities which continues to be a challenge for residents, visitors and tourists who are traveling outside of their motor vehicles.
- **Downtown** is where many of the properties are underutilized or in economic distress with vacant storefronts and aging, poorly maintained buildings. The City has an opportunity to leverage its urban renewal district to generate funding to revitalize the downtown area, which is also referred to as the commercial core area, along with upgrading the transportation system to catalyze economic development and provide infrastructure needed to support additional density.
- **Yaquina Bay Bridge** is an integral part of Newport as well as an historic icon on Oregon's coast highway system. Since its opening in 1936, the bridge has been the only transportation link across Yaquina Bay to South Beach. The Oregon Department of Transportation (ODOT) has been working to extend the functional life of the bridge, but expects that it will eventually be replaced. The timing for its replacement is uncertain, however, ODOT has indicated that its current location would be the preferred option to minimize environmental, engineering and community impacts.
- **Natural Hazards** considered in this TSP include the potential tsunami events following earthquakes and mitigating for unstable soils and ocean bluff erosion.

REFINED GOALS AND OBJECTIVES

The TSP goals and objectives define how the community's vision will shape the design, construction, operation, and management of the transportation system. This **2022 TSP update** reorganized the 2012 TSP structure and added several new goals. The plan framework now better supports performance-based planning. The new goals for the Newport TSP are listed below. For more details about the full policy framework, please refer to *Setting the Direction for the Plan* in Chapter 2.

- **Goal 1: Safety** – Improve the safety of all users of the system for all modes of travel.
- **Goal 2: Mobility** – Promote efficient travel that provides access to local and regional major activity centers, as well as to goods, services, and employment to meet the daily needs of all users.
- **Goal 3: Active Transportation** – Complete safe, convenient and comfortable networks of facilities that make walking and biking an attractive choice by people of all ages and abilities.
- **Goal 4: Grow the Economy** – Develop a transportation system that facilitates economic activity and draws business to the area.
- **Goal 5: Environment** – Minimize environmental impacts on natural resources and encourage less polluting transportation alternatives.
- **Goal 6: Support Healthy Living** – Support options for exercise and healthy lifestyles to enhance the quality of life.
- **Goal 7: Prepare for Change** – Ensure that the choices being made today make sense at a time when Newport is growing, and the transportation industry is rapidly changing.
- **Goal 8: Fiscal Responsibility** – Sustain an economically viable transportation system.
- **Goal 9: Work with Regional Partners** – Partner with other jurisdictions to plan and fund projects that better connect Newport with the region.

In addition to the goals outlined above, a set of supplemental strategies and guidelines were developed to address specific issues of concern within the Commercial Core and the Agate Beach areas of the City.

DECISION-MAKING STRUCTURE

The decision-making structure for this TSP was developed to establish clear roles and responsibilities throughout the project. The primary elements of that structure included:

- A Project Management Team (PMT) that included city staff, ODOT staff and the consultants.

- A Project Advisory Committee (PAC) that included local committee, neighborhood, and business representatives, emergency service providers, and agency staff members from the City of Newport, Lincoln County, and the ODOT.
- The City Council and Planning Commission for Newport were briefed throughout the process.
- The City Council made all final decisions pertaining to this TSP. The PMT made recommendations to the Planning Commission and City Council based on technical analysis and community input.

PUBLIC AND STAKEHOLDER ENGAGEMENT

Public outreach was conducted between November 2020 and August 2021 to share information about the TSP project and community members, stakeholders, and other interested parties were invited to share their ideas and feedback. The project team adapted to the COVID-19 pandemic to provide several engagement opportunities to enable community members to safely participate and provide meaningful input. Approximately 970 people were engaged through a variety of outreach opportunities.

Overall, the respondents wanted a focus on the safety and circulation for the walking, biking, and transit modes of travel. A complete summary of the outreach efforts can be found in Appendix N, Newport TSP Outreach Summary.

Common themes heard from public engagement included the following:

- Pedestrian and bicyclist safety throughout the city.
- Increased bus/transit/shuttle options.
- Interest in improving traffic flow and reducing congestion, for through travelers and local users.
- Parking improvements, especially in the downtown area.
- Traffic speeding enforcement.
- Preserve/rebuild the Yaquina Bay Bridge in the same location.
- Strong support for emerging technology such as electric vehicle (EV) charging stations, parking solutions and solar power.

NEWPORT TODAY AND TOMORROW (CHAPTER 3)

A comprehensive assessment was made of the travel patterns and transportation system performance within Newport as it operates today, and how that is expected to change with planned growth through 2040. To make the future forecast, the designated growth areas within the city were reviewed to determine how travel activity and patterns would change based on historical demographic and travel data. The future year travel forecast was made for summertime conditions, and it was used to evaluate how effectively proposed roadway solutions would operate.

The findings of this technical analysis for all travel modes combined with input from the public engagement process formed a master list of system needs for the community. Later in the update process (see Chapters 5 and 6), the past TSP projects identified from the 2012 TSP were refined

and amended, as needed, to fully address the latest understanding of the community's transportation needs.

For further technical background information, refer to Technical Memorandums *#5 Existing Transportation Conditions*, *#6 Future Traffic Forecast* and *#7 Future Transportation Conditions and Needs* that are contained in Volume 2.

LAND USE AND TRANSPORTATION DEMAND GROWTH

The city's present urban growth boundary (UGB) and adopted land use zoning maps indicate the location and type of development that is expected to occur in Newport. In addition, citywide population forecasts are coordinated with a statewide effort that is led by Portland State University. By 2040, the growth in households and employment for Newport are illustrated in Figures 11 through 16 in Chapter 3. In summary, they include the following planned growth:

- **Households** - About 1,000 more homes are expected throughout the city, with the highest concentrations in the recent UGB addition near NE 36th Street and NE Harney Street, and the emerging neighborhood along SE 40th Street near the Oregon Coast Community College. Many other neighborhoods expect modest residential in-fill development.
- **Population** - About 2,400 more permanent residents are expected to reside in these new homes. In addition, visiting households during peak seasons are forecasted to increase by about 210 more than today (see Figure 19, Chapter 3).
- **Summer Employment** - About 2,700 more jobs are expected during the summer. Overall job growth will be highest in the South Beach area, especially along Marine Science Drive, and south of 40th Street, and in the very north end of the city near 73rd Street.

This combination of new housing, residents and jobs is expected to increase citywide vehicle trips by about 27% year-round by 2040.

MOTOR VEHICLE SYSTEM PERFORMANCE ISSUES

Based on technical evaluation and feedback from the community, the following operational, safety and maintenance issues were identified for the Newport motor vehicle system. ODOT has quantitative performance targets for its highways based on traffic delays, which were applied to determine if conditions were acceptable or not. A total of 20 intersections were selected for the operational analysis review.

- Six of the intersections on US 101 are expected to have major delays for motor vehicle traffic. This includes three locations that are controlled by traffic signals (at NE 52nd Street, US 20, and Hurbert Street) and three stop controlled intersections (at NE 73rd Street, Oceanview Drive, and Angle Street).
- Many other intersections along US 101 that were not specifically analyzed are expected to have severe delays during peak hours for traffic intending to turn left onto the highway.

Several neighborhoods derive their only access from US 101, such as NE San-Bay-O Circle near the Fred Meyer store.

- Two of the US 20 intersections are expected to have major delays including SE Benton Street (stop sign controlled on the side street) and NE Harney Street-SE Moore Drive (traffic signal control).
- The US 20/NE Harney Street-SE Moore Drive intersection was also cited by public feedback as being problematic for serving school related traffic before/after school sessions, and for major events at the Lincoln County fairgrounds.
- Other community safety concerns included the lane merging on southbound US 101 approaching Yaquina Bay Bridge, and the irregular access spacing on US 101 near the Newport Theater.
- Three local bridges were identified as being structurally deficient including US 101 over Big Creek, the Yaquina Bay Bridge, and on Big Creek Road over Big Creek.
- In addition to its weight limited condition, the vehicle traffic using the Yaquina Bay Bridge is expected to grow and it will eventually exceed the carrying capacity.

WALKING AND BICYCLING SYSTEM PERFORMANCE

Walking is an important part of local travel options, both within neighborhoods and parks as well as along and across major roadways. Provision of safe and convenient walking options can help the city move towards a complete multimodal transportation system. Today Newport has 33 miles of sidewalks, although about 70 percent of city streets lack sidewalks on at least one side.

Bicycling is common along US 101, which is part of the designated Oregon Coast Bike Route. Cyclists generally ride on the wide paved shoulders on US 101, since there are very limited designated bike lanes on the highway. Off highway, there is about 10 miles of shared-use pathways or trails available, but generally cyclists are required to share the roadway with vehicles. For both walking and bicycling system, a Level of Traffic Stress (LTS) score was determined that represents the user's experience on that route.

Based on technical evaluation, field observations, and public feedback, the following walking and bicycling issues were identified:

- For walking travelers, about 25 percent of state highway and city collector street blocks were rated in the low to moderate LTS range, which is generally comfortable for the average traveler.
- For bicyclists, about 15 percent of state highways and 90 percent of city collector streets had low to moderate ratings.
- On the other end of the LTS scale, extreme ratings were shown for 60 percent of the highways for walking travelers, and 85 percent of bicyclists. This is the highest level of stress and is considered very challenging.

- Extreme or high bike LTS was noted due to high speeds and traffic volumes and unprotected bike facilities. This includes both state highways and short segments of NE Harney Street, NE 31st Street, NE Yaquina Heights Drive, SE Bay Boulevard and SE Ferry Slip Road.
- Sixteen of the 20 intersections studied on US 101 and US 20 had extreme or high LTS scores due to non-compliant ADA curb ramps, complex elements or limited refuge or enhancements at the crossing. Bicycling LTS has similar scores at these locations.
- NW Oceanview Drive, a component of the Oregon Coast Bike Route, was rated at extreme level of traffic stress between US 101 and the intersection with NW Edenvue Way, and medium level of traffic stress from there to Spring Street.

System deficiencies were noted in cases where the walking or bicycle facilities had major gaps, extreme LTS, or were near important destinations, such as parks, schools, transit stops or essential services. These were flagged to be reviewed for possible system improvements (see Chapters 5 and 6).

TRANSIT SERVICES

Lincoln County Transit operates a city loop bus service, an intercity bus service, and a paratransit service. The loop service through Newport connects key destinations six times each day, seven days a week and in the evening. While most residents and businesses are located within one-half mile of a loop transit stops, the time between buses (up to 90 minutes) and limited-service hours (7 am to 5pm) moderates its effectiveness for residents and visitors.

The intercity transit service operates routes to Corvallis and Albany four times each day, to Lincoln City four times each day, to Yachats four times each day, and to Siletz six times a day between Monday and Saturday.

Lincoln County Transit's paratransit service provides public transportation to persons who are unable to use regular fixed route buses. Curb to curb paratransit service, in wheelchair lift equipped minibuses, is available generally between 8:00 a.m. and 3:30 p.m. Monday through Friday.

Lincoln County's transit development plan through 2028 intends to enhance the frequency of services and add more stops on the loop to better serve more riders. This includes two new loop routes with shorter headways between more popular local destinations.

OTHER TRANSPORTATION SYSTEMS

Freight Network

US 101, north of US 20, is a designated federal truck route and US 20, east of US 101, is a designated Oregon freight route. With growing traffic volumes, six intersections along the state highways would not meet their currently adopted mobility target. These are the same six locations noted under the **Motor Vehicle System Performance Issues** section above.

Other locations with identified freight needs include Bay Boulevard which is a working waterfront and is a key freight generator for the City of Newport. This area is also a tourist destination which can create conflicts between the high volume of pedestrians, passenger cars, and freight vehicles which serve Newport's fishing industry.

Freight vehicles face the steep grades for northbound traffic approaching the Yaquina Bay Bridge. The recent relocation of the traffic signal from SE 32nd Street to SE 35th Street has improved this operational issue. The bridge has weight limit restrictions.

Airport

The Newport Municipal Airport, owned and operated by the City of Newport, is a public-use airport located east of US 101 off SE 84th Street, approximately five miles south of downtown. This airport provides general aviation for Newport and surrounding coastal communities and is identified as a critical resource by the Oregon Department of Aviation for emergency response following a major earthquake or tsunami. Currently, the airport supports general aviation aircrafts, cargo, US Coast Guard helicopters, and air ambulance flights.

Waterways

The Port of Newport maintains and operates separate commercial and recreational marinas to serve Newport's ship traffic. The commercial marina, located on the north side of Yaquina Bay, south of Bay Boulevard includes four docks for commercial vehicles and serves a large, prolific fishing fleet and a yacht club. This marina can accommodate vessels up to 100 feet. The recreational marina is located on the south side of Yaquina Bay, near South Beach, with space for 522 vessels and includes power, water, fuel, and sanitary services as amenities. This marina also serves as a public boat launch with space for trailer storage. The Port also provides an International Terminal with a multi-use shipping facility that is one of three deep draft ports on the Oregon Coast. This terminal is located on a 17-acre site about 2.5 miles from the ocean entrance.

CHAPTER 4: SYSTEM DESIGN & MANAGEMENT PRINCIPLES

This chapter presents several refinements to Newport's multimodal transportation system hierarchy and facility design requirements. The recommended changes for city streets, trails, and shared-use pathways were developed to improve safety and accessibility for all users, and to directly responds to several of the critical community issues:

- Developing an integrated multi-use bike and pedestrian network.
- Developing neighborhood traffic calming measures and ped safety needs.
- Refining street cross-sections requirements to provide options that address constraints.

This chapter also acknowledges more recent guidance from ODOT's *Blueprint for Urban Design*, which provides a flexible approach to improvements adjoining the state highways that allow cities to better accommodate urban development that offer enhanced walking, bicycle, on-street parking,

and store front amenities. For the full technical presentation of system design and management changes, please refer to *Transportation Standards (Technical Memorandum #10)* in Appendix K.

STREET FUNCTIONAL CLASSIFICATION CHANGES

The functional classification of a street or roadway defines how it is intended to be used, and its relative purpose compared to other facilities in the network. Transportation agencies that manage and maintain highway and street systems commonly use this practice, including federal, state, county, and city jurisdictions. The City of Newport chose to refine its street functional classifications for city facilities that align with local community values.

The major changes to the street functional classification designations for City of Newport Streets include the following:

- **Designating State Highways as the only Arterial Roadways** - Several city streets that were previously designated as arterials roadways were downgraded to better match their intended use today and in 2040. Arterial streets are primarily intended to serve regional and through traffic. It is determined that only the two State Highways provide that type of service.
- **Dividing City Collector Streets into Two Tiers, Major and Neighborhood Collector** - The city previously had one category for collector streets, which are intended to connect neighborhoods to each other and to arterial roadways. The top tier collector was renamed to a Major Collector. A second tier of collector roadway was introduced where it was most appropriate to apply traffic calming techniques in neighborhoods, and to tailor bike and pedestrian designs to best match the local environment.
- **Adding Private Streets to the system map** - A new designation was added to show Private Streets, which are owned and maintained by the adjoining property owners. Typically, these are driveways or private roadway connections that serve four or fewer parcels.
- **Local Truck Routes Added** - In addition to the state and federal designated truck routes on US 101 and US 20, there are several city streets that serve as key local truck routes within the community. These routes were added to the city's freight network to highlight the need to design and manage them to serve trucks. Examples include Bay Boulevard, and SE Marine Science Drive.

MULTIMODAL NETWORK DESIGN

Street designs are based on the functional classifications. City street improvement projects generally accompany newly developing or redeveloping areas of the city. Roadway cross-section design elements include travel lanes, curbs, furnishings/landscape strips, sidewalks on both sides of the road, and bicycle facilities. In some cases, site constraints may prevent minimum standards from being applied, and design exceptions are required.

The recommended design standards for the City of Newport presented in Chapter 4 encompass all levels of streets, trails and pathways. For full details, refer to that chapter. A summary of the key changes for network design types follows below:

- **Added Yield or Shared Streets** - A new classification for local streets was added to recognize cases where traffic volume is low (fewer than 500 vehicles daily). These cases were referred to as Yield or Shared Streets, and they allow narrower street widths (see Table 2, Chapter 4) and lower speed limits.
- **Sidewalk Minimum Width Varies** - The minimum sidewalk width was changed to be wider depending on the street classification, and fronting land use types (see Table 3, Chapter 4). For example, this allows added space for street side amenities in commercial districts.
- **Bicycle Facilities Tailored to Street Classification** - To better support an integrated bike network, the design standards were modified to better match the required bike facilities with the on-street conditions experienced by cyclists. As shown in Table 4, Chapter 4, where traffic volumes and speeds are high like on the state highways, wide and protected bike facilities are preferred. Whereas, in neighborhoods the bikes can more readily share the street with motor vehicles.
- **Minimum Pedestrian and Bicycle Facilities** - These design standards apply to pedestrian trails, accessways, and shared-use pathways, showing the minimum facility width for each case (see Table 5, Chapter 4).

ADDITIONAL TRANSPORTATION PLANNING STANDARDS AND OTHER ISSUES

A new set of standards are recommended that the City of Newport can apply during on-going development review, and when plan amendments are being considered. These new transportation standards provide staff with a quantitative basis for reviewing proposed development plans and other planning proposals that may affect local transportation conditions. The additional standards include the following:

- **Vehicle Mobility Standards** - The metrics shown in Table 6 of Chapter 4 define the thresholds of acceptable congestion on city streets for a range of intersection types. These standards can be applied to form the basis for requiring conditions of approval for pending development to ensure that the ultimate facility design matches the expected demands.
- **Multimodal Connectivity** - The spacing standards in Table 8 of Chapter 4 define the minimum and maximum spacing standards for block length, driveway spacing, setbacks, and space between ped/bike connections. The intent of these standards is to provide for efficient, safe, and timely multimodal travel, particularly in newer neighborhoods designs.

The final two sections of Chapter 4 highlight unique natural hazards facing the City of Newport, and the city's response to manage those conditions. This includes the Oregon Seismic **Lifeline Routes** that facilitate emergency evacuation and recovery routes following disasters, such as a tsunami

event. This TSP includes projects that promote seismic resilience on lifeline routes, adds pedestrian or bicycle facilities on evacuation routes, and other wayfinding projects.

Also highlighted are the **street stormwater drainage management** strategies that apply to new development areas and major infrastructure improvements, such as new or expanded roadways. These strategies are acutely important in many areas of the city, and most notably the Agate Beach neighborhood, to mitigate runoff impacts such as further erosion of coastal bluffs.

CHAPTER 5: PROJECT DEVELOPMENT AND EVALUATION

Building the updated project list for this TSP involved identifying several new projects to specifically address new community concerns and combining them with past projects from other local transportation plans including the 2012 TSP, Oregon Coast Bike Route Plan and Yaquina Bay Recreation Site Plan.

The prioritization process was applied to emphasize improved system efficiency and management over adding capacity. These priority outcomes were then compared to city goals and objectives for the transportation investments. This process allows the city to maximize use of available funds, minimize impacts to the natural and built environments, and balance investments across all modes of travel.

PROJECT FUNDING

Each project was reviewed to assess which agency would lead the project and the likely funding source. It is important to note that these funding assumptions do not obligate any agency to commit to these projects. In general, projects were assigned to either the City of Newport or ODOT as the lead agency, with a few cases where they may jointly

fund a project. Also, each project was assigned an assumed funding source, which included the City’s North Side Urban Renewal District, South Beach Urban Renewal District, and other City/State revenue. It is recognized that there may be other partnering opportunities with ODOT and Lincoln County Transit, these decisions are ultimately up to those agencies. Also, private development will also likely build TSP projects in coordination with land use actions and future development in the city.

Based on historical and forecasted funding levels, the city expects to have about \$76 million through the year 2040 for transportation projects in this TSP. This includes about \$38 million for projects in the North Side Urban Renewal District boundary and another \$38 million from other City and State funding sources for other citywide projects. And although it was not included in the TSP

FUNDING SOURCE	AMOUNT AVAILABLE BY 2040
NORTH SIDE URBAN RENEWAL DISTRICT	\$37.9 million
OTHER CITY/STATE FUNDS	38.3 million
TOTAL FUNDS AVAILABLE	\$76.0 million
TOTAL ASPIRATION PROJECTS	\$222.5 million

revenue forecast, the South Beach Urban Renewal District will also provide an additional \$3 million in funding for remaining projects in the district boundary. This is still far below the funding required to implement all the projects in this plan, which total approximately \$222 million.

A high priority subset of the City's Aspirational Projects that are constrained to a level of funding that is expected to be available for the next 20 years is presented in Chapter 6 section of this Executive Summary. These projects are referred to as **Financially Constrained**, as they represent the city's highest value projects that can reasonably be funded through 2040.

SPECIAL TRANSPORTATION STUDIES

A series of studies were conducted that provided greater depth of technical review and public engagement than is common for a TSP update. The focus of these special studies included corridor solutions along US 101 and US 20 in the downtown area, and a closer look at the feasibility, effectiveness, and cost to construct a proposed Harney Street extension. The 2012 TSP shows a proposed Harney Street extension parallel to US 101 north of US 20 to NE 36th Street that would provide alternative circulation for longer trips to relieve congestion in the downtown area.

Each of these projects represent large-scale capital investments that could significantly alter Newport's transportation network and travel patterns by increasing roadway capacity for motor vehicles, bicycles, and pedestrians. In addition to mobility and access improvements, the highway corridor studies also sought to leverage economic development opportunities to revitalize the downtown commercial core area.

The following discussion summarize results of each special transportation study. Please refer to Chapter 5 and the Solutions Evaluation (Technical Memo #8) in Appendix I for full details.

US 101 Downtown Corridor (SW 9th Street to SW Angle Street) – Three options were considered for this corridor. Two involved forming one-way couplets with the existing highway and SW 9th Street, and one retained the highway on its current alignment. However, that concept also includes providing quality bicycle facilities on parallel routes of SE 9th Street to reduce impacts to properties adjacent to the highway.

The one-way couplets would provide for southbound traffic along the present highway alignment, and northbound flow along SW 9th Street. The difference between the two couplets was one was longer, it began at the existing intersection of SW 9th Street and US 101, and the other was shorter, it began at SW Fall Street. All three options would upgrade the existing roadways to meet current ODOT design standards, which would address the narrow travel lanes, and lack of bike facilities.

Based on feedback from the public and the PAC, the Long Couplet options was set aside from further review. It was agreed that the Long Couplet concept was not worth the extra investment for a longer improved facility, especially since the area around the hospital complex was already being redeveloped along the adjoining parcels nearby. The PAC suggested that the remaining two options advance for further deliberation during the public adoption process of the TSP.

US 20 Downtown Corridor (Harney Street-Moore Drive to US 101) – Two options were considered for this corridor. One involved forming a one-way couplet with the existing highway and NE 1st Street. In this concept, the eastbound flow would use the existing highway, while the westbound flow of traffic would use NE 1st Street. The other option was to upgrade and expand the highway along its present alignment. Based on feedback from the public and the PAC, the preferred option was the existing two-way highway along its current alignment. However, that concept also includes providing quality bicycle facilities on parallel routes of NE 1st Street to reduce impacts to properties adjacent to the highway.

US 20/US 101 Intersection – Several design concepts were evaluated at this location to serve traffic growth and still meet desired performance targets. Concepts included adding more vehicle turning lanes on high volume approaches, restricting Olive Way to westbound only flow, and converting the intersection to a multi-lane roundabout. The preferred concept is to add another southbound left-turn lane from US 101 onto eastbound US 20 (see INT4 for details). Initial sketches were made to illustrate how roadway widening might impact to adjoining properties (see initial diagrams in [Appendix ZZTop](#)).

Harney Street Extension (NE 7th Street to NE 36th Street) – The alignment of this proposed extension was evaluated in-depth by project team engineering staff to navigate the many environmental and topographical constraints of this route. These outcomes of these engineering studies show (see Figure 38, Chapter 5) that the primary new construction would be near NE 7th Street, then it bends around the hillside to the east and then connects to the existing Harney Street at NE Big Creek Road. This route was expected to carry moderate traffic volumes that would provide some relief to the US 101 corridor. However, because of the high estimated cost of the construction, at over \$40 million, the PAC recommended that this project be set aside from priority city funding at this time.

NW Nye Street Extension/NW Oceanview Drive – The northerly extension of NW Nye Street to connect to NW Oceanview Drive was recommended to address safety and access concerns in this area (see EXT12 for details). Two circulation options were advanced. The first option limits the Nye Street extension to pedestrian and bike access only with no changes to Oceanview Drive circulation. The second option would allow full motor vehicle, ped/bike use on the Nye Street extension, and restrict Oceanview Drive to one-way southbound for motor vehicles between Nye Street and NE 12th Street. The former northbound travel lane would be restriped as a shared-use path for ped/bike use in the one-way section.

ALTERNATE HIGHWAY MOBILITY TARGETS

As Newport grows, the mobility targets at several state highway intersections will not be met. Today, all state highway intersections comply with those mobility targets. However, by 2040, four highway intersections will exceed that target, including the US 20/US 101 intersection. For a full description, please refer to the Alternate Mobility Targets (Technical Memo #11), in Appendix L.

ODOT has a policy that allows their agency to change mobility targets within local jurisdictions to allow for higher congestion levels. To do so requires the adoption of the mobility targets by the Oregon Transportation Commission or their district representative. This policy was established

because ODOT acknowledges that the limitations of its funding does not provide sufficient resources on state highway facilities to meet their preferred mobility targets. By changing the targets, the local jurisdiction can proceed with planned growth consistent with their adopted land use and transportation plans.

For Newport, the recommended change is to increase the numerical v/c ratio value to 0.99 at all state highway intersections. If enacted, this would be consistent with the numerical standard that is applied to state highway intersections in the South Beach area.

CHAPTER 6: PROJECTS AND PRIORITIES

This chapter presents the transportation system improvements projects that were selected to address the system needs revealed by the technical analysis and the input from the community. The full aspirational project list that includes over 200 projects is provided in Chapter 6. The **Financially Constrained** (reasonably likely to be funded by 2040) projects are shown in **Appendix ZZ**. These represent the higher priority projects that can reasonably be funded given the available city and state transportation resources of about \$76 million through 2040.

CHAPTER 7: IMPLEMENTATION ACTIONS

The City of Newport TSP update incorporates several elements that require further action to facilitate full implementation of the plan.

SUPPLEMENTAL FUNDING OPTIONS

Providing adequate funding for capital investments and on-going maintenance of transportation systems and services is a major challenge. In addition to the two Urban Renewal Districts, the City is encouraged to seek more funding opportunities to advance projects sooner. In general, the best candidates are a transportation utility fee, a local fuel tax increase, and a short-term property tax levy. However, given that the city recently put a local gas tax increase on the voter ballot that failed, perhaps the other options could be further pursued.

ACTION: Pursue and enact supplemental local transportation funding option.

NEIGHBORHOOD TRAFFIC MANAGEMENT TOOLS

The Transportation System Plan identifies a new classification of city streets that are the best candidates for applying neighborhood traffic management (NTM) strategies. The challenge with a NTM program is to identify a clear and objective process for collecting community inputs, assessing the prevailing concerns, and evaluating which, if any, NTM solution is appropriate to be installed. This will require developing guidelines about which NTM strategies are best for Newport, and where and how they are to be applied. In addition, many cities balance the technical review process with a consensus opinion of the affected neighbors to help ensure community satisfaction with the NTM decision.

ACTION: It is recommended that city develop and implement a NTM program that formalizes these processes.

STREET CROSSINGS

Streets with high traffic volumes and/or speeds in areas with significant volume of pedestrian activity generally require enhanced street crossings with treatments to improve the safety and convenience for pedestrians. The TSP includes several crossing enhancements; however, the city should also update their development code to match the Transportation Facility and Access Spacing Standards stated in the TSP.

ACTION: Update Municipal Code to incorporate street and access spacing standards identified in the TSP for city streets

Similarly, on state highways enhanced pedestrian crossing treatments should be considered on high speed or high-volume roads (e.g. US 101, US 20). To ensure these types of treatments are considered during the development review process, the city guidelines for traffic impact studies should be updated to require these types of studies.

ACTION: Amend the city's traffic impact analysis guidelines to include review of pedestrian crossing treatments consistent with NCHRP Report 562.

VEHICLE MOBILITY STANDARDS

The City of Newport does not have adopted mobility standards for motor vehicles. The city should amend its mobility standards for planning and development review to establish clear guidelines for selecting intersection design solutions.

ACTION: Amend city development code to introduce vehicle mobility standards on city streets consistent with the TSP (see specifics in Chapter 7).

Additional implementation actions should:

Indicate that the Public Facilities Chapter of the Newport Comprehensive Plan will be amended to align its transportation goals and objectives with those contained in the TSP.

Emphasize that the City will take into consideration the larger parcel impact of right-of-way acquisitions for transportation projects, and will provide fair market compensation for such impacts.

Note that the City will support and promote emerging transportation technologies, where feasible, including the rollout of infrastructure for electric vehicles.

Require that transportation solutions selected for commercial core areas along US 101 and 20 must promote economic revitalization of these areas in addition to addressing broader transportation needs of the community.

Identify the need for project specific geotechnical analysis in the Agate Beach area in line with the recommendations contained in the HHPR memo.

City of Newport

TRANSPORTATION SYSTEM PLAN

FEBRUARY 2022



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Chapter 1: Executive Summary

[PLACEHOLDER - TO BE WRITTEN LATER]



Chapter 2: Transportation System Context

This chapter introduces Newport and describes what a Transportation System Plan (TSP) is and how it was developed. The process involved a formal decision-making structure, community engagement, and a structured technical analysis.

NEWPORT AT A GLANCE

Located along the shores of the Pacific Ocean and Yaquina Bay, Newport is a dynamic City with neighborhoods that cater to residents and visitors of all ages and interests. The population of permanent residents in the City is 10,125, but that can rise to 25,000 during a summer day, as visitors are drawn to the City’s beachfront, numerous outdoor activities, attractions, eateries, shopping and more. It is home to an active fishing industry, miles of sandy beaches, Oregon State University’s Hatfield Marine Science Center, the Oregon Coast Aquarium, and the home port of the National Oceanic and Atmospheric Administration (NOAA) Marine Operations Center-Pacific. Several neighborhoods are within Newport including Agate Beach, the Deco District (aka Downtown Newport), Nye Beach, Bayfront and South Beach, each with its own unique character.



FIGURE 1: KEY TRANSPORTATION FACILITIES (NORTH)

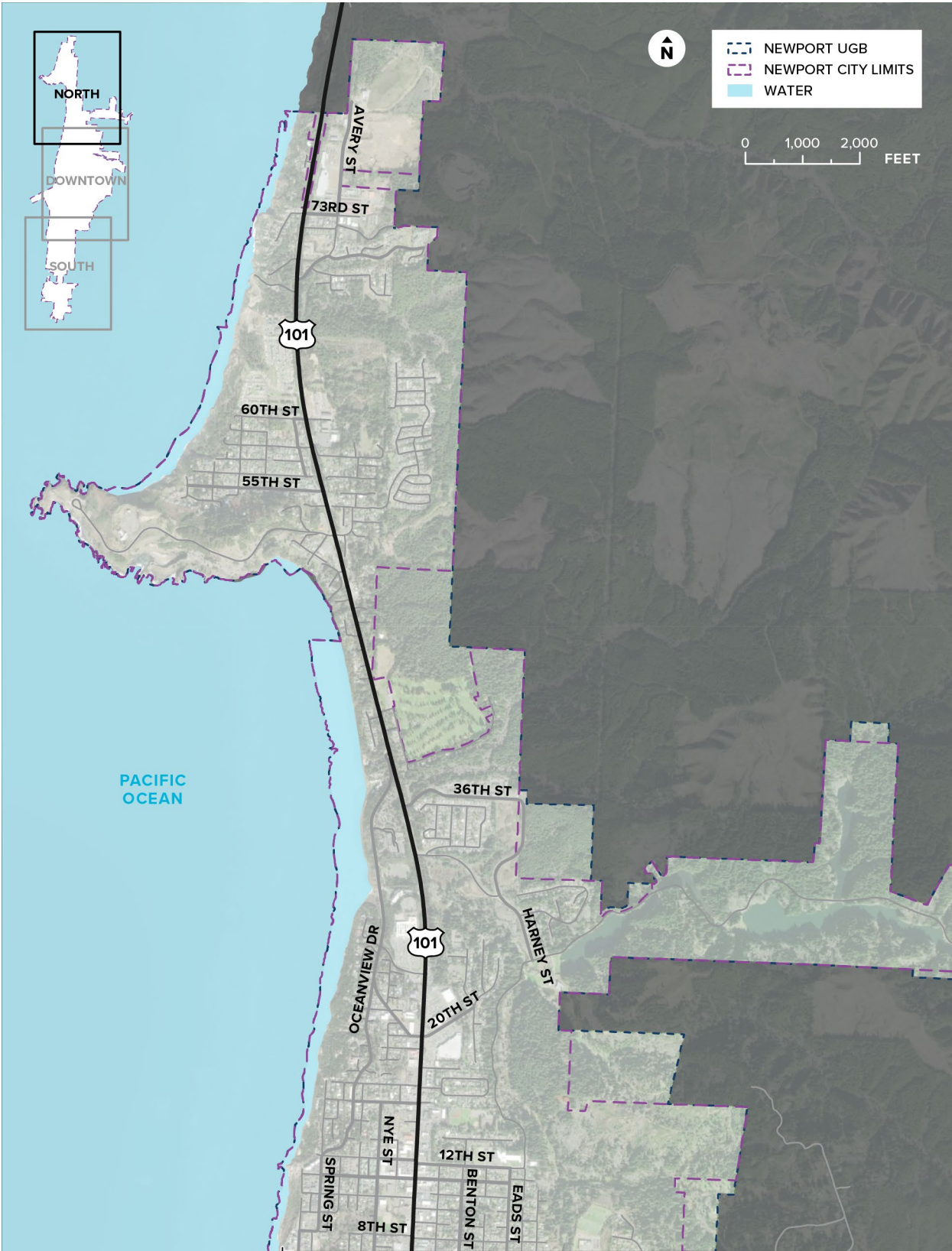


FIGURE 2: KEY TRANSPORTATION FACILITIES (DOWNTOWN)

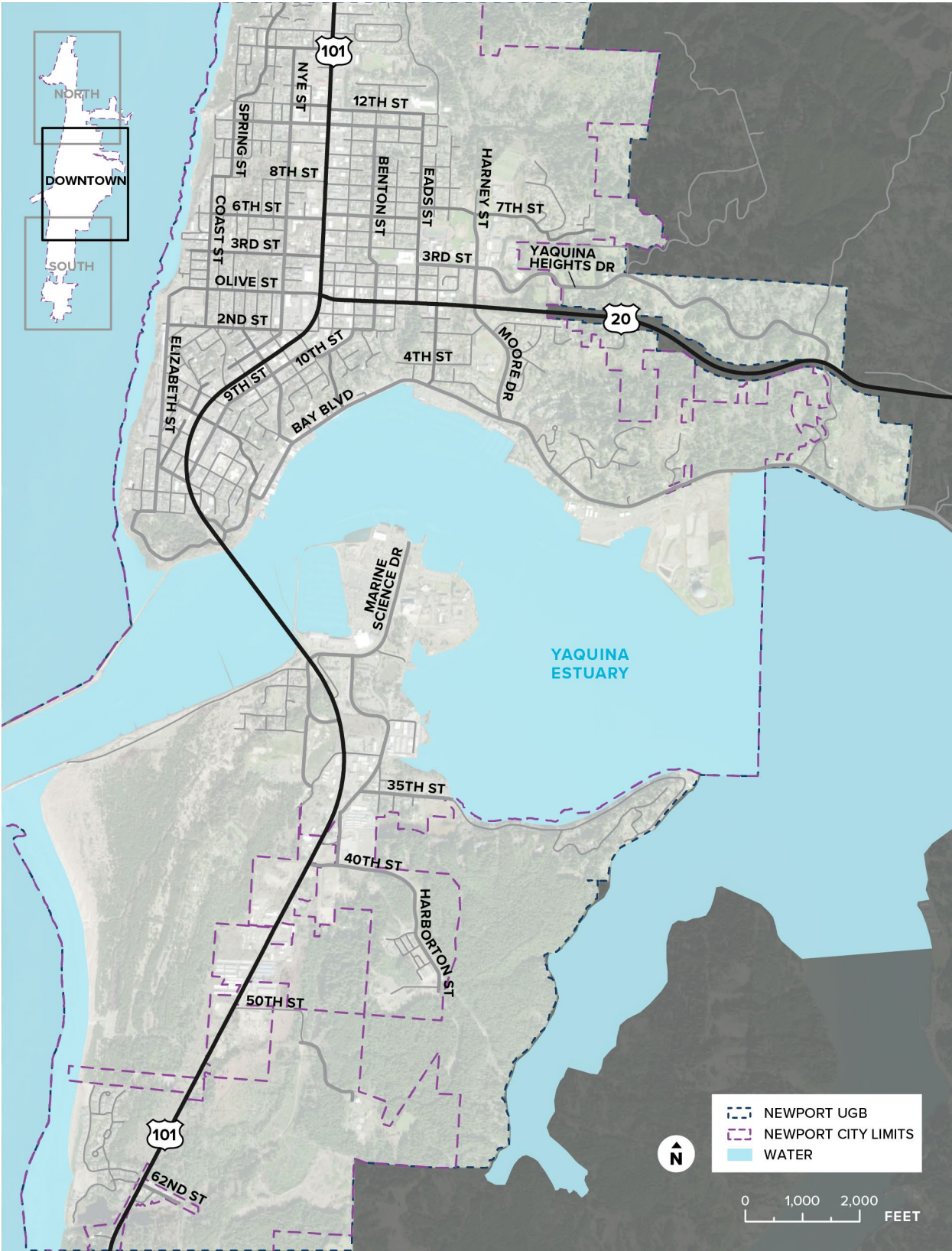
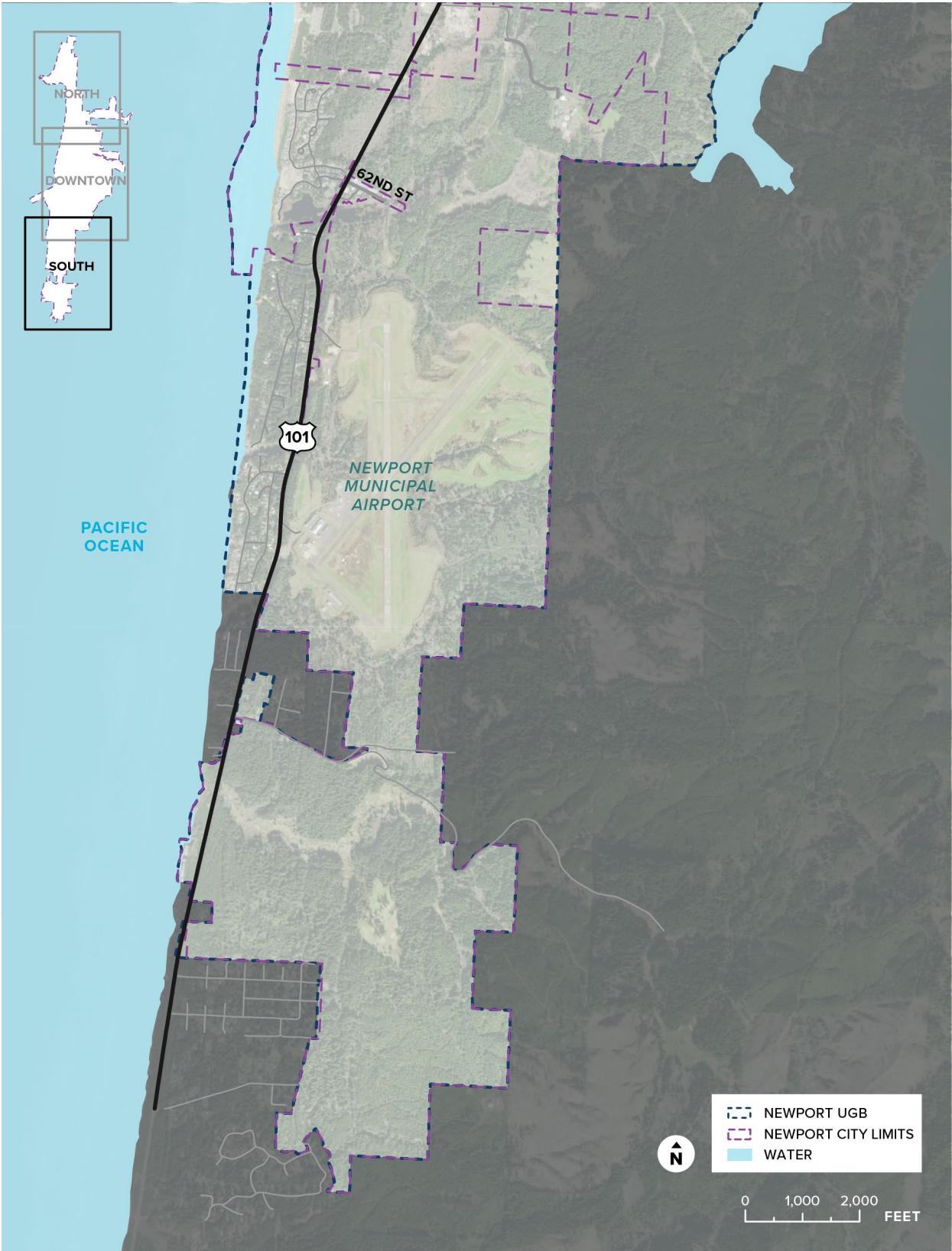


FIGURE 3: KEY TRANSPORTATION FACILITIES (SOUTH)

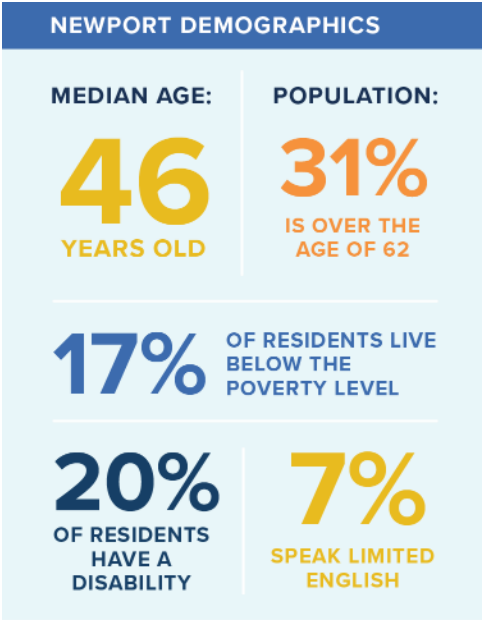


NEWPORT DEMOGRAPHICS

Residents of Newport have a median age of 46 years and just over half, 51%, of all residents are within the peak working age range. Also shown in Figure 4, about one-third (31 percent) of the population is over the age of 62. The City has similar demographics with the rest of Lincoln County in terms of the share below the poverty income level, 17 percent, and people with disabilities, 20 percent, while 7 percent speak limited English. These demographics are significantly different from those of the State, with the City accounting for a 10 percent larger share of residents aged over 62 and up to a 5 percent greater share of residents living below the poverty level, with a disability, or speaking limited English. The source for the Newport demographic data was taken from the American Community Survey, 2015 to 2019, as reported by the US Census Bureau.

As growth continues in the City, it will likely to show a higher share of older residents choosing to retire on the coast compared to other areas of the State, which influences the likelihood of more residents living on limited retirement incomes or having a disability. The City will also likely continue to see younger people and families choosing to visit and live in Newport, and likewise will continue to see people of all ages and abilities walking, biking and using transit.

FIGURE 4: KEY DEMOGRAPHICS



KEY TRANSPORTATION OPPORTUNITIES AND CHALLENGES

Newport faces the challenge of accommodating population and employment growth while maintaining acceptable service levels on its transportation network. The transportation system must accommodate highway through traffic, residents, and thousands of tourists who are here in the summer and over holiday weekends. With limited funding for transportation improvements, and built and natural environment challenges, the City must balance its investments to ensure that it can develop and maintain the transportation system adequately to serve the City and everyone who travels in it. Some of the key transportation opportunities and challenges in the City are summarized below, with more details provided in Chapter 3 of this TSP.

US 101 and US 20

U.S. Highway 101 (US 101) and U.S. Highway 20 (US 20) are the backbone of Newport’s transportation network. US 101 runs north and south through the City, connecting coastal communities along the entire west coast of the United States, while US 20 runs east and west through the City, connecting it to Corvallis, Interstate 5 and eventually Boston, Massachusetts 3,365 miles to the east. These roadways intersect in the downtown area forming one of the most complex intersections in the City. These statewide highways serve as designated freight routes along all of US 20 and the northern portion of US 101, specifically the section north of US 20 which serves the primary commercial centers. Because these highways carry the highest levels of traffic

in the city, they present many great opportunities, but also bring many challenges. Each day these highways bring thousands of visitors and economic opportunities for the City. These visitors often arrive in a mix of large recreation vehicles or towing trailers that must traverse narrow and busy sections of streets through the City. These highways were designed and built in an era that focused on serving motor vehicle traffic, and they lag behind ODOT's current vision of a complete multimodal street facility. As a result, this creates conflicts with parked vehicles, and often leads to uncomfortable and difficult walking and biking conditions for residents and visitors along and across these highways.

Downtown

US 101 runs through Newport's downtown area and the historic heart of the City, spanning both sides of US 101 between US 20 and Yaquina Bay to the north and south, and Bayfront and Nye Beach neighborhoods to the east and west. The central city is an area where many of the properties are underutilized or in economic distress with vacant storefronts and aging, poorly maintained buildings. The City established an urban renewal district in 2015 to generate funding to revitalize the area and is considering how the transportation system can be redefined to catalyze economic development and provide infrastructure needed to support additional density. The downtown area is home to many shopping, dining, cultural, and City service establishments and has emerged as a destination for residents and visitors alike. The increased energy draws many people who walk, ride bikes and take transit to and from nearby neighborhoods and along and across streets throughout downtown. Many more people drive vehicles and park within the area, and then walk or bike. Streets will need to be repurposed and reimagined to complement the street side activity, support desired economic development and balance the expected uptick in travel among all travel modes.

Yaquina Bay Bridge

Just to the south of Newport's downtown area is Yaquina Bay and the iconic Yaquina Bay Bridge. Here the structure serves US 101 and spans 3,223 feet across Yaquina Bay. It opened in 1936 and provides the only crossing of Yaquina Bay and connection to the South Beach area of the City and its major employment and recreational destinations. With one travel lane in each direction, today the bridge carries nearly 17,000 motor vehicles per day during the summer and 14,000 per day during an average weekday. With narrow roadway-adjacent walkways and no separated bicycle facilities, the crossing is often uncomfortable and challenging for pedestrians and bicyclists.

In 2013, ODOT placed weight limit restrictions on this bridge considering the degraded maintenance conditions of the structure, particularly as it relates to seismic events. This weight limitation was intended to prolong the effective service life of the bridge before major reconstruction would be required. The current estimate for replacing the bridge exceeds \$200 million. Given the uncertainty of the bridge's viability long-term, the Newport City Council requested a statement from ODOT regarding their plans for this facility. In a letter dated February 4, 2021, the ODOT Director responded and indicated that the Yaquina Bay Bridge is on their Seismic Resilience Plan, and a specific date for funding major construction is uncertain at this time. However, the letter did also indicate that based on their understanding to date, retaining the bridge

essentially in its current location would be the preferred option to minimize environmental, engineering and community impacts.

Nye Beach

Nye Beach was named for John Nye who claimed a 160-acre parcel in 1866. In the 1880's the property was purchased by Sam Irvin, and in the 1890's the "summer people" began coming to Newport Beach in large numbers. They came by train to Yaquina Bay, where the railroad ended, then by ferry boat to the Bayfront, and finally by the boardwalk built in 1891 to connect the Bayfront with Nye Beach.

Today, Nye Beach has become a mixed-use neighborhood with direct beach access anchored by Performing Arts and Visual Art Centers. Commercial development is concentrated along Beach Drive and Coast Street, both of which include streetscape enhancements that encourage a dense pedestrian friendly atmosphere. This area includes a mix of retail, dining, lodging, professional services, galleries, single family homes, condominiums, long term and short-term rentals.

Bayfront

A working waterfront with a mix of tourist-oriented retail, restaurants, fish processing facilities (e.g. Pacific Seafood), and infrastructure to support the City's commercial fishing fleet. The Port of Newport is a major property owner, and a boardwalk and fishing piers provide public access to the bay. The area is terrain constrained, with steep slopes rising up from commercial sites situated along Bay Boulevard.

South Beach

Nestled on the south side of the Yaquina Bay Bridge, Newport's South Beach provides a mix of regional institutions, recreational facilities, neighborhoods, and retail businesses, including the popular Oregon Coast Aquarium, Hatfield Marine Science Center, OMSI's Camp Gray, Oregon Coast Community College, Newport Municipal Airport, and the Port of Newport's South Beach Marina and RV Park. The City's largest residential planned development is also located in South Beach, known as the "Wilder" community.

Natural Hazards

As an Oregon coastal city, Newport is at risk from a variety of natural hazards that should be considered in developing a Transportation System Plan to reduce risks to public health, facilitate emergency evacuation and prolong the serviceable life cycle of transportation infrastructure.

The first category of hazard is the tsunami events that follow earthquakes. The impacts on the Oregon coastline for a range of potential major earthquake events has been studied extensively by Oregon Department of Geology and Mineral Industries (DOGAMI), which is the best source of information for identifying areas that may be subject to tsunami inundation. The City and State have taken actions to prepare for these events, including developing emergency response and evacuation routes, and designating evacuation assembly areas. Establishing resilient transportation facilities and bridges along these routes is a critical element to facilitate the movement of people

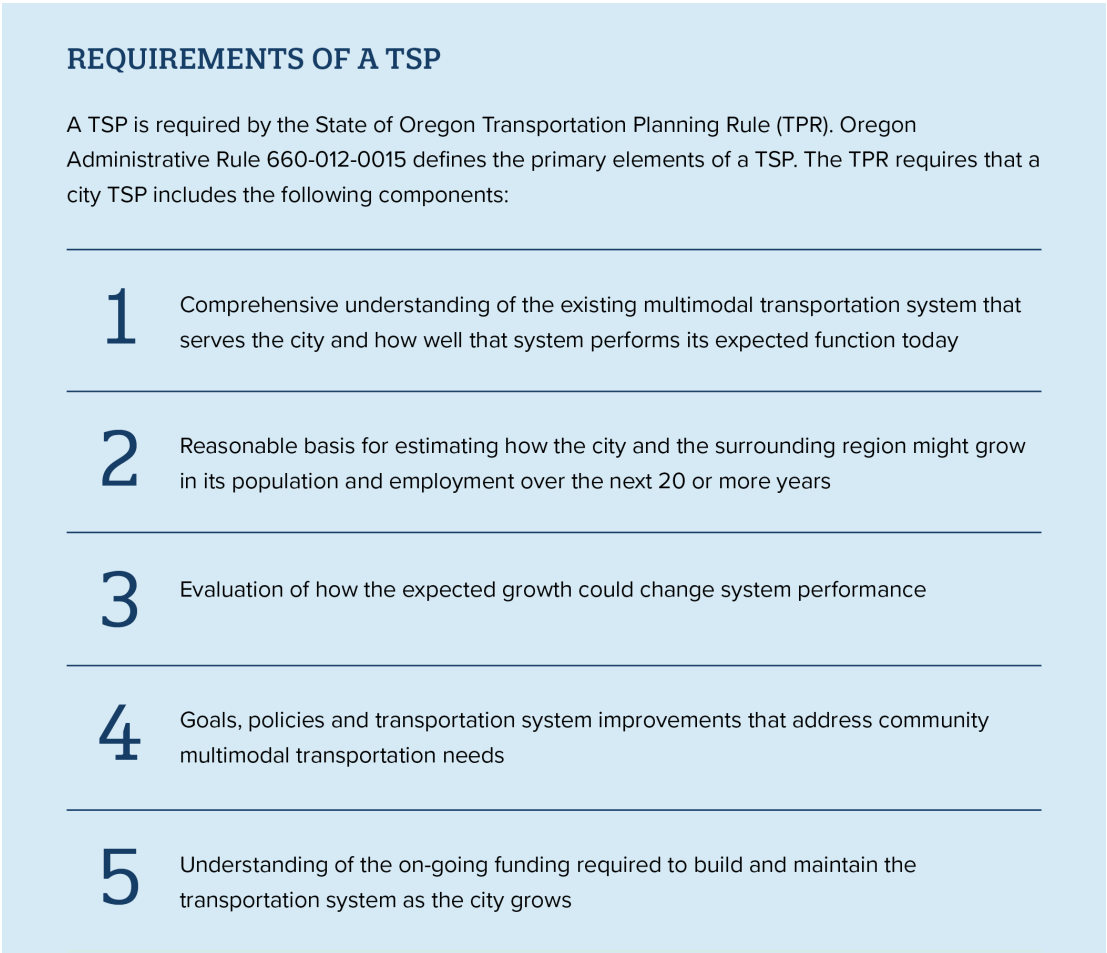
during these emergency situations. The tsunami inundation and assembly areas in Newport can be found in the Appendix, Technical Memo #5, Existing Conditions.

Landslides and bluff erosion also present significant challenges to maintaining a stable foundation for roads and structures. The soil composition in many beach areas require special design considerations to adequately treat storm drainage and runoff to mitigate against degrading soil conditions. These design treatments are commonly applied in designated areas such as Agate Beach, which has experience chronic bluff erosion in recent years.

PURPOSE OF THE TSP

The TSP is a long-range plan to guide future transportation investments for the next 20 years and beyond within the Urban Growth Boundary (UGB). It is a key resource for implementing transportation system improvements that address current deficiencies and will also serve expected local and regional growth, and ensure that they align with the community’s goals, objectives, and vision for the future. This TSP was developed through community and stakeholder input and is based on the transportation system’s needs, opportunities, and anticipated available funding. The requirements of a TSP are summarized in Figure 5.

FIGURE 5: REQUIREMENTS OF A TRANSPORTATION SYSTEM PLAN



In compliance with State requirements, the City of Newport updated their 2012 TSP. This latest update provides a plan for the City to support the transportation needs from land use growth within the UGB through the 2040 planning horizon. The City’s UGB is shown earlier in Figure 1. The UGB is a land use planning line to control urban expansion and promote the efficient use of land, public facilities, and services. Land inside the UGB supports urban services such as roads, water and sewer systems, parks, schools and fire and police protection. This boundary also supports 20-years’ worth of population and employment growth, of which cities must plan for urban services.

The TSP is the City’s tool for planning transportation infrastructure for all modes within the UGB. This TSP will be used by the City to make strategic decisions about transportation system investments and will be instrumental in supporting grant applications to fund future projects, and ensuring projects are built in coordination with land use actions and future development.

SETTING DIRECTION FOR THE PLAN

A transportation vision, and set of goals, objectives, and evaluation criteria (see Figure 6) were used to guide the project team in the development, evaluation, and prioritization of solutions that best fit the community and provided the basis for policies to support Plan implementation. They were established with guidance from the Newport City Council and Planning Commission, Project Advisory Committee (PAC) and general public.

Collectively, the transportation-related goals, objectives, and evaluation criteria describe what the community wants the transportation system to do in the future, as summarized by a vision statement. A vision statement generally consists of an imaginative description of the desired condition in the future. It is important that the vision statement for transportation align with the community’s core values.

Goals and objectives create manageable stepping stones through which the broad vision statement can be achieved. Goals are the first step down from the broader vision. They are broad statements that should focus on outcomes, describing a desired end state. Goals should be challenging, but not unreasonable. Each goal must be supported by more finite objectives. In contrast to goals, objectives should be specific and measurable. Where feasible, providing a targeted time period helps with objective prioritization and achievement. When developing objectives, it is helpful to identify key issues or concerns that are related to the attainment of the goal.

The solutions recommended through the TSP must be consistent with the goals and objectives. To accomplish this, evaluation criteria based on the goals and objectives were developed. For the Newport TSP, they were used to inform the selection and prioritization of projects and policies for the plan by describing how well they support goal areas.

FIGURE 6: DIRECTION FOR THE PLAN



VISION FOR THE PLAN

VISION STATEMENT

Travel to and through Newport is safe and efficient, with convenient options available for everyone. Investments in the transportation system are made in a cost-effective manner and respect the City's resources. The system supports local business activity, and all streets, including US 101 and US 20, complement a vibrant streetscape environment where people stop and visit and can travel by all modes safely and comfortably.

GOAL 1 SAFETY

Improve the safety of all users of the system for all modes of travel.

Objectives:

- Reduce the frequency of crashes and strive to eliminate crashes resulting in serious injuries and fatalities.
- Proactively improve areas where crash risk factors are present.
- Improve the safety of east-west travel across US 101.
- Improve the safety of north-south travel across US 20.
- Apply a comprehensive approach to improving transportation safety that involves the five E's (engineering, education, enforcement, emergency medical services, and evaluation).

GOAL 2 **MOBILITY AND ACCESSIBILITY**

Promote efficient travel that provides access to goods, services, and employment to meet the daily needs of all users, as well as to local and regional major activity centers.

Objectives:

- Support expansions of the local and regional transit network and service.
- Support improvements that enhance mobility of US 101 and US 20.
- Manage congestion according to current mobility standards.
- Support transportation options and ease of use for people of all ages and abilities.
- Ensure safe, direct, and welcoming routes to provide access to schools, parks, and other activity centers for all members of the community, including visitors, children, people with disabilities, older adults, and people with limited means.
- Provide an interconnected network of streets to allow for efficient travel.

GOAL 3 **ACTIVE TRANSPORTATION**

Complete safe, convenient and comfortable networks of facilities that make walking and biking an attractive choice by people of all ages and abilities.

Objectives:

- Continuously improve existing transportation facilities to meet applicable City of Newport and Americans with Disabilities Act (ADA) standards.
- Provide walking facilities that are physically separated from auto traffic on all arterials and collectors, and on streets and paths linking key destinations such as employment centers, schools, shopping, and transit routes.
- Provide low-cost improvements to enhance walking and biking on all arterials and collectors, and on streets and paths linking key destinations such as employment centers, schools, shopping, and transit routes.
- Provide safe street crossing opportunities on high-volume and/or high-speed streets.
- Provide walking access to transit routes and major activity centers in the City.
- Work to close gaps in the existing sidewalk network.
- Provide biking facilities that are comfortable, convenient, safe and attractive for users of all ages and abilities on or near all arterials and collectors, and streets and paths linking key destinations such as employment centers, schools, shopping, and transit routes.
- Provide biking access to transit routes, major activity centers in the City, and regional destinations and recreational routes.

GOAL 4 **GROW THE ECONOMY**

Develop a transportation system that facilitates economic activity and draws business to the area.

Objectives:

- Support improvements that make the City a safe and comfortable place to explore on foot.
- Manage congestion along freight routes according to current mobility standards.
- Provide safe, direct, and welcoming routes between major tourist destinations in Newport.

GOAL 5 **ENVIRONMENT**

Minimize environmental impacts on natural resources and encourage lower-polluting transportation alternatives.

Objectives:

- Support strategies that encourage a reduction in trips made by single-occupant vehicles.
- Minimize negative impacts to natural resources and scenic areas, and restore or enhance, where feasible.
- Support facility design and construction practices that have reduced impacts on the environment.

GOAL 6 **SUPPORT HEALTHY LIVING**

Support options for exercise and healthy lifestyles to enhance the quality of life.

Objectives:

- Develop a connected network of attractive walking and biking facilities, including off-street trails, which includes recreational routes as well as access to employment, schools, shopping, and transit routes.
- Provide active transportation connections between neighborhoods and parks/open spaces.
- Provide for multi-modal circulation on-site and externally to adjacent land uses and existing and planned multi-modal facilities.

GOAL 7 **PREPARE FOR CHANGE**

Ensure that the choices being made today make sense at a time when Newport is growing, and the transportation industry is rapidly changing.

Objectives:

- Anticipate the impacts and needs of connected and automated vehicles.
- Seek to supplement traditional transportation options with more emphasis given to walking, biking, and transit and consideration for new alternatives such as car sharing, bike sharing, driverless vehicles, ride sourcing, and micro-mobility.
- Explore opportunities to partner with state, regional, and private entities to provide innovative travel options.

GOAL 8 FISCAL RESPONSIBILITY

Sustain an economically viable transportation system.

Objectives:

- Improve transportation system reliance to seismic and tsunami hazards, extreme weather events, and other natural hazards.
- Identify and develop diverse and stable funding sources to implement transportation projects in a timely fashion and ensure sustained funding for transportation projects and maintenance.
- Preserve and maintain existing transportation facilities to extend their useful life.
- Seek to improve the efficiency of existing transportation facilities before adding capacity.
- Ensure that development within Newport is consistent with, and contributes to, the City's planned transportation system.

GOAL 9 WORK WITH REGIONAL PARTNERS

Partner with other jurisdictions to plan and fund projects that better connect Newport with the region.

Objectives:

- Coordinate projects, policy issues, and development actions with all affected government agencies in the area.
- Build support with regional partners for the improvement of regional connections.

SUPPLEMENTAL STRATEGIES

In addition to the goals and objectives outlined above, a set of supplemental strategies and guidelines were developed to address specific issues of concern within the Commercial Core and the Agate Beach areas of the City. The Commercial Core area is also commonly referred to as the Downtown. The strategies are extensions of the citywide goals and objectives to provide adequate depth and context for addressing the unique issues within these areas.

Commercial Core

- Consider improvements that enhance the safety of US 101 and US 20 and their intersections through the Commercial Core.
- Explore options for alternative highway routing through the Commercial Core.
- Consider options to meet the future capacity needs of the Yaquina Bay Bridge.
- Explore options for improved pedestrian and bicycle facilities across Yaquina Bay.
- Explore options for safe crossing opportunities of US 101 and US 20 in the Commercial Core.
- Consider streetscape improvements that define and enhance the character of the Commercial Core and serve as attractive gateways.
- Support the economic vitality of businesses in the Commercial Core by making multi-modal access safer, more convenient and more attractive.

Agate Beach

- Provide options for local street sections that consider the stormwater management needs of the Agate Beach area.
- Plan for local street connections adjacent to existing coastal routes given future erosion concerns.
- Evaluate safe crossing opportunities of US 101 in Agate Beach.
- Upgrade vehicle access onto US 101 to correct substandard conditions.
- Explore options to provide pedestrian and bicycle facilities on US 101 in Agate Beach.
- Explore options for a connection for pedestrians and bicyclists in Agate Beach to areas further south in the City.

PERFORMANCE BASED PLANNING PROCESS

The TSP utilizes a performance-based planning process. The community vision is distilled into the measurable goals and supporting objectives. These goals and objectives were used to identify evaluation criteria to help evaluate potential projects and to measure long-term alignment between Newport’s transportation system and the community’s vision of this system. The plan process is illustrated below in Figure 7, along with the key questions that were considered during three development stages of the TSP.

FIGURE 7: PERFORMANCE BASED PLANNING PROCESS



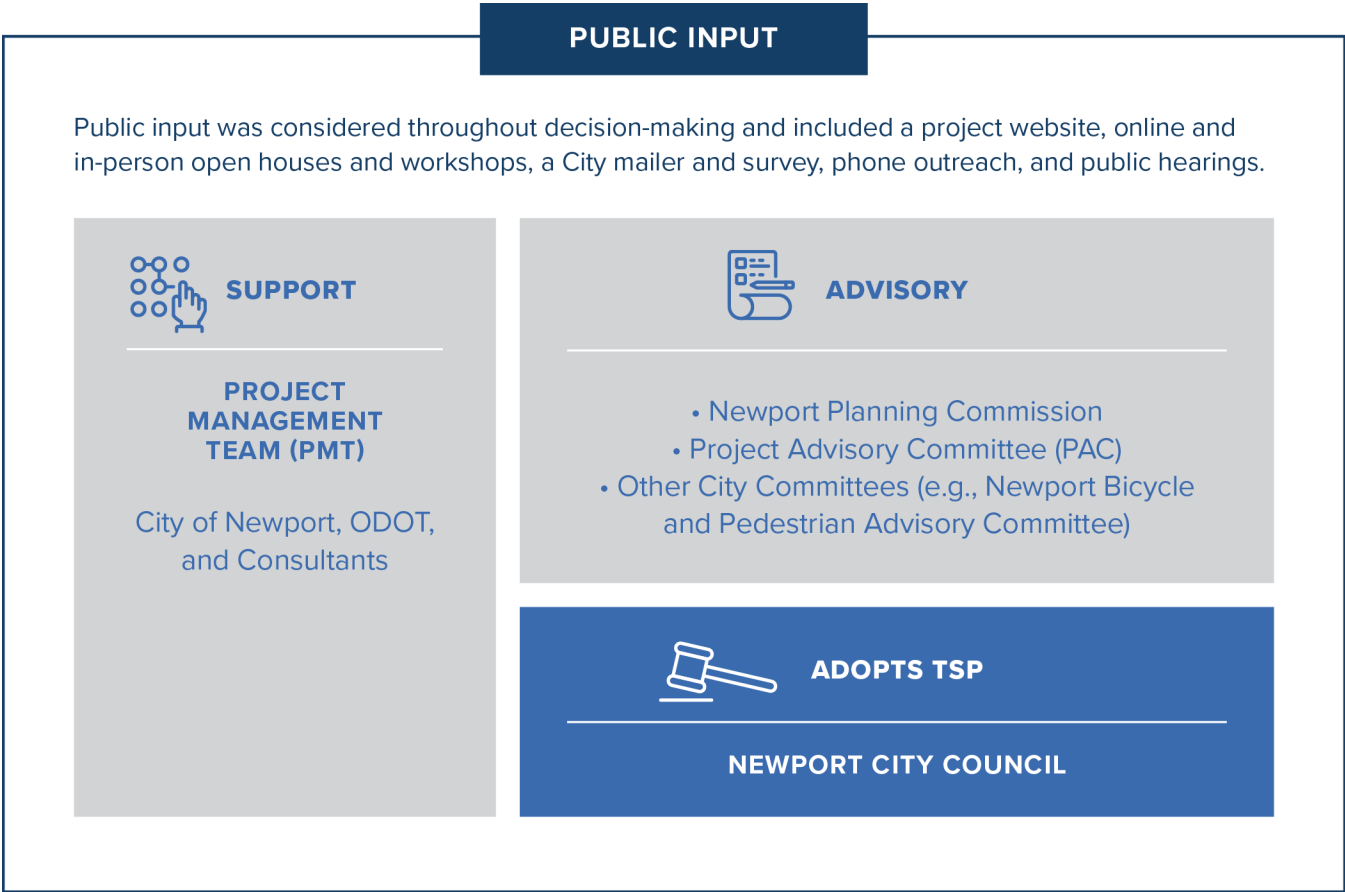
DECISION MAKING STRUCTURE

The decision-making structure for this TSP was developed to establish clear roles and responsibilities throughout the project. The decision-making structure (Figure 8) established a framework for broad-based community engagement for the project.

As the TSP was developed, the Project Management Team (PMT) worked with a Project Advisory Committee (PAC) that included local committee, neighborhood, and business representatives, emergency service providers, and agency staff members from the City of Newport, Lincoln County, and the Oregon Department of Transportation. The PAC was formed to provide community-based recommendations, and informed and guided the plan by reviewing draft deliverables, providing insight into community perspectives, commenting on technical and regulatory issues, and providing recommendations for the TSP.

The City Council and Planning Commission for Newport were all briefed on the development of this TSP throughout the process. The City Council made all final decisions pertaining to this TSP. The PMT made recommendations to the City Council based on technical analysis and community input.

FIGURE 8: NEWPORT TSP ROLES AND RESPONSIBILITIES



PUBLIC AND STAKEHOLDER ENGAGEMENT

The strategy used to guide stakeholder and public involvement throughout the TSP update reflects the commitments of the City of Newport and the Oregon Department of Transportation (ODOT) to carry out public outreach that provided community members with the opportunity to weigh in on local transportation concerns and to provide input on the future of transportation within the City and UGB.

Public outreach was conducted between November 2020 and August 2021 to share information about the TSP project. Community members, stakeholders, and other interested parties were invited to share their ideas and feedback about how people currently get around, what can be improved, and to solicit feedback on transportation projects. Feedback received through this outreach helped the City and its consultants address planned growth and the evolving transportation needs of residents. Feedback was also used to develop a list of transportation projects to be included in this TSP.

The Public and Stakeholder Involvement Strategy for the TSP (included in Appendix A) considered the demographic makeup of the area to inform outreach activities. Considering the COVID-19 pandemic, the project team adapted to provide several engagement opportunities (virtual, in-

person, by phone and by mail) to enable community members to safely participate and provide meaningful input. Approximately 970 people were engaged through a variety of outreach opportunities. These opportunities are summarized in Figure 9. These engagement opportunities were promoted through social media posts, updates on the City and project websites, postcards mailed to residents within the City, emails sent to interested parties, stakeholders, and community organizations, and press releases. In addition, a virtual workshop was held with Spanish-speaking community members.

FIGURE 9: PUBLIC AND STAKEHOLDER ENGAGEMENT FACTS



SUMMARY OF COMMUNITY FEEDBACK

Overall, the respondents wanted to see improvements to Newport’s transportation system that will benefit all residents and visitors, with a particular focus on the safety and circulation for the walking, biking and transit modes of travel. There was also a strong call for linking the transportation improvements to the city’s land use and redevelopment opportunities. A complete summary of the outreach efforts can be found in the Appendix, Newport TSP Outreach Summary.

Common themes:

- Pedestrian and bicyclist safety throughout the City
- Increased bus/transit/shuttle options
- Interest in improving traffic flow and reducing congestion, for through travelers and local users
- Parking improvements, especially in the downtown area
- Traffic speeding enforcement
- Preserve/rebuild the Yaquina Bay Bridge in the same location
- Strong support for emerging technology such as electric vehicle (EV) charging stations, parking solutions and solar power



AUGUST 2021 WORKSHOP WHERE PEOPLE COULD TALK TO STAFF AND PROVIDE INPUT ON PROJECTS

TECHNICAL DEVELOPMENT

Figure 10 illustrates the technical tasks involved in updating the TSP. These are categorized in three major stages: the first to understand system needs and constraints, the second to develop solutions, and the third to prepare and adopt the plan. Community input guided the TSP development through all stages.

LEARN & UNDERSTAND	ANALYZE & EVALUATE	RECOMMEND / ADOPT
<ul style="list-style-type: none">• Introduce project to stakeholders.• Evaluate existing conditions and future growth trends.• Discuss community values and transportation goals.• Develop performance measures and evaluation.• Coordinate with state and regional plans.	<ul style="list-style-type: none">• Determine future conditions.• Develop alternative solutions for all modes of travel.• Evaluate and refine draft solutions with the community.	<ul style="list-style-type: none">• Identify preferred alternatives.• Develop draft plan for public review.• Hold public meetings with city boards, commissions and council.• City Council adopts TSP.



Chapter 3: Newport Today and Tomorrow

This chapter identifies the needs for the Newport transportation system. The needs reflect where the transportation system can better accommodate the desired activities of the community. Needs were determined based on a comprehensive multimodal existing conditions analysis and projecting future conditions through the planning horizon (2040) based on assumed growth in households and employment.

LAND USE AND TRANSPORTATION

Land use is a key component of transportation system planning. Where people live and where they go to work, shop, or access services has a big impact on how they get around and the demands they place on the transportation system.

Household and employment information is used as the basis for estimating future transportation activity in Newport. Figure 11, Figure 12, and Figure 13 summarize where household growth is expected, and Figure 14, Figure 15, and Figure 16 summarize where employment growth is expected through 2040 (see Technical Memorandum #6 in the Appendix for more information). High housing growth is concentrated around Newport’s urban fringe including in northern Newport along US 101, Big Creek Park, Newport Middle School, in eastern Newport between US 20 and Yaquina Bay Road, and near the Oregon Coast Community College.

High employment growth is concentrated near Avery Street, the Lincoln County Fairgrounds, the Port of Newport, the South Beach area, Oregon Coast Community College, the Newport Airport, and the Holiday Beach area. Moderate employment growth is also expected along US 101 and in Newport’s downtown area.

FIGURE 11: NEWPORT HOUSEHOLD GROWTH (NORTH)

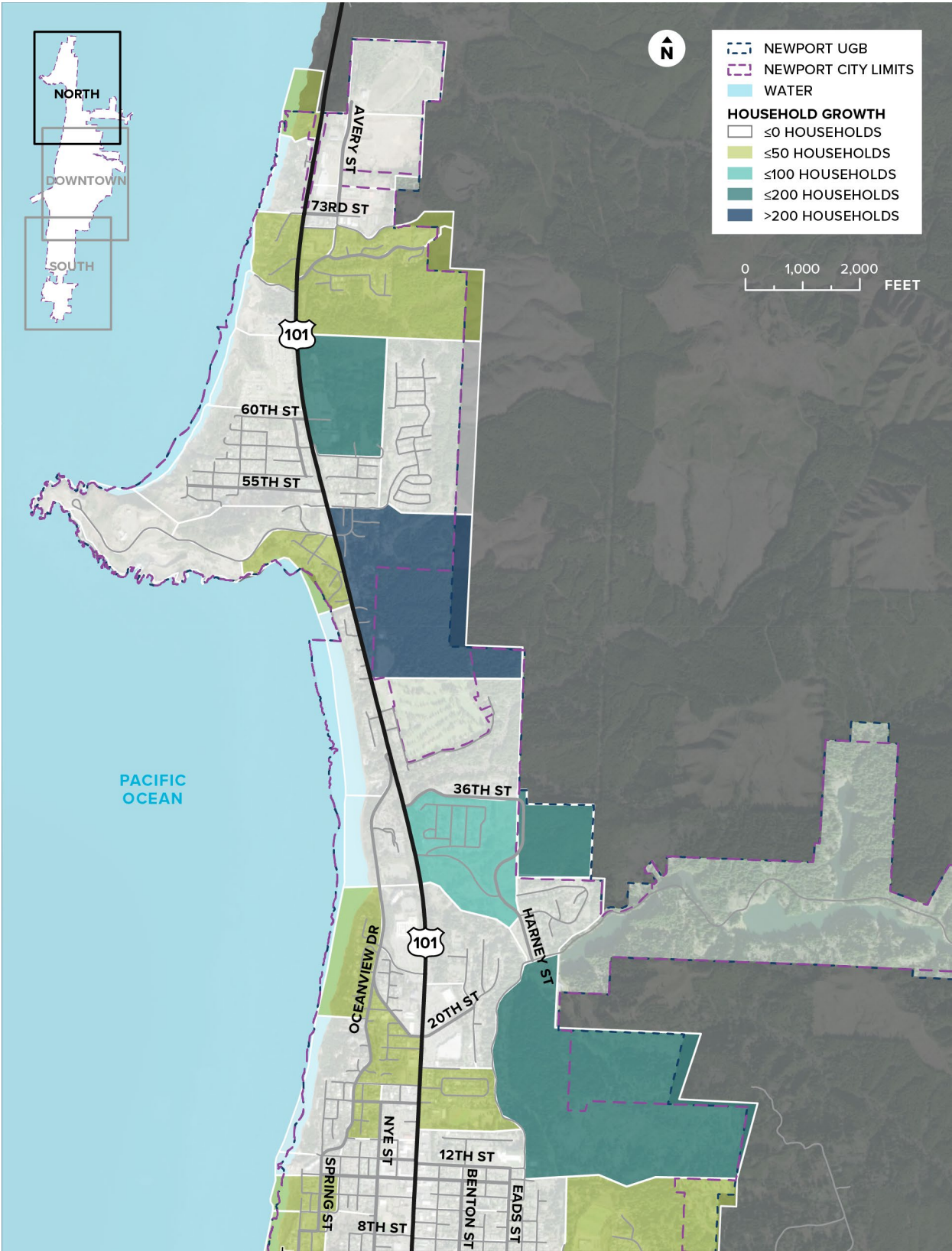


FIGURE 12: NEWPORT HOUSEHOLD GROWTH (DOWNTOWN)

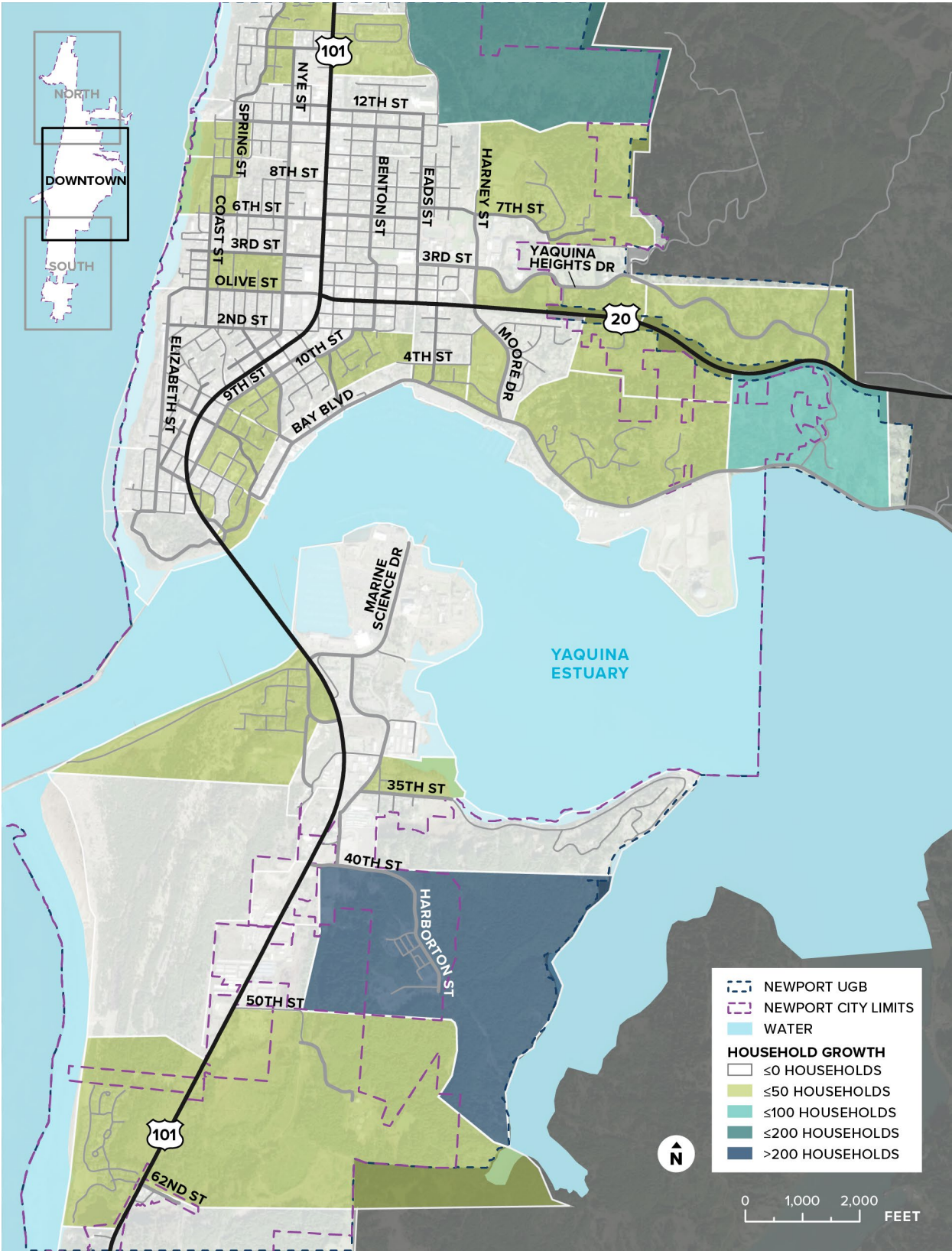


FIGURE 13: NEWPORT HOUSEHOLD GROWTH (SOUTH)

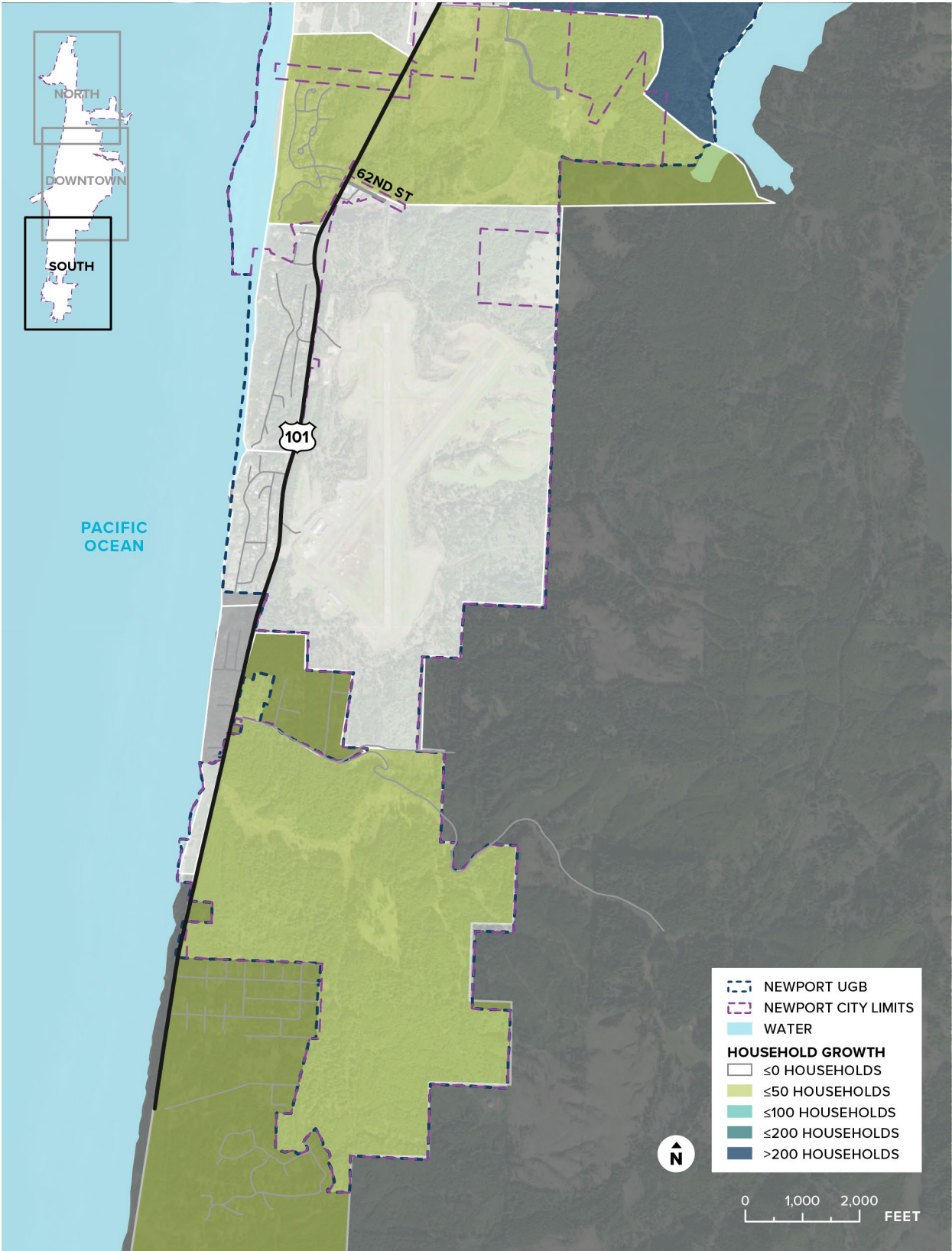


FIGURE 14: NEWPORT EMPLOYMENT GROWTH (NORTH)

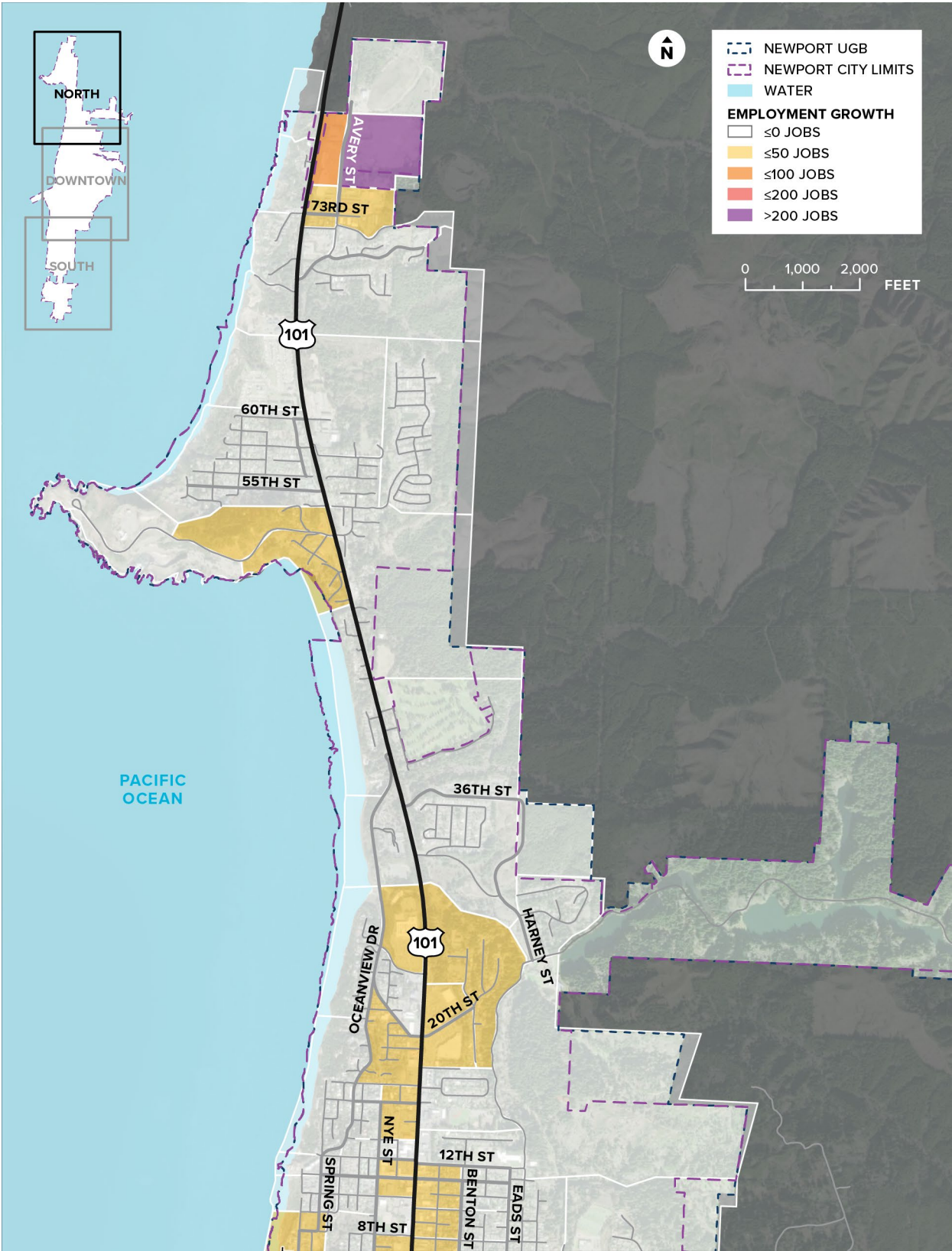


FIGURE 15: NEWPORT EMPLOYMENT GROWTH (DOWNTOWN)

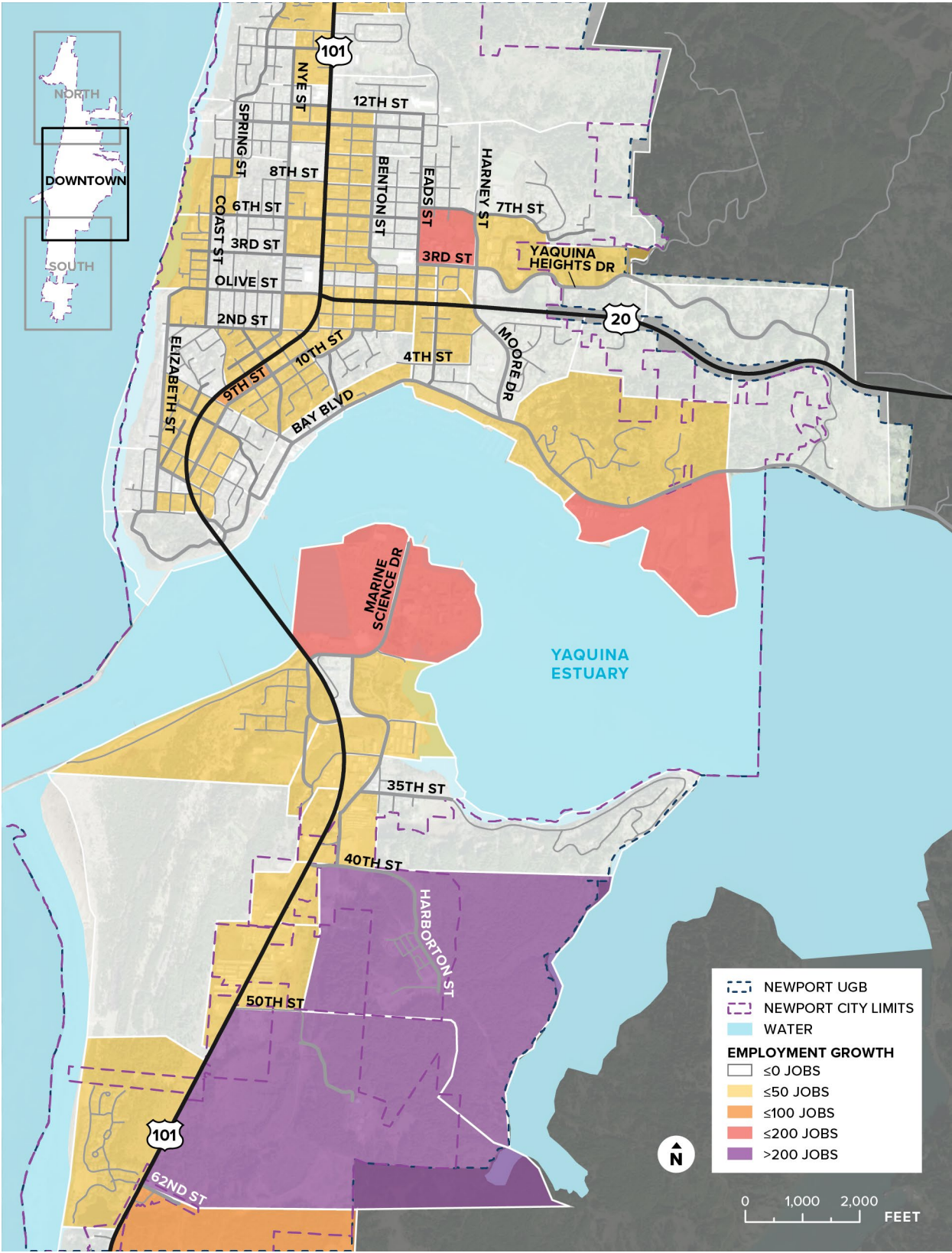
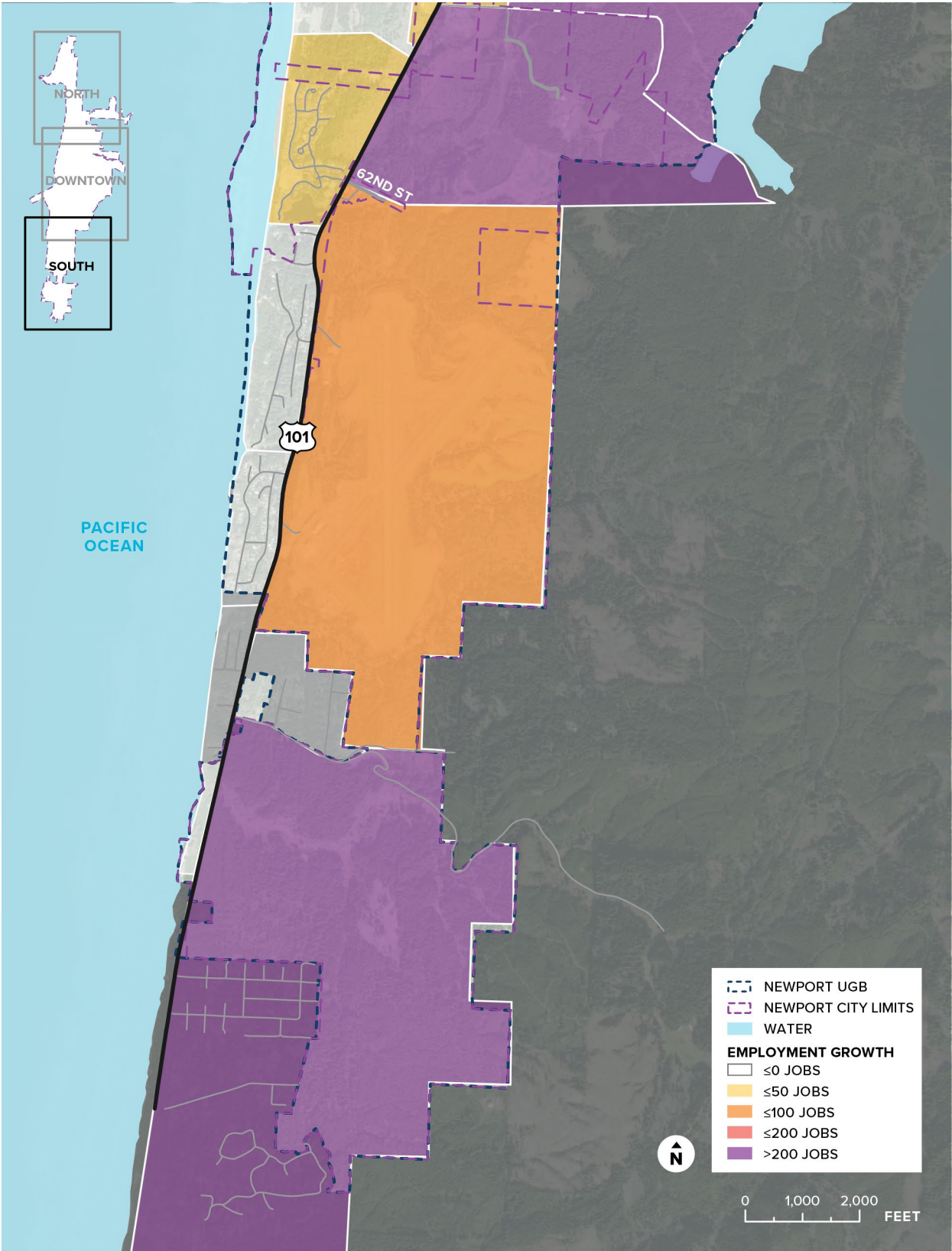


FIGURE 16: NEWPORT EMPLOYMENT GROWTH (SOUTH)



POPULATION, HOUSEHOLD AND EMPLOYMENT GROWTH

As growth continues to the year 2040, the demands on the City's transportation system will be influenced by changes in population, housing, and employment. These changes in travel demands will require better ways to manage the system, more choices for getting around, and targeted improvements to make the system safer and more efficient.

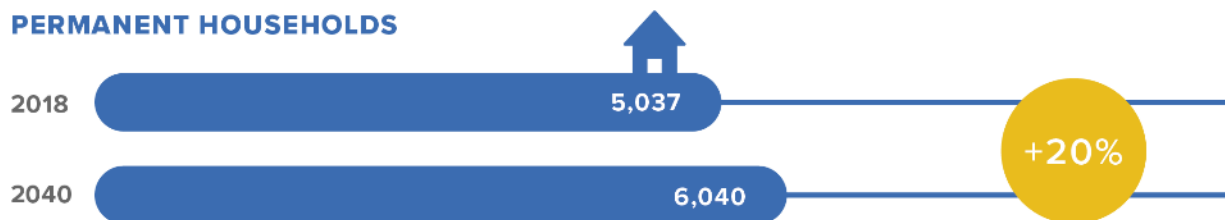
As shown in Figure 17, Newport is expected to add about 2,385 more people¹ living here by 2040. For travel forecasting purposes, the population and employment during the average summer weekday is used, which typically have higher levels than the off-season. In the City, for example, the population of 10,125 rises to 11,345 during that period. By 2040 that summertime population is expected to be 13,730. This includes an expected 1,003 new households by 2040, for a total of 6,040. Newport's current summertime average employment of 11,251 is estimated to increase to 13,942, with 2,691 more jobs in the UGB by 2040 (see Figure 17).

FIGURE 17: NEWPORT POPULATION, HOUSEHOLD AND EMPLOYMENT GROWTH TRENDS

POPULATION



PERMANENT HOUSEHOLDS



SUMMER EMPLOYMENT



SOURCE: NEWPORT TRAVEL DEMAND MODEL

¹ The 2017 Portland State University population forecast for Newport including its Urban Growth Boundary expansion was 2,385 more people. The 2021 PSU report showed a lower growth total of 547.

TRAVEL DEMANDS

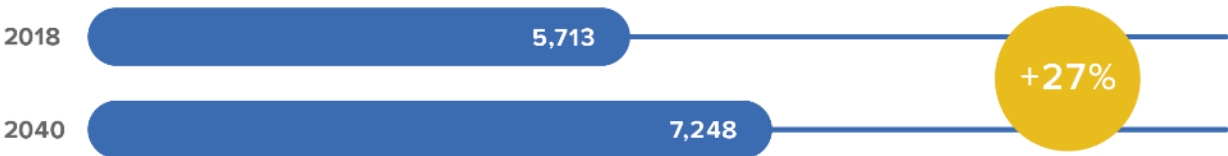
The number of people who choose to walk, bike, ride transit or drive and the distances they travel is important for assessing how well existing transportation facilities serve the needs of users. Available data on travel mode choice, travel demand and trip length are used to better understand travel behavior in the community and inform the needs analysis for the transportation system.

Travel demands levels are influenced by the local housing and employment, seasonal visitors, and the amount of through traffic on the highway. Each of these components were considered in forecasting how current conditions in Newport will change by 2040. The increase in the number of local households and employees in the Newport UGB increases the overall number of trips generated. Figure 18 summarizes the total p.m. peak hour motor vehicle trip ends for the Newport UGB for year 2018 and year 2040. The number of vehicle trips is expected to grow by approximately 27 percent over this period if the land develops according to the land use assumptions during both an average weekday and the summer.

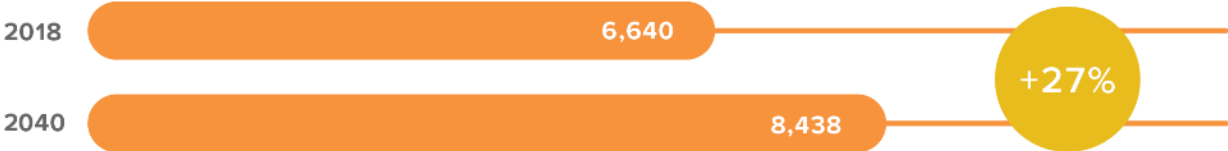
Being on the Oregon Coast, Newport is also impacted by a significant number of visitors and other regional travel on US 20 and US 101. This regional recreation-based travel significantly increases traffic volumes on these facilities in the summer months when compared to an average weekday. As shown in Figure 18, this tourism and recreational activity adds approximately 900 p.m. peak hour motor vehicle trip ends today (i.e., 5,713 during an average weekday versus 6,640 during the summer) and is expected to add 1,200 p.m. peak hour motor vehicle trip ends by 2040 within the Newport UGB, an increase of over 16 percent (i.e., 7,248 during an average weekday versus 8,438 during the summer).

FIGURE 18: NEWPORT VEHICLE TRIP ENDS (PM PEAK HOUR)

AVERAGE WEEKDAY



SUMMER



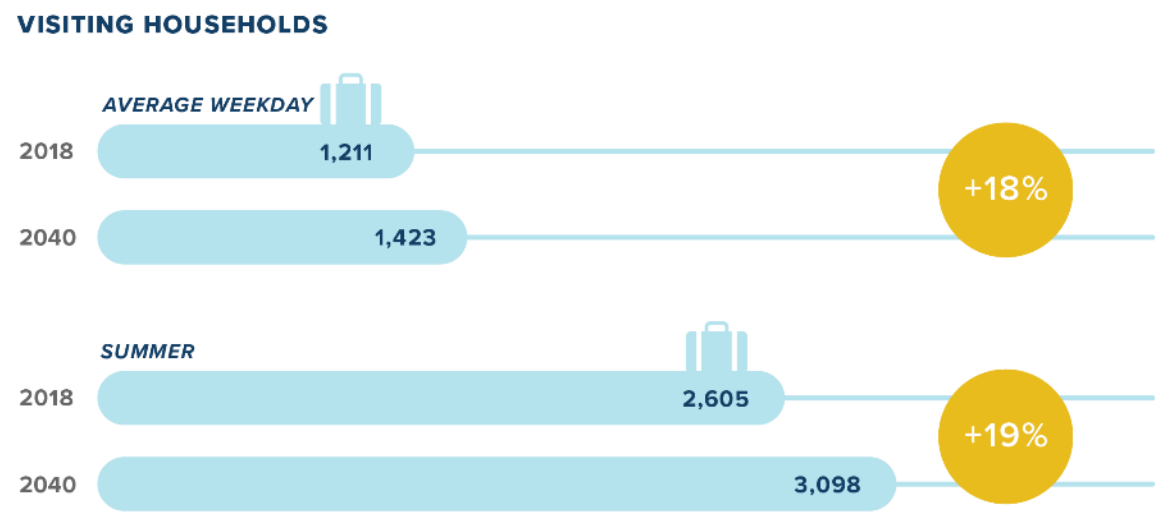
SOURCE: NEWPORT TRAVEL DEMAND MODEL

VISITING HOUSEHOLD TRIPS

Located within a two-hour drive from Albany, Corvallis, Eugene and Salem and a 3-hour drive from Portland, Newport is a desirable choice for getaways. Visitors arrive via US 20 and US 101 and often stay for extended periods, traveling to key attractions throughout the City. During the peak summer travel periods, more than 25,000 people may be in Newport at any time and motor vehicle volumes increase by as much as 45 percent on area roadways² compared to the winter months. These visitors are drawn to key lodging areas of the City including downtown, Nye Beach, Bayfront, South Beach and along US 101. Walking and biking is a popular travel choice for visitors among hotels or vacation rentals and the many destinations in the City, with most of the key lodging areas within a 30-minute walk or 10-minute bike ride north of Yaquina Bay. However, narrow sidewalks and lack of bike facilities on the Yaquina Bay Bridge creates a significant barrier for visitors to travel by these modes to tourist destinations located on the south side of Yaquina Bay.

Due to the importance of seasonal tourism on the Oregon Coast, the number of visiting households was also estimated. These visiting households stay in the City at area hotels and other short-term rentals. As shown in Figure 19, Newport is expected to accommodate 212 additional visiting households during an average weekday through 2040, from 1,211 today to 1,423 by 2040, an increase of 18 percent. As tourism increases during the summer, so does the number of visiting households. Today, the City accommodates 2,605 visiting households during the summer, or more than double the number during the average weekday. By 2040, Newport is expected to accommodate 493 additional visiting households during the summer, for a total of 3,098, an increase of 19 percent from today.

FIGURE 19: NEWPORT VISITING HOUSEHOLDS



SOURCE: NEWPORT TRAVEL DEMAND MODEL

² Between January and August, average daily volumes on US 101 can vary by up to 45 percent of the annual average. In January, volumes are 20 percent below the annual average, and in August they are 25 percent above it.

COMMUTER TRIPS

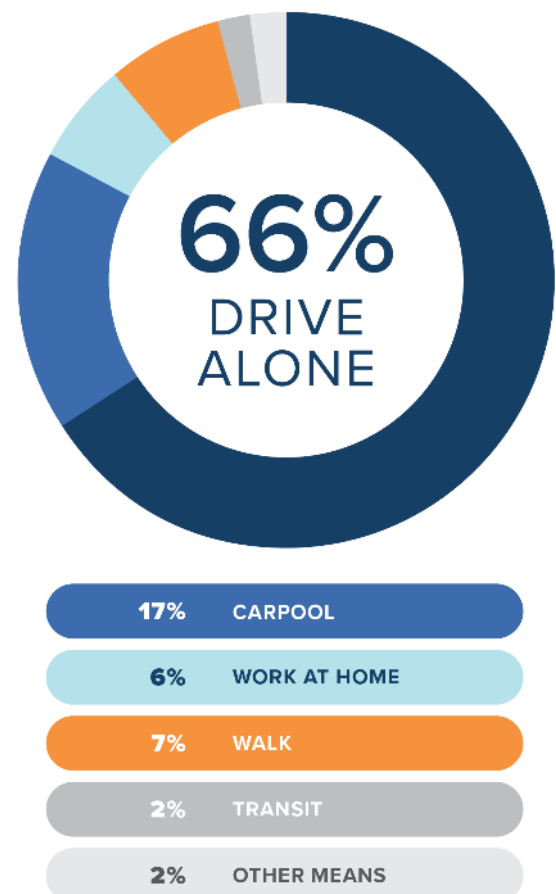
Much of the traffic in Newport, especially during the more congested weekday peak periods, is related to employment. Approximately 70 percent of existing jobs in Newport are filled by people who live in another City³. Residents of Newport also contribute to travel between cities, with about 54 percent of employed residents commuting to employment locations outside of the City. Workers in Newport typically commute by single-occupant motor vehicle (about 66 percent), with about 7 percent of residents walking to work, and approximately 2 percent using transit (see Figure 20).

About 6 percent of employed residents in Newport worked from home pre-COVID, and that figure likely increased due to COVID-19. It is not yet known how many of those workers will continue to telework after the threat of COVID-19 passes, but it seems likely that a higher percentage of workers will continue teleworking, at least part time. Any increase in the remote work share will change the demand on streets. It is possible that we may see a decrease in the share of the workers that need to travel during the morning and evening peak commute times and may see an increase during off-peak times.

COMMERCIAL ACTIVITY TRIPS

Area businesses also create demands on the transportation system. This includes customers purchasing goods and trucks servicing these businesses. Key areas of the City with commercial, retail or industry related activity includes downtown Newport, Port of Newport, historic Bayfront, Nye Beach, South Beach, and the US 101 and US 20 corridor. Residents within Newport's historic downtown core are typically within a five-minute drive, twenty-minute walk or seven-minute bike ride of these areas. Recent residential developments north of Agate Beach or in South Beach typically have limited neighborhood commercial opportunities and are located farther from Newport's historic downtown core which increases trip lengths and limits mode choices for residents of these areas. Trucks servicing these areas typically travel from major cities outside Newport and can travel over 60 miles from major distribution centers in the Willamette Valley and the I-5 corridor before using US 20 or US 101. Within Newport, freight traffic is common on US 101, US 20, Moore Drive, Bay Boulevard, and 73rd Street to serve the fishing industry, Port of Newport and businesses throughout Newport.

FIGURE 20: NEWPORT COMMUTER MODE SHARE



Source: US Census Bureau, 2015-2019 American Community Survey

³ US Census Bureau, OnTheMap. Home/Work Distance/Direction Analysis, 2018.

TRANSPORTATION SYSTEM FACTS

To address changing transportation needs within the UGB through 2040, the existing and future travel conditions were reviewed. The transportation system review documented the existing pedestrian, bicycle, transit, and motor vehicle infrastructure. It also identified shortfalls and limitations into how people can travel within the City (such as lack of bike lanes or sidewalks).

Figure 21 provides a summary of some of the existing transportation facilities in the City, with more details provided in the following sections. A complete summary of existing and future transportation conditions and needs can be found in Technical Memorandums #5 and #7 in the Appendix. Solutions for the transportation infrastructure that are determined to not maintain acceptable service levels for residents are identified in Chapter 6.

FIGURE 21: NEWPORT TRANSPORTATION SYSTEM FACTS



ROADWAY NETWORK

The existing transportation system in the UGB includes 89 miles of roadways. Two highways under State jurisdiction bisect the City, including US 101 and US 20. US 101 runs north-south through Newport, connecting coastal communities along the entire west coast of the United States, while US 20 runs east-west just north of the downtown area of the City, connecting it to Corvallis, Interstate 5 and eventually Boston, Massachusetts 3,365 miles to the east. These roadways intersect in the downtown area forming one of the most complex intersections in the City.

Key City streets that are adjacent to or intersect US 101 and US 20 include NE 73rd Street, NW 55th Street, Lighthouse/NE 52nd Street, NE 36th Street, NE Harney Street, SE Moore Drive, SE Bay Boulevard, SW Abalone Street, SE Marine Science Drive, SE Ferry Slip Road, 6th Street, SE 40th Street, Nye Street, Hubert Street, Benton Street, and NW Oceanview Drive.

This TSP addresses vehicle speeds, vehicle flow, and safety for all users of streets in Newport. Traditionally, agencies have widened streets to respond to traffic congestion. But widening does not always work to reduce congestion in the long term. Widening is costly, has negative effects on adjacent properties, and makes the street even less safe and inviting for walking and biking. This TSP uses widening to add capacity as only the last option to respond to vehicle congestion issues. Instead, it generally emphasizes designing streets to slow vehicles and increase safety. The design of a street influences how a person drives more than the actual speed limit.

INTERSECTION OPERATIONS

Forecasted intersection operations were compared to currently adopted agency mobility targets to identify where significant congestion is likely to occur. Of the 20 study intersections, eight will not meet their respective mobility target during the 2040 design hour conditions. Nineteen of the study intersections met their mobility targets under existing conditions (2020); the intersection of US 101/US 20 is the only intersection that also exceeded its mobility target under existing PM peak hour conditions. All of the substandard intersections are on state highways and half are two-way stop control intersections. Increased traffic on US 101 will lead to excessive delay for left-turning traffic by 2040 at all unsignalized intersections, particularly during the summer peak.

Intersections that are expected to exceed mobility targets under the 2040 design hour conditions, include:

- US 101/73rd (stop controlled on side street)
- US 101/52nd (signalized intersection)
- US 101/Oceanview (stop controlled on side street)
- US 101/US 20 (signalized intersection)
- US 101/Angle (stop controlled on side street)
- US 101/Hurbert (signalized intersection)
- US 20/Benton (stop controlled on side street)
- US 20/Moore (signalized intersection)

Other Community Concerns

Additional intersection and roadway network concerns expressed by the community include congestion around NE Harney Street/SE Moore Drive due to school and County fairground traffic, limited access to the hospital from US 101, limited access and high delay travelling to and from residential neighborhoods whose only access is from US 101, irregular access alignments to US 101, such as near the Newport Theater and southbound vehicle speeds on US 101 approaching the Yaquina Bay Bridge as vehicles merge. In addition, several locations on US 101 were noted for challenges for pedestrians crossings, such as near NE 60th Street.

BRIDGES AND TUNNELS

There are 11 bridges and two tunnels within the Newport UGB. Nine of the bridges are along state highways (i.e., US 101 or US 20) and one is along a City roadway. The State Parks system also owns a pedestrian bridge and a pedestrian tunnel at Agate Beach State Park.

Three bridges are classified as structurally deficient with poor conditions, including:

- The bridge on US 101 over Big Creek, between NE 31st Street and NW 25th Street (maintained by ODOT)
- The Yaquina Bay Bridge (maintained by ODOT)
- The bridge on Big Creek Road over Big Creek, between NE Harney Street and NE 12th Street (maintained by the City of Newport)

Yaquina Bay Bridge

The Yaquina Bay Bridge is a key constraint for north-south travel in Newport both today and in the future. Existing narrow travel lanes, lack of shoulders, no bike lanes, and a steep grade all contribute to a lower carrying capacity compared to similar highway segments. Traffic volumes along the bridge (shown in Table 1) are forecasted to be around 20,000 during an average weekday, and around 22,000 during the summer, based on the projected local growth in the City, and growth in regional through traffic. This means that during both average weekday and summer conditions, the forecasted volumes are expected to exceed the capacity on the Yaquina Bay Bridge. As traffic volumes grow, this congestion could impact segments of US 101 approaching the Yaquina Bay Bridge or lead to additional congestion in off-peak hours without any mitigation.

TABLE 1: EXPECTED TRAFFIC VOLUMES ON THE YAQUINA BAY BRIDGE

SCENARIO	2018 AVERAGE DAILY TRAFFIC	2040 AVERAGE DAILY TRAFFIC	PERCENT GROWTH
AVERAGE WEEKDAY	14,200	19,800	39%
SUMMER	16,900	21,800	28%

Source: Technical Memorandum #7: Future Transportation Conditions and Needs, Table 3.

Like many coastal bridges, the Yaquina Bay Bridge is a designated historic structure. The ODOT Historic Bridge Preservation Plan details treatment options to extend the useful life of historic structures and maintain their original purpose. ODOT ensures that every reasonable effort is pursued to maintain transportation service for their historic bridges prior to other, more impactful decisions. The existing historic structural elements will be maintained to the maximum extent necessary, and any new elements must maintain the historical significance of the structure. Maintenance considerations could also include vehicle or load restrictions that limit traffic on historic bridges.

If in the future ODOT determines that the Yaquina Bay Bridge can no longer maintain its intended function, the bridge could be paired with a parallel crossing to lessen vehicle demands or converted to a new use. Only after these options are exhausted will ODOT consider a full closure of the bridge and replacement. All future decisions regarding the use of the Yaquina Bay Bridge will be coordinated with ODOT. This TSP recommends that the City coordinate with ODOT to prepare a Facility Plan (which would become a Refinement Plan to the TSP with City council support) for the Yaquina Bay bridge area to further clarify the alignment, cost, and impacts associated with a future replacement bridge project.

PARKING

US 101 and US 20 serves thousands of vehicle trips each day bringing many visitors and economic opportunities for the City, which also means large recreation vehicles or towing trailers traversing narrow and busy sections through the downtown area. This leads to conflicts with parked vehicles

along US 101 due to the narrow travel lanes. In addition, the community has expressed concerns related to limited parking in tourist-oriented areas such as Nye Beach and the Bayfront, particularly during peak summer periods, and potential for parking spillover into the neighborhoods.

PEDESTRIAN NETWORK

Walking plays a key role in Newport's transportation network and planning for pedestrians helps the City provide a complete multimodal transportation system. It also supports healthy lifestyles and addresses a social equity issue ensuring that the young, the elderly, and those not financially able to afford motorized transport have access to goods, services, employment, and education.

In this plan, "walking" and "pedestrian" are terms that include people who walk independently or use canes, wheelchairs, other walking aids, or strollers. As noted earlier in this TSP, approximately seven percent of commuters in the City walk to work, with two percent utilizing public transportation, which often includes walking at the beginning or end of the trip. In addition to the work commute trips, walking trips are made to and from recreational areas, shopping areas, schools, or other activity generators. Continuous and direct sidewalk connections to all activity generators and along all streets, in addition to safe crossing opportunities along major roadways, are essential to encourage walking and transit use.

The existing pedestrian network in the Newport UGB is composed of 33 miles of sidewalks, and about 10 miles of shared use paths or pedestrian trails. Curb ramps are available at about 80 percent of intersections along US 101 and US 20, but many of them are not compliant with the Americans with Disabilities Act. In addition, nearly 70 percent of streets lack a sidewalk on at least one side, including several segments of US 101 and US 20. Although there is generally good sidewalk coverage near downtown Newport, many of the residential areas of Newport were developed without sidewalks, and these sidewalk gaps will remain through 2040 without redevelopment or sidewalk infill projects as part of the TSP.

PEDESTRIAN LEVEL OF TRAFFIC STRESS

The pedestrian level of traffic stress⁴ (LTS) evaluation provides a metric to understand a multimodal user's perception of the safety and comfort of the transportation network. This method was used to understand key gaps and barriers to walking to be addressed through targeted improvements in this TSP. In addition to the LTS evaluation, consideration was given to acknowledge cases where traffic volumes were expected to be very low, such as under 500 vehicles daily on a local or shared street. Feedback from the community indicated that under such conditions, residents were comfortable walking within the roadway given that the chance of vehicle conflicts are remote.

⁴ Refer to Technical Memorandum #5: Existing Conditions, page 3 for a complete definition of the Level of Traffic Stress. The LTS scale ranges from LTS 1(Low) to LTS 4(Extreme).

The LTS evaluation generates a ranking (i.e., low, moderate, high, or extreme stress) of the relative safety and comfort of a segment or intersection for pedestrians based on roadway and intersection characteristics (e.g., land use context, number of lanes, travel speed and volume, intersection control, type and width of buffer, and the presence and condition of any bicycle or pedestrian facilities). The LTS rating scale recognizes that as vehicle speeds and volumes increase, enhanced pedestrian facilities are needed to maintain a system that is accessible for all users.

A pedestrian walking along roughly 25 percent of the analyzed streets (i.e., arterial and collector roadways) within the UGB will experience a low or moderate level of stress. This is generally representative of streets with low volumes and speeds where sidewalks are provided. An extreme level of stress is experienced along 60 percent of the analyzed streets, mainly those with no sidewalks or buffers and the highest speeds and traffic volumes. This includes most of US 101 and US 20 through the UGB, streets that are important for pedestrian travel. Overall, the pedestrian network near downtown has a consistent set of continuous walkways which provides a low stress environment, and whereas towards the edges of the City and in residential areas many streets lack sidewalks or walkways such that travelers walk within the roadway. Where traffic volumes and speeds are higher, the absence of a dedicated walkway can create extreme stress on the traveler.

As redevelopment and frontage improvements occur through 2040, streets will be built to align with the standards outlined in Chapter 4 of this TSP. These standards require high-quality facilities, and an emphasis on safe, convenient, and comfortable travel, and contribute towards a network wide lower stress pedestrian experience.

Equally important is the pedestrian experience crossing streets. These locations are often when a pedestrian experiences some of the highest amount of stress, particularly along major streets with high travel speeds and traffic volumes. This TSP team looked at 20 intersections in the UGB. Sixteen of the intersections, including many of those along the busiest streets (i.e., US 101 and US 20), have a pedestrian stress level of extreme or high, while only four intersections that this TSP looked at have a low or moderate level of stress for pedestrians. In general, the studied intersections lack ADA compliant curb ramps, have complex elements, or offer limited refuge or enhancements at the crossing.

METHODOLOGY USED TO IDENTIFY TSP PEDESTRIAN PROJECTS

The list of pedestrian network improvement projects shown in Chapter 6 was developed based on streets with pedestrian deficiencies. The solutions for these deficiencies were selected to support the overall goals and objectives of the TSP. For pedestrian projects that is primarily related to improvements that deliver safer, more accessible, and convenient facilities.

A street is considered deficient for walking if it meets one or more of the following conditions:

- **Sidewalk Gaps**

Arterial or collector street segment without pedestrian facilities.

- **Pedestrian Level of Traffic Stress**

Arterial or collector street segment with an extreme pedestrian level of stress.

- **Pedestrian Level of Traffic Stress near important Destinations**

High or extreme pedestrian level of stress near parks, schools, transit stops, or other important destinations.

BICYCLE NETWORK

Bicycling is important for both transportation and recreation in Newport. This includes people who bike to work and school, people biking for fun, or people just running errands by bike. Riding bicycles also plays a key role in the transportation system's ability to support healthy and active lifestyles, with suitable facilities that provide a viable alternative to the automobile. While walking tends to be a competitive choice for trips under half a mile, bicycling tends to be suited for longer trips. Bicycle trips can often work well for distances between a half mile and three miles. Newport's relatively compact size makes biking a great choice for many trips, with local jobs and housing, in addition to hotels and other tourism destinations, typically in bikeable proximity.

This TSP includes projects to provide continuous bicycle connections between activity generators and arterial/collector roadways that are essential for safe and attractive non-motorized travel options. It includes bicycle infrastructure that appeals to a wider range of people, both in age and ability. Many people want to bike, but they find riding near traffic in standard bike lanes stressful and a deterrent. This TSP includes a bicycle network of streets with facility standards designed to minimize interactions between people on bikes and car traffic (see Chapter 4 of this TSP).

The bicycle network in Newport is composed of two lane miles of bike lanes, four miles of streets with shared lane markings and one mile of shared-use pathways. Bike lanes are currently striped along portions of US 101 near the NE 52nd Street/NW Lighthouse Drive intersection and SW Naterlin Drive, and on US 101 from the bridge south to the former intersection of SE Ferry Slip Road. Sharrows are currently located along portions of NW Oceanview Drive, NW Spring Street, NW Coast Street, SW Elizabeth Street, NW-NE 6th Street and SW Naterlin Drive. However, many of

the existing facilities are not continuous. In addition, nearly 90 percent of arterial streets currently lack bike facilities, including much of US 101 and US 20. Critical gaps existing across the Yaquina Bay Bridge, along the NW Oceanview Drive corridor and the Oregon Coast Bike Route.

BICYCLE LEVEL OF TRAFFIC STRESS

The bicycle level of traffic stress (LTS) evaluation provides a metric to understand a multimodal user's perception of the safety and comfort of the transportation network. This method was used to understand key gaps and barriers to biking to be addressed through targeted improvements in this TSP.

The LTS evaluation generates a ranking (i.e., low, moderate, high, or extreme stress) of the relative safety and comfort of a segment or intersection for bicyclists based on roadway and intersection characteristics (e.g., land use context, number of lanes, travel speed and volume, intersection control, type and width of buffer, and the presence and condition of any bicycle or pedestrian facilities). The LTS rating scale recognizes that as vehicle speeds and volumes increase, enhanced bicycle facilities are needed to maintain a system that is accessible for all users.

A bicyclist riding along roughly 15 percent of the analyzed arterial roadways and 90 percent of the analyzed collector roadways within the UGB will experience a low or moderate level of stress. This is generally representative of the many low volume and speed streets of the highway. Even still, an extreme or high level of stress is experienced along 85 percent of the analyzed arterial roadways and 10 percent of the analyzed collector roadways, mainly those with no bicycle facilities and the highest speeds and traffic volumes. This includes the extent of US 101 and US 20 through the UGB, and short segments of NE Harney Street, NE 31st Street, NE Yaquina Heights Drive, SE Bay Boulevard and SE Ferry Slip Road. These streets are important for bicycle travel as they connect to most businesses and services and in many cases provides the only through route for cyclists (e.g., the Yaquina Bay Bridge). NW Oceanview Drive, a component of the Oregon Coast Bike Route, was rated at extreme level of traffic stress between US 101 and the intersection with NW Edenvue Way, and medium level of traffic stress from there to Spring Street.

As redevelopment and frontage improvements occur through 2040, streets will be built to align with the standards outlined in Chapter 4 of this TSP. These standards require high-quality facilities, and an emphasis on safe, convenient, and comfortable travel, and contribute towards a network wide lower stress bicycle experience. For very low traffic volume conditions on local streets, consideration was given to allow for bicycling to be done within the roadway with designations for sharing the road when separate bikeway facilities are not available. This same shared street treatment was applied for pedestrian travel in the previous section for very low traffic conditions.

Equally important is the bicycle experience crossing streets. This TSP looked at 20 intersections in the UGB, of which 15 have a bicycle stress level of low or moderate. These are mainly at signalized intersections along US 101 or US 20, or at locations with low vehicle travel speeds and narrow crossing widths for cyclists. Five unsignalized intersections along US 101 have a bicycle stress level of extreme or high. In general, these intersections are in locations with high vehicle travel speeds and wider crossing widths for cyclists.

METHODOLOGY USED TO IDENTIFY TSP BICYCLE PROJECTS

The list of bicycle network improvement projects shown in Chapter 6 were developed based on streets with bicycle deficiencies. The solutions for these deficiencies were selected to support the overall goals and objectives of the TSP. For cycling projects that is primarily related to improvements that deliver safer, more accessible, and more convenient facilities such as dedicated bike lanes and multi-use pathways.

A street is considered deficient for bicycling if it meets one or more of the following conditions:

- **Bicycle Facility Gaps**

Arterial or collector street segment without bicycle facilities or adjacent corridor with bicycle facilities.

- **Bicycle Level of Traffic Stress**

Arterial or collector street segment with an extreme bicycle level of stress.

- **Bicycle Level of Traffic Stress near important Destinations**

High or extreme bicycle level of stress near parks, schools, transit stops, or other important destinations.

TRANSIT

Transit service is provided in Newport via a city loop service, an intercity service, and an Americans with Disabilities Act (ADA) paratransit service. All Lincoln County Transit buses are equipped with a lift to allow wheelchair access and include bicycle racks. Riders are permitted to load their bicycle inside the bus only if the bike racks are full.

The Newport city loop completes a full loop through Newport six times each day, seven days a week, and in the evening, there is an additional southbound run to City Hall. This route has 41 bus stops, providing access to key destinations within Newport including grocery stores and other shopping, restaurants, local hotels and residences, Newport City Hall, post office, Oregon Coast Aquarium, NOAA facilities, and Nye Beach. The bus stops offer limited amenities, and many are unmarked, making the transit system challenging to navigate, particularly for visitors who may be unfamiliar with it. Most Newport residents are within a half mile of a transit stop, and in the downtown core, most residents are within a quarter mile of a transit stop. Long headways (up to 90 minutes) and limited service hours (approximately between 7 am and 5pm) for the Newport city loop transit service limits the utility of this service for residents and visitors. In addition, transit service is not currently provided south of SE 50th Avenue.

The intercity transit service operates routes to Corvallis and Albany four times each day, to Lincoln City four times each day, to Yachats four times each day, and to Siletz six times a day between Monday and Saturday.

Lincoln County Transit also provides curb to curb coordinated and accessible dial-a-ride transit service that is available to everyone in Newport. The paratransit service, in wheelchair lift equipped minibuses, is available generally between 8:00 a.m. and 3:30 p.m. Monday through Friday.

TRANSIT DEVELOPMENT PLAN

Lincoln County's Transit Development Plan will guide future changes to transit service. Identified changes through 2028 include:

- Add additional stops at Newport's Walmart and Fred Meyer as part of the Newport-Siletz route
- Add up to four additional daily runs on the Coast to Valley route which serves Corvallis and Albany and coordinate these runs to better align with work or Amtrak schedules
- Increase frequency up to 50 percent on weekdays and weekends for the Newport-Lincoln City Route
- Add additional stops at the Oregon Coast Community College as part of the Newport-Yachats route
- Extend Dial-A-Ride service hours and provide service seven days a week
- Modify the Newport City Loop route to remove the Nye Beach and Bayfront and maintain existing 90-minute headways
- Add a new Newport City Loop route which serves Fred Meyer, Nye Beach, City Hall, Bayfront, and Embarcadero with 45-minute headways
- Add a new Newport City Loop route which serves Nye Beach, City Hall, Bayfront, and Embarcadero with 30-minute headways

These transit enhancements were identified by Lincoln County Transit to address the most significant unmet needs within their transit system. Further investments will be coordinated with Lincoln County Transit. The recommended enhancements address several public concerns made during this TSP process related to transit access. Specific comments noted the need for additional stops, more bus shelters, and added tourist shuttles.

In addition, these enhancements also align with several of the goals and objectives of this TSP, including:

TSP Goal 2: Mobility and Accessibility

- Support expansions of the local and regional transit network and service
- Support transportation options and ease of use for people of all ages and abilities

TSP Goal 7: Prepare for Change

- Seek to supplement traditional transportation options with more emphasis given to walking, biking, and transit

TSP Goal 9: Work with Regional Partners

- Build support with regional partners for the improvement of regional connections

FREIGHT NETWORK

US 101, north of US 20, is a designated federal truck route and US 20, east of US 101, is a designated Oregon freight route. As a designate truck route, the section of US 101 north of US 20 is also identified as a Reduction Review Route, which means that any improvements within the highway right-of-way needs to consider its impact of freight truck carrying capacity. In addition, about 8.5 miles of roadways are located adjacent to or connecting to industrial lands. These roadways include portions of NE Avery Street and NE 73rd Street at the north end of the City, SE Moore Drive and Bay Boulevard in the central part of the City, and US 101, SE 35th Street, SE 40th Street, SE 50th Street and SE Ferry Slip Road at the south end of the City.

With growing traffic volumes, six intersections along Oregon Freight Routes or Federal Truck Routes would not meet their currently adopted mobility target during the 2040 design hour conditions. These intersections are shown below.

Intersections that might experience increased freight delay through 2040:

- US 101/73rd (stop controlled on side street)
- US 101/52nd (signal)
- US 101/Oceanview (stop controlled on side street)
- US 101/US 20 (signal)
- US 20/Benton (stop controlled on side street)
- US 20/Moore (signal)

Note: Refer to Future Transportation Conditions and Needs, Technical Memo #7, for more information in the Appendix.

Although all these intersections are on a designated freight route, three of the intersections are two-way stop control where the side street will experience significant delay in the future. Since freight traffic is concentrated on US 101 and US 20 in Newport, high side-street delay at the intersections of US 101/Oceanview and US 20/Benton will likely have a minimal impact to freight. However, 73rd Street serves an industrial area which can generate high freight traffic, and increased side street delay at this location will negatively impact freight operations. High vehicle delay at the other three traffic signals will also increase delay for freight travel through Newport on US 101 or US 20.

Other locations with identified freight needs include Bay Boulevard and the Yaquina Bay Bridge. Bay Boulevard is a working waterfront and is a key freight generator for the City of Newport. This area is also a tourist destination which can create conflicts between the high volume of pedestrians, passenger cars, and freight vehicles which serve Newport's fishing industry. Freight vehicles can also struggle to navigate the steep grades for northbound traffic approaching the Yaquina Bay Bridge. The recent relocation of the traffic signal from SE 32nd Street to SE 35th Street

has improved this operational issue for freight vehicles. In addition, as noted previously, the Yaquina Bay Bridge has weight limit restrictions which directs heavier freight vehicles to reduce their loads below the maximum levels to comply, which increases the amount of truck activity along this segment of the highway.

AIRPORT

The Newport Municipal Airport, owned and operated by the City of Newport, is a public-use airport located east of US 101 off SE 84th Street, approximately five miles south of downtown. This airport provides general aviation for Newport and surrounding coastal communities and is identified as a critical resource by the Oregon Department of Aviation for emergency response following a major earthquake or tsunami. Currently, the airport supports general aviation aircrafts, US Coast Guard helicopters, and air ambulance flights.

The airport currently supports 28 based aircraft. Other services and facilities include: hangars, tie-downs, fueling, and rental cars. The airport has two runways, and serves 19,600 annual operations (i.e., take-offs or landings).

Regional and international air service for passengers and freight is provided via Portland International Airport (PDX). The airport is located approximately 140 miles (over three hours) northeast of Newport. Eugene Airport located approximately 80 miles (or 90 minutes) southeast of Newport also provides regional air service.

WATERWAYS

Newport is bounded to the west by the Pacific Ocean and is divided north-south by Yaquina Bay, a commercially navigable waterway. Yaquina Bay is a 30-foot deep basin and 300 feet across at its narrowest point; at high water, there is 129 feet of vertical clearance under the Yaquina Bay Bridge.

The Port of Newport maintains and operates separate commercial and recreational marinas to serve Newport's ship traffic. The commercial marina, located on the north side of Yaquina Bay, south of Bay Boulevard includes four docks for commercial vehicles and serves a large, prolific fishing fleet and a yacht club. This marina can accommodate vessels up to 100 feet. Marine supplies and a customs office are available for patrons. The recreational marina is located on the south side of Yaquina Bay, near South Beach, with space for 522 vessels and includes power, water, fuel, and sanitary services as amenities. This marina also serves as a public boat launch with space for trailer storage.

The Newport International Terminal provides two berths for cargo ships, research vessels, cruise ships, and fishing boats on the north side of Yaquina Bay. This terminal is one of three deep draft ports on the Oregon Coast and has traditionally been used to ship timber products. NOAA also maintains a marine operations center to the south of Yaquina Bay and serves as the home port for two research vessels in addition to supporting five ships.



Chapter 4: System Design & Management Principles

Newport applies transportation standards and regulations to the construction of new transportation facilities and to the operation of all facilities to ensure that they are designed appropriately and that the system functions as intended. These standards enable consistent future actions that reflect the goals and objectives of the City.

FUNCTIONAL CLASSIFICATION

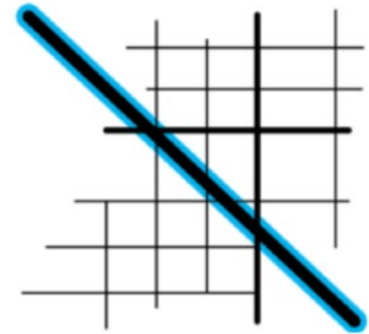
Functional classification for streets helps support the movement of vehicles and is an important tool for managing the roadway network. The street functional classification system recognizes that individual streets do not act independently of one another but instead form a network that serves travel needs on a regional, citywide, neighborhood and local level. By designating the management and design requirements for each roadway classification, this hierarchal system supports a network of streets that perform as desired.

The street functional classification system for roadways in the Newport is described below. The functional classification map (Figure 22, Figure 23, and Figure 24) shows the designated classification for all roadways in the City, including new street extensions proposed as part of this plan. From highest to lowest intended use, the classifications are arterial, major collector, neighborhood collector, and local streets. For a summary of functional classification changes from the prior TSP, see Technical Memorandum #10: Transportation Standards, in the appendix.

The federal government also has a functional classification system that is used to determine federal aid funding eligibility. Roadways federally designated as a minor collector (urban), major collector, minor arterial, principal arterial, or interstate are eligible for federal aid. Newport’s functional classification system uses the similar designations as the federal government (e.g., a City designated arterial is intended to be the same as a federally designated principal arterial, a City designated major collector is intended to be the same as a federally designated major collector, and a City designated neighborhood collector is intended to be the same as a federally designated urban minor collector). Future updates to the federal functional classification system should incorporate the designations reflected in the TSP along City roadways.

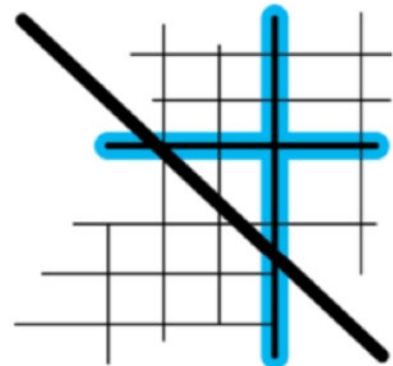
ARTERIAL STREETS

Arterial streets are primarily intended to serve regional and citywide traffic movement. Arterials provide the primary connection to other arterial streets or collector streets. Safety should be the highest priority on arterial streets and separation should be provided between motor vehicles and people walking, and bicycling. Safe multimodal crossings should also be provided to key destinations. Where an arterial street intersects with a neighborhood collector or local street, access management and/or turn restrictions may be employed to reduce traffic delay. The only arterial streets in Newport are US 101 and US 20, which also include a Federal Classification of urban other principal arterial.



MAJOR COLLECTOR STREETS

Major collector streets are intended to distribute traffic from arterial Streets to streets of the same or lower classification. They provide both access and circulation within and between residential and non-residential areas. Major collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials) and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system. Safety should be a high priority on major collectors. Where a major collector street intersects with a neighborhood collector or local street, access management and/or turn restrictions may be employed to reduce traffic delay.



NEIGHBORHOOD COLLECTOR STREETS

Neighborhood collector streets distribute traffic from arterial or major collector streets to local streets. They are distinguishable from major collectors in that they principally serve residential areas. Neighborhood collector streets should maintain slow vehicle operating speeds to accommodate safe use by all modes and through traffic should be discouraged, especially in areas with topography or other line of sight constraints. Where a neighborhood collector street intersects with a higher-classified street, access management and/or turn restrictions may be employed to reduce traffic delay and discourage through traffic.

LOCAL STREETS

All streets not classified as arterial, major collector, or neighborhood collector streets are classified as local streets. Local streets provide local access and circulation for traffic, connect neighborhoods, and often function as through routes for pedestrians and bicyclists. Local streets should maintain slow vehicle operating speeds to accommodate safe use by all modes.

Private Streets

Private streets are a special type of local street that are used to facilitate access to specific properties or small neighborhoods. Private streets can include driveways or private roadway connections that serve four or fewer parcels. The City is not responsible for maintenance on private streets.



FIGURE 22: FUNCTIONAL CLASSIFICATIONS (NORTH)

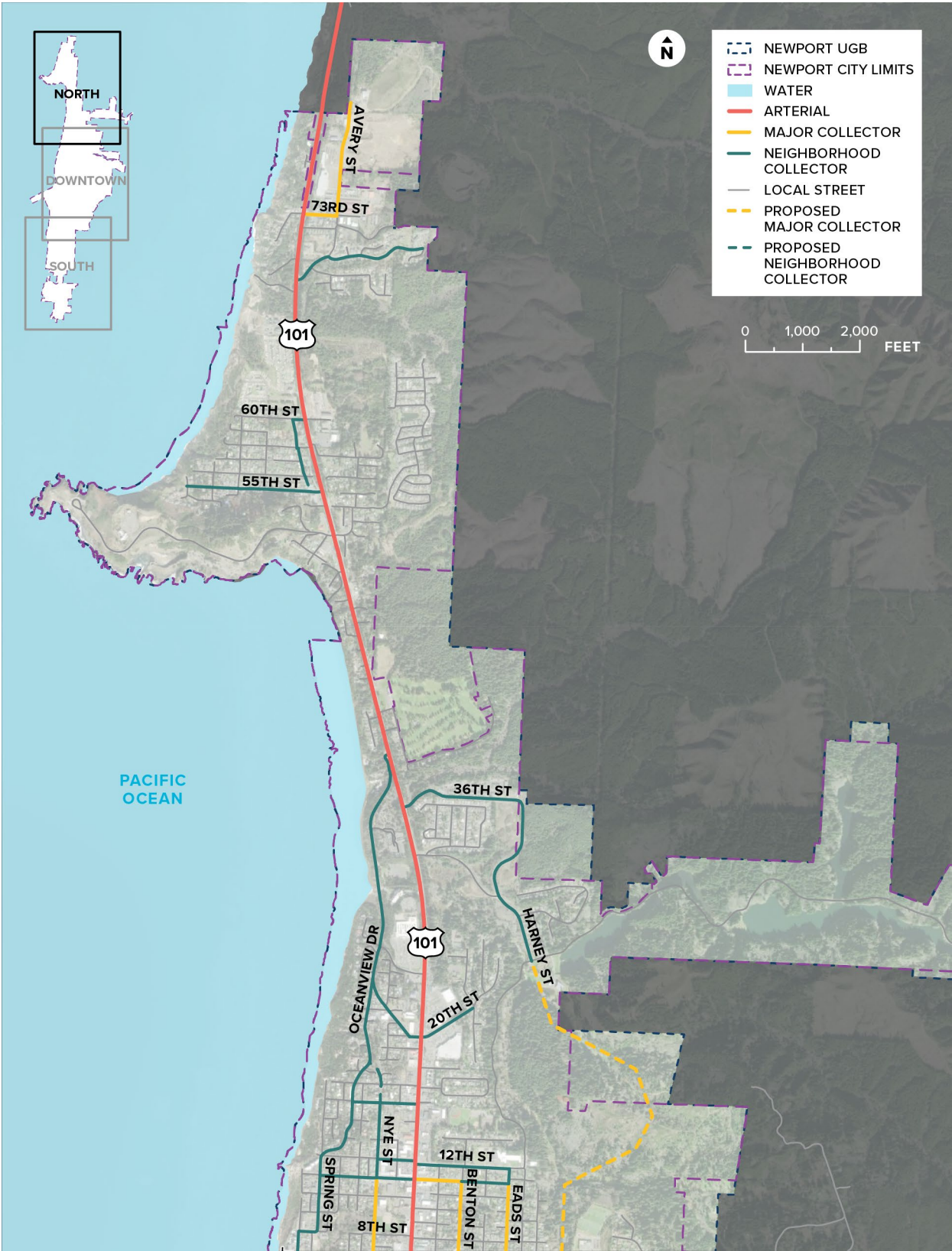
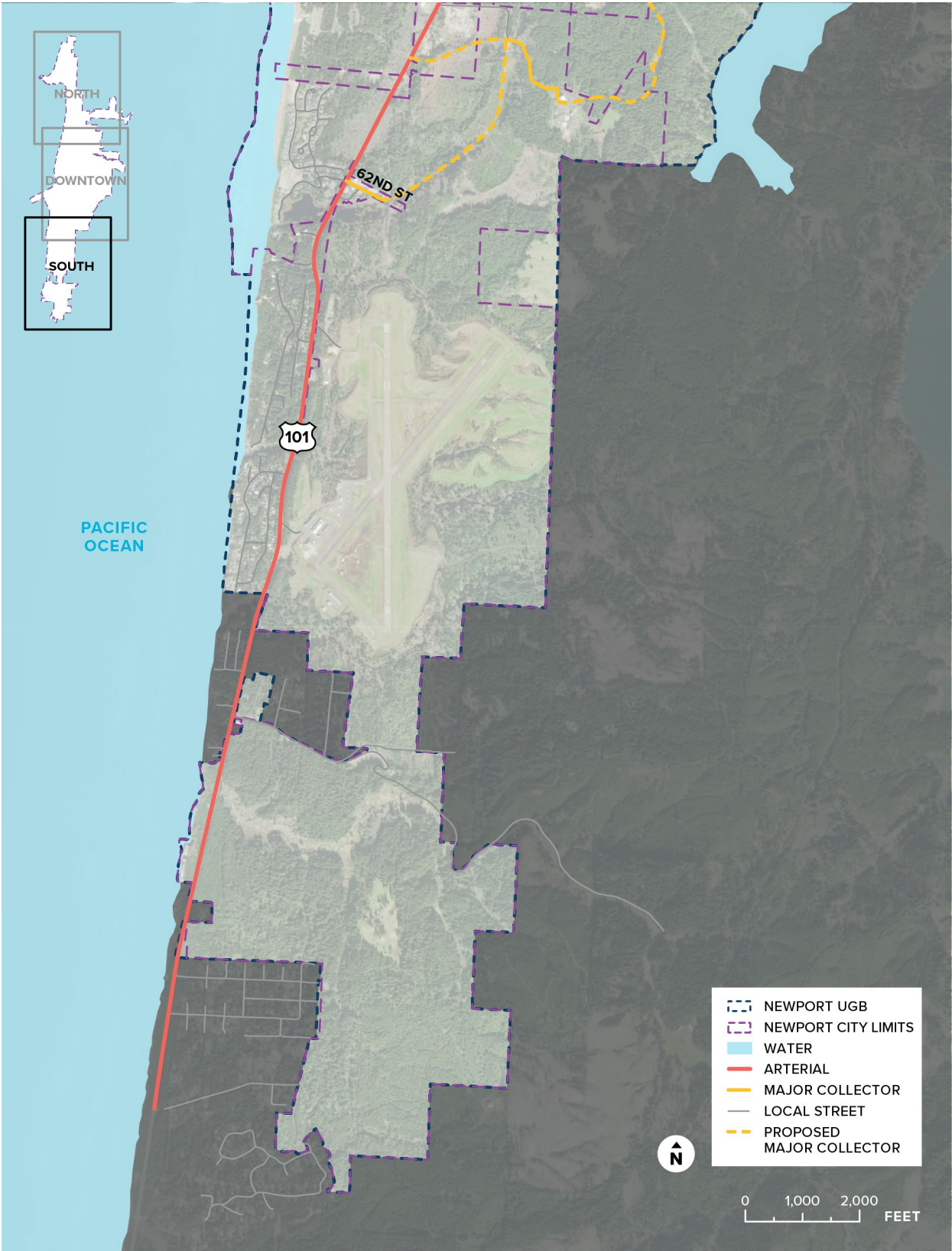


FIGURE 23: FUNCTIONAL CLASSIFICATIONS (DOWNTOWN)



FIGURE 24: FUNCTIONAL CLASSIFICATIONS (SOUTH)



FREIGHT AND TRUCK ROUTES

Figure 25, Figure 26, and Figure 27 show roadways designated to help ensure trucks can efficiently travel through and access major destinations in Newport. These routes play a vital role in the economical movement of raw materials and finished products, while maintaining neighborhood livability, public safety, and minimizing maintenance costs of the roadway system.

STATE AND FEDERAL FREIGHT ROUTES

Newport currently has two designated statewide freight routes. US 101 (north of US 20) is a National Network freight route while US 20 is a designated freight route in the Oregon Highway Plan (OHP). The National Network designates a set of highways based on geometric specifications (e.g., 12 foot wide travel lanes) specifically for use by large trucks while the OHP identifies freight routes based on the tonnage carried. Both of these corridors are also identified freight reduction review routes that requires the Mobility Advisory Committee to review and approve proposed changes to any reduction in the vehicle carrying capacity of these routes. US 101 south of US 20 is not a National Network freight route, OHP freight route, or reduction review route.

LOCAL TRUCK ROUTES

The City has local truck routes designed to facilitate the movement of truck freight between local industrial and commercial uses and state highways. These roadways serve an important role in the City roadway network and should be designed and managed to safely accommodate the movement of goods. These routes require a minimum of 11-foot travel lanes.

The local truck network, shown in Figure 25, Figure 26, and Figure 27, includes NE 73rd Street, NE Avery Street, NE 36th Street, NE Harney Street, SW/E Bay Boulevard, SE Moore Drive, Yaquina Bay Road, US 101 (south of US 20), SE Marine Science Drive, SE Ferry Slip Road, SE 35th Street, and the future extensions of SE 50th Street and SE 62nd Street.

FIGURE 25: FREIGHT AND TRUCK ROUTES (NORTH)

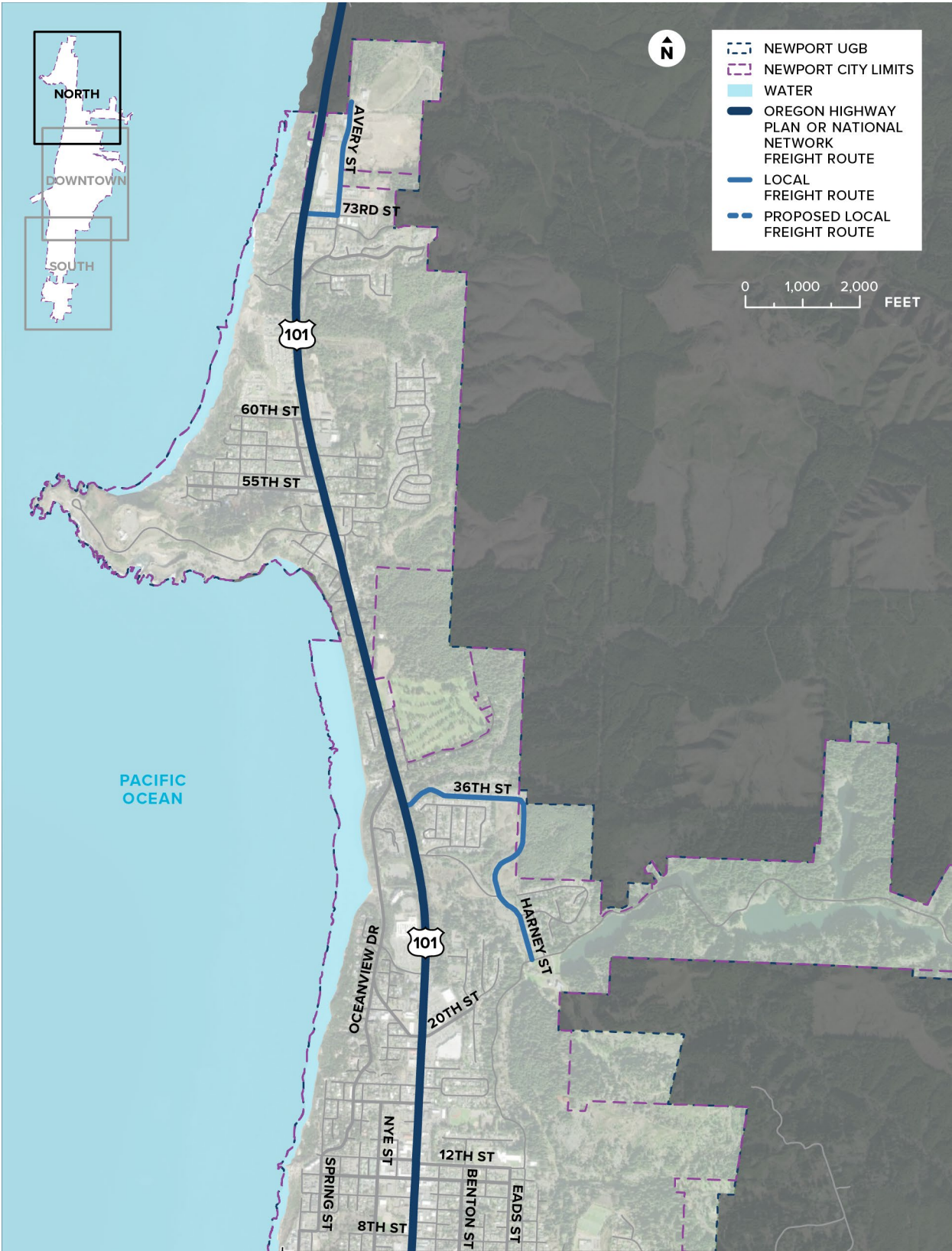


FIGURE 26: FREIGHT AND TRUCK ROUTES (DOWNTOWN)

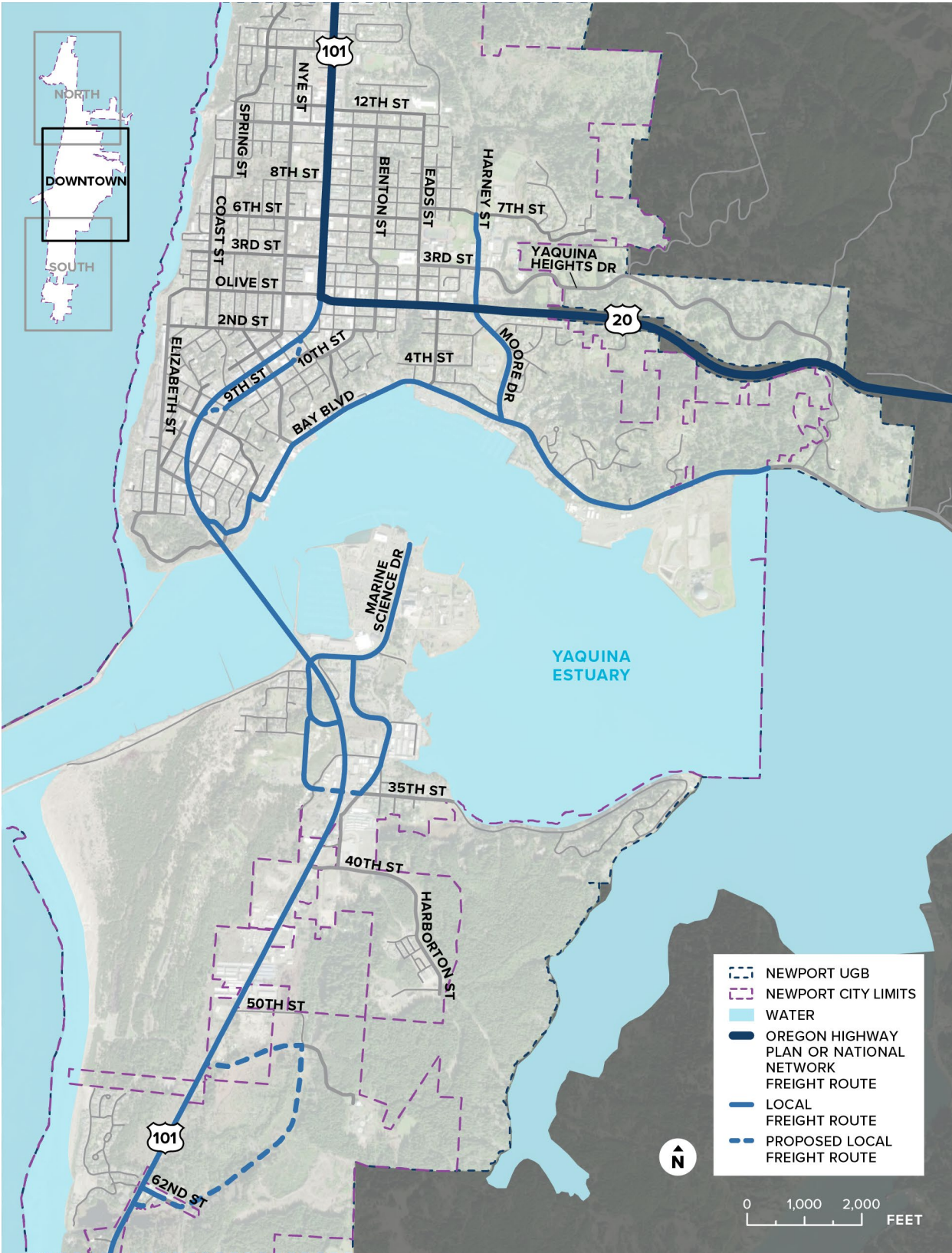
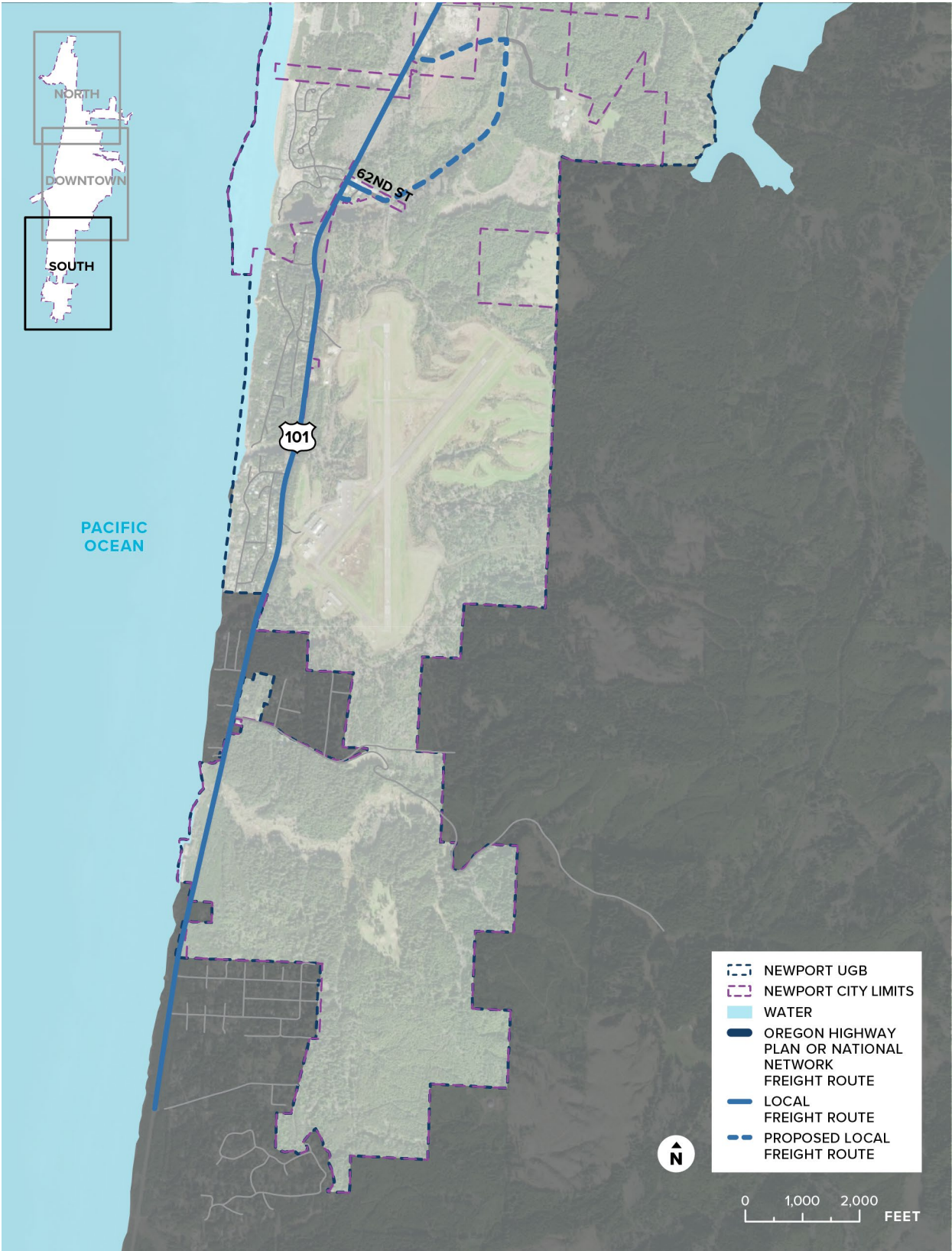


FIGURE 27: FREIGHT AND TRUCK ROUTES (SOUTH)



MULTIMODAL NETWORK DESIGN

The design of the streets in Newport is based on the functional classifications. The designs are intended to be implemented in newly developing or redeveloping areas of the City. The City may also choose to reconstruct existing streets to meet the typical designs should right-of-way or other factors not prevent it from occurring.

Roadway cross-section design elements include travel lanes, curbs, furnishings/landscape strips, sidewalks on both sides of the road, and bicycle facilities. The following sections detail the minimum widths for each of Newport's functional classifications.

The construction or reconstruction of some streets may be constrained by various factors that prevent it from being constructed according to the minimum standards that apply. A deviation to the City street standards may be requested from the City Engineer or City Engineer's designee to consider a constrained cross-section or other adjustments. In some cases, unconstrained local streets in residential areas may also apply the yield or shared street design parameters if they serve a low volume of traffic (i.e., fewer than 500 vehicles per day).

Typical conditions that may warrant consideration of a deviation include:

- Infill sites
- Innovative designs
- Reallocation of right-of-way between modes (e.g., narrow travel lanes to accommodate wider bike lanes)
- Severe constraints presented by topography, environmental, or other resources present
- Existing developments and/or buildings that make it extremely difficult or impossible to meet the standards

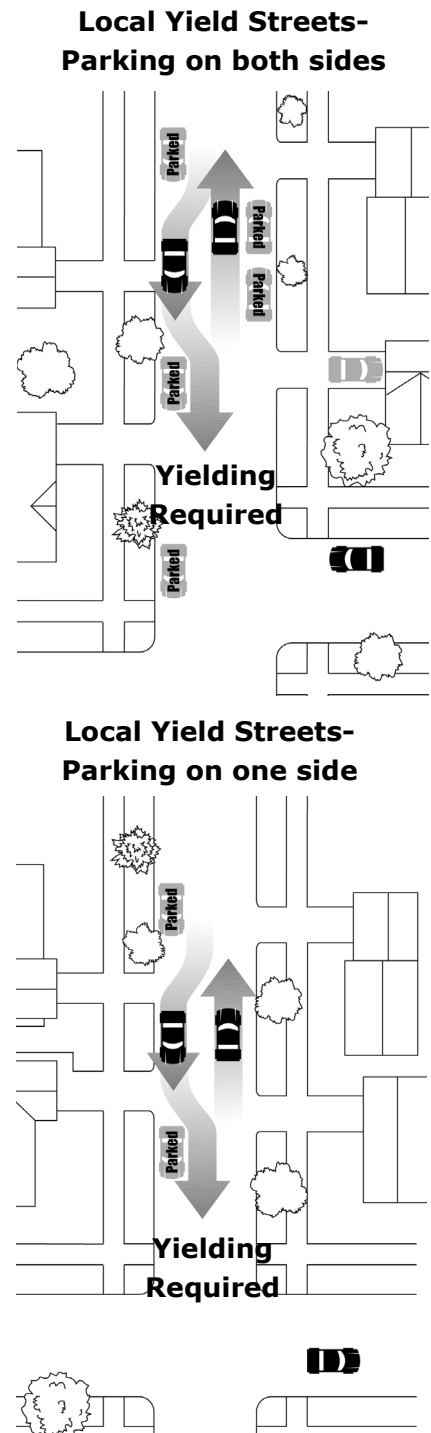
Although the facility requirements along arterial streets are provided, both US 101 and US 20 are under the State's jurisdiction and are subject to the design criteria in the Highway Design Manual (HDM), other ODOT manuals, and the companion document, the Blueprint for Urban Design (BUD). The BUD supplements existing design manuals and provides enhanced design guidance until a full design manual update can be completed. The facility requirements along arterial streets are consistent with the BUD and the applicable urban contexts for US 101 and US 20 through Newport (more details provided in the Appendix). Any deviation to standards along these facilities must be approved by the State.

TRAVEL LANES AND PARKING

The vehicle classifications and local truck routes determine the design parameters for travel lanes of each street. This is the throughway for drivers, including cars, buses, and trucks. Table 2 provides the travel lane and on-street parking requirements. The vehicle functional classification of the street is the starting point to determine the number of through lanes, lane widths, and median and left-turn lane requirements. However, Newport's local truck routes take precedence when determining the appropriate lane width regardless of the functional classification. Streets identified as part of Newport's local truck network may include travel lanes up to 12 feet wide, although 11 feet travel lanes are also acceptable. Wider lanes (over 12 feet) should only be used for short distances along curves and at intersections to allow trucks to maneuver. Streets that require a median/ center turn lane should include a minimum 8-foot-wide pedestrian refuge at marked crossings. Otherwise, the median can be reduced to a minimum of 4 feet at midblock locations, before widening at intersections for left-turn lanes (where required or needed).

Select low-volume local streets (i.e., fewer than 500 vehicles per day) in residential areas are also candidates for narrower roadway widths. These narrower streets, referred to as yield streets, should be designed so that moving cars must occasionally yield between parked cars before moving forward, as shown in Figure 28, allowing for the development of narrow streets, encouraging vehicles to move slower, and allowing for periodic areas where a 20-foot-wide clear area is available for parking of fire apparatus. Yield streets require placement of no-parking locations (i.e., driveways, fire hydrants, mailboxes) at appropriate intervals to provide the needed gaps for queuing opportunities. For blocks longer than 300 feet, 30-foot-long pullouts/no parking zones should be provided every 150 feet to allow for 20-foot-wide clear areas or 26-foot-wide near fire hydrants. Because fire apparatus preconnected hoses are 150 feet in length, blocks shorter than 300 feet do not require pullouts. With a connected street system and 300-foot block lengths, the fire apparatus can be parked at the end of the block where a fire is located, and the hose can reach the fire. Also, parking near intersections on narrow streets should not be permitted because it can interfere with the turning movements of large vehicles.

FIGURE 28: YIELD STREETS



Source: Neighborhood Street Design Guidelines, State of Oregon

These streets may also be designed as shared streets, which also require vehicle traffic to yield to pedestrians and bicyclists within the roadway. Shared streets accommodate pedestrians, bicyclists, and motor vehicles, giving pedestrians priority over cars and bicyclists. The shared street does not have clear division between pedestrian and auto space (i.e., no continuous curb), so motorists must slow down and drive with caution.

Features of shared streets should include: 1) gateways that announce the entrance(s) to the shared street; 2) curves to slow vehicle traffic by limiting sightlines for drivers; 3) amenities such as trees and play equipment that force vehicles to slow down; 4) no curbs; and 5) intermittent parking. Cars can pass each other along a shared street, but typically only in selected locations. The speed limit is typically about 10 miles per hour.

The City consulted with the Newport Fire Department when developing the design requirements for yield/shared streets shown in Table 2, as required by ORS 368.039(3).



Shared street example with intermittent on-street parking.



Shared street example with street level pedestrian walkway.

TABLE 2: TRAVEL LANE AND ON-STREET PARKING REQUIREMENTS

ROADWAY CLASSIFICATION	ARTERIAL STREET (ODOT)¹	MAJOR COLLECTOR STREET (CITY)	NEIGHBORHOOD COLLECTOR STREET (CITY)	LOCAL STREET (CITY)	YIELD/SHARED STREET (CITY)²
TYPICAL THROUGH LANES (BOTH DIRECTIONS)	2 to 4	2	2	2	1
MINIMUM LANE WIDTH	11-12 ft. ³	10 ft. ⁴	10 ft. ⁴	10 ft.	12-16 ft. single lane
MEDIAN/ CENTER TURN LANE ⁵	Required 11-14 ft. median/ center turn lane ⁶	Required 11 ft. center turn lane near arterial intersections ⁷	11 ft. center turn lane when needed near arterial intersections	None	None
MINIMUM ON-STREET PARKING WIDTH	Context dependent, 7-8 ft.	Preferred 8 ft. ⁸	Preferred 8 ft. ⁸	Preferred 7-8 ft. ⁸	Required 7-8 ft. on at least one side ⁸

Notes:

1. Although guidance is provided for arterial streets, these are under State jurisdiction. Values presented in this table are consistent with the Blueprint for Urban Design (BUD). For detailed design recommendations on US 101 and US 20, the identified urban contexts for Newport are provided in the appendix and the BUD is publicly available.
2. For use along low volume local streets in residential areas only. Requires intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities. For blocks of no more than 300 ft. in length, and with fire access roads at both ends, a 16 ft. width may apply to local streets that carry fewer than 500 vehicles per day, or a 12 ft. width may apply to local streets that carry fewer than 150 vehicles per day. For blocks longer than 300 feet, this also requires 30 ft. long pullouts/no parking zones every 150 ft. to allow for 20 ft. wide clear areas or 26 ft. wide clear areas near fire hydrants.
3. 11 ft. travel lanes are preferred for most urban contexts within Newport. 11 ft. travel lanes are standard for central business district areas in the BUD. Adjustments may be required for freight reduction review routes. Final lane width recommendations are subject to review and approval by ODOT.
4. Travel lanes widths of 11-12 ft. are required along designated local truck routes.
5. A minimum 8-ft.-wide pedestrian refuge should be provided at marked crossings. Otherwise, a median can be reduced to a minimum of 4 ft. at midblock locations that are more than 150 ft. from an arterial (i.e., US 101 and US 20), before widening at intersections for left-turn lanes (where required or needed).
6. The BUD recommends a 14 ft. lane for speeds above 40 mph. Final lane width recommendations are subject to review and approval by ODOT.
7. Center turn lane required at and within 150 ft. of intersections with arterials (i.e., US 101 and US 20). Otherwise, it is optional and should be used to facilitate turning movements and/or street crossings; minimum 8-ft-wide median required where refuge is needed for pedestrian/bicycle street crossings.
8. On-street parking is preferred along all City streets where block spacing, and system connectivity standards are met. An 8 ft. width is required in most areas, with a 7 ft. width only allowed along local streets in residential areas. Local yield/shared streets require intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities, with an 8 ft. width required when on only one side, and 7 ft. width allowed when on both sides. Shoulders totaling 8 ft. in collective width may also be provided in lieu of parking.

SIDEWALKS

Sidewalks provide for pedestrian movement and access, enhance pedestrian connectivity, and promote walking. The pedestrian facilities in Newport encourage walking by making it more attractive. The street functional classification determines the appropriate pedestrian facilities along streets, including the width of the throughway for pedestrians and the buffer from the vehicle travel way. Sidewalks are typically required on both sides of newly constructed streets, but in some cases may be provided on only one side where it can be demonstrated that it aligns with the existing developed street section or that construction on both sides is not cost effective due to significant topographical constraints, as determined by the City Engineer or City Engineer's designee. A non-remonstrance agreement (i.e., agreement to participate in a future local improvement district) is also an option for infill development on streets that lack sidewalks.

The sidewalk encompasses four zones (as shown in Figure 29), including the edge, pedestrian throughway, furnishings/ landscape, and the buffer (i.e., on-street parking or bike facilities). These zones are summarized below, with the minimum configuration for each provided in Table 3. Sidewalk facilities constructed on State facilities are subject to review and approval by ODOT based on guidance from the BUD.

- The **edge** describes the section where a pedestrian interacts with the adjacent buildings or private property and includes entryways and outdoor seating. This zone is optional along City streets and may include a concrete or natural surface depending on the adjacent land use.
- The **pedestrian throughway** is the accessible zone in which pedestrians travel. It includes a minimum eight-foot-wide clear throughway along major collector streets in commercial areas, a minimum six-foot-wide clear throughway for major collector streets in non-commercial areas (e.g., residential) and neighborhood collector streets, and five-foot wide clear throughway along local streets.
- The **furnishings/ landscape** zone is the sidewalk section located between the pedestrian throughway and the curb, and includes street furnishings or landscaping (e.g., benches, lighting, bicycle parking, tree wells, and/or plantings). If adjacent to on-street parking, it should also include a clearance distance between any curbside parking and the street furnishing area or landscape strip (i.e., so vehicles parking, or opening doors do not interfere with street furnishings and/or landscaping). Streets located along a transit route should incorporate furnishings to support transit ridership, such as transit shelters and benches, into the





FIGURE 29: SIDEWALK ZONES



furnishings/landscape strip. It should include a minimum width between ½ and three feet along City streets.

- The **buffer** is the space between the pedestrian thoroughway and the vehicle travel way, and may consist of bike facilities, on-street parking, curb extensions, or other elements. This is also the location where users will access transit. It should include a minimum width between ½ and three feet along City streets, depending on the functional classification, and encompasses the width of on-street parking, bike facilities, and furnishings/landscape zone.

TABLE 3: MINIMUM SIDEWALK CONFIGURATION

FUNCTIONAL CLASSIFICATION	ARTERIAL (ODOT)	MAJOR COLLECTOR (CITY)		NEIGHBORHOOD COLLECTOR (CITY)	LOCAL/ YIELD STREET (CITY) ³
		COMMERCIAL	NON-COMMERCIAL		
MINIMUM CONFIGURATION ¹					
EDGE	1-4 ft.	0 ft.	0 ft.	0 ft.	0 ft.
PEDESTRIAN THROUGHWAY	5-10 ft.	8 ft. ⁴	6 ft.	6 ft.	5 ft.
FURNISHINGS/ LANDSCAPE (INCLUDES CURB)	5.5-6.5 ft.	3 ft.	3 ft.	0.5 ft.	0.5 ft.
MINIMUM WALKWAY WIDTH	Variable ⁵	11 ft.	9 ft.	6.5 ft.	5.5 ft.
MINIMUM BUFFER (PEDESTRIAN THROUGHWAY TO VEHICLE TRAVEL WAY) ²	Variable ⁵	3 ft.	3 ft.	0.5 ft.	0.5 ft.

Notes:

1. Minimum widths may be expanded in areas with enhanced pedestrian activity, or when identified as a project in this TSP or subsequently adopted refinement plan. For instance, the edge zone may need to be expanded to accommodate outdoor seating for the adjacent land use.
2. Includes width of on-street parking, bike facilities, and furnishings/landscape zone.
3. Local streets that are also constructed as shared streets do not require curbs and may include a 5 ft. shoulder walkway at street level, with the travel lanes and shoulders satisfying pedestrian needs. In constrained cases, the shoulder walkway may be provided on only one side, or eliminated.
4. In highly constrained locations, the landscape buffer may be eliminated to meet the required 8 ft. pedestrian thoroughway with approval from the City Engineer, City Engineer's designee or Planning Director.
5. Desired walkway and buffer width for ODOT facilities depends on the urban context and are subject to review and approval by ODOT. Additional detail is provided in the BUD.

BICYCLE FACILITIES

Bike facilities help support the movement of people riding bikes. Streets should be safe and comfortable for bicyclists of all ages and abilities to encourage ridership. Building high quality bicycle infrastructure can improve transportation safety, minimize public health risks, reduce congestion, and provide more equitable access to transportation. The minimum bicycle facilities can be seen in Table 4. Vehicle function classification is used to determine the appropriate facilities along streets. The minimum treatments include protected or separated facilities from the vehicle travel way along arterial streets, bicycle lanes along major collector streets, and shared streets with shared lane markings along neighborhood collector streets. All local streets in Newport are shared streets for bikes, but they do not include shared lane markings unless specifically called out in the TSP.

In general, facilities that are protected or separated from the vehicle travel way include a 10-foot two-way or 6-foot one-way cycle track, 10-foot shared use path, or 8-foot buffered bike lanes. Standard bike lanes should be a minimum of 6-feet wide, while some shared streets should include shared lane markings, with vehicle speed and volume management.

TABLE 4: MINIMUM BICYCLE FACILITIES

VEHICLE CLASSIFICATION	ARTERIAL (ODOT) ²	MAJOR COLLECTOR (CITY)	NEIGHBORHOOD COLLECTOR (CITY)	LOCAL/YIELD/SHARED STREET (CITY)
MINIMUM BIKE FACILITY¹	Protected or separated facilities from the vehicle travel way (e.g., shared use path, cycle track, buffered bicycle lanes)	Standard Bicycle lanes ³	Shared bike streets with shared lane markings ⁴	Shared bike streets without shared lane markings

Notes:

1. Any modification of the minimum bike facility requires justification of any constraints (e.g., topography, environmental, existing buildings) and approval of an acceptable deviation from ODOT, or the City Engineer or City Engineer's designee prior to construction.
2. Bicycle facility and buffer width for ODOT facilities depends on the urban context and are subject to review and approval by ODOT. Additional detail is provided in the BUD
3. Standard bicycle lanes require a minimum width of 6 ft.
4. Minimum treatments include shared lane markings, and wider travel lanes to encourage safe passing for motorists. May also include treatments to manage vehicle speeds and volumes.

MINIMUM STREET CROSS-SECTIONS

The minimum cross-sections for City major collectors, neighborhood collectors, local streets, and yield/shared streets are provided in Figure 30, Figure 31, Figure 32, Figure 33, Figure 34 and Figure 35, respectively. These are based on the minimum design requirements outlined earlier in Table 2, Table 3, and Table 4. In cases other than those involving needed housing as defined in ORS 197.303(1), the minimum widths may be expanded with justification, at the discretion of the City Engineer or City Engineer's designee. For instance, the edge zone may need to be expanded to accommodate outdoor seating for the adjacent land use. All cross-sections provided below assume that the street is not located on a designated Newport local truck route. Local truck routes require travel lanes widths of 11 to 12 feet. Local truck routes require travel lanes widths of 11 to 12 feet.

No minimum cross-sections are provided for arterials (i.e., US 101 and US 20) in Newport since these streets are subject to review and approval by ODOT. Design guidance from ODOT can be found in the BUD and is summarized earlier in Table 2, Table 3, and Table 4. ODOT's design guidance is context dependent which provides flexibility in specific element widths when determining the cross-sections.

FIGURE 30: CITY MAJOR COLLECTOR (COMMERCIAL AREA) CROSS-SECTION

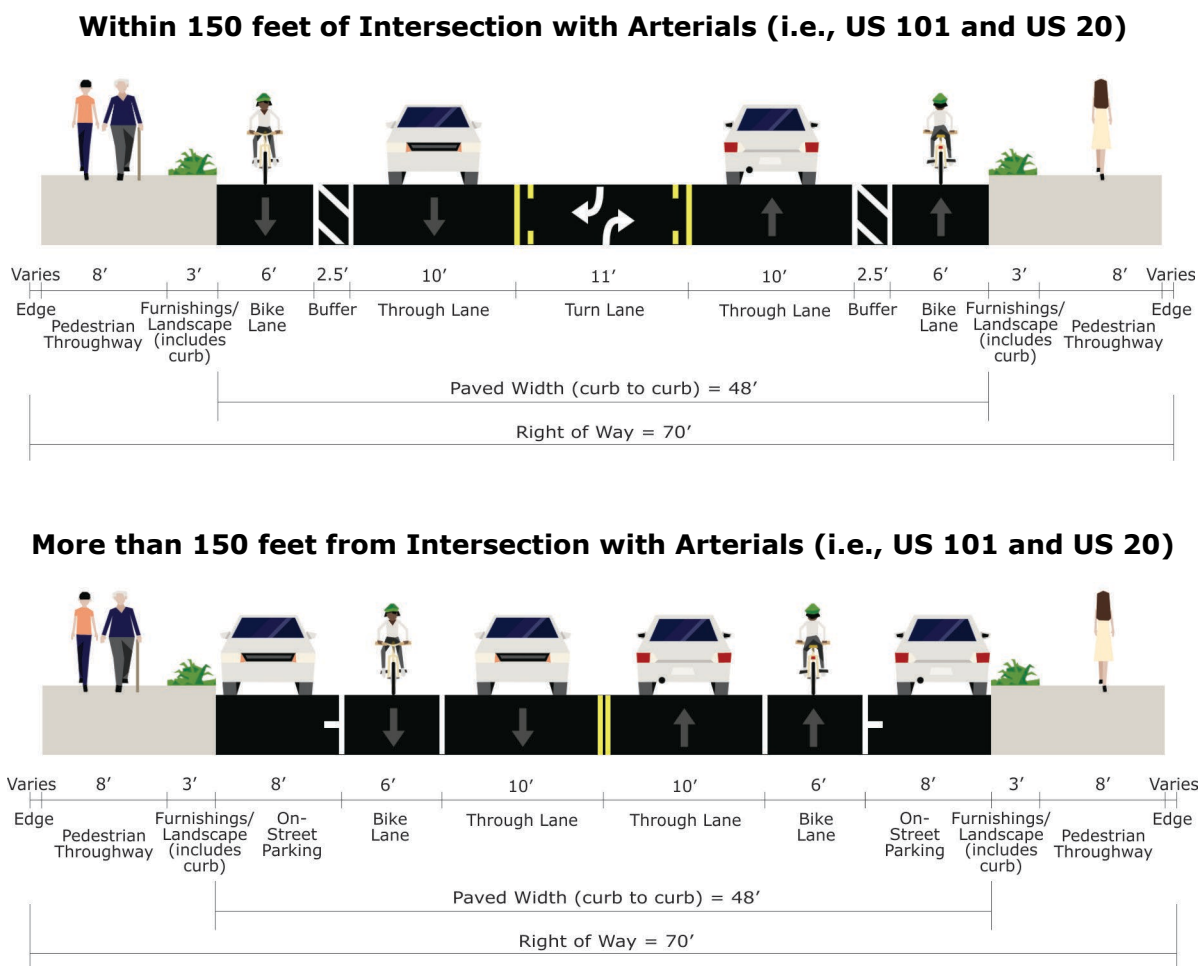
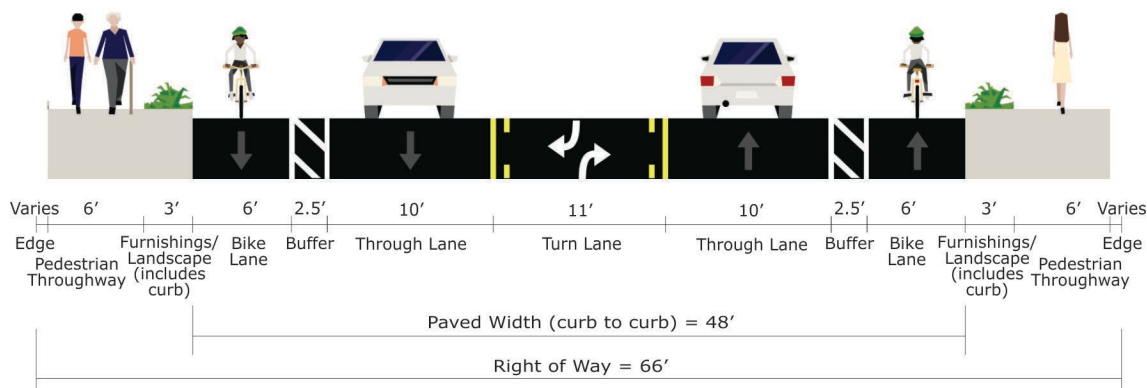


FIGURE 31: CITY MAJOR COLLECTOR (NON-COMMERCIAL AREA) CROSS-SECTION

Within 150 feet of Intersection with Arterials (i.e., US 101 and US 20)



More than 150 feet from Intersection with Arterials (i.e., US 101 and US 20)

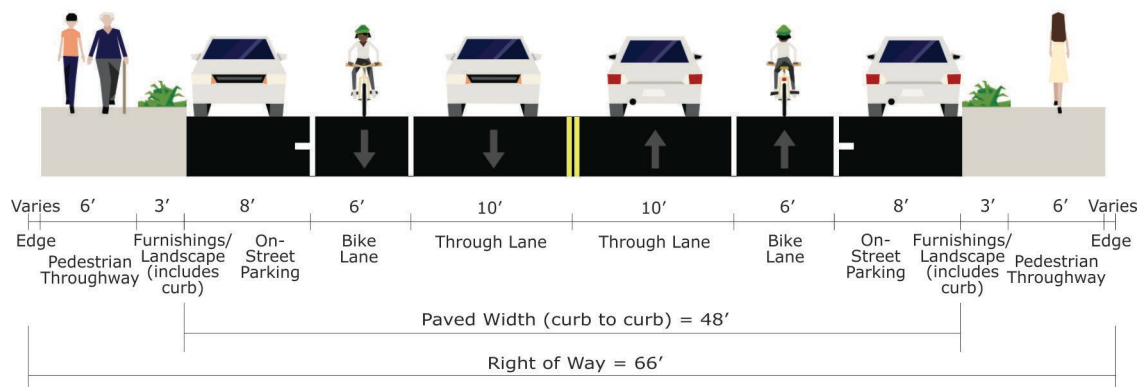


FIGURE 32: CITY NEIGHBORHOOD COLLECTOR CROSS-SECTION

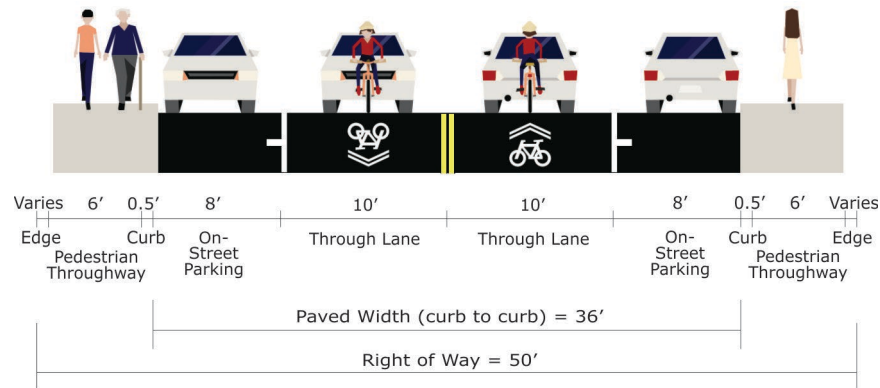


FIGURE 33: CITY LOCAL STREET CROSS-SECTION

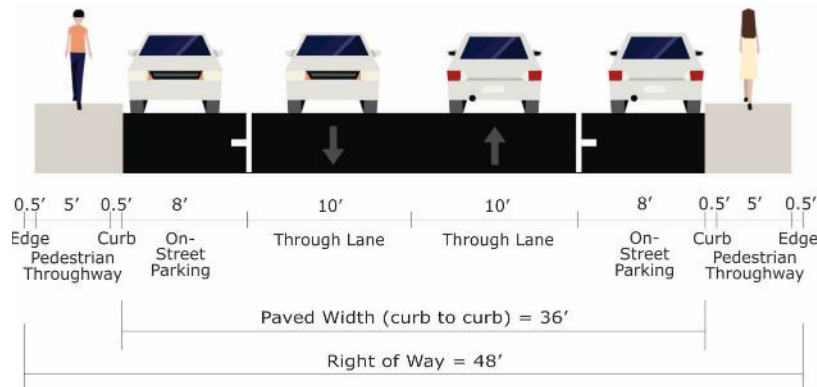
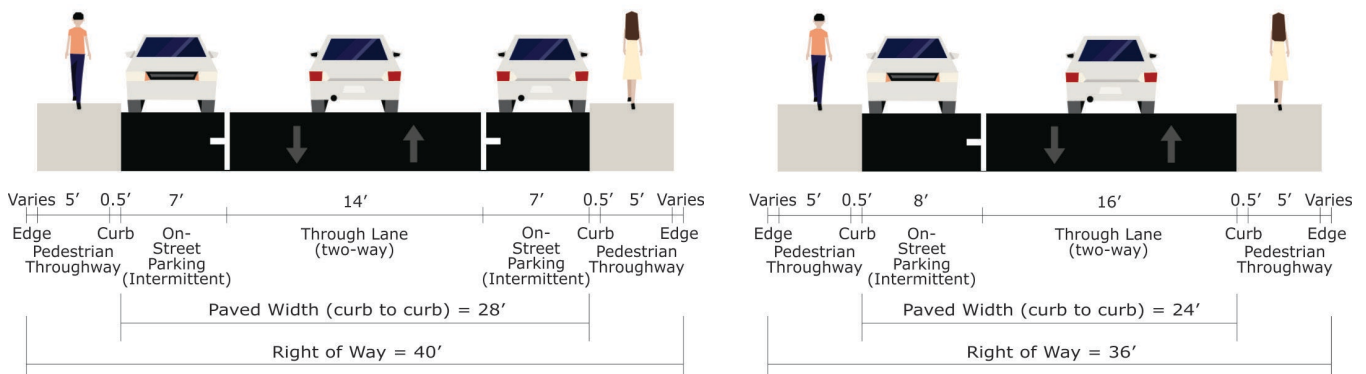
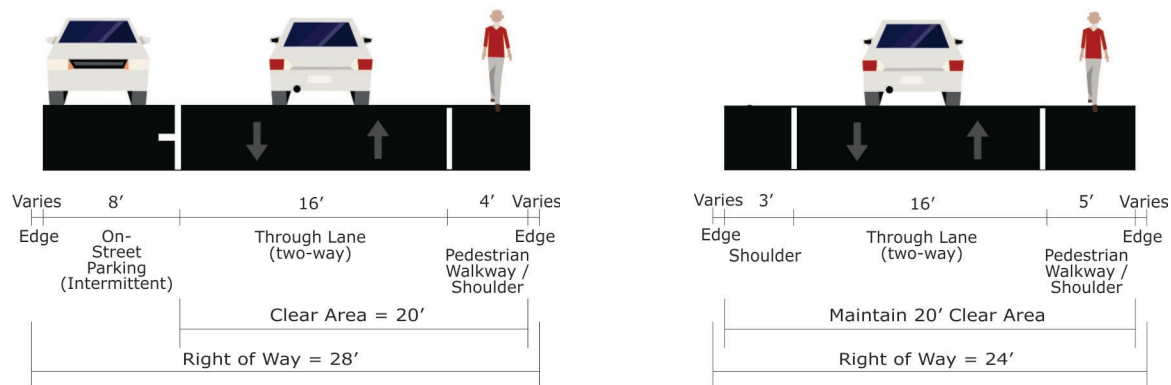


FIGURE 34: CITY LOCAL YIELD STREET CROSS-SECTION



Note: For use along low volume local streets in residential areas only that carry fewer than 500 vehicles per day, with blocks of no more than 300 ft. in length. For blocks longer than 300 feet, this also requires 30 ft. long pullouts/no parking zones every 150 ft.

FIGURE 35: CITY LOCAL SHARED STREET CROSS-SECTION



Note: For use along low volume local streets in residential areas only that carry fewer than 500 vehicles per day, with blocks of no more than 300 ft. in length. Through lane width of yield and shared streets may be reduced to 12 ft. in areas that carry fewer than 150 vehicles per day. For blocks longer than 300 feet, this also requires 30 ft. long pullouts/no parking zones every 150 ft.

SEPARATED PEDESTRIAN AND BICYCLE FACILITIES

Some pedestrian and bicycle facilities may be separated from the right-of-way of a street. These facilities include pedestrian trails, pedestrian and bicycle accessways, and shared use paths. These facilities serve a variety of recreation and transportation needs for pedestrians and bicyclists.

PEDESTRIAN TRAIL

Pedestrian trails are typically located in parks or natural areas and provide opportunities for both pedestrian circulation and recreation. They are recommended to include a minimum width of 5 feet (see Table 5) and may include a hard or soft surface.

ACCESSWAY

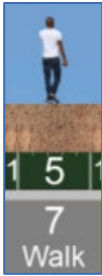
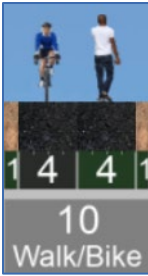

Accessways provide short path segments between disconnected streets or localized recreational walking and biking opportunities. Accessways must be on public easements or rights-of-way and have minimum paved surface of 8 feet, with a 1-foot shoulder on each side, and 10 feet of right-of-way. Accessways should be provided in any locations where the length between existing pedestrian and bicycle connections exceeds the maximum allowable length identified in Table 5.

SHARED USE PATH

Shared use paths provide off-roadway facilities for walking and biking travel. Depending on their location, they can serve both recreational and citywide circulation needs. Shared use path designs vary in surface types and widths, although hard surfaces are generally better for bicycle travel. Widths need to provide ample space for both walking and biking and should be able to accommodate maintenance vehicles.

A shared use path should be at least 10 feet wide, with a 1-foot shoulder on each side, and 12 feet of right-of-way (see Table 5). A shared use path width of 12 feet is required along ODOT facilities and may be applied in other areas with significant walking or biking demand (e.g., Nye Beach Area, Oregon Coast Bike Route), or when identified as a project in this TSP or subsequently adopted refinement plan.

TABLE 5: MINIMUM SEPARATED PEDESTRIAN AND BICYCLE FACILITY DESIGNS

FACILITY OPTIONS	PEDESTRIAN TRAIL DESIGN	ACCESSWAY OR LOW USE SHARED USE PATH DESIGN ¹	TYPICAL SHARED USE PATH DESIGN ²
MINIMUM CONFIGURATION			

Notes:

- For short segments, a low use shared use path can be as narrow as 8 feet wide, with a 1-foot shoulder on each side and a total right-of-way of 10 feet.

2. A shared use path width of 12 feet is required parallel to ODOT facilities and may be applied in other areas with significant walking or biking demand (e.g., Nye Beach Area, Oregon Coast Bike Route).

VEHICLE MOBILITY STANDARDS

Mobility standards for streets and intersections in Newport provide a metric for assessing the impacts of new development on the existing transportation system and for identifying where capacity improvements may be needed. They are the basis for requiring improvements needed to sustain the transportation system as growth and development occur. Two common methods currently used in Oregon to gauge traffic operations for motor vehicles are volume to capacity (v/c) ratios and level of service (LOS), described below.

- **Volume-to-capacity (v/c) ratio:** A v/c ratio is a decimal representation (between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00 (generally above 0.70), congestion noticeably increases, and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.
- **Level of service (LOS):** LOS is a “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection. LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay is excessive, and demand exceeds capacity, typically resulting in long queues and delays.

City street performance standards for motor vehicles are shown in Table 6.

TABLE 6: VEHICLE MOBILITY STANDARDS FOR CITY STREETS

INTERSECTION TYPE	MOBILITY STANDARD	REPORTING MEASURE
SIGNALIZED	LOS D and v/c ≤ 0.90	Intersection
ALL-WAY STOP OR ROUNDABOUTS	LOS D and v/c ≤ 0.90	Worst Approach
TWO-WAY STOP ¹	LOS E and v/c ≤ 0.95	Worst Major Approach/ Worst Minor Approach

Notes:

1. Applies to approaches that serve more than 20 vehicles; there is no standard for approaches serving lower volumes.

State facilities must comply with the existing mobility targets included in the Oregon Highway Plan and shown in Table 7. Alternative mobility targets have previously been adopted on US 101 in South Beach, and because constraints make meeting mobility targets along US 101 (north of Yaquina Bay) and US 20 impractical, the TSP also recommends that the Oregon Transportation Commission adopt alternative mobility targets for these highway segments. More information can be found in Technical Memorandum #11 in the Appendix.

TABLE 7: EXISTING MOBILITY TARGETS FOR US 20 AND US 101

ROADWAY	EXTENTS	ADOPTED V/C MOBILITY TARGET	
		SIGNALIZED	UNSIGNALIZED ¹
US 101	North Urban Growth Boundary to NE 20 th Street	≤ 0.80	≤ 0.80/0.90
	NE 20 th Street to SE 40 th Street ²	≤ 0.90 except US 101/SE 35 th St: ≤0.99	≤ 0.90/0.95
	SE 40 th Street to south Urban Growth Boundary ²	≤ 0.80 except US 101/SE 40 th St: ≤0.99 US 101/South Beach State Park/SE 50 th St: ≤0.85	≤ 0.80/0.90
US 20	Urban Growth Boundary to Moore Drive	≤ 0.80	≤ 0.80/0.90
	Moore Drive to US 101	≤ 0.85	≤ 0.85/0.95

Notes:

1. For unsignalized intersections, the mobility target is listed for major approach/minor approach.
2. Alternative mobility targets have been adopted in South Beach.

MULTIMODAL CONNECTIVITY

Transportation facility and access spacing standards include a broad set of techniques that balance the need to provide for efficient, safe, and timely multimodal travel with the ability to allow access to individual destinations. These standards help create a system of direct, continuous, and connected transportation facilities to minimize out-of-direction travel and decrease travel times for all users, while enhancing safety for people walking, biking and driving by reducing conflict points.

Table 8 identifies maximum and minimum public roadway intersection, minimum private access, and maximum pedestrian and bicycle accessway spacing standards for streets in Newport. New streets or redeveloping properties must comply with these standards. A deviation to the standards may be requested to the City Engineer or City Engineer's designee. The request must include appropriate documentation to illustrate why the standards cannot be met, and that, as proposed, the access can function safely and efficiently. As the opportunity arises through redevelopment, existing streets or driveways not complying with these standards could improve with strategies such as shared access points, access restrictions (through the use of a median or channelization islands), or closure of unnecessary access points, as feasible.

All arterial streets in Newport are under State jurisdiction. See the Oregon Highway Plan and Blueprint for Urban Design for spacing standards along US 101 and US 20.

TABLE 8: TRANSPORTATION FACILITY AND ACCESS SPACING STANDARDS

SPACING STANDARD¹	ARTERIALS (ODOT)³	MAJOR COLLECTORS (CITY)	NEIGHBORHOOD COLLECTORS (CITY)	LOCAL STREETS (CITY)
MAXIMUM BLOCK LENGTH (PUBLIC STREET TO PUBLIC STREET)	NA	1,000 ft.	1,000 ft.	1,000 ft.
MINIMUM BLOCK LENGTH (PUBLIC STREET TO PUBLIC STREET)	NA	200 ft.	150 ft.	125 ft.
MAXIMUM LENGTH BETWEEN PEDESTRIAN/BICYCLE CONNECTIONS (PUBLIC STREET TO PUBLIC STREET, PUBLIC STREET TO CONNECTION OR CONNECTION TO CONNECTION) ²	NA	300 ft.	300 ft.	300 ft.
MINIMUM DRIVEWAY SPACING (DRIVEWAY TO DRIVEWAY)	350-1,320 ft. ³	100 ft.	75 ft.	N/A
MINIMUM INTERSECTION SET BACK (FULL ACCESS DRIVEWAYS ONLY)	350-1,320 ft. ³	150 ft.	75 ft.	35 ft.
MINIMUM INTERSECTION SET BACK (RIGHT-IN/RIGHT-OUT DRIVEWAYS ONLY)	350-1,320 ft. ³	75 ft.	50 ft.	35 ft.

Notes:

1. All distances measured from the edge of adjacent approaches. All properties are allowed one driveway, which must take access from the lowest classified roadway when adjacent to more than one roadway.
2. Mid-block pedestrian and bicycle connections must be provided when the block length exceeds 300 feet to ensure convenient access for all users. Mid-block pedestrian and bicycle connections must be provided on a public easement or right-of-way every 300 feet, unless the connection is impractical due to topography, inadequate sight distance, high vehicle travel speeds, lack of supporting land use or other factors that may prevent safe crossing. When the block length is less than 300 feet, mid-block pedestrian and bicycle connections are not required.
3. All arterial streets in Newport are under ODOT jurisdiction. ODOT facilities are subject to access spacing standards in the Oregon Highway Plan (see Table 14 of Appendix C) which vary based on posted speed, traffic volumes and setting. A summary of the current standards is provided below by segment:

US 101:

- North UGB to NW 66th Drive (55 mph): 1,320 feet
- NE 60th Drive to NE 20th Street (45 mph): 800 feet
- NE 20th Street to NE 2nd Street (35 mph): 500 feet
- NE 2nd Street to SW Neff Way (25 mph): 350 feet
- SW Neff Way to SE 40th Street (35 mph): 500 feet
- SE 40th Street to SE 50th Street (45 mph): 800 feet
- SE 50th Street to south UGB (55 mph): 1,320 feet

US 20:

- US 101 to NE Harney Street (30 mph): 500 feet
- NE Harney Street to east UGB (55 mph): 1,320 feet

LIFELINE ROUTES

Newport's location on the Oregon Coast makes it vulnerable to both earthquakes and tsunamis. Statewide planning efforts have previously identified seismic lifeline routes and tsunami evacuation routes within Newport. The Oregon Seismic Lifeline Routes are a set of streets designated to facilitate emergency response and rapid economic recovery following a disaster. These routes are categorized as Tier 1, 2 and 3, with higher tier routes prioritized for seismic retrofits on existing state-owned facilities⁵. Within Newport, US 101 (north of US 20) is a designated Tier 1 lifeline route. Both US 101 (south of US 20) and US 20 are designated Tier 3 lifeline routes. These routes are identified in Technical Memorandum #10 in the Appendix.

In the event of a tsunami, the City's beach front, creek drainages, and the south beach area will need to evacuate. The tsunami hazard areas and identified evacuation assembly areas are also identified in Technical Memorandum #10 in the Appendix. Specific evacuation routes for each low-lying area are also available online. While much of Newport is outside of the tsunami inundation area, it is still susceptible to other hazards resulting from a seismic event (i.e., bridge failure).

Ensuring the lifeline and evacuation routes serve their intended purpose both during and following a disaster will be critical to ensure public safety and facilitate recovery. This TSP includes projects that promote seismic resilience on lifeline routes, adds pedestrian or bicycle facilities on evacuation routes, and other wayfinding projects.

STREET STORMWATER DRAINAGE MANAGEMENT

The City of Newport Municipal Code states that drainage facilities should be designed to consider the capacity and grade necessary to maintain unrestricted flow from areas draining from a new land division and to allow extension of the system to serve such areas. In addition to providing conveyance capacity, improvements to City streets should incorporate stormwater Best Management Practices (BMPs) to mitigate the negative effects to water quality and attenuate runoff volumes and peak flows where practical. The type and extent of these BMPs will depend on the extent of the improvements, potential pollutant loading and potential for significant downstream impacts due to increased peak flows and volumes. The physical constraints of topography or environmentally sensitive, historic or developed areas that make constructing or reconstructing a roadway a challenge also apply to finding suitable space for stormwater management BMPs. See TSP Appendix M for some of the potential BMP types and where they may be suitable.

⁵ The routes identified as Tier 1 are the most significant and necessary to ensure a functioning statewide transportation network. A functioning Tier 1 lifeline system provides traffic flow through the state and to each region. The Tier 2 lifeline routes provide additional connectivity and redundancy to the Tier 1 lifeline system. The Tier 2 system allows for direct access to more locations and increased traffic volume capacity, and it provides alternate routes in high-population regions in the event of outages on the Tier 1 system. The Tier 3 lifeline routes provide additional connectivity and redundancy to the lifeline systems provided by Tiers 1 and 2.

Prior to construction of any transportation improvements, a project specific stormwater investigation should be completed to determine the site specific constraints and appropriate BMPs. The ODOT Hydraulics Manual along with DEQ stormwater guidance should be consulted for specific design parameters.

A review of the downstream stormwater conveyance system should be completed as part of any modifications to ensure that the runoff is not contributing to issues with capacity or integrity of the stormwater outfall. The extent of the downstream analysis will depend on the extent of the improvements and specific site conditions.

AGATE BEACH STORMWATER CONSIDERATIONS

As noted in the Geotechnical Consultation for Agate Beach memorandum prepared by Foundation Engineering, Inc. as part of the TSP update, the Agate Beach neighborhood is experiencing a high amount of coastal erosion along with potential for settlement of undocumented fill in the low-lying areas. A site-specific analysis by a certified engineering geologist is required for development within areas of high risk of erosion, settlement or landslides. These constraints make the need for stormwater BMPs that attenuate peak flows and volumes even more critical to ensuring that erosion and settlement isn't exacerbated by newly constructed transportation infrastructure. With potential for erosion and the presence of undocumented fill, facility types that rely on infiltration (drywells, soakage trenches, infiltration planters/basins) may not be appropriate due to the varying infiltration capacity and potential to increase settlement or erosion. Flow-through facilities such as swales, vegetated filter strips or mechanical treatment are likely more appropriate, with structured/mechanical treatment being the most likely approach to achieve stormwater management goals while minimizing the potential for increased settlement or erosion.



Chapter 5: Project Development and Evaluation

This chapter describes the process followed to develop the transportation system improvement projects.

PROCESS FOR DEVELOPING PROJECTS

The project team developed the recommended transportation solutions using guidance provided by the project goals and with input from three main sources:

- Stakeholders (via advisory committee meetings, in-person events, online open houses, community workshops, project website comments, and mail-in survey responses)
- Previous Plans (such as the 2012 Newport Transportation System Plan, Oregon Coast Bike Route Plan, Yaquina Bay State Recreation Site Plan)
- Independent Project Team Evaluation (Technical Memoranda #5 through #8 Existing and Future Transportation Conditions and Needs Evaluation, and Solutions Evaluation)

The full list of projects in this TSP are referred to as Aspirational Projects. Aspirational projects include all identified projects for improving the transportation network along major streets in Newport, regardless of their priority or their likelihood to be funded. This TSP focuses on streets in the City with a vehicle functional classification of neighborhood collector and higher. Additional improvements beyond the Aspirational project list will occur with private development in the UGB, including the build out of the local street network consistent with the standards in Chapter 4.

Newport's approach to developing transportation projects emphasized improved system efficiency and management over adding capacity. The approach considered four tiers of priorities that included:

1. Highest Priority – preserve the function of the system through management practices such as improved traffic signal operations, encouraging alternative modes of travel, and implementation of new policies and standards.
2. High Priority – improve existing facility efficiency through minor enhancement projects that upgrade roads to desired standards, fill important system connectivity gaps, or include safety improvements to intersections and corridors.

3. Moderate Priority – add capacity to the system by widening, constructing major improvements to existing roadways, or extending existing roadways to create parallel routes to congested corridors.
4. Lowest Priority – add capacity to the system by constructing new facilities.

The project team recommended higher priority solution types to address identified needs unless a lower priority solution was clearly more cost-effective or better supported the goals and objectives of the City. This process allowed the City to maximize use of available funds, minimize impacts to the natural and built environments, and balance investments across all modes of travel. The TSP planning process screens candidate projects to set aside those that may not be feasible due to environmental or existing development limitations. The remaining projects are a combination of new and previous ideas for the transportation system that seek to address the gaps and deficiencies in the City.

PROJECT FUNDING

Each project was reviewed to consider how it might be funded during the next 20 years. In general, the primary funding agency was assumed to be the current or future facility owner, as they are responsible to oversee construction and long-term maintenance. For the TSP, all projects were assigned to either Newport or the State as the primary funding agency. In some cases, funding partnerships were identified for projects that were expected to provide mutual benefits between agencies or where there were opportunities to accelerate projects to completion. It is important to note that these funding assumptions do not obligate any agency to commit to these projects. Each project was also assigned an assumed funding source, which included the City's North Side Urban Renewal District, South Beach Urban Renewal District and other City/State revenue (i.e., Federal Funding, State Highway Trust Fund, local gas tax, System Development Charges, etc.).

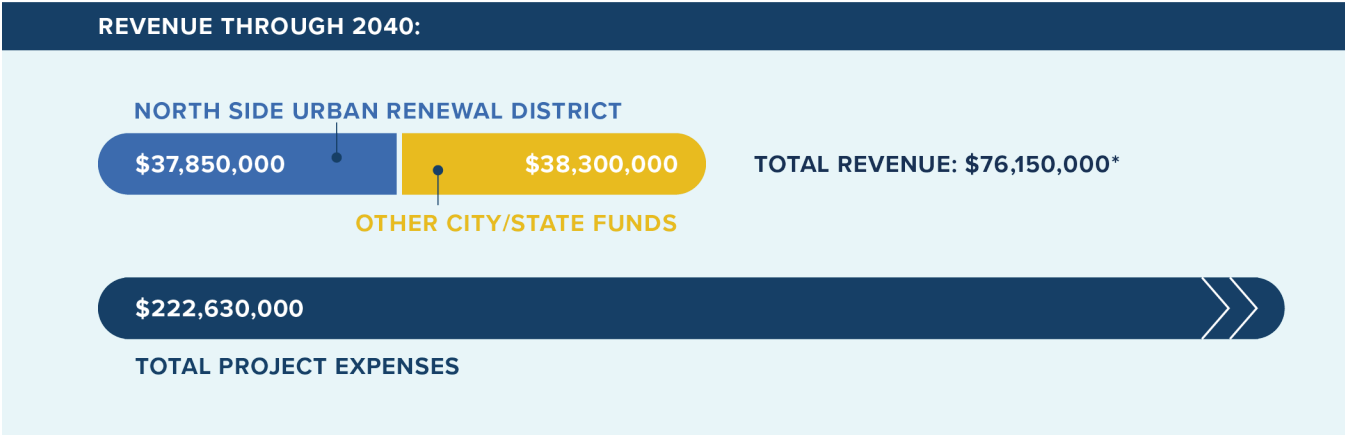
This TSP also presents a high priority subset of the City's Aspirational Projects that are constrained to a level of funding that is expected to be available for the next 20 years. While there may be other partnering opportunities with ODOT and Lincoln County Transit, these decisions are ultimately up to those agencies. Private development will also likely build TSP projects in coordination with land use actions and future development in the City. While projects related to property development or re-development may occur within the TSP planning horizon, no funding was assumed from current City revenue sources since these projects will not be needed until the fronting development occurs. If the City chooses to update the local transportation system development charge in the future to incorporate the updated project list from the TSP and reassess the corresponding fees, much of the private development share will likely be included in that fee⁶.

Based on historical and forecasted funding levels, the City expects to have about \$76 million through the year 2040 for transportation projects in this TSP (see Figure 36). This includes about

⁶ The funding analysis for the TSP assumes new private development contributions towards transportation improvements based on the current system development charge project list and fees.

\$38 million for projects in the North Side Urban Renewal District boundary and another \$38 million from other City and State funding sources for other citywide projects. And although it was not included in the TSP revenue forecast, the South Beach Urban Renewal District will also provide an additional \$3 million in funding for remaining projects in the district boundary. This is still far below the funding required to implement all the projects in this plan, which total approximately \$222 million, but may be sufficient to advance many of the higher priority projects in the City. The City may consider increasing existing fee levels, or adding new funding options to close these gaps and better prepare to accommodate growth. Refer to Technical Memorandum #9 in the Appendix for more information on the expected transportation revenue and expenditures.

FIGURE 36: EXPECTED TRANSPORTATION FUNDING COMPARED TO PROJECT EXPENSES



Note: * The South Beach Urban Renewal District will also provide an additional \$3 million in funding for remaining projects in the district boundary, beyond the \$76 million shown.

SPECIAL STUDIES

A series of special transportation studies was conducted as part of the TSP. The detailed evaluation process considered solutions along US 101 and US 20 in the downtown area, as well as a possible Harney Street extension to establish a new circulation route through the east end of the City between US 20 and US 101, near NE 36th Street. These solutions are large-scale capital investments that could significantly alter Newport’s transportation network and travel patterns by increasing roadway capacity and constructing enhanced bicycle and pedestrian facilities. Other low-cost transportation strategies were also considered to manage congestion at all highway intersections. The following sections summarize results of each special transportation study, including factors like the available right-of way or environmental constraints which could impact implementation.

US 101 CIRCULATION OPTIONS

US 101 serves residents and visitors travelling along the Oregon Coast or within Newport. The highway, today, cuts through downtown Newport and creates a significant barrier for travel within the downtown core. High vehicle volumes on US 101 lead to significant congestion and delay on US 101 which limits access to existing local businesses and the hospital and fosters an auto-oriented downtown area. Limited existing right-of-way means that most of the roadway space is allocated to vehicle travel lanes with narrow sidewalks, narrow on-street parking, and no bicycle facilities. These characteristics limit economic development and tourism opportunities relative to other areas of the City.

Three circulation options were considered for US 101 as part of the TSP. The first option maintains the existing alignment of US 101 in downtown Newport but includes several streetscape alternatives to enhance the bicycle or pedestrian environment and increase business visibility. Two couplet options were also considered, either between SW Bayley Street and SW Angle Street or between SW Abbey Street and SW Angle Street. Both couplet options place northbound traffic on SW 9th Street while southbound traffic remains on the existing alignment of US 101. Converting US 101 to a couplet increases the total available right-of-way and allows wider sidewalks with protected bike facilities to be implemented along the corridor. These options also increase the total number of properties that front US 101 which may increase economic development opportunities for downtown Newport although extending the southern extent of the couplet to SW Bayley Street may reduce hospital access.

Each circulation option was evaluated both quantitatively and qualitatively for their impact on pedestrian travel, bicycle travel, vehicle operations, hospital access, economic redevelopment opportunities, streetscape opportunities, and cost. These options were also presented to the public at a series of online open houses and advisory committee meetings to gauge acceptance of the desired approach to circulation for US 101. Through the evaluation process, two primary options emerged, including the US 101 short couplet between SW Abbey Street and SW Angle Street, seen below in Figure 37, and an enhanced two-way version of US 101, shown in Figure 38. An evaluation of these two alternatives is provided in Table 9. These evaluation criteria were derived to measure performance of the alternatives against the primary objectives of the Northside Urban Renewal Area for the Commercial Core, and to tie the economic development potential to how the funds will be potentially leveraged.

As shown in Table 9, the US 101 short couplet option scored higher under each criterion and emerged as the preferred alternative, although neither option has been eliminated from further consideration. Constructing a couplet on US 101 between SW Abbey Street and SW Angle Street better manages traffic volumes on US 101 while also improving the bicycle and pedestrian environment and supporting economic development. Converting US 101 to one-way will address the existing delay and congestion issues at US 101/SW Hurbert Street and can better utilize the existing right-of-way, allowing for both wider sidewalks and protected bicycle facilities along the highway. However, the couplet option will impact some existing properties, as seen in Figure 37. Although the two-way option on US 101 is the less expensive of the circulation options, it is also likely to be less effective at addressing the identified needs, as shown in Table 9. A summary of the full evaluation for each US 101 circulation option is included in the Appendix.

POTENTIAL PROPERTY OR PARKING IMPACTS

REDUCED VEHICLE DELAY

POTENTIAL PROPERTY OR PARKING IMPACTS

PLANNED INTERSECTION IMPROVEMENTS

SW 2ND ST

SW 7TH ST

SW HURBERT ST

SW 9TH ST

SW FALL ST

SW ABBEY ST

SW BAYLEY ST

SW ANGLE ST

101

20

12,000

14,000

1

2

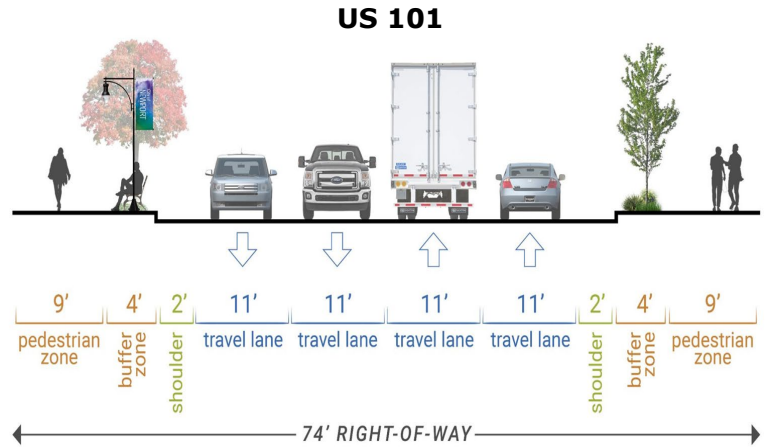
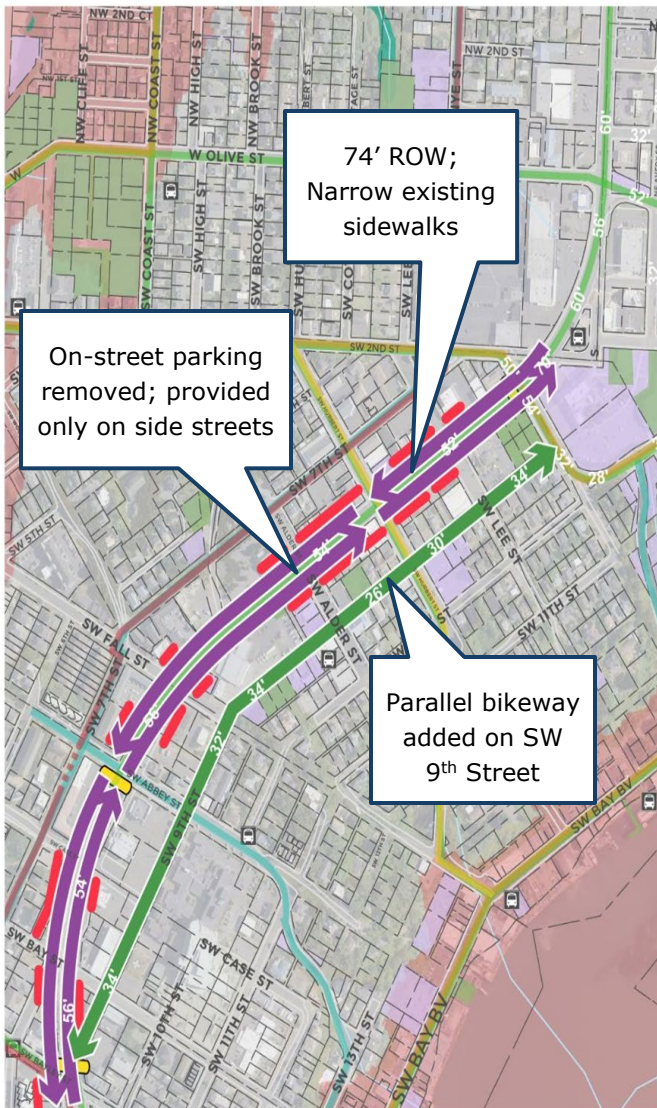
AVERAGE DAILY TRAFFIC

— ONE-WAY HIGHWAY COUPLET ROUTE

AERIAL IMAGE SOURCE: GOOGLE EARTH

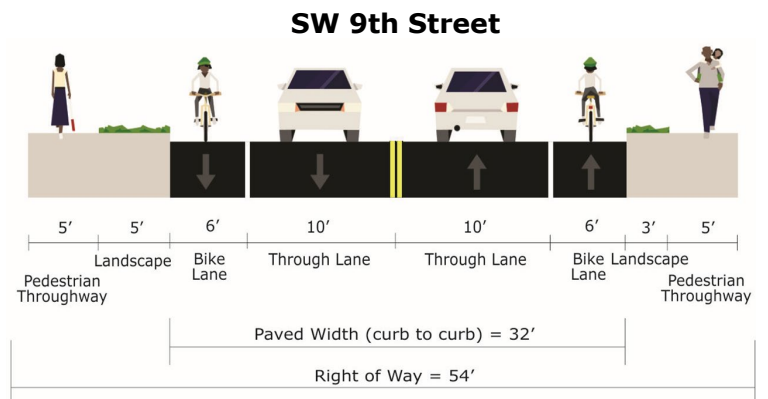


FIGURE 38: US 101 TWO-WAY CIRCULATION OPTION



US 101 Four Lane: Wider Sidewalk Option

- Remove on-street parking, with parking on side streets and lots
- Provide wider 11' travel lanes (from 10' today)
- Provide wider sidewalk area with landscape



SW 9th Street Bikeway

- Remove parking, reduce lane width and add bike lanes

TABLE 9: EVALUATION OF THE US 101 ALTERNATIVES

EVALUATION CRITERIA	US 101 TWO-WAY (WITH BIKE LANES ON SW 9TH STREET)	US 101 SHORT COUPLET (SW ABBEY STREET AND SW ANGLE STREET)
PROMOTES MIXED-USES AND ACTIVITY CENTERS	<p>+</p> <p>Traffic volume on SW 9th Street remains static; difficult to promote mixed use on US 101 due to high vehicle volume and limited separation from travel lanes, no bike facilities or parking</p>	<p>+++</p> <p>Concentrates investment in existing most active US 101 area; adds new opportunities on SW 9th Street; wider sidewalks and addition of bike lanes creates opportunities for residential over retail mixed use</p>
DISTRIBUTES TRANSPORTATION INVESTMENT TO THE WIDEST RANGE OF OPPORTUNITY STREETS AND SITES	<p>++</p> <p>Primary benefit on SW 9th Street only; US 101 remains the same</p>	<p>+++</p> <p>Better site access, visibility, and circulation improvements in SW Fall Street to SW Angle Street corridor</p>
IMPROVES OVERALL MOBILITY	<p>++</p> <p>Basic traffic calming and intersection cleanup; center turn lane reduces delays, where feasible</p>	<p>+++</p> <p>New traffic pattern, bikeways, sidewalk upgrades, parking</p>
IMPROVES WALKING AND BIKING NETWORK	<p>++</p> <p>Dedicated bikeways on SW 9th Street only; no bikeways on US 101; Walking degraded on US 101 as motor vehicles are closer to sidewalk</p>	<p>+++</p> <p>Overall improvements provide benefits; new facilities on both street segments</p>
INCREASES STREETSCAPE IMPROVEMENT OPPORTUNITIES	<p>++</p> <p>No change on US 101; new opportunities on SW 9th Street</p>	<p>+++</p> <p>Provides much space for streetscape upgrades</p>
IMPROVES THE STREET GRID AND URBAN PATTERN	<p>+</p> <p>Overall circulation improvements; related side-street impacts</p>	<p>+++</p> <p>Major upgrades to highway segments and interconnected side streets</p>

US 20 CIRCULATION OPTIONS

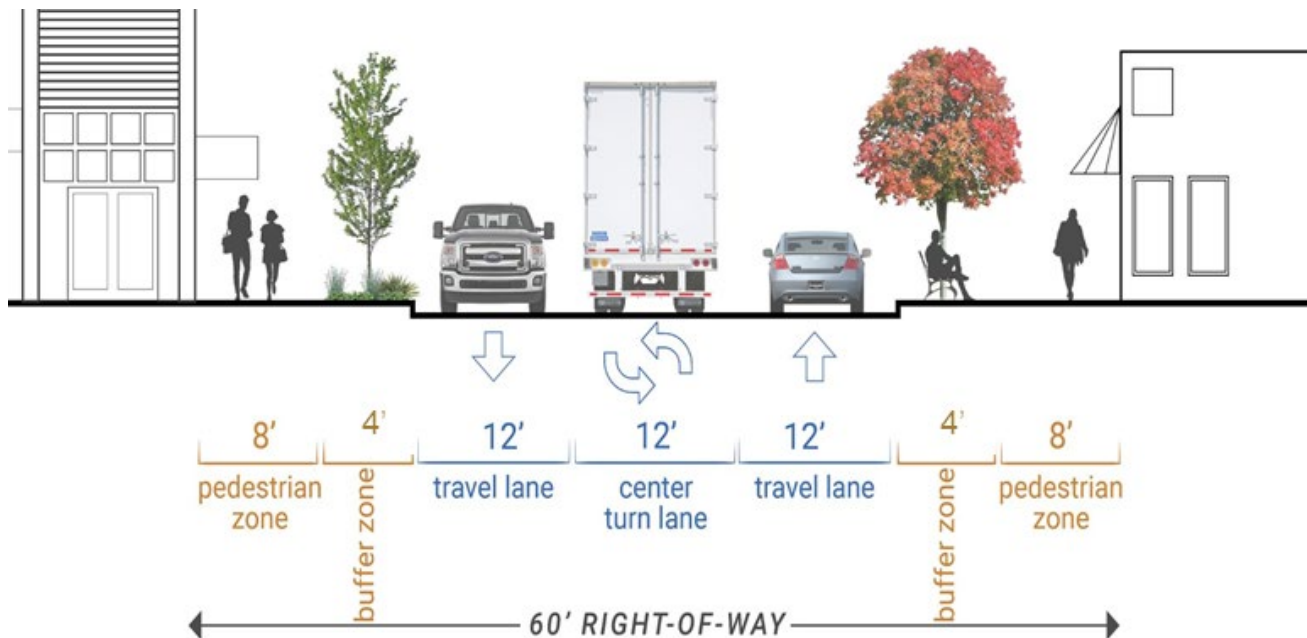
US 20 is the primary route that connects Newport east to Corvallis and other regional destinations along I-5. The existing three-lane section leads to significant congestion in the summer for traffic entering Newport that must turn at the US 101/US 20 intersection. The long vehicle queues approaching the US 101/US 20 signal reduce business access and increase delay for the existing, unsignalized intersections along US 20. Congestion on US 20 coupled with limited right-of-way and poor multimodal facilities also creates significant challenges for all users. Today, there are only narrow, curb-tight sidewalks for a portion of the corridor, no bicycle facilities, and limited opportunities for future widening to relieve congestion.

Two circulation options were considered for US 20 as part of the TSP. The first option maintains the existing alignment of US 20 in downtown Newport but includes several streetscape alternatives to enhance the bicycle or pedestrian environment. The second option constructs a couplet on US 20 between NE Harney Street/SE Moore Drive and US 101. This option would place westbound traffic on NE 1st Street while eastbound traffic would remain on the existing alignment of US 20; US 20 westbound would tie back into the existing alignment prior to the US 101/US 20 intersection. Converting US 20 to a couplet increases the total available right-of-way and allows wider sidewalks with protected bike facilities to be implemented along the corridor. This option also increases the total number of properties that front US 20 which may increase economic development opportunities for downtown Newport although US 20 is located outside of Newport's historic downtown core.

The circulation options were evaluated both quantitatively and qualitatively for their impact on pedestrian travel, bicycle travel, vehicle operations, economic redevelopment opportunities, streetscape opportunities, and cost. These options were also presented to the public at a series of online open houses and advisory committee meetings to gauge acceptance of the desired approach to circulation for US 20. Through the evaluation process, maintaining two-way traffic on US 20, seen below in Figure 39, emerged as the preferred alternative. This option would include on-street bike facilities between NE Harney Street and NE Fogarty Street, but would include no bike facilities west of NE Fogarty Street to US 101. It would, however, be complemented by adjacent bike facilities along NE 1st Street to the north and SE 1st Street to the south, connected by an enhanced crossing at the SE Fogarty Street intersection with US 20. A summary of the full evaluation for each US 20 circulation option is included in the Appendix. Although this is the preferred cross section, US 20 is a Freight route and a Reduction Review route and will be subject to further review by ODOT.

Improving the existing streetscape on US 20 will improve segments of the bicycle and pedestrian environment at a comparably low cost. Although a couplet would increase vehicle capacity on US 20, the right-of-way needed to upgrade NE 1st Street and implement improvements at the US 101/US 20 signal outweigh the potential benefits of a couplet. Retaining the existing alignment of US 20 can improve segments of the bicycle and pedestrian environment while minimizing the negative impacts to the surrounding residential neighborhood.

FIGURE 39: PREFERRED US 20 CIRCULATION OPTION



US 101/US 20 INTERSECTION OPTIONS

Several improvement options were considered at the US 101/US 20 intersection. This intersection experiences high delay during the peak periods today, and the delay is forecasted to worsen in the future. High volumes on each approach to the intersection limit the potential for cost effective signal timing or other minor modifications to manage congestion. Alternatives considered included a two-lane roundabout and restricting the Olive Street approach to a single direction (i.e., westbound only), but ultimately adding a second southbound left turn lane from US 101 to eastbound US 20 emerged as the preferred option. This improvement will widen the southbound US 101 approach to US 20 to include six lanes (two southbound through lanes, two southbound left-turn lanes, and two northbound lanes), will require widening along US 20 to include a second receiving lane, and will enhance sidewalks and add bike lanes near the intersection. These improvements will likely have significant impacts to properties surrounding the intersection. While the concepts have highlighted the potential property impacts, they are only illustrative at this stage of the planning process and will be fully vetted and ultimately determined during the engineering design process prior to the construction drawings. It is worth noting that the PAC prefers a widening option that focuses the US 101 widening to the east, since it had the lowest impact to adjacent properties.

HARNEY STREET EXTENSION

Newport does not have a parallel route on the east side of US 101 to connect northern areas of the city to the downtown core, so most vehicle trips between these areas must occur on US 101. The Harney Street Extension proposes a new minor arterial road between NE 7th Street and NE Big Creek Road before connecting to US 101 at the proposed NE 36th Street traffic signal. This extension will provide a continuous connection between US 20 and NE 36th Street with limited

access to amenities along US 101 north of NE 7th Street and allow travelers to bypass some of the most congested segments of US 101. The Harney Street extension will also provide a critical connection to serve future growth in this area.

The Harney Street extension was previously identified in long-range transportation plans, but this special study included additional refinement to understand the costs and benefits of this improvement. Figure 40 illustrates the refined project concept. The extension was evaluated both quantitatively and qualitatively for its impact on pedestrian travel, bicycle travel, vehicle operations, and cost.

Due to the limited access to amenities along US 101 in Newport from the Harney Street extension, this road will primarily serve regional traffic travelling between US 20 and US 101 to the north of Newport along with future residential growth that is projected to occur along the proposed alignment. Between 4,000 and 7,000 vehicles are expected to use this extension by 2040 which will provide only modest relief for congestion on US 101 in Newport. However, this street extension will also include pedestrian and bicycle facilities to connect to Newport's planned network, significantly enhancing travel for these modes. The Harney Street extension will enhance local circulation for Newport although the high project cost makes this a lower priority improvement for Newport.

FIGURE 40: HARNEY STREET EXTENSION CONCEPTUAL ALIGNMENT



ALTERNATIVE HIGHWAY MOBILITY TARGETS

Assuming Newport grows in accordance with its current adopted land use plan and travelers continue to rely heavily on private automobiles for their trips, roadways in the City will not be able to meet ODOT's v/c ratio-based mobility targets in the Oregon Highway Plan. In this situation (which is common in communities with roadways that experience high travel demands), adoption of alternative mobility targets is appropriate. Alternative mobility targets reflect realistic expectations for roadway performance at the end of the 20-year planning horizon, based on traffic projections. Adopting realistic alternative targets relieves the state and local governments from having to limit development or make investments to comply with targets they cannot possibly achieve.

PLACEHOLDER



Chapter 6: Projects and Priorities

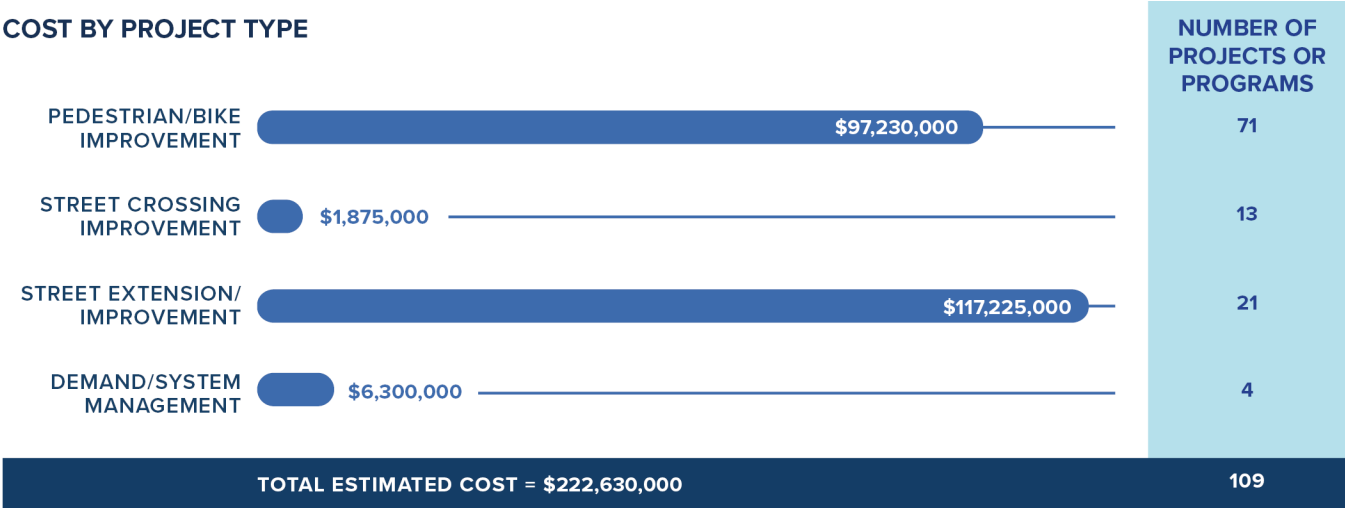
This chapter describes the transportation system improvement projects identified to address the system needs discussed in Chapter 3.

ASPIRATIONAL PROJECTS

The full aspirational list includes 109 projects totaling over \$222 million in total investments (see Figure 41). For the purposes of cost estimates, project design elements are identified, however, the actual design elements for any project are subject to change and will ultimately be determined through a preliminary and final design process and are subject to City, ODOT and/or other partner agency approval. The Aspirational projects were assigned to one of several categories:

- **Street Extension/Street Improvement** – these projects will improve or construct new multi-modal streets and intersections throughout the UGB, each with facilities for motorists, pedestrians and bicyclists. They are listed with project identification numbers beginning with “INT”, “EXT” and “REV”. The TSP includes a total of 21 projects that, as of 2021, will cost an estimated \$117.2 million to complete.
- **Pedestrian/ Bike Improvement** – these projects include stand-alone sidewalk, path and an integrated network of bicycle lanes, marked on-street routes and shared-use paths to facilitate safe and convenient travel citywide. They are listed with project identification numbers beginning with “SW”, “TR”, “BR”, “SBL” and “BL”. A total of 71 pedestrian and bicycle projects were identified that, as of 2021, will cost an estimated \$97.2 million to complete.
- **Street Crossing Improvement** – these projects will improve safety and mobility at street crossings throughout the UGB. They are listed with project identification numbers beginning with “CR”. A total of 13 projects were identified to construct new or improve existing crossings that, as of 2021, will cost an estimated \$1.8 million to complete.
- **Demand/ System Management** – these projects will encourage more efficient usage of the transportation system. They are listed with project identification numbers beginning with “PRO”. The TSP includes four projects that, as of 2021, will cost an estimated \$6.3 million.

FIGURE 41: LEVEL OF INVESTMENT BY MODE OF TRAVEL



PRIORITIZING ASPIRATIONAL PROJECTS

Unless the City expands its funding options, most of the Aspirational projects identified are not reasonably likely to be funded by 2040. For this reason, projects from the Aspirational list were evaluated and ranked using a set of evaluation criteria that reflect how well it achieves the transportation goals and objectives described in Chapter 2. The prioritization score was calculated for each project using the criteria associated with 8 of the 9 TSP goals. TSP Goal 9 (Work with Regional Partners) did not have any associated criteria and was therefore not a factor in the evaluation score calculation.

There was a total of 13 criteria overall associated with the TSP Goals, as some goals had more than one criterion. The projects were initially given a score of 1 (one) for each of the 13 criteria it addressed, with each goal weighted equally, resulting in overall possible scores ranging from 0 to 8. Projects were then assigned an evaluation rank of “high” for projects with the highest total scores, “medium” for the middle one-third of project scores, and “low” for projects with the lowest total scores (see Table 10). The methodology for calculating the scores for each criterion can be found in Technical Memorandum #8 in the Appendix.

The final priority ranks listed in Table 10 were used to divide projects from the Aspirational project list into two improvement packages, referred to as Financially Constrained and Unconstrained (see descriptions of these improvement packages in the following sections). The project priority rankings do not create an obligation to construct projects in any order and it is recognized that these priorities may change over time. The City of Newport will use the priorities listed in this TSP to guide investment decisions but will also regularly reassess local priorities to leverage new opportunities and reflect evolving community interests.

The City is not required to implement projects identified on the Financially Constrained list first. Priorities may change over time and unexpected opportunities may arise to fund particular projects. The City is free to pursue any of these opportunities at any time. The purpose of the

Financially Constrained project list is to establish reasonable expectations for the level of improvements that will occur and give the City initial direction on where funds should be allocated.

FINANCIALLY CONSTRAINED PROJECTS

Financially Constrained projects are the most valued, in terms of how they meet critical needs and how well they work to deliver on community goals. Projects in this group have a total construction budget that is similar to the reasonably available funding over the planning horizon, meaning the \$76 million that is likely to be available through existing City and State funding sources. This package also includes the \$3 million in additional funding from the South Beach Urban Renewal District for remaining projects in the district boundary, beyond the \$76 million.

The projects included in the Financially Constrained list are shown in Table 10 and Figure 42, Figure 43, Figure 44, Figure 45, Figure 46 and Figure 47. These projects were grouped within the following priority horizons, based on the overall project evaluation score and available funding:

- **Tier 1:** Projects recommended for implementation within 1 to 10 years.
- **Tier 2:** Projects likely to be implemented beyond 10 years.

UNCONSTRAINED PROJECTS

Unconstrained projects are those remaining from the Aspirational list that likely will not include funding by 2040. The projects included in the Unconstrained list are shown in Table 10 and Figure 42, Figure 43, Figure 44, Figure 45, Figure 46 and Figure 47. These projects were grouped within the following priority horizons, based on the project evaluation score:

- **Unconstrained Tier 1:** Projects with the highest priority for implementation beyond the projects included on the Financially Constrained list, should additional funding become available.
- **Unconstrained Tier 2:** The last phase of projects to be implemented, should additional funding become available.

ASPIRATIONAL PROJECT TABLE AND FIGURES

The Aspirational projects listed in Table 10 are also displayed on Figure 42, Figure 43, Figure 44, Figure 45, Figure 46 and Figure 47, with the corresponding figure shown in the column labeled "Map Area" (i.e., North, Downtown or South). Multimodal projects (i.e., "SW", "TR", "BR", "SBL", "BL" and "CR" labels) and motor vehicle projects (i.e., "INT", "EXT" and "REV" labels) are displayed on separate figures in each map area. The "north area" maps are shown in Figure 42 and Figure 43, the "downtown area" maps shown in Figure 44 and Figure 45, and the "south area" maps shown in Figure 46 and Figure 47.

The project identification numbers in the first column are coded to indicate the category of the improvement, as follows:

- "INT" to represent an intersection improvement project
- "EXT" to represent a roadway extension project
- "REV" to represent an existing roadway improvement or reconfiguration project
- "SW" to represent a sidewalk improvement project
- "TR" to represent a trail or shared use path improvement project
- "BR" to represent a bike route improvement project
- "SBL" to represent an improvement project to add separated or buffered bike lanes
- "BL" to represent an improvement project to add standard bike lanes
- "CR" to represent a roadway crossing improvement project
- "PRO" to represent a citywide demand or system management project

The improvement package for each Aspirational project is shown in the column labeled "Package", and is either Financially Constrained (i.e., projects likely to be funded) or Unconstrained (i.e., projects not likely to be funded).

TABLE 10: ASPIRATIONAL PROJECTS

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
INT1	US 101/NE 73rd Street Improve the intersection with either a traffic signal or roundabout. Cost assumes installation of a traffic signal.	State	City/State Funds	\$950,000	Medium	1,2,4,8	Unconstrained	Unconstrained Tier 2	North
INT3	US 101/NW Oceanview Drive Widen the eastbound NW Oceanview Drive approach to include separate left and right turn lanes.	State	NURA	\$225,000	Low	2,8	Unconstrained	Unconstrained Tier 2	North
INT4	US 101/US 20 Construct a second southbound left turn lane. Requires a signal modification, widening along US 101 and along the south side of US 20 to support a second receiving lane, and conversion of the US 101/NE 1 st Street intersection to right-in, right-out movements only.	State	NURA	\$5,000,000	High	1,2,4,7,8	Financially Constrained	Tier 1	Downtown
INT6	US 20/SE Moore Drive/NE Harney Street Improve the intersection with a traffic signal (with separate left turn lanes on the northbound and southbound approaches). Coordinate improvements with Project SBL1.	State	NURA	\$1,050,000	Medium	1,2,4,8	Financially Constrained	Tier 1	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
INT8	US 101/NE 36th Street Improve the intersection with either a traffic signal (with separate left and right turn lanes for westbound traffic) or a roundabout. Cost assumes installation of a traffic signal.	State	City/State Funds	\$1,175,000	Medium	1,2,4,8	Unconstrained	Unconstrained Tier 2	North
INT9	US 101/SW 40th Street Improve the intersection with a traffic signal. Cost assumes installation of a traffic signal, curb ramps, striping, signing and repaving, as identified in the South Beach Refinement Plan.	State	SBURA	\$1,550,000	High	1,2,4,7,8	Financially Constrained	Tier 1	Downtown
INT10	US 20/Benton Street Restripe northbound approach to include separate left/through lane and right turn lane (requires removal of on-street parking).	State	NURA	\$75,000	Low	2,8	Unconstrained	Unconstrained Tier 2	Downtown
INT11	US 101/NW-NE 6th Street Realign NW 6 th Street to the north and/or NE 6 th Street to the south to create a standard 4-leg intersection. Requires right-of-way acquisition and a signal modification.	State	NURA	\$3,075,000	Low	1,2,4	Unconstrained	Unconstrained Tier 2	Downtown
INT12	US 101/NE 57th Street Realign approach to intersect with NW 58th Street.	State	NURA	\$1,275,000	Low	1,2	Unconstrained	Unconstrained Tier 2	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
EXT1	NW Gladys Street (from NW 55th Street to NW 60th Street) Improve NW Gladys Street to create a continuous neighborhood collector street.	Newport	NURA	\$1,100,000	Medium	1,2,3,6	Financially Constrained	Tier 2	North
EXT3	NE 6th Street (from NE Laurel Street to NE Newport Heights Drive) Extend NE 6th Street to create a continuous neighborhood collector street.	Newport	City/State Funds	\$5,200,000	Low	2,3,7	Unconstrained	Unconstrained Tier 2	Downtown
EXT4	NE Harney Street (from NE 7th Street to NE Big Creek Road) Extend NE Harney Street to create a continuous major collector street and install a mini roundabout at the intersection of NE Harney Street/NE 7th Street.	Newport	City/State Funds	\$58,600,000	High	2,3,4,6,7	Unconstrained	Unconstrained Tier 1	North, Downtown
EXT8	SE Ash Street-SE Ferry Slip Road (from SE 40th Street to SE 42nd Street) Extend SE Ash Street-SE Ferry Slip Road to create a continuous major collector street.	Newport	City/State Funds	\$2,275,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
EXT9	SE 50th Place (from Emery Trailhead to US 101) Extend SE 50th Place to the entrance of South Beach State Park at US 101 to create a continuous major collector street. Cost includes the construction of a shared use path on one side and widening of US 101 to create a southbound left turn lane.	Newport	City/State Funds	\$3,375,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	Downtown, South
EXT10	SE 62nd Street (from current terminus to SE 50th Place) Extend SE 62nd Street from the current terminus to SE 50 th Place, near Emery Trailhead, to create a continuous major collector street. Cost includes the construction of a shared use path on one side.	Newport	City/State Funds	\$6,150,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	Downtown, South
EXT11	SE Harborton Street (from SE College Way to SE 62nd Street extension) Extend SE Harborton Street to the SE 62nd Street extension intersection with SE 50 th Place to create a continuous major collector street. Cost includes the construction of a shared use path on one side.	Newport	City/State Funds	\$4,000,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	Downtown, South

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
EXT12	<p>NW Nye Street (from NW Oceanview Drive to NW 15th Street)</p> <p>Extend/Improve NW Nye Street to create a continuous neighborhood collector street between NW Oceanview Drive and NW 15th Street. Cost assumes bridge will be needed, installation of a sidewalk, and signing and striping as needed to designate a shared bike route.</p>	Newport	City/State Funds	\$3,100,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North, Downtown
REV1	<p>NW Oceanview Drive (from NW Nye Street Extension to NW 12th Street)</p> <p>Convert NW Oceanview Drive to one-way southbound between the NW Nye Street Extension and NW 12th Street and shift northbound vehicle traffic to NW Nye Street. Cost assumes utilization of the existing roadway width to include a southbound travel lane for vehicles, and an adjacent shared use path for pedestrians and bicycles. Project EXT12 must be completed before Project REV1.</p>	Newport	City/State Funds	\$350,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North, Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
REV5	Yaquina Bay Bridge Refinement Plan Conduct a study to identify the preferred alignment of a replacement bridge, typical cross-section, implementation, and feasibility, and implement long-term recommendations from the Oregon Coast Bike Route Plan.	State	City/State Funds	\$500,000	High	2,3,4,6,7,8	Financially Constrained	Tier 1	Downtown
REV6	US 101 and SW 9th Street (from SW Abbey Street to SW Angle Street) Convert US 101 to one-way southbound between SW Abbey Street and SW Angle Street, and shift northbound US 101 to SW 9th Street. Cost assumes cross-sections as identified in Chapter 5 of this TSP, construction of new roadway segments to transition northbound traffic to and from SW 9th Street, and some intersection and crossing improvements. Specific treatments will be identified during design phase of the project.	State	NURA	\$11,700,000	High	2,3,4,6,7,8	Financially Constrained	Tier 1	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
REV7	US 20 (from US 101 to NE Harney Street) Enhance the existing street cross-section with widened sidewalks and new landscape buffers. Cost assumes cross-sections as identified in Chapter 5 of this TSP, with on-street bicycle lanes only provided between SE Fogarty Street and NE Harney Street. Requires a design exception and documented public acceptance. Parallel bicycle facilities provided between US 101 and SE Fogarty Street in Project BR5, TR12 and BL3.	State	NURA	\$6,500,000	High	2,3,4,6,7,8	Financially Constrained	Tier 1	Downtown
SW1	NW 3rd Street (from NW Brook Street to NW Nye Street) Complete existing sidewalk gaps using either standard sidewalk widths or restripe to provide a designated pedestrian walkway in-street.	Newport	City/State Funds	\$1,100,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 1	Downtown
SW2	NE 3rd Street (from NE Eads Street to NE Harney Street) Complete existing sidewalk gaps.	Newport/ Lincoln County	City/State Funds	\$950,000	Medium	1,2,3,6	Financially Constrained	Tier 2	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
SW3	SW Elizabeth Street (from W Olive Street to SW Government Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$2,600,000	Medium	1,2,3,6	Financially Constrained	Tier 2	Downtown
SW6	NE 7th Street (from NE Eads Street to NE 6th Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$2,175,000	Medium	1,2,3,6	Financially Constrained	Tier 2	Downtown
SW8	NE Harney Street (from US 20 to NE 3rd Street) Complete existing sidewalk gaps.	Newport	NURA	\$700,000	Medium	1,2,3,6	Financially Constrained	Tier 2	Downtown
SW11	SE Benton Street/SE 2nd Street/SE Coos Street/NE Benton Street (from SE 10th Street to NE 12th Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$3,050,000	Medium	2,3,6,8	Financially Constrained	Tier 2	North, Downtown
SW12	SW 2nd Street (from SW Elizabeth Street to SW Nye Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$1,275,000	Medium	1,2,3,6	Financially Constrained	Tier 2	Downtown
SW13	NW Nye Street (from W Olive Street to NW 15th Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$4,450,000	Medium	2,3,6,8	Financially Constrained	Tier 2	North, Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
SW14	NW/NE 11th Street (from NW Spring Street to NE Eads Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$2,150,000	Low	2,3,6	Financially Constrained	Tier 2	North, Downtown
SW16	NW Edenvue Way/NE 20th Street (from NW Oceanview Drive to NE Crestview Drive) Complete existing sidewalk gaps.	Newport	City/State Funds	\$2,475,000	Medium	1,2,3,6	Financially Constrained	Tier 2	North
SW17	NW 60th Street (from US 101 to NW Gladys Street) Complete existing sidewalk gaps.	Newport	NURA	\$175,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	North
SW18	SE 35th Street (from SE Ferry Slip Road to South Beach Manor Memory Care) Complete existing sidewalk gaps as identified in the South Beach Refinement Plan.	Newport	SBURA	\$750,000	High	1,2,3,6,7	Financially Constrained	Tier 1	Downtown
SW19	NW 8th Street/NW Spring Street (from NW Coast Street to NW 11th Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$1,175,000	Low	2,3,6	Financially Constrained	Tier 2	North, Downtown
SW20	NW Gladys Street/NW 55th Street (from NW 60th Street to US 101) Complete existing sidewalk gaps.	Newport	NURA	\$1,425,000	Medium	2,3,6,8	Financially Constrained	Tier 2	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
SW21	US 101 (from NW 25th Street to NE 31st Street) Construct pedestrian path on east side of US 101. Cost assumes 10-ft wide sidewalk with sheet pile wall.	State	NURA	\$3,100,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North
SW22	Yaquina Bay State Park Drive (from SW Elizabeth Street to SW Naterlin Drive) Complete existing sidewalk gaps and install enhanced pedestrian crossings consistent with the Yaquina Bay State Recreation Site Master Plan.	Newport	State Funds	\$2,250,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 2	Downtown
SW23	SW Bay Boulevard (from SE Fogarty Street to SE Moore Drive) Complete existing sidewalk gaps.	Newport	City/State Funds	\$1,300,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 2	Downtown
SW24	NW 55th Street (from NW Gladys Street to NW Piney Street) Complete existing sidewalk gaps.	Newport	NURA	\$1,775,000	Medium	2,3,6,8	Unconstrained	Unconstrained Tier 1	North
SW25	NE Harney Street/NE 36th Street (from US 101 to NE Big Creek Road) Complete existing sidewalk gaps.	Newport	City/State Funds	\$5,300,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
SW26	NE Avery Street/NE 71st Street (from US 101 to NE Echo Court) Complete existing sidewalk gaps.	Newport	City/State Funds	\$2,475,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	North
SW27	NE 12th Street (from US 101 to NE Benton Street) Complete existing sidewalk gaps.	Newport	City/State Funds	\$625,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	North, Downtown
SW28	SW Bayley Street (SW Elizabeth Street to US 101) Complete existing sidewalk gaps.	Newport	NURA	\$325,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	Downtown
SW29	US 101 (from SE Ferry Slip Road to SE 40th Street) Complete the sidewalk gaps on the east side.	State	City/State Funds	\$425,000	Medium	1,2,3,6	Financially Constrained	Tier 2	Downtown
SW30	Yaquina Bay Road (from SE Vista Drive to SE Running Spring) Complete existing sidewalk gaps on north side only.	Newport	City/State Funds	\$1,800,000	Low	2,3,6	Unconstrained	Unconstrained Tier 2	Downtown
SW31	SW Abalone Street (from US 101 to SW 35th Street) Construct a sidewalk on the south side of SW Abalone Street.	Newport	City/State Funds	\$350,000	Medium	2,3,4,6	Unconstrained	Unconstrained Tier 2	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
TR1	NW Oceanview Drive (from US 101 to NW Nye Street Extension) Construct a shared use path on one side. The short term improvement along this segment included in Project BR15.	Newport	City/State Funds	\$4,775,000	High	1,2,3,6	Financially Constrained	Tier 1	North
TR2	US 101 (from NW Lighthouse Drive to 600 feet north of NW 77th Court) Construct a shared use path on the east side of US 101. Sidewalk infill will also be completed on the west side south of NW 60th Street. Shared use path project should be consistent with previous planning efforts (e.g., Agate Beach Historic Bicycle/Pedestrian Path, Lighthouse to Lighthouse Path).	State	NURA	\$6,650,000	High	1,2,3,6,7	Unconstrained	Unconstrained Tier 1	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
TR3	US 101 (from NW Lighthouse Drive to NW Oceanview Drive) Construct a shared use path on the west side of US 101, with sidewalk infill on the east side. Shared use path project should be consistent with previous planning efforts (e.g., Agate Beach Historic Bicycle/Pedestrian Path, Lighthouse to Lighthouse Path). Cost included with Project TR8.	State	Federal Funds/ NURA	Included with Project TR8	High	1,2,3,4, 6,7	Financially Constrained	Tier 1	North
TR4	US 101 (from SE 35th Street to SE 40th Street) Construct a shared use path on the west side of US 101.	State	City/State Funds	\$500,000	Medium	1,2,3,7	Unconstrained	Unconstrained Tier 1	Downtown, South
TR5	US 101 (from SE 40th Street to South UGB) Construct a shared use path on the west side of US 101.	State	City/State Funds	\$5,500,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 2	Downtown, South
TR6	NE Big Creek Road (from NE Fogarty Street to NE Harney Street) Reconfigure the roadway to provide a shared use path. Cost assumes utilization of the existing roadway width to include a one-way 12 ft. travel lane and an adjacent shared use path.	Newport	City/State Funds	\$450,000	High	2,3,4,5, 6,7	Financially Constrained	Tier 1	North, Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
TR7	NW Rocky Way (from NW 55th Street to NW Lighthouse Drive) Construct a shared use path and other improvements as identified by the BLM/FHWA. Cost included with Project TR8.	Newport	Federal Funds/ NURA	Included with Project TR8	Medium	1,2,3,6	Financially Constrained	Tier 1	North
TR8	NW Lighthouse Drive (from US 101 to terminus) Construct a shared use path on one side and other improvements as identified by the BLM/FHWA. Cost includes pedestrian/bicycle crossing improvements at the intersection of US 101/NW Lighthouse Drive, and Projects TR3 and TR7.	State	Federal Funds/ NURA	\$4,000,000	Medium	2,3,6	Financially Constrained	Tier 1	North
TR9	SE 40th Street (from US 101 to SE Harborton Street) Construct a shared use path on one side to complete existing gap.	Newport	City/State Funds	\$675,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 1	Downtown
TR10	US 101 (from NW Oceanview Drive to NW 25th Street) Construct a shared use path along US 101. Note the side and extents are subject to further consideration.	State	NURA	\$5,275,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 1	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
TR12	SE 1st Street (from SE Douglas Street to SE Fogarty Street) Construct a shared use path. Cost assumes bridge will be needed.	Newport	NURA	\$2,550,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown
TR13	South Beach Improvements Pedestrian and bicycle priority improvements as identified in the South Beach Refinement Plan. This project does not include the cost associated with Project SW18.	Newport	SBURA	\$700,000	High	1,2,3,4,6	Financially Constrained	Tier 1	n/a
BR1	NE 12th Street (from NE Benton Street to NE Fogarty Street) Install signing and striping as needed to designate a bike route.	Newport	City/State Funds	\$25,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North, Downtown
BR2	NE Harney Street/NE 36th Street (from NE Big Creek Road to US 101) Install signing and striping as needed to designate as interim shared bike route. Long term, on-street bike lanes to be provided as part of the Harney Street extension (Project EXT4). Cost assumes interim improvement only.	Newport	City/State Funds	\$75,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BR3	NE Eads Street (from NE 1st Street to NE 12th Street) Install signing and striping as needed to designate a bike route.	Newport	City/State Funds	\$50,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North, Downtown
BR4	Yaquina Bay State Park Drive (from SW Elizabeth Street to SW Naterlin Drive) Install signing and striping as needed to designate a bike route, consistent with the Yaquina Bay State Recreation Site Master Plan.	State	State Funds	\$50,000	Medium	2,3,6,8	Unconstrained	Unconstrained Tier 2	Downtown
BR5	SE 1st Street (from SE Coos Street to SE Fogarty Street), SE Fogarty Street (from US 20 to SE 2nd Street), and SE 2nd Street (SE Fogarty Street to SE Moore Drive) Install signing and striping as needed to designate a bike route. Project TR12 must be completed before/with Project BR5.	City	NURA	\$25,000	High	2,3,4,6,8	Financially Constrained	Tier 1	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BR7	SW 2nd Street/SW Angle Street (from SW Elizabeth Street to SW 10th Street) Install signing and striping as needed to designate a bike route. Specific intersection treatments at US 101 and SW 9 th Street intersections to be determined with Project REV6.	Newport	City/State Funds	\$50,000	Medium	2,3,6,8	Financially Constrained	Tier 1	Downtown
BR9	NW Edenvue Way/NE 20th Street (from NW Oceanview Drive to NW Crestview Drive) Install signing and striping as needed to designate a bike route. Restripe through US 101/NE 20th Street intersection to provide on-street bike lanes between the NW Edenvue Way/NW 20 th Street intersection and the eastern Fred Meyer Driveway.	Newport	City/State Funds	\$50,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North
BR10	NW 60th Street/NW Gladys Street/NW 55th Street (from US 101 to US 101) Install signing and striping as needed to designate a bike route through Agate Beach.	Newport	NURA	\$25,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North
BR12	NE Avery Street/NE 71st Street (from US 101 to NE Echo Court) Install signing and striping as needed to designate a bike route.	Newport	City/State Funds	\$50,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BR13	NW 3rd Street (from US 101 to NW Cliff Street) Install signing and striping as needed to designate a bike route.	Newport	City/State Funds	\$50,000	Medium	2,3,6,8	Financially Constrained	Tier 1	Downtown
BR14	Yaquina Bay Bridge Interim Improvements Install signing as needed to designate a bike route and implement other improvements as identified in the Oregon Coast Bike Route Plan such as flashing warning lights or advisory speed signs.	State	City/State Funds	\$75,000	High	1,2,3,6,8	Financially Constrained	Tier 1	Downtown
BR15	NW Oceanview Drive Interim Improvements (from US 101 to NW Nye Street Extension) Install signing and striping as needed to designate as an interim bike route and implement other improvements as identified in the Oregon Coast Bike Route Plan. Long term improvement along this segment included in Project TR1.	Newport	City/State Funds	\$75,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North
BR16	NW 55th Street (from NW Gladys Street to NW Pinery Street) Install signing and striping as needed to designate a bike route.	Newport	NURA	\$50,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BR17	NW 6th Street (from NW Coast Street to NW Nye Street) Install signing and striping as needed to designate a bike route.	Newport	City/State Funds	\$25,000	Medium	2,3,6,8	Financially Constrained	Tier 1	Downtown
BR18	NE 7th Street/NE 6th Street (from NE Eads Street to NE Laurel Street) Install signing and striping as needed to designate a bike route.	Newport	City/State Funds	\$50,000	Medium	2,3,6,8	Financially Constrained	Tier 1	Downtown
BR19	NW Spring Street/NW Coast Street/SW Alder Street/SW Neff Way (from NW 12th Street to US 101) Install signing and striping as needed to designate a bike route.	Newport	City/State Funds	\$75,000	Medium	2,3,6,8	Financially Constrained	Tier 1	North, Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
SBL1	SE Moore Drive/NE Harney Street (from SE Bay Boulevard to NE 7th Street) Restripe to install buffered bike lanes between SE Bay Boulevard and US 20; Widen to install buffered bike lanes between US 20 and NE Yaquina Heights Drive; Restripe and upgrade the existing on-street bike lanes between NE Yaquina Heights Drive and NE 7th Street (project removes on-street parking on one side only). Coordinate improvements through the US 20 intersection with Project INT6.	Newport	NURA	\$825,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown
SBL2	US 101 (from Yaquina Bay Bridge to SW Abbey Street) Construct a separated bicycle facility on US 101. Note the specified facility design and project extents are subject to review and modification.	State	NURA	\$1,350,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown
SBL3	US 101 (from SW Angle Street to NW 25th Street) Construct a separated bicycle facility on US 101. Note the specified facility design and project extents are subject to review and modification.	State	NURA	\$5,915,000	High	1,2,3,4,6	Unconstrained	Unconstrained Tier 1	North, Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
SBL4	US 101 (from Yaquina Bay Bridge to SE 35th Street) Construct a separated bicycle facility on US 101. Note the specified facility design and project extents are subject to review and modification.	State	City/State Funds	\$925,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown
BL1	SW Canyon Way (from SW 9th Street to SW Bay Boulevard) Restripe to provide on-street bike lanes in uphill direction and mark sharrows in the downhill direction (project may require conversion of angle parking near SW Bay Boulevard to parallel parking).	Newport	City/State Funds	\$25,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
BL2	NW Nye Street/SW 7th Street (from NW 15th Street to SW Hurbert Street) Restripe NW Nye Street to include on-street bicycle lanes (project removes on-street parking on one side only) between NW 15 th Street and SW 2 nd Street. Install signing and striping to designate SW 7th Street a shared bike route between SW 2 nd Street and SW Hurbert Street.	Newport	City/State Funds	\$100,000	High	1,2,3,4,6	Financially Constrained	Tier 1	North, Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BL3	NE 1st Street (from US 101/NE 1st Street intersection to US 20/NE Fogarty Street intersection) Restripe to provide on-street bike lanes (project removes on-street parking on one side).	Newport	NURA	\$100,000	High	1,2,3,4,6,7	Financially Constrained	Tier 1	Downtown
BL4	SW 9th Street (from US 101 to SW Fall Street) Restripe or widen as needed to provide on-street bike lanes (project removes on-street parking).	Newport	NURA	\$465,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown
BL5	SW Bayley Street (from US 101 to SW Elizabeth Street) Restripe to provide on-street bike lanes (project removes on-street parking on one side).	Newport	NURA	\$25,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
BL6	SW Hurbert Street (from SW 9th Street to SW 2nd Street) Restripe to provide on-street bike lanes (existing angle parking will be converted to parallel parking on one side). Specific intersection treatments at US 101 and SW 9 th Street intersections to be determined with Project REV6.	Newport	NURA	\$25,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BL7	NW/NE 6th Street (from NW Nye Street to NE Eads Street) Restripe or widen as needed to provide on-street bike lanes (project removes on-street parking on one side).	Newport	City/State Funds	\$775,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
BL8	NW/NE 11th Street (from NW Spring Street to NE Eads Street) Restripe to provide on-street bike lanes (project removes on-street parking on one side, although on-street parking may be impacted on both sides between NW Lake Street and NW Nye Street).	Newport	City/State Funds	\$50,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North, Downtown
BL9	NE 3rd Street (from NE Eads Street to NE Harney Street) Widen as needed to provide on-street bike lanes.	Newport/ Lincoln County	City/State Funds	\$525,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
BL10	NE Yaquina Heights Drive (from NE Harney Street to US 20) Widen as needed to provide on-street bike lanes.	Newport	City/State Funds	\$8,075,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 1	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BL11	<p>SW Angle Street/SW 10th Street/SE 2nd Street/SE Coos Street/NE Benton Street (from SW 9th Street to Frank Wade Park)</p> <p>Restripe to provide on-street bike lanes (project removes on-street parking on one side between NE 12th Street and US 20). Install signing and striping to designate NE Benton Street a shared bike route between NE 12th Street and NE Chambers Street/Frank Wade Park. Note 5 ft. bike lanes assumed between US 20 and SE 2nd Street. Construct with Project CR2.</p>	Newport	City/State Funds	\$150,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North, Downtown
BL12	<p>SW Elizabeth Street (from SW Government Street to W Olive Street)</p> <p>Restripe to provide on-street bike lanes (project removes on-street parking on one side).</p>	Newport	City/State Funds	\$75,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
BL13	W Olive Street (from SW Elizabeth Street to US 101) Restripe to provide on-street bike lanes (project removes on-street parking on one side). Note project requires modification of existing curb extensions at Coast Street; on-street bike lanes may terminate prior to the US 101 intersection to provide space for turn pockets.	Newport	City/State Funds	\$150,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
BL14	Yaquina Bay Road (from SE Moore Drive to SE Running Spring) Restripe or widen as needed to provide on-street bike lanes.	Newport	City/State Funds	\$1,625,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
CR1	NW 60th Street/US 101 Install an enhanced pedestrian and bike crossing to connect to the shared-use path on the east side of US 101.	State	NURA	\$150,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North
CR2	SE Coos Street/US 20 Install an enhanced pedestrian and bicycle route crossing. Construct with Project BL11.	State	NURA	\$200,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
CR3	NW 55th Street/US 101 Install an enhanced pedestrian and bike crossing to connect to the shared-use path on the east side of US 101.	State	NURA	\$150,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
CR4	NE Fogarty Street/US 20 Install an enhanced pedestrian and bicycle route crossing. This intersection should be designed to facilitate bicycle turn movements from US 20 on-street bike facilities to/from parallel bike facilities on side streets to the north and south. Construct with Project BR5 and/or Project BL3.	State	NURA	\$200,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
CR5	NW Oceanview/US 101 Install an enhanced pedestrian crossing.	State	City/State Funds	\$150,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 1	North
CR6	SE 32nd Street/US 101 Install an enhanced pedestrian crossing.	State	City/State Funds	\$100,000	Medium	1,2,3,6	Financially Constrained	Tier 1	Downtown
CR7	SW Waterlin Drive/US 101 Improve pedestrian connections between Yaquina Bay Bridge and downtown Newport through pedestrian wayfinding, marked crossings, and other traffic control measures.	State	City/State Funds	\$25,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown
CR8	NW 68th Street/US 101 Install an enhanced pedestrian crossing.	State	City/State Funds	\$150,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
CR9	Pacific Shores MotorCoach Resort/US 101 Install an enhanced pedestrian crossing to serve existing transit stops and RV park.	State	City/State Funds	\$150,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 2	North
CR10	NW 58th/US 101 Install an enhanced pedestrian and bike crossing to connect to the shared-use path on the east side of US 101.	State	NURA	\$150,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North
CR11	NW 48th/US 101 Install an enhanced pedestrian and bike crossing.	State	City/State Funds	\$150,000	Medium	1,2,3,6	Unconstrained	Unconstrained Tier 2	North
CR16	NW 8th/US 101 Install an enhanced pedestrian crossing.	State	NURA	\$150,000	Medium	1,2,3,6	Financially Constrained	Tier 1	North, Downtown
CR18	SW Bay/US 101 Install an enhanced pedestrian crossing.	State	NURA	\$150,000	High	1,2,3,4,6	Financially Constrained	Tier 1	Downtown
PRO1	Parking Management Implement additional parking management strategies for the Nye Beach and Bayfront Areas. Strategies could include metering, permits, or other time restrictions.	Newport	City Funds	\$600,000	Medium	2,5,8	Financially Constrained	Tier 1	n/a

PROJECT ID*	PROJECT DESCRIPTION	PRIMARY FUNDING AGENCY	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PROJECT EVALUATION RANKING	TSP GOALS MET	PACKAGE**	PRIORITY HORIZON	MAP AREA
PRO2	Transportation Demand Management								
	Implement strategies to enhance transit use in Newport. Specific strategies could include public information, stop enhancements, route refinement, or expanded service hours.	Newport	City Funds	\$475,000	Medium	2,4,5,8	Financially Constrained	Tier 2	n/a
PRO3	Neighborhood Traffic Management								
	Implement a neighborhood traffic calming program.	Newport	City Funds	\$475,000	Medium	2,3,6,8	Financially Constrained	Tier 1	n/a
PRO4	Yaquina Bay Ferry Service								
	Implement a foot ferry for bicyclists and pedestrians across Yaquina Bay.	State	City/State Funds	\$4,750,000	High	2,3,4,6,7	Unconstrained	Unconstrained Tier 1	n/a

Notes:* "INT" represents an intersection improvement project; "EXT" represents a roadway extension project; "REV" represents an existing roadway improvement or reconfiguration project; "SW" represents a sidewalk improvement project; "TR" represents a trail or shared use path improvement project; "BR" represents a bike route improvement project; "SBL" represents an improvement project to add separated or buffered bike lanes; "BL" represents an improvement project to add standard bike lanes; "CR" represents a roadway crossing improvement project; "PRO" represents a citywide demand or system management project.

** Financially Constrained = projects likely to be funded; Unconstrained = projects not likely to be funded.

FIGURE 42: ASPIRATIONAL MULTIMODAL PROJECTS (NORTH)

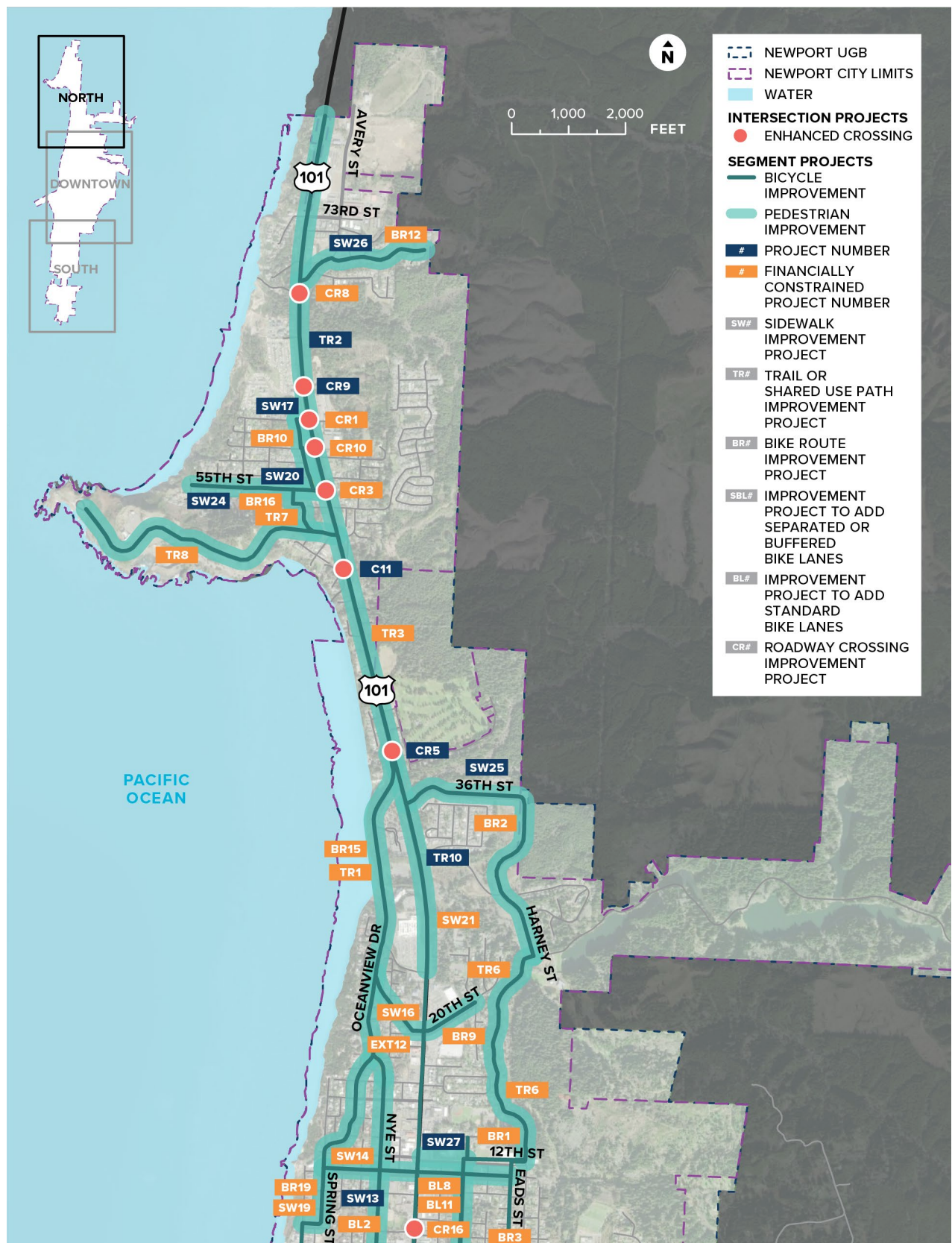


FIGURE 43: ASPIRATIONAL MOTOR VEHICLE PROJECTS (NORTH)

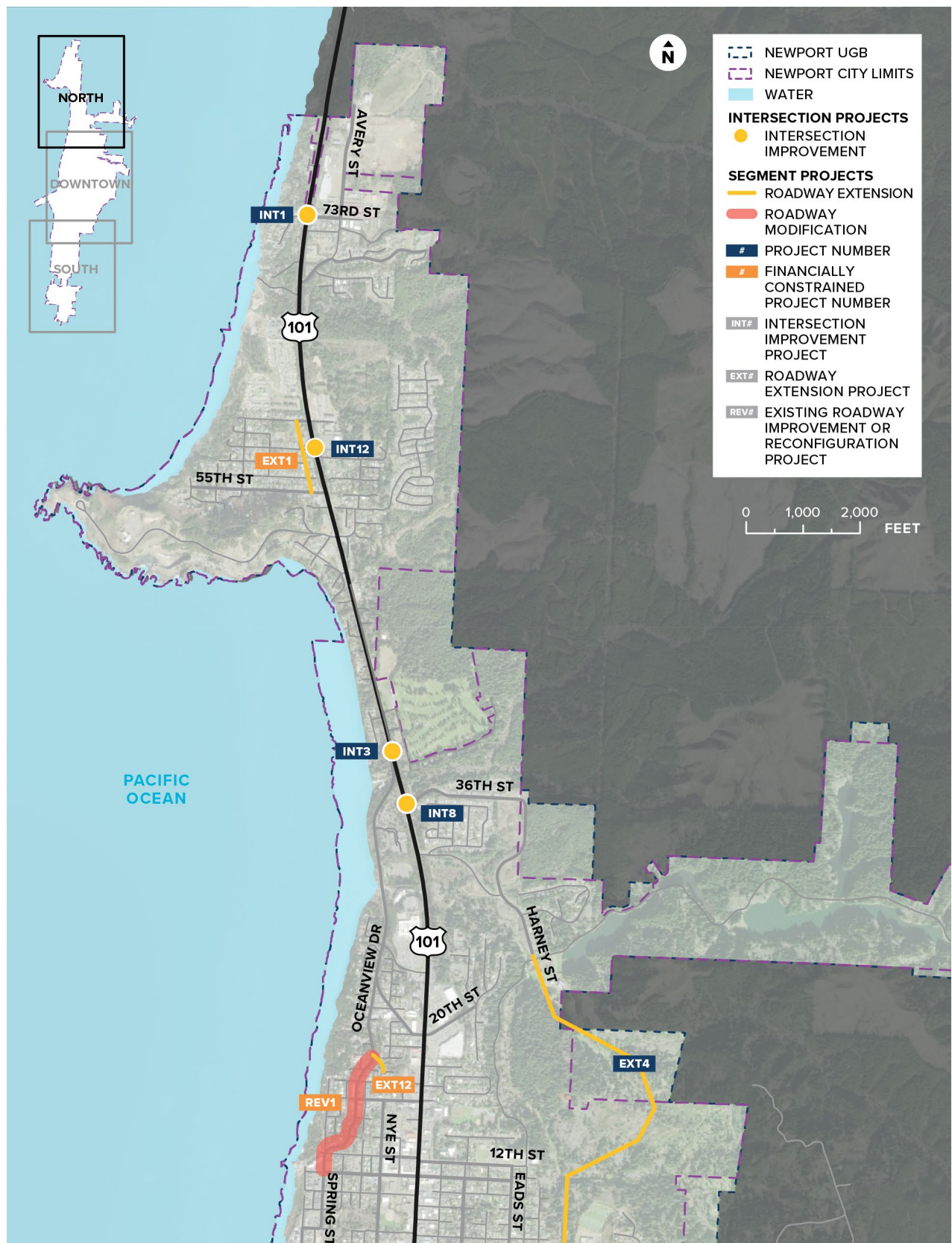


FIGURE 44: ASPIRATIONAL MULTIMODAL PROJECTS (DOWNTOWN)

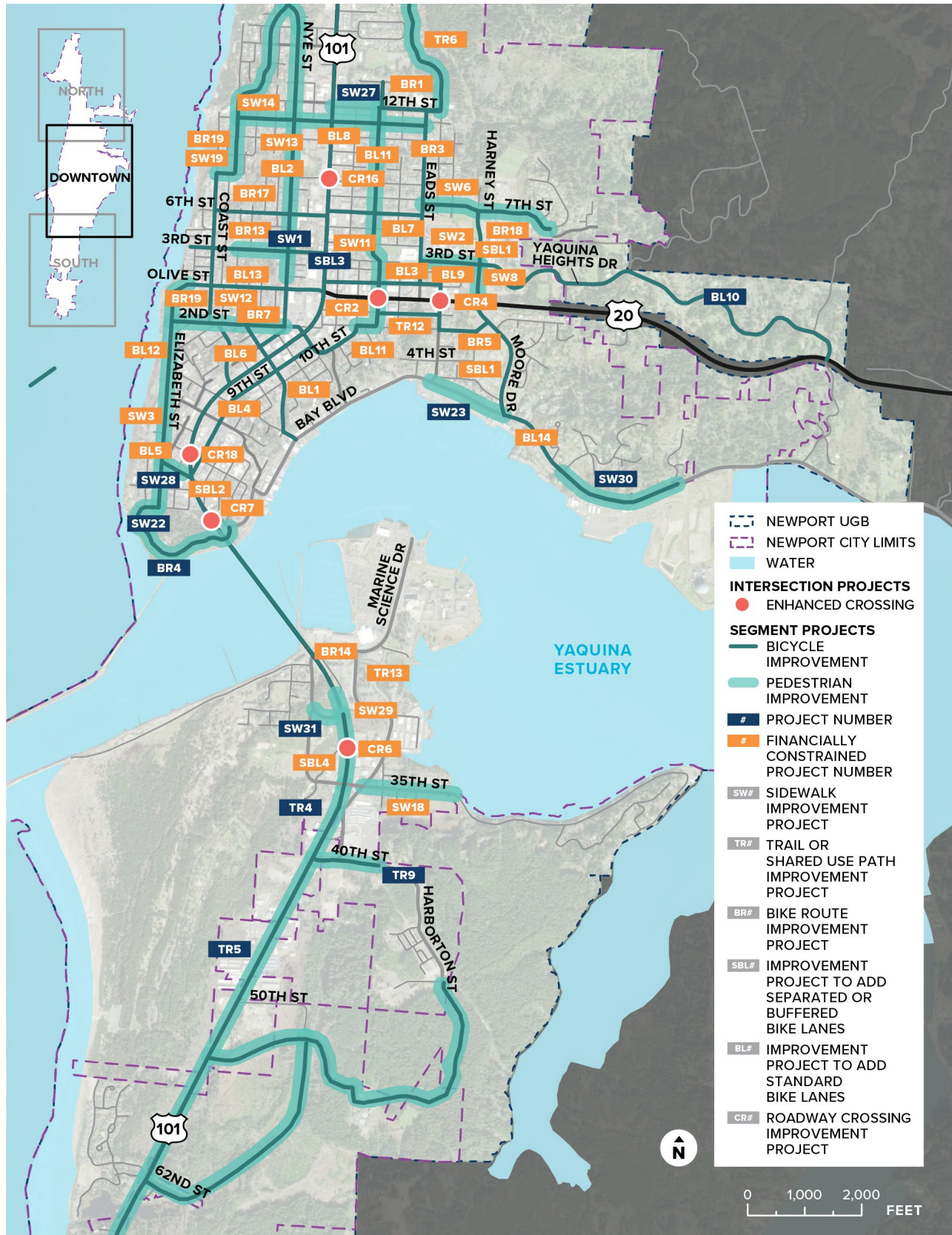


FIGURE 45: ASPIRATIONAL MOTOR VEHICLE PROJECTS (DOWNTOWN)



FIGURE 46: ASPIRATIONAL MULTIMODAL PROJECTS (SOUTH)

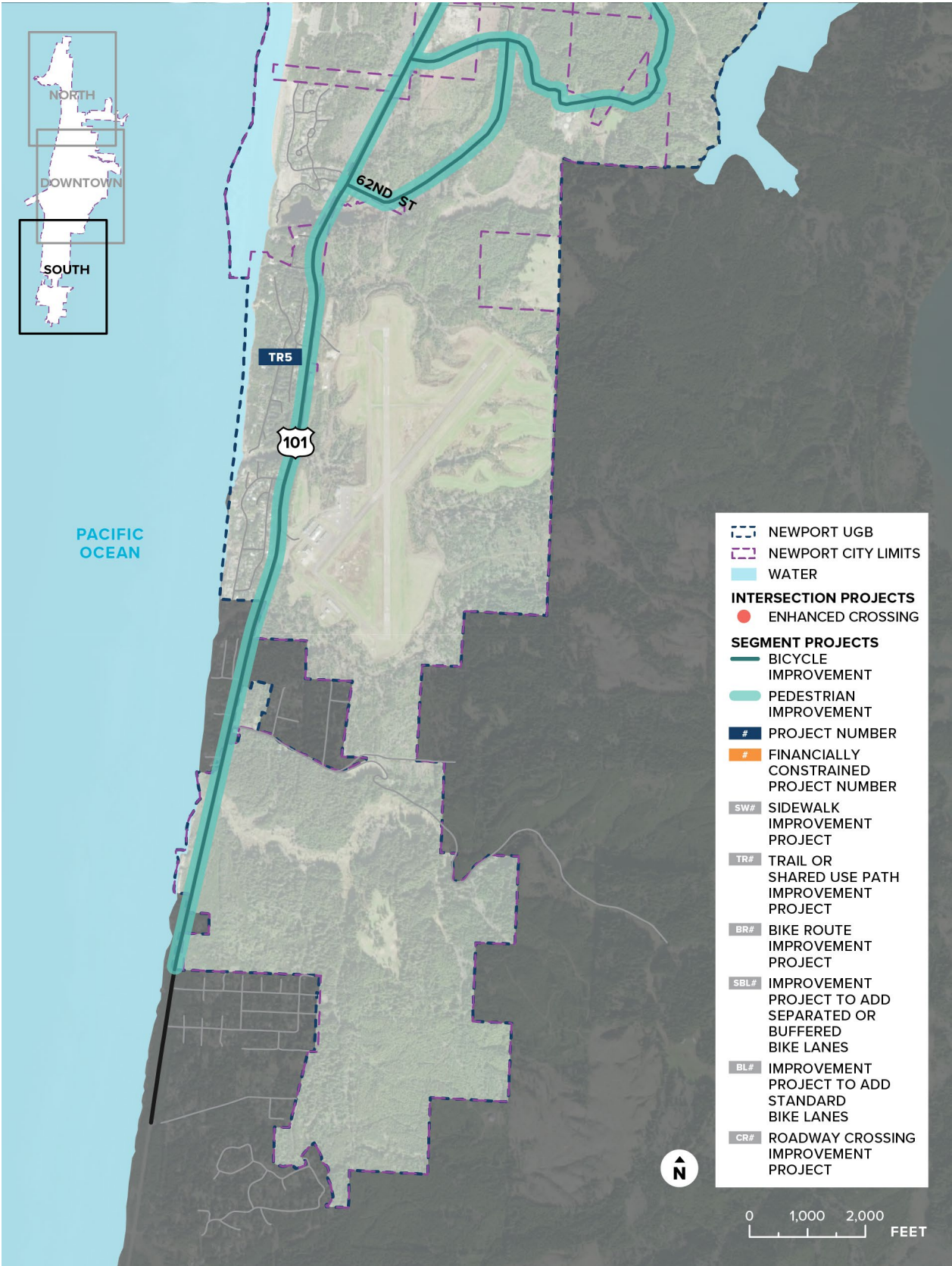
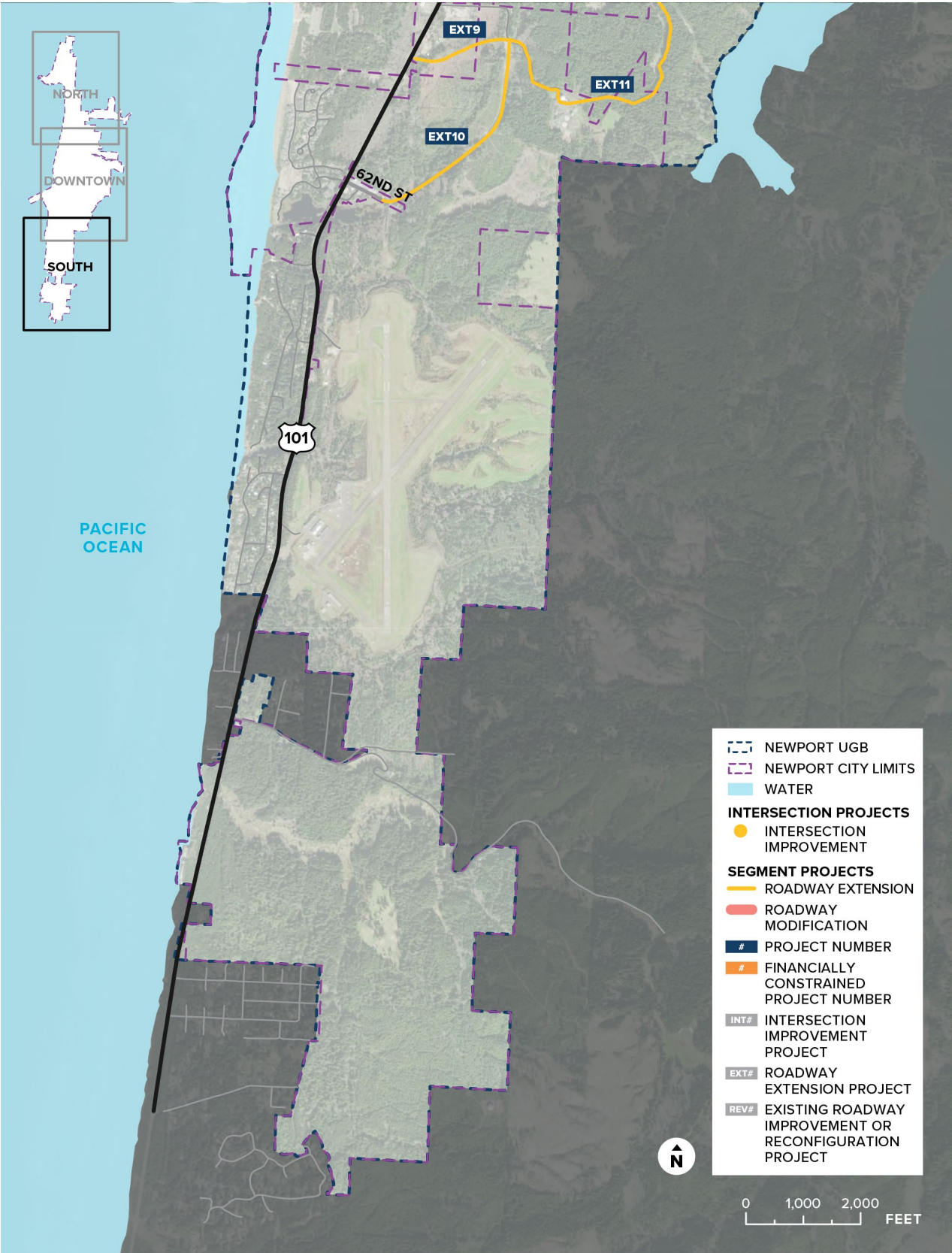


FIGURE 47: ASPIRATIONAL MOTOR VEHICLE PROJECTS (SOUTH)





Chapter 7: Implementation and On-Going Strategies

The foregoing chapters presented the goals, policies, plans and programs to support the city's Transportation System Plan and its vision of growth to 2040. The City of Newport TSP update incorporates several elements that require further action to facilitate full implementation of the plan. These implementation actions are described in the following sections.

Furthermore, it is recognized that there are a host of on-going community issues related to general transportation needs that will not be resolved by this TSP process and outcomes. These issues are acknowledged in the final section along with a summary of their status, applicable on-going strategies, and the expected path forward.

STEPS TO SUPPORT PLAN IMPLEMENTATION

SUPPLEMENTAL FUNDING OPTIONS

Providing adequate funding for capital investments and on-going maintenance of transportation systems and services is a major challenge. One of the unique funding features available to the City of Newport is its Urban Renewal Districts that were established in 2015 for the Northside and for the South Beach areas. These two districts augment traditional transportation revenue sources, which will enable the city to advance priority capital investments to support economic growth and other community objectives within the district boundaries.

As reported earlier during this TSP update process⁷, the City's current funding programs are expected to generate about \$76 million for transportation system improvements through 2040 (with an additional \$3 million from the South Beach Urban Renewal District). This was identified as the amount that could fund higher priority projects, which were referred to as Financially Constrained projects. Compared to other Oregon coastal cities, this is a significant capital funding resource. However, when compared to the full list of improvement projects identified through this TSP update, which totals \$222 million, additional funding options are needed to fund any lower priority projects, especially those projects that are located outside of Urban Renewal Districts.

⁷ Finance Program Technical Memorandum dated February 18, 2021, (see Appendix)

If the City desires to add more funding opportunities, the best candidates are a transportation utility fee, a local fuel tax increase, and a short-term property tax levy. Table 11 shows some illustrative examples of possible revenues along with actions required for implementation. The transportation utility fee is enacted by council resolution and could generate \$450,000 annually (\$8.5 million through 2040) for each \$1 charged per residential unit monthly. Other cities with such fee programs charge between \$4 and \$10 per month for a residential unit. Applying the high end in Newport, it would provide about \$85 million through 2040.

The other notable option for Newport is the potential increased local fuel tax, however voters in the City have recently turned down an increase. Given their latest rate proposals, the local fuel tax would add about \$200,000 annually, or just under \$4 million through 2040. The final option listed is a limited property tax levy, which would produce the least additional revenue.

TABLE 11: SELECTED SUPPLEMENTAL FUNDING OPTIONS

FUNDING OPTION	ACTION REQUIRED TO IMPLEMENT	EXAMPLE CHARGE	ILLUSTRATION OF ADDITIONAL ANNUAL REVENUE
TRANSPORTATION UTILITY FEE	City Council adoption	\$1 per month for residential units and \$.01 per month per square foot for non-residential uses	\$450,000
LOCAL FUEL TAX INCREASE	Voter Approval	+Four cents per gallon during the winter and +two cents per gallon during summer	\$253,000
PROPERTY TAX LEVY	Voter Approval	\$0.20 per \$1,000 in assessed value (per year, for 5 years)	\$300,000 (per year, for 5 years)

If the City wants to supplement the transportation funding beyond what is currently available to advance lesser priority project improvements, it is recommended to further consider one of the above supplemental options.

ACTION: Pursue and enact supplemental local transportation funding option.

NEIGHBORHOOD TRAFFIC MANAGEMENT TOOLS

The Transportation System Plan identifies a new classification of city streets that are the best candidates for applying neighborhood traffic management (NTM) strategies. The primary purpose of this new classification is to address community concerns about autos speeding through neighborhoods or diverting away from state highways while they are under severe congestion. These streets are referred to as neighborhood collector routes, and they are shown in Figure 22,

Figure 23, and Figure 24, and listed in the supporting technical memorandum⁸. Potential management strategies include traffic humps, traffic circles and raised crosswalks, which are illustrated in the memorandum.

The challenge with a NTM program is to identify a clear and objective process for collecting community inputs, assessing the prevailing concerns, and evaluating which, if any, NTM solution is appropriate to be installed. This will require developing guidelines about which NTM strategies are best for Newport, and where and how they are to be applied. In addition, many cities balance the technical review process with a consensus opinion of the affected neighbors to help ensure community satisfaction with the NTM decision.

ACTION: It is recommended that city develop and implement a NTM program that formalizes these processes.

STREET CROSSINGS

Streets with high traffic volumes and/or speeds in areas with trail crossings, or nearby transit stops, residential uses, schools, parks, shopping and employment destinations generally require enhanced street crossings with treatments to improve the safety and convenience for pedestrians. The TSP includes several recommended crossing enhancements. However, going forward, it is recommended that the city update their development code to match the TSP Transportation Facility and Access Spacing Standards⁹.

ACTION: Update Municipal Code to incorporate street and access spacing standards identified in the TSP for city streets

Street crossings along US 101 or US 20 should be provided between every 250 to 1,500 feet, depending on the urban context, as summarized in Table 3-9 of the *Blueprint for Urban Design*. Exceptions include where the connection is impractical due to topography, inadequate sight distance, high vehicle travel speeds, lack of supporting land use or other factors that may prevent safe crossing. All crossings on state facilities require review and approval by ODOT.

Enhanced pedestrian crossing treatments should be considered on high speed or high volume roads (e.g. US 101, US 20) at transit stops, trail crossings, and at major pedestrian street highway crossings that connect major destinations (e.g. parks, grocery stores, schools) to residential areas. The recommended enhanced pedestrian crossing treatment should be determined using the National Cooperative Highway Research Program (NCHRP) Report 562, *Improving Pedestrian Safety at Unsignalized Intersections*. It is recommended that these guidelines be reviewed with all traffic studies for any potential street crossing associated with new development in the city

ACTION: Amend the city's traffic impact analysis guidelines to include review of pedestrian crossing treatments consistent with NCHRP Report 562.

⁸ Technical Memorandum #10 Transportation Standards, June 30, 2021

⁹ Ibid., Table 8: Transportation Facility and Access Spacing Standards

VEHICLE MOBILITY STANDARDS

Mobility standards for streets and intersections in Newport provide a metric for assessing the impacts of new development on the existing transportation system and for identifying where capacity improvements may be needed. They are the basis for requiring improvements needed to sustain the transportation system as growth and development occur. Two common methods currently used in Oregon to gauge traffic operations for motor vehicles are volume to capacity (v/c) ratios and level of service (LOS). For State facilities, mobility targets are v/c ratio based and listed in the Oregon Highway Plan (OHP). The TSP process identified alternative mobility targets on state facilities, which will be addressed by ODOT to amend the OHP.

The City of Newport does not have adopted mobility standards for motor vehicles. It is recommended that the city consider adopting mobility standards to include both a v/c ratio and LOS standard. Having both a LOS (delay-based) and v/c (congestion-based) standard can be helpful in situations where one metric may not be enough, such as an all-way stop where one approach is over capacity, but the overall intersection delay meets standards. The City of Newport should also introduce mobility standards that depend on the intersection control which can better capture acceptable levels of performance across different intersection control types.

ACTION: Amend city development code to introduce vehicle mobility standards on city streets consistent with the TSP, as summarized below.

TABLE 12: RECOMMENDED VEHICLE MOBILITY STANDARDS FOR LOCAL STREETS

INTERSECTION TYPE	PROPOSED MOBILITY STANDARD	REPORTING MEASURE
SIGNALIZED	LOS D and v/c ≤ 0.90	Intersection
ALL-WAY STOP OR ROUNDABOUTS	LOS D and v/c ≤ 0.90	Worst Approach
TWO-WAY STOP ¹	LOS E and v/c ≤ 0.95	Worst Major Approach/Worst Minor Approach

Notes:

Applies to approaches that serve more than 20 vehicles; there is no standard for approaches serving lower volumes.

ON-GOING ISSUES AND AREAS OF EMPHASIS

YAQUINA BAY BRIDGE

The Yaquina Bay Bridge is an essential component of regional mobility for Newport and the central Oregon coastal area. Existing narrow travel lanes, lack of shoulders, and a steep grade contribute to a reduced capacity compared to similar highways. Traffic volumes along the bridge are forecasted to be around 20,000 during an average weekday which is near capacity for several hours each day. As traffic volumes grow, this congestion could impact segments of US 101 approaching the Yaquina Bay Bridge or lead to additional congestion in off-peak hours.

During the Transportation System Plan process the central questions posed by the community about this historic structure were around the expected timing of a replacement, and whether the highway alignment and bridge crossing might be shifted to another location. The City Council sent a letter to ODOT with these questions. In a letter dated February 4, 2021, ODOT Director Kris Strickler replied that ODOT would continue to maintain and preserve the bridge in the best condition possible for the foreseeable future. The latest bridge replacement cost was estimated to be over \$200 million and noted that ODOT allocated about \$300 million for statewide bridge work over the 2024-2027 improvement cycle. It was further noted that this is one of 11 unique, historic, or significant in size bridges in ODOT's Seismic Resilience Plan that require major investments that is beyond the reach of current funding. As such, the State will be looking at new opportunities to secure the necessary funding for future improvements to the crossing of Yaquina Bay. The timing for a replacement is uncertain, and not expected to occur within the next 20 years.

In the meantime, ODOT will continue to strengthen the existing bridge to better endure seismic events and generally prolong the usable life of this bridge. ODOT did recommend that the city add policy to its Transportation System Plan that supports keeping the current general highway alignment for any future bay bridge. For example, a new bridge could be placed immediately adjacent to the existing bridge so that the highway is operational throughout construction. This policy statement will be important at a later date to guide further studies, which could include an ODOT led Facility Plan that conducts more in-depth preliminary design and environmental studies to select a footprint for bridge replacement.

FERRY

Yaquina Bay Bridge congestion and the lack of certainty of a replacement has prompted alternative ideas on how to serve trips between the South Beach area and the northside of Newport. One idea stemming from the South Beach Redevelopment Plan was to provide a short-range ferry service across the bay to serve pedestrians and bicyclists during the summer months. Further studies are needed to identify likely landing points on either side of the bay for this new ferry service, and to evaluate the expected capital and maintenance costs to operate it, and the funding source to initialize it.

OTHER ISSUES

[PLACEHOLDER - TO BE WRITTEN LATER]

VOLUME 2: APPENDIX

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The Revised Draft Newport TSP has been reviewed with City staff, ODOT and with the TSP project advisory committee. The following is a summary of requested changes that will be made to the Adoption Draft TSP.

1. Remove neighborhood collector designations along 3 short segments along SW 7th Street between SW Hurtbert and SW Bayley Street. These segments become local streets.
2. Classify the segment of Alder/Neff between SW 2nd and US 101 as a neighborhood collector and provide a sidewalk (or multi-use path) project along a single-side.
3. Add an improvement project along Eads between 3rd and 6th (adjacent to the school) to add curb extensions and improve lighting.
4. US 101/NE 73rd Street: Add to the description of the proposed signal project at this intersection about consideration of short-term pedestrian crossing needs for an interim improvement.
5. Add project INT 13 US 101/NE San-Bay-O Circle to improve the intersection with signage, pavement markings, and other mechanisms to reduce delays when entering US 101. Include as a financially constrained, Tier 1 project.
6. Coordinate with ODOT to develop signage, pavement marking, or other solutions where appropriate to limit side street blockage by stopped vehicles, at intersections where there is no alternative route.
7. Update project INT 12, to include a striped left turn lane on the 58th Street and movie theatre driveway approaches to US 101.
8. Add a sentence in the document to acknowledge the projects from the Resiliency Plan, but specific TSP projects will not be added.
9. Remove "Other Issues" placeholder text.
10. Alternative Mobility Targets section: Add text reference to technical memo included in the TSP Appendix.
11. Minor editorial changes from ODOT and Advisory Committee members.
12. Modify the Nye Extension project (Project EXT 12) to include two options, 1) a full street connection, and 2) a pedestrian and bicycle only connection.
13. Provide a financially constrained and full list of projects for South Beach (presently depicted on other maps). Financially Constrained project list moved from Executive Summary to appendix.
14. Identify construction of NW 55th Street as a neighborhood collector on the financially constrained list as a Tier 1 project. TSP includes priority bike/ped projects for the street but does not address its condition (it is a gravel street).
15. Project TR7 needs to shift west to create a path connecting from NW Biggs to the Yaquina Head Natural
16. Amend Footnote No. 2 of TSP Table 5, to allow shared use paths along state facilities to be narrower than 12-feet in width if approved by ODOT (pg. 67).
17. Add appendices for Tech Memo #12, Development Code Amendments

NEWPORT TRANSPORTATION SYSTEM PLAN*

This Transportation System Plan (TSP) describes the individual elements that make up the transportation system for the City of Newport. Additionally, the TSP represents recommended project improvements and goals and policies towards establishing a coordinated multi-modal transportation network for the City of Newport intended to comply with Statewide Planning Goal 12 and the Transportation Planning Rule (OAR 660-012-0015).

The complete TSP, titled "City of Newport Transportation System Plan, **February 2022**" describes in detail the various components of the City of Newport's transportation system, makes a complete analysis of those various components, and describes the process used to develop the plan. Current and future transportation needs were evaluated, projects prioritized, and a strategic and reasonable funding program has been developed, all of which was informed by public input. Unimplemented project concepts from the City's previous transportation related plans that are still relevant have been incorporated into the TSP. **By this reference, the complete TSP as amended by Ordinance No. [REDACTED] is incorporated herein.** Where the text references "TSP," the reference is to the TSP as amended unless otherwise noted.

However, the complete plan contains more information than most individuals want to sort through when looking for guidance on how future decisions should be made to improve the City's transportation system. This section will, therefore, focus on the projects contained in the TSP and the goals and policies needed to assure compliance. Persons interested in obtaining a more thorough understanding of the reasoning for the projects, goals, and policies should review the full TSP documentation referenced in Policy 1, Goal 1 of this chapter.

CRITICAL COMMUNITY ISSUES

A number of critical community issues guided development of the TSP. They were identified under the guidance of city leaders and a committee of key community stakeholders, referred to as the Project Advisory Committee, and are as follows:

- Develop desired streetscape, urban form, and roadway alignment for downtown commercial core to spur redevelopment.
- Identify transportation enhancements for the Agate Beach neighborhood that are sensitive to local geologic conditions.
- Update the TSP capital projects and planning level estimates for near- and long-term system investment priorities.
- Clarify whether the US 101 highway alignment may change as a part of the future replacement of Yaquina Bay Bridge.
- Evaluate the viability and efficiency of NE Harney St. extension as north-south alternative to US 101.
- Develop a city-wide integrated multi-use bike and pedestrian network.
- Identify areas suitable for neighborhood traffic calming measures and address pedestrian safety needs.
- Identify transit needs of the community.
- Refine street cross-sections requirements to provide options that address constraints.
- Revise infill frontage improvement requirements to better balance cost and community needs.

*Added by Ordinance No. 1802 (1-4-99); Amended by Ordinance No. 1963 (8-18-08), Ordinance No. 2045 (11-5-12), and Ordinance No. [REDACTED] (6-20-22).

Critical community issues were also identified through public engagement while the TSP was being developed, with approximately 970 people being engaged through a variety of outreach opportunities. Common themes heard from the public included the following:

- Improve pedestrian and bicyclist safety throughout the city.
- Increased bus/transit/shuttle options.
- Enhance vehicle traffic flow and reduce congestion for through travelers and local users
- Implement parking improvements especially in the downtown area
- Enforce traffic speeding
- Preserve/rebuild the Yaquina Bay Bridge in the same location
- Promote emerging technology such as electric vehicle (EV) charging stations, parking solutions and solar power

Outcomes and recommendations related to these issues are addressed in detail in the complete TSP. Technical background information that formed the basis for many of the recommendations is available as appendices to the document.

TRANSPORTATION SYSTEM CONTEXT

The City of Newport was incorporated in 1882, and the 1910 census reported about 700 residents. Over the past century, the city has grown to just over 10,000 permanent residents today. The summertime population peaks at 25,000 because of the seasonal changes in tourist, employment, visitor, and recreational activities. As a popular Oregon Coast community and active seaport, Newport experiences its highest transportation demands during summer months when tourism and recreation are at their peak, whereas travel activity during the winter months are much lower. For example, the daily traffic counts on US 101 near City Hall drop by about 40 percent between July and January. The TSP recognizes how seasonal swings in travel activity affect the community.

Newport faces the challenge of accommodating growth while maintaining acceptable service levels on its transportation network. Some of the key opportunities and challenges noted addressed with the TSP are listed below:

- **US 101 and US 20** form the primary transportation network and carry most of the motor vehicle traffic. Outside of the downtown core area, the geographic constraints of the ocean coast, Yaquina Bay and local hillsides have fostered a strong reliance on the state highway system both for local travel and regional service to nearby communities. These highways were built with limited walking and bicycling amenities which continues to be a challenge for residents, visitors and tourists that are traveling outside of their motor vehicles.



- **Downtown** is where many of the properties are underutilized or in economic distress with vacant storefronts and aging, poorly maintained buildings. The City has an opportunity to leverage its urban renewal district to generate funding to revitalize the downtown area, which is also referred to as the commercial core area, along with upgrading the transportation system to catalyze economic development and provide infrastructure needed to support additional density.
- **Nye Beach** is a mixed-use neighborhood with direct beach access anchored by Performing Arts and Visual Art Centers. Commercial development is concentrated along Beach Drive and Coast Street, both of which include streetscape enhancements that encourage a dense pedestrian friendly atmosphere. This area includes a mix of retail, dining, lodging, professional services, galleries, single family homes, condominiums, long term and short-term rentals.
- **Bayfront** is a working waterfront with a mix of tourist-oriented retail, restaurants, fish processing facilities, and infrastructure to support the City's commercial fishing fleet. The Port of Newport is a major property owner, and a boardwalk and fishing piers provide public access to the bay. The area is terrain constrained, with steep slopes rising up from commercial sites situated along Bay Boulevard.
- **South Beach**, nestled on the south side of the Yaquina Bay Bridge, is developed with a mix of regional institutions, recreational facilities, neighborhoods, and retail businesses, including the popular Oregon Coast Aquarium, Hatfield Marine Science Center, OMSI's Camp Gray, Oregon Coast Community College, Newport Municipal Airport, and the Port of Newport's South Beach Marina and RV Park. The City's largest residential planned development is also located in South Beach, known as the "Wilder" community.
- **Yaquina Bay Bridge** is an integral part of Newport as well as an historic icon on Oregon's coast highway system. Since its opening in 1936, the bridge has been the only transportation link across Yaquina Bay to South Beach. The Oregon Department of Transportation (ODOT) has been working to extend the functional life of the bridge, but they expect that it will eventually be replaced. The timing for its replacement is uncertain, however, ODOT has indicated that its current location would be the preferred option to minimize environmental, engineering and community impacts.
- **Natural Hazards** considered in this TSP include the potential tsunami events following earthquakes and mitigating for unstable soils and ocean bluff erosion.

EXISTING AND ANTICIPATED FUTURE TRANSPORTATION CONDITIONS

A comprehensive assessment was made of the travel patterns and transportation system performance within Newport as it operates today, and how that is expected to change with planned growth through 2040. To make the future forecast, the designated growth areas within the city were reviewed to determine how travel activity and patterns would change based on historical demographic and travel data. The future year travel forecast was made for summertime conditions, and it was used to evaluate how effectively proposed roadway solutions would operate.

The findings of this technical analysis for all travel modes, combined with input from the public engagement process, formed a master list of system needs for the community. Later in the update process, past transportation projects that have yet to be implemented were refined and amended, as needed, to fully address the latest understanding of the community's transportation needs.

Land Use and Transportation Demand Growth

The City's Urban Growth Boundary (UGB) and adopted land use zoning maps identify the location and type of development that is expected to occur in Newport. In addition, citywide population forecasts are coordinated with a statewide effort led by Portland State University. By 2040, the growth in households and employment for Newport can be summarized as follows:

- **Households** - About 1,000 more homes are expected throughout the city, with the highest concentrations in the recent UGB addition at the intersection of NE 36th and NE Harney Streets, and the emerging neighborhood along SE 40th Street near the Oregon Coast Community College. Many other neighborhoods expect modest residential in-fill development.
- **Population** – About 2,400 more permanent residents are expected to reside in these new homes. In addition, visiting households during peak seasons are forecasted to increase by about 210 more than today.
- **Summer Employment** - About 2,700 more jobs are expected during the summer. Overall job growth will be highest in the South Beach area, especially along Marine Science Drive, and south of 40th Street, and in the very north end of the city near 73rd Street.

This combination of new housing, residents and jobs is expected to increase citywide vehicle trips by about 27% year-round by 2040.

Motor Vehicle System Performance Issues

Based on technical evaluation and feedback from the community, the following operational, safety and maintenance issues were identified for the Newport motor vehicle system. ODOT has quantitative performance targets for its highways based on traffic delays, which were applied to determine if conditions were acceptable or not. A total of 20 intersections were selected for the operational analysis review.

- Six of the intersections on US 101 are expected to have major delays for motor vehicle traffic. This includes three locations that are controlled by traffic signals (at NE 52nd Street, US 20, and Hurbert Street) and three stop controlled intersections (at NE 73rd Street, Oceanview Drive, and Angle Street)
- Many other intersections along US 101 that were not specifically analyzed are expected to have limited access and severe delays during peak hours for traffic intending to turn left onto the highway. Several neighborhoods derive their only access from US 101. Public feedback specifically noted NE San-Bay-O Circle near the Fred Meyer store as being difficult to exit during summertime conditions.
- Two of the US 20 intersections are expected to have major delays including SE Benton Street (stop sign controlled on the side street) and NE Harney Street-SE Moore Drive (traffic signal control).
- The US 20/NE Harney Street-SE Moore Drive intersection was also cited by public feedback as being problematic for serving school related traffic before/after school sessions, and for major events at the Lincoln County fairgrounds.
- Other community safety concerns included the lane merging on southbound US 101 approaching Yaquina Bay Bridge, and the irregular access spacing on US 101 near the Newport Cinema.
- Three local bridges were identified as being structurally deficient including US 101 over Big Creek, the Yaquina Bay Bridge, and on Big Creek Road over Big Creek.
- In addition to its weight limited condition, the vehicle traffic using the Yaquina Bay Bridge is expected to grow and it will eventually exceed the carrying capacity.

Walking and Bicycling System Performance

Walking is an important part of local travel options, both within neighborhoods and parks as well as along and across major roadways. Provision of safe and convenient walking options can help the city move towards a complete multimodal transportation system. Today Newport has 33 miles of sidewalks, although about 70 percent of city streets lack sidewalks on at least one side.

Bicycling is common along US 101, which is part of the designated Oregon Coast Bike Route. Cyclists generally ride on the wide paved shoulders on US 101, since there are very limited designated bike lanes on the highway. Off highway, there is about 10 miles of shared-use pathways or trails available, but generally cyclists are required to share the roadway with vehicles. For both walking and bicycling system, a Level of Traffic Stress (LTS) score was determined that represents the user's experience on that route. Based on technical evaluation, field observations, and public feedback, the following walking and bicycling issues were identified:

- For walking travelers, about 25 percent of state highway and city collector street blocks were rated in the low to moderate LTS range, which is generally comfortable for the average traveler.
- For bicyclists, about 15 percent of state highways and 90 percent of city collector streets had low to moderate ratings.
- On the other end of the LTS scale, extreme ratings were shown for 60 percent of the highways for walking travelers, and 85 percent of bicyclists. This is the highest level of stress and is considered very challenging.
- Extreme or high bike LTS was noted due to high speeds and traffic volumes and unprotected bike facilities. This includes both state highways and short segments of NE Harney Street, NE 31st Street, NE Yaquina Heights Drive, SE Bay Boulevard and SE Ferry Slip Road.
- Sixteen of the 20 intersections studied on US 101 and US 20 had extreme or high LTS scores due to non-compliant ADA curb ramps, complex elements or limited refuge or enhancements at the crossing. Bicycling LTS has similar scores at these locations.
- NW Oceanview Drive, a component of the Oregon Coast Bike Route, was rated at extreme level of traffic street between US 101 and the intersection with NW Edenvue Way, and medium level of traffic stress from there to Spring Street.

System deficiencies were noted in cases where the walking or bicycle facilities had major gaps, extreme LTS, or were near important destinations, such as parks, schools, transit stops or essential services. These were flagged to be reviewed for possible system improvements.

Transit Services

Lincoln County Transit operates a city loop bus service, an intercity bus service, and a paratransit service. The loop service through Newport connects key destinations six times each day, seven days a week and in the evening. While most residents and businesses are located within one-half mile of a loop transit stops, the time between buses (up to 90 minutes) and limited-service hours (7 am to 5pm) moderates its effectiveness for residents and visitors.

The intercity transit service operates routes to Corvallis and Albany four times each day, to Lincoln City four times each day, to Yachats four times each day, and to Siletz six times a day between Monday and Saturday.

Lincoln County Transit's paratransit service provides public transportation to persons with disabilities who are unable to use regular fixed route buses. Curb to curb paratransit service, in wheelchair lift equipped minibuses, is available generally between 8:00 a.m. and 3:30 p.m. Monday through Friday.

Lincoln County's transit development plan through 2028 intends to enhance the frequency of services and add more stops on the loop to better serve more riders. This includes two new loop routes with shorter headways between more popular local destinations.

Freight Network

US 101, north of US 20, is a designated federal truck route and US 20, east of US 101, is a designated Oregon freight route. With growing traffic volumes, six intersections along the state highways would not meet their currently adopted mobility target. These are the same six locations noted under the "Motor Vehicle System Performance Issues" section above.

Other locations with identified freight needs include Bay Boulevard, which is a working waterfront and is a key freight generator for the City of Newport. This area is also a tourist destination which can create conflicts between the high volume of pedestrians, passenger cars, and freight vehicles which serve Newport's fishing industry. Freight vehicles face steep grades for northbound traffic approaching the Yaquina Bay Bridge. The recent relocation of the traffic signal from SE 32nd Street to SE 35th Street has improved this operational issue; however, the bridge still has weight limit restrictions.

Airport

The Newport Municipal Airport, owned and operated by the City of Newport, is a public-use airport located east of US 101 off SE 84th Street, approximately five miles south of downtown. This airport provides general aviation for Newport and surrounding coastal communities and is identified as a critical resource by the Oregon Department of Aviation for emergency response following a major earthquake or tsunami. Currently, the airport supports general aviation aircrafts, US Coast Guard helicopters, and air ambulance flights.

Waterways

The Port of Newport maintains and operates separate commercial and recreational marinas to serve Newport's ship traffic. The commercial marina, located on the north side of Yaquina Bay, south of Bay Boulevard includes four docks for commercial vehicles and serves a large, prolific fishing fleet and a yacht club. This marina can accommodate vessels up to 100 feet. The recreational marina is located on the south side of Yaquina Bay, near South Beach, with space for 522 vessels and includes power, water, fuel, and sanitary services as amenities. This marina also serves as a public boat launch with space for trailer storage.

STREET FUNCTIONAL CLASSIFICATION CHANGES

The functional classification of a street or roadway defines how it is intended to be used, and its relative purpose compared to other facilities in the network. Transportation agencies that manage and maintain highway and street systems commonly use this practice, including federal, state, county, and city jurisdictions. The TSP refines the City's street functional classifications to align with local community values. The major changes to the street functional classification designations for City of Newport Streets include the following:

- **Designating State Highways as the only Arterial Roadways** - Several city streets that were previously designated as arterials roadways were downgraded to better match their intended use today and in 2040. Arterial streets are primarily intended to serve regional and through traffic. It is determined that only the two State Highways provide that type of service.

- **Dividing City Collector Streets into Two Tiers, Major and Neighborhood Collector -** The city previously had one category for collector streets, which are intended to connect neighborhoods to each other and to arterial roadways. The top tier collector was renamed to a Major Collector. A second tier of collector roadway was introduced where it was most appropriate to apply traffic calming techniques in neighborhoods, and to tailor bike and pedestrian designs to best match the local environment.
- **Identifying Private Streets** – While not depicted on the functional classification maps, the TSP identifies local streets that are privately owned or maintained by the adjoining property owners as a subset of the local street classification.
- **Local Truck Routes Added** – In addition to the state and federal designated truck routes on US 101 and US 20, there are several city streets that serve as key local truck routes within the community. These routes were added to the city's freight network to highlight the need to design and manage them to serve trucks. Examples include Bay Boulevard, and SE Marine Science Drive.

The new functional classifications for City of Newport streets and freight routes are depicted on Figures 1 through 6 below.

Figure 1: Functional Classification of Roadways – North Map

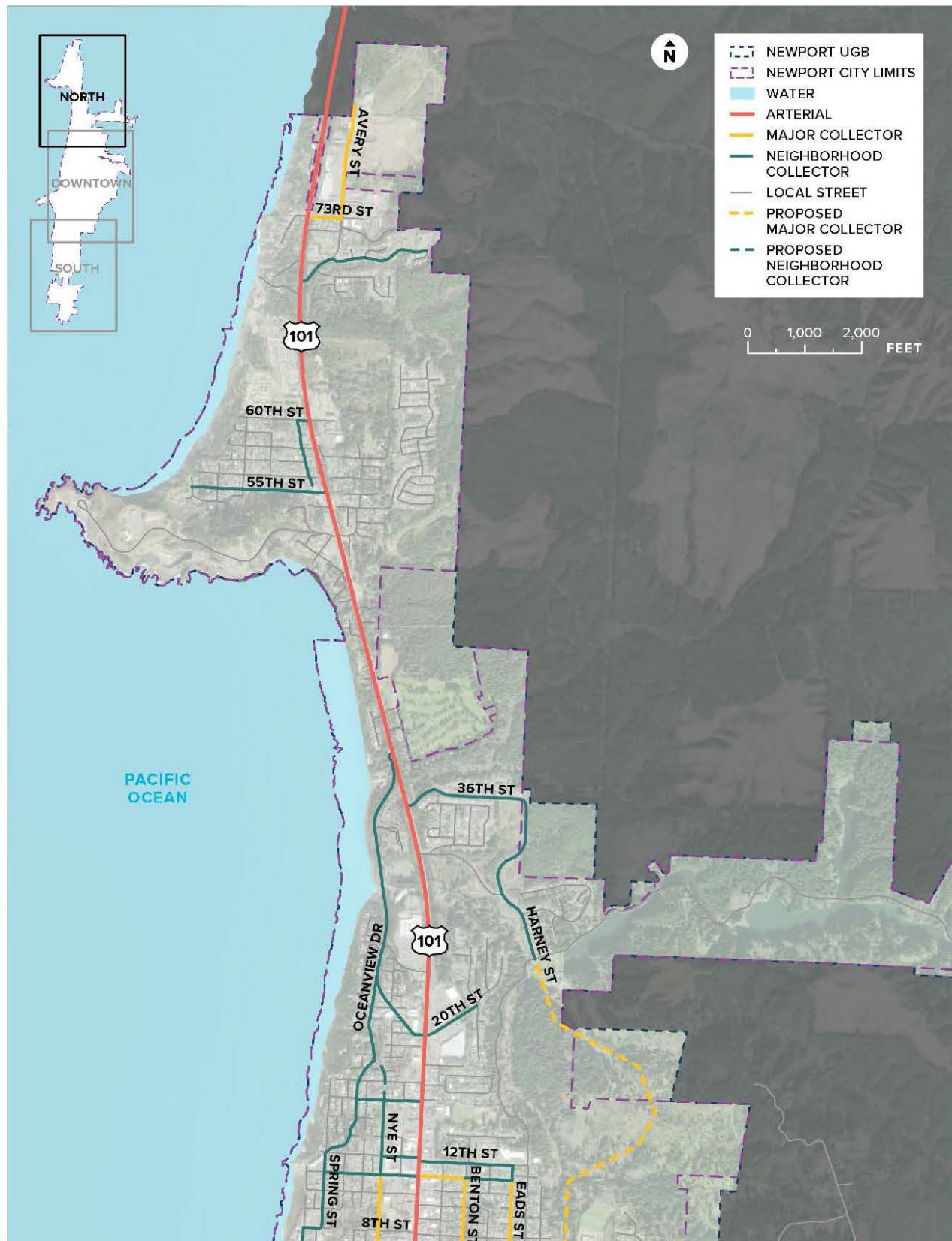


Figure 2: Freight Routes – North Map

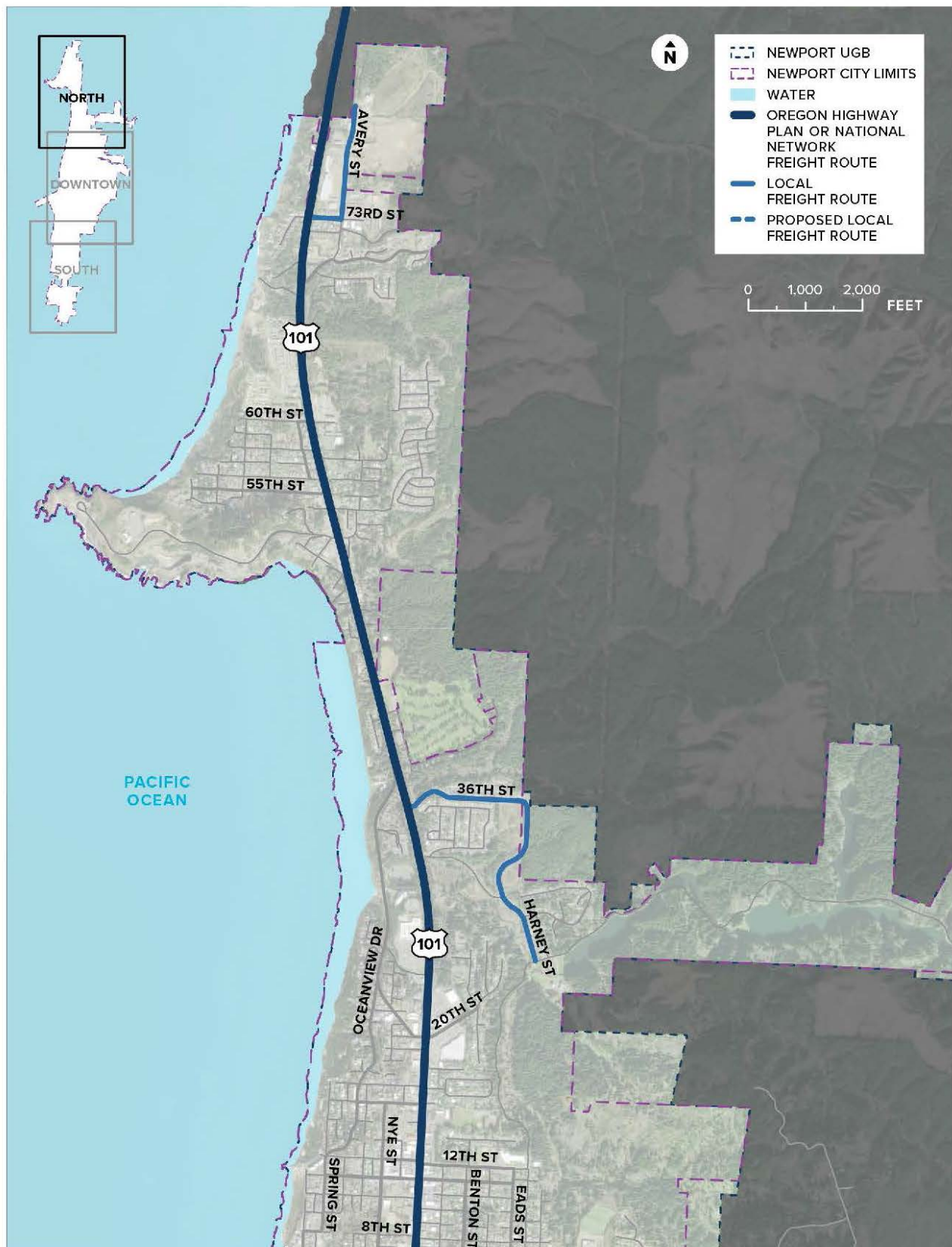


Figure 3: Functional Classification of Roadways – Downtown Map



Figure 4: Freight Routes – Downtown Map

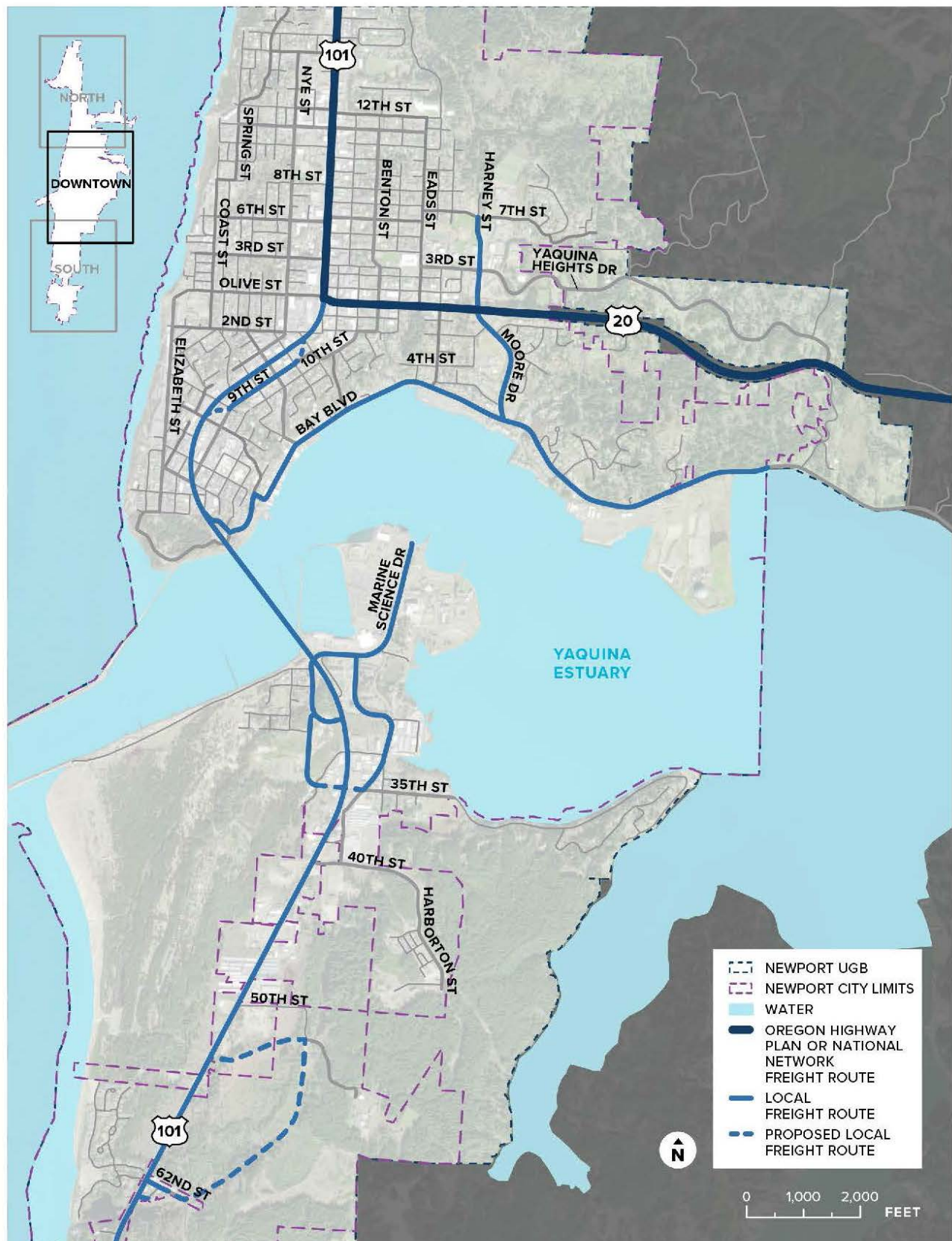


Figure 5: Functional Classification of Roadways – South Beach Map

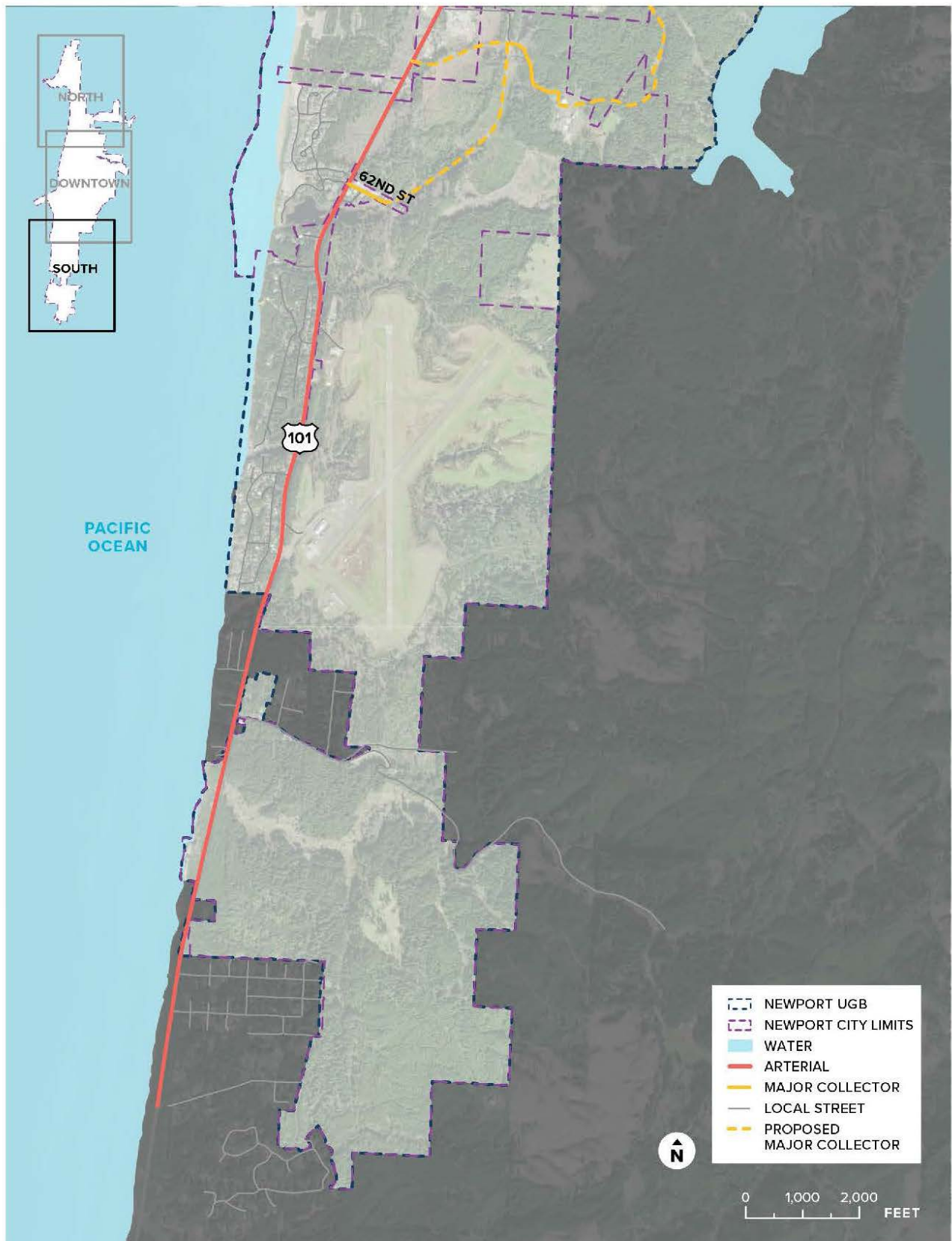
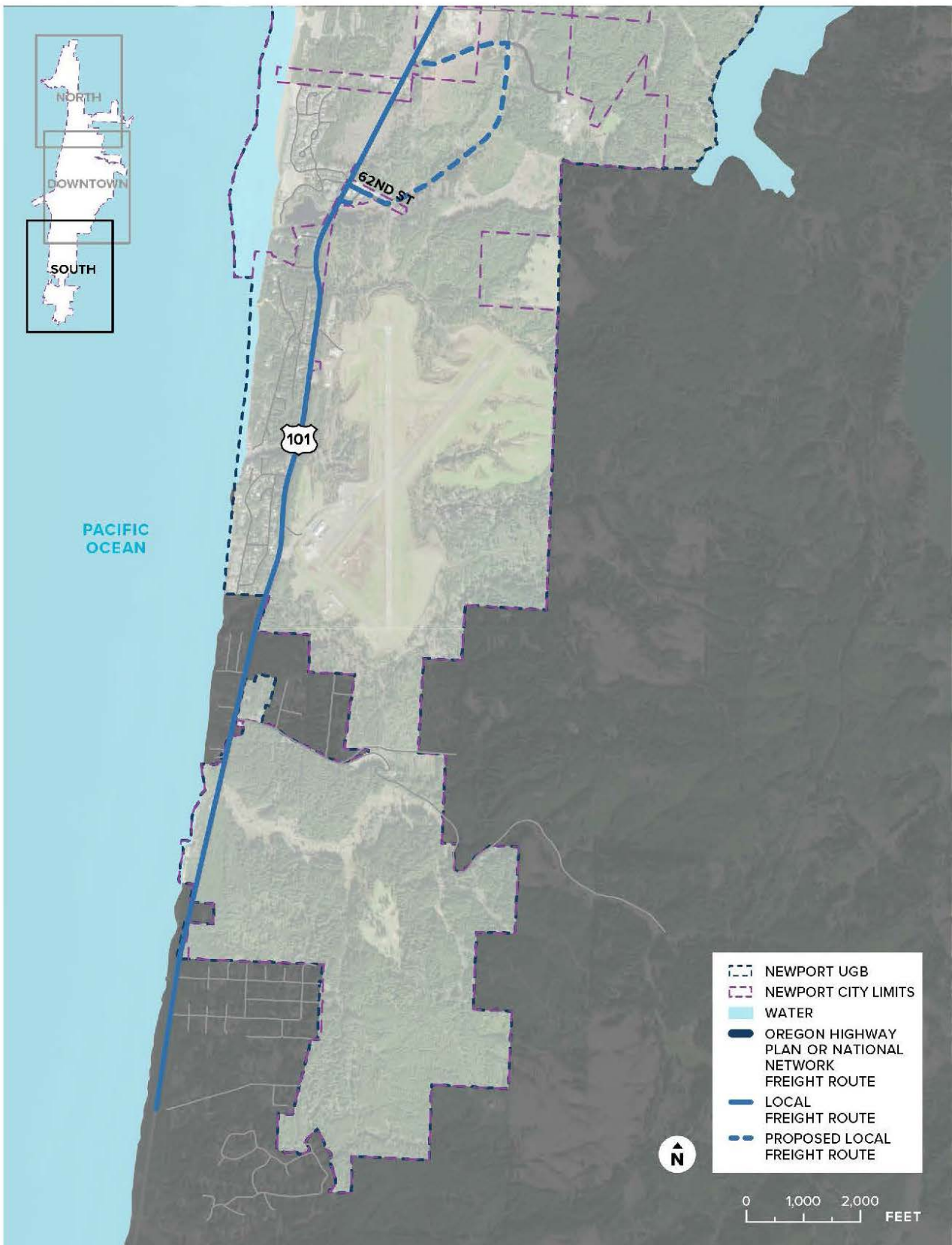


Figure 6: Freight Routes – South Beach Map



MULTIMODAL NETWORK DESIGN

Street designs are based on the functional classifications. City street improvement projects generally accompany newly developing or redeveloping areas of the city. Roadway cross-section design elements include travel lanes, curbs, furnishings/landscape strips, sidewalks on both sides of the road, and bicycle facilities. In some cases, site constraints may prevent minimum standards from being applied, and design exceptions are required.

The TSP includes recommended design standards for all levels of streets, trails and pathways. A summary of the key changes for network design types follows below:

- **Added Yield or Shared Streets** - A new classification for local streets was added to recognize cases where traffic volume is low (fewer than 500 vehicles daily). These cases were referred to as Yield or Shared Streets, and they allow narrower street widths and lower speed limits.
- **Sidewalk Minimum Width Varies** - The minimum sidewalk width was changed to be wider depending on the street classification, and fronting land use types. For example, this allows added space for street side amenities in commercial districts.
- **Bicycle Facilities Tailored to Street Classification** – To better support an integrated bike network, the design standards were modified to better match the required bike facilities with the on-street conditions experienced by cyclists. Where traffic volumes and speeds are high, like on the state highways, wide and protected bike facilities are preferred. Whereas, in neighborhoods the bikes can more readily share the street with motor vehicles.
- **Minimum Pedestrian and Bicycle Facilities** – New design standards are recommended for pedestrian trails, accessways, and shared-use pathways, showing the minimum facility width for each case.

ADDITIONAL TRANSPORTATION PLANNING STANDARDS

A new set of transportation standards is recommended that the City can apply during on-going development review, and when plan amendments are being considered. These new standards provide staff with a quantitative basis for reviewing proposed development plans and other planning proposals that may affect local transportation conditions. The additional standards include the following:

- **Vehicle Mobility Standards** – Define the thresholds of acceptable congestion on city streets for a range of intersection types. These standards can be applied to form the basis for requiring conditions of approval for pending development to ensure that the ultimate facility design matches the expected demands.
- **Multimodal Connectivity** – Define the minimum and maximum spacing standards for block length, driveway spacing, setbacks, and space between ped/bike connections. The intent of these standards is to provide for efficient, safe, and timely multimodal travel, particularly in newer neighborhood designs.

The TSP further highlights unique natural hazards facing the City of Newport, and the City's response to manage those conditions. This includes the Oregon Seismic Lifeline Routes that facilitate emergency evacuation and recovery routes following disasters, such as a tsunami event. Projects are included to

promote seismic resilience on lifeline routes, add pedestrian or bicycle facilities on evacuation routes, and promote wayfinding.

Also highlighted in the TSP are street stormwater drainage management strategies that apply to new development areas and major infrastructure improvements, such as new or expanded roadways. These strategies are acutely important in many areas of the city, and most notably the Agate Beach neighborhood, to mitigate runoff impacts such as further erosion of coastal bluffs.

PROJECT DEVELOPMENT AND FUNDING

Building the updated project list for this TSP involved identifying a several new projects to specifically address new community concerns and combining them with unimplemented past projects from previously adopted transportation plans. The full list of projects is referred to as Aspirational Projects.

A prioritization process was applied to the Aspirational Projects to emphasize improved system efficiency and management over adding capacity. This included four tiers (highest, high, moderate and low). These priority outcomes were then compared to city goals and objectives for the transportation investments. As a result, the higher priority solution types that address identified needs were selected unless a lower priority solution was clearly more cost-effective or better supported the goals and objectives of the city. This process allows the city to maximize use of available funds, minimize impacts to the natural and built environments, and balance investments across all modes of travel.

Each project was reviewed to assess which agency would lead the project and the likely funding source. It is important to note that these funding assumptions do not obligate any agency to commit to these projects. In general, projects were assigned to either the City of Newport or ODOT as the lead agency, with a few cases where they may jointly fund a project. Also, each project was assigned an assumed funding source, which included the City's North Side Urban Renewal District, South Beach Urban Renewal District, and other City/State revenue. It is recognized that there may be other partnering opportunities with ODOT and Lincoln County Transit, these decisions are ultimately up to those agencies. Also, private development will also likely build TSP projects in coordination with land use actions and future development in the city. Based on historical and forecasted funding levels, the city expects to have about \$76 million through the year 2040 for transportation projects in this TSP. This includes about \$38 million for projects in the North Side Urban Renewal District boundary and another \$38 million from other City and State funding sources for other citywide projects. And although it was not included in the TSP revenue forecast, the South Beach Urban Renewal District will also provide an additional \$3 million in funding for remaining projects in the district boundary. This is still far below the funding required to implement all the projects in this plan, which total approximately \$222 million.

FUNDING SOURCE	AMOUNT AVAILABLE BY 2040
NORTH SIDE URBAN RENEWAL DISTRICT	\$37.9 million
OTHER CITY/STATE FUNDS	38.3 million
TOTAL FUNDS AVAILABLE	\$76.0 million
TOTAL ASPIRATION PROJECTS	\$222.5 million

A high priority subset of the City's Aspirational Projects that are constrained to a level of funding that is expected to be available for the next 20 years is presented in Tables ____ through ____ below. These aspirational projects are referred to as "financially constrained," as they represent the City's highest value projects that can reasonably be funded with the known economic constraints through 2040.

The project identification numbers in the first column of the tables are coded to indicate the category of the improvement, as follows:

- "INT" to represent an intersection improvement project
- "EXT" to represent a roadway extension project
- "REV" to represent an existing roadway improvement or reconfiguration project
- "SW" to represent a sidewalk improvement project
- "TR" to represent a trail or shared use path improvement project
- "BR" to represent a bike route improvement project
- "SBL" to represent an improvement project to add separated or buffered bike lanes
- "BL" to represent an improvement project to add standard bike lanes
- "CR" to represent a roadway crossing improvement project
- "PRO" to represent a citywide demand or system management project

Table 1: Aspirational Projects Likely to be Funded – North Map

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
EXT1	NW Gladys Street (from NW 55th Street to NW 60th Street) Improve NW Gladys Street to create a continuous neighborhood collector street.	NURA	\$1,100,000	Tier 2
EXT12 **	NW Nye Street (from NW Oceanview Drive to NW 15th Street) Extend/Improve NW Nye Street to create a continuous neighborhood collector street between NW Oceanview Drive and NW 15th Street. Cost assumes bridge will be needed, installation of a sidewalk, and signing and striping as needed to designate a shared bike route.	City/State Funds	\$3,100,000	Tier 1
REV1 **	NW Oceanview Drive (from NW Nye Street Extension to NW 12th Street) Convert NW Oceanview Drive to one-way southbound between the NW Nye Street Extension and NW 12th Street and shift northbound vehicle traffic to NW Nye Street. Cost assumes utilization of the existing roadway width to include a southbound travel lane for vehicles, and an adjacent shared use path for pedestrians and bicycles. Project EXT12 must be completed before Project REV1.	City/State Funds	\$350,000	Tier 1
SW11 **	SE Benton Street/SE 2nd Street/SE Coos Street/NE Benton Street (from SE 10th Street to NE 12th Street) Complete existing sidewalk gaps.	City/State Funds	\$3,050,000	Tier 2
SW13 **	NW Nye Street (from W Olive Street to NW 15th Street) Complete existing sidewalk gaps.	City/State Funds	\$4,450,000	Tier 2
SW14 **	NW/NE 11th Street (from NW Spring Street to NE Eads Street) Complete existing sidewalk gaps.	City/State Funds	\$2,150,000	Tier 2
SW16	NW Edenvue Way/NE 20th Street (from NW Oceanview Drive to NE Crestview Drive) Complete existing sidewalk gaps.	City/State Funds	\$2,475,000	Tier 2
SW19 **	NW 8th Street/NW Spring Street (from NW Coast Street to NW 11th Street) Complete existing sidewalk gaps.	City/State Funds	\$1,175,000	Tier 2
SW20	NW Gladys Street/NW 55th Street (from NW 60th Street to US 101) Complete existing sidewalk gaps.	NURA	\$1,425,000	Tier 2

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
SW21	US 101 (from NW 25th Street to NE 31st Street) Construct pedestrian path on east side of US 101. Cost assumes 10-ft wide sidewalk with sheet pile wall.	NURA	\$3,100,000	Tier 1
TR1	NW Oceanview Drive (from US 101 to NW Nye Street Extension) Construct a shared use path on one side. The short term improvement along this segment included in Project BR15.	City/State Funds	\$4,775,000	Tier 1
TR3	US 101 (from NW Lighthouse Drive to NW Oceanview Drive) Construct a shared use path on the west side of US 101, with sidewalk infill on the east side. Shared use path project should be consistent with previous planning efforts (e.g., Agate Beach Historic Bicycle/Pedestrian Path, Lighthouse to Lighthouse Path). Cost included with Project TR8.	Federal Funds/ NURA	Included with Project TR8	Tier 1
TR6 **	NE Big Creek Road (from NE Fogarty Street to NE Harney Street) Reconfigure the roadway to provide a shared use path. Cost assumes utilization of the existing roadway width to include a one-way 12 ft. travel lane and an adjacent shared use path.	City/State Funds	\$450,000	Tier 1
TR7	NW Rocky Way (from NW 55th Street to NW Lighthouse Drive) Construct a shared use path and other improvements as identified by the BLM/FHWA. Cost included with Project TR8.	Federal Funds/ NURA	Included with Project TR8	Tier 1
TR8	NW Lighthouse Drive (from US 101 to terminus) Construct a shared use path on one side and other improvements as identified by the BLM/FHWA. Cost includes pedestrian/bicycle crossing improvements at the intersection of US 101/NW Lighthouse Drive, and Projects TR3 and TR7.	Federal Funds/ NURA	\$4,000,000	Tier 1
BR1 **	NE 12th Street (from NE Benton Street to NE Fogarty Street) Install signing and striping as needed to designate a bike route.	City/State Funds	\$25,000	Tier 1
BR2	NE Harney Street/NE 36th Street (from NE Big Creek Road to US 101) Install signing and striping as needed to designate as interim shared bike route. Long term, on-street bike lanes to be provided as part of the Harney Street extension (Project EXT4). Cost assumes interim improvement only.	City/State Funds	\$75,000	Tier 1
BR3 **	NE Eads Street (from NE 1st Street to NE 12th Street) Install signing and striping as needed to designate a bike route.	City/State Funds	\$50,000	Tier 1

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
BR9	<p>NW Edenvue Way/NE 20th Street (from NW Oceanview Drive to NW Crestview Drive)</p> <p>Install signing and striping as needed to designate a bike route. Restripe through US 101/NE 20th Street intersection to provide on-street bike lanes between the NW Edenvue Way/NW 20th Street intersection and the eastern Fred Meyer Driveway.</p>	City/State Funds	\$50,000	Tier 1
BR10	<p>NW 60th Street/NW Gladys Street/NW 55th Street (from US 101 to US 101)</p> <p>Install signing and striping as needed to designate a bike route through Agate Beach.</p>	NURA	\$25,000	Tier 1
BR12	<p>NE Avery Street/NE 71st Street (from US 101 to NE Echo Court)</p> <p>Install signing and striping as needed to designate a bike route.</p>	City/State Funds	\$50,000	Tier 1
BR15	<p>NW Oceanview Drive Interim Improvements (from US 101 to NW Nye Street Extension)</p> <p>Install signing and striping as needed to designate as an interim bike route and implement other improvements as identified in the Oregon Coast Bike Route Plan. Long term improvement along this segment included in Project TR1.</p>	City/State Funds	\$75,000	Tier 1
BR16	<p>NW 55th Street (from NW Gladys Street to NW Pinery Street)</p> <p>Install signing and striping as needed to designate a bike route.</p>	NURA	\$50,000	Tier 1
BR19 **	<p>NW Spring Street/NW Coast Street/SW Alder Street/SW Neff Way (from NW 12th Street to US 101)</p> <p>Install signing and striping as needed to designate a bike route.</p>	City/State Funds	\$75,000	Tier 1
BL2 **	<p>NW Nye Street/SW 7th Street (from NW 15th Street to SW Hubert Street)</p> <p>Restripe NW Nye Street to include on-street bicycle lanes (project removes on-street parking on one side only) between NW 15th Street and SW 2nd Street. Install signing and striping to designate SW 7th Street a shared bike route between SW 2nd Street and SW Hubert Street.</p>	City/State Funds	\$100,000	Tier 1
BL8 **	<p>NW/NE 11th Street (from NW Spring Street to NE Eads Street)</p> <p>Restripe to provide on-street bike lanes (project removes on-street parking on one side, although on-street parking may be impacted on both sides between NW Lake Street and NW Nye Street).</p>	City/State Funds	\$50,000	Tier 1

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
	SW Angle Street/SW 10th Street/SE 2nd Street/SE Coos Street/NE Benton Street (from SW 9th Street to Frank Wade Park)			
BL11 **	Restripe to provide on-street bike lanes (project removes on-street parking on one side between NE 12th Street and US 20). Install signing and striping to designate NE Benton Street a shared bike route between NE 12th Street and NE Chambers Street/Frank Wade Park. Note 5 ft. bike lanes assumed between US 20 and SE 2nd Street. Construct with Project CR2.	City/State Funds	\$150,000	Tier 1
CR1	NW 60th Street/US 101 Install an enhanced pedestrian and bike crossing to connect to the shared-use path on the east side of US 101.	NURA	\$150,000	Tier 1
CR3	NW 55th Street/US 101 Install an enhanced pedestrian and bike crossing to connect to the shared-use path on the east side of US 101.	NURA	\$150,000	Tier 1
CR8	NW 68th Street/US 101 Install an enhanced pedestrian crossing.	City/State Funds	\$150,000	Tier 1
CR10	NW 58th/US 101 Install an enhanced pedestrian and bike crossing to connect to the shared-use path on the east side of US 101.	NURA	\$150,000	Tier 1
CR16 **	NW 8th/US 101 Install an enhanced pedestrian crossing.	NURA	\$150,000	Tier 1
PRO2 ***	Transportation Demand Management Implement strategies to enhance transit use in Newport. Specific strategies could include public information, stop enhancements, route refinement, or expanded service hours.	City Funds	\$475,000	Tier 2
PRO3 ***	Neighborhood Traffic Management Implement a neighborhood traffic calming program.	City Funds	\$475,000	Tier 1
Notes:				
** Project overlaps two of the map areas and is therefore displayed in both project tables and corresponding maps.				
*** Project is not displayed on a map but applies in the north map area.				
Project Horizon: Tier 1 = Years 1 to 10; Tier 2 = Years 11 to 20				

Figure 7: Aspirational Motor Vehicle Projects Likely to be Funded – North Map

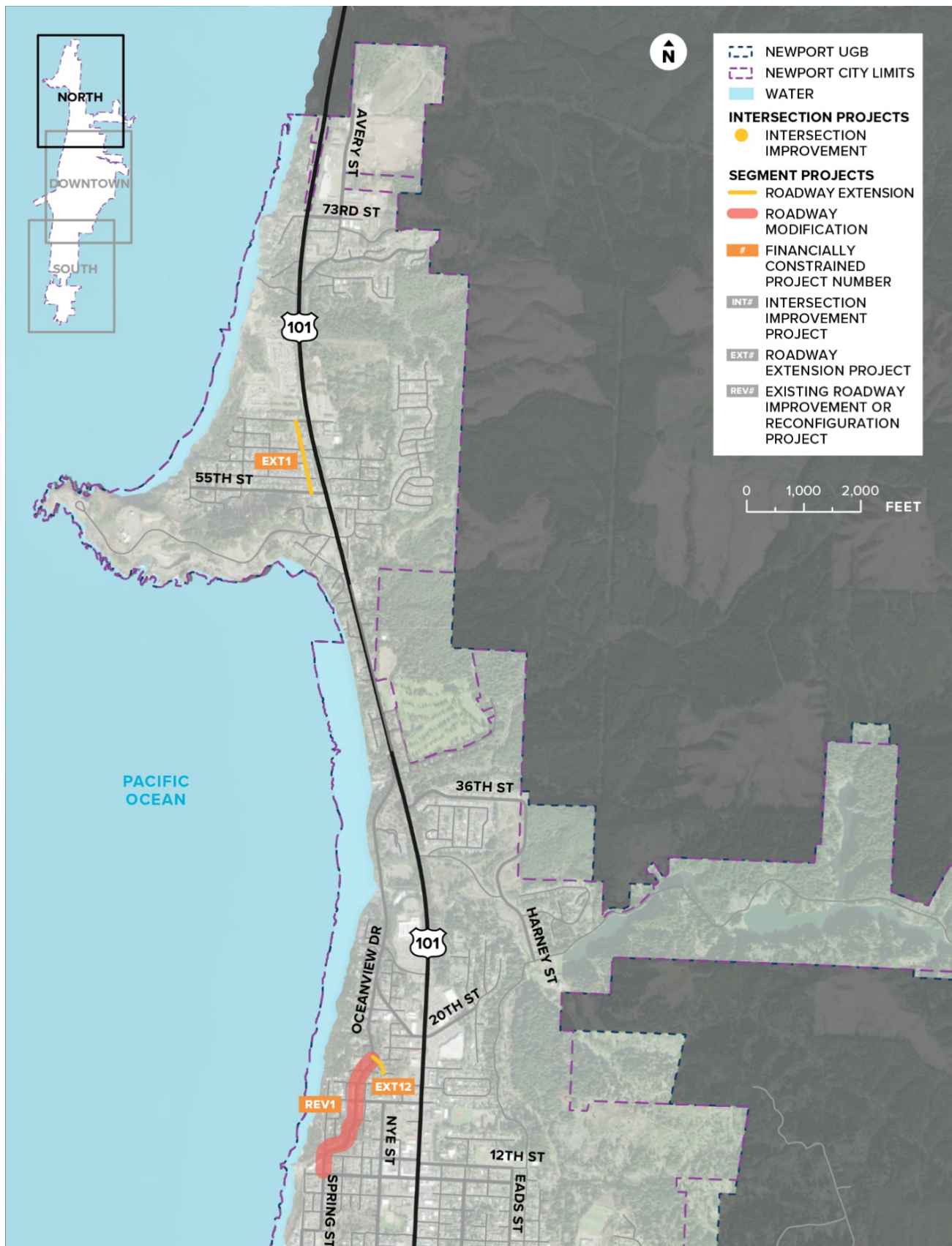


Figure 8: Aspirational Multimodal Projects Likely to be Funded – North Map

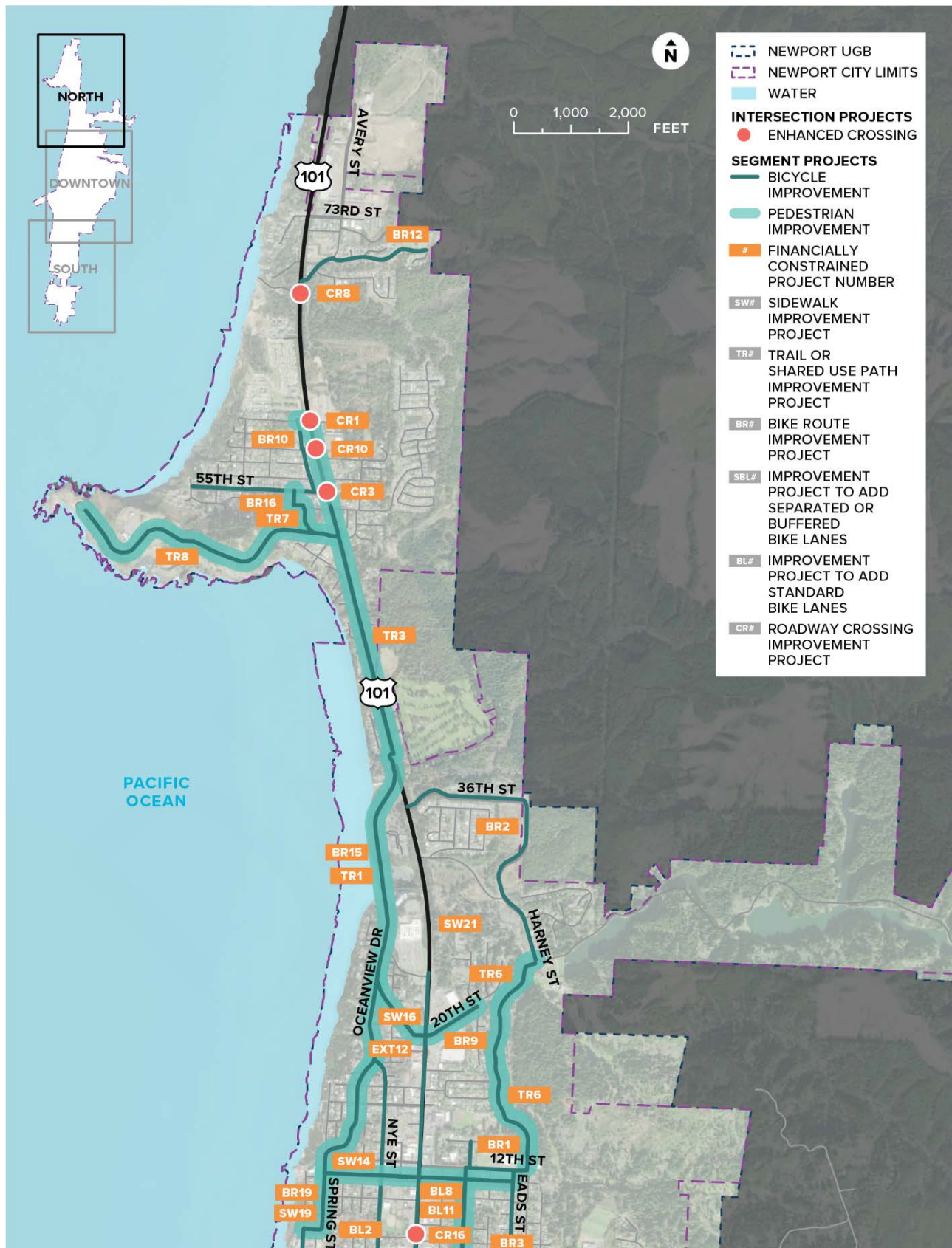


Table 2: Aspirational Projects Likely to be Funded – Downtown Map

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
	US 101/US 20			
INT4	Construct a second southbound left turn lane. Requires a signal modification, widening along US 101 and along the south side of US 20 to support a second receiving lane, and conversion of the US 101/NE 1 st Street intersection to right-in, right-out movements only.	NURA	\$5,000,000	Tier 1
	US 20/SE Moore Drive/NE Harney Street			
INT6	Improve the intersection with a traffic signal (with separate left turn lanes on the northbound and southbound approaches). Coordinate improvements with Project SBL1.	NURA	\$1,050,000	Tier 1
	US 101/SW 40th Street			
INT9	Improve the intersection with a traffic signal. Cost assumes installation of a traffic signal, curb ramps, striping, signing and repaving, as identified in the South Beach Refinement Plan.	SBURA	\$1,550,000	Tier 1
	NW Nye Street (from NW Oceanview Drive to NW 15th Street)			
EXT12 **	Extend/Improve NW Nye Street to create a continuous neighborhood collector street between NW Oceanview Drive and NW 15 th Street. Cost assumes bridge will be needed, installation of a sidewalk, and signing and striping as needed to designate a shared bike route.	City/State Funds	\$3,100,000	Tier 1
	NW Oceanview Drive (from NW Nye Street Extension to NW 12th Street)			
REV1 **	Convert NW Oceanview Drive to one-way southbound between the NW Nye Street Extension and NW 12 th Street and shift northbound vehicle traffic to NW Nye Street. Cost assumes utilization of the existing roadway width to include a southbound travel lane for vehicles, and an adjacent shared use path for pedestrians and bicycles. Project EXT12 must be completed before Project REV1.	City/State Funds	\$350,000	Tier 1
	Yaquina Bay Bridge Refinement Plan			
REV5	Conduct a study to identify the preferred alignment of a replacement bridge, typical cross-section, implementation, and feasibility, and implement long-term recommendations from the Oregon Coast Bike Route Plan.	City/State Funds	\$500,000	Tier 1

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
REV6	<p>US 101 and SW 9th Street (from SW Abbey Street to SW Angle Street)</p> <p>Convert US 101 to one-way southbound between SW Abbey Street and SW Angle Street, and shift northbound US 101 to SW 9th Street. Cost assumes cross-sections as identified in Chapter 5 of this TSP, construction of new roadway segments to transition northbound traffic to and from SW 9th Street, and some intersection and crossing improvements. Specific treatments will be identified during design phase of the project.</p>	NURA	\$11,700,000	Tier 1
REV7	<p>US 20 (from US 101 to NE Harney Street)</p> <p>Enhance the existing street cross-section with widened sidewalks and new landscape buffers. Cost assumes cross-sections as identified in Chapter 5 of this TSP, with on-street bicycle lanes only provided between SE Fogarty Street and NE Harney Street. Requires a design exception and documented public acceptance. Parallel bicycle facilities provided between US 101 and SE Fogarty Street in Project BR5, TR12 and BL3.</p>	NURA	\$6,500,000	Tier 1
SW2	<p>NE 3rd Street (from NE Eads Street to NE Harney Street)</p> <p>Complete existing sidewalk gaps.</p>	City/State Funds	\$950,000	Tier 2
SW3	<p>SW Elizabeth Street (from W Olive Street to SW Government Street)</p> <p>Complete existing sidewalk gaps.</p>	City/State Funds	\$2,600,000	Tier 2
SW6	<p>NE 7th Street (from NE Eads Street to NE 6th Street)</p> <p>Complete existing sidewalk gaps.</p>	City/State Funds	\$2,175,000	Tier 2
SW8	<p>NE Harney Street (from US 20 to NE 3rd Street)</p> <p>Complete existing sidewalk gaps.</p>	NURA	\$700,000	Tier 2
SW11 **	<p>SE Benton Street/SE 2nd Street/SE Coos Street/NE Benton Street (from SE 10th Street to NE 12th Street)</p> <p>Complete existing sidewalk gaps.</p>	City/State Funds	\$3,050,000	Tier 2
SW12	<p>SW 2nd Street (from SW Elizabeth Street to SW Nye Street)</p> <p>Complete existing sidewalk gaps.</p>	City/State Funds	\$1,275,000	Tier 2
SW13 **	<p>NW Nye Street (from W Olive Street to NW 15th Street)</p> <p>Complete existing sidewalk gaps.</p>	City/State Funds	\$4,450,000	Tier 2
SW14 **	<p>NW/NE 11th Street (from NW Spring Street to NE Eads Street)</p> <p>Complete existing sidewalk gaps.</p>	City/State Funds	\$2,150,000	Tier 2

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
SW18	SE 35th Street (from SE Ferry Slip Road to South Beach Manor Memory Care) Complete existing sidewalk gaps as identified in the South Beach Refinement Plan.	SBURA	\$750,000	Tier 1
SW19 **	NW 8th Street/NW Spring Street (from NW Coast Street to NW 11th Street) Complete existing sidewalk gaps.	City/State Funds	\$1,175,000	Tier 2
SW29	US 101 (from SE Ferry Slip Road to SE 40th Street) Complete the sidewalk gaps on the east side.	City/State Funds	\$425,000	Tier 2
TR6 **	NE Big Creek Road (from NE Fogarty Street to NE Harney Street) Reconfigure the roadway to provide a shared use path. Cost assumes utilization of the existing roadway width to include a one-way 12 ft. travel lane and an adjacent shared use path.	City/State Funds	\$450,000	Tier 1
TR12	SE 1st Street (from SE Douglas Street to SE Fogarty Street) Construct a shared use path. Cost assumes bridge will be needed.	NURA	\$2,550,000	Tier 1
BR1 **	NE 12th Street (from NE Benton Street to NE Fogarty Street) Install signing and striping as needed to designate a bike route.	City/State Funds	\$25,000	Tier 1
BR3 **	NE Eads Street (from NE 1st Street to NE 12th Street) Install signing and striping as needed to designate a bike route.	City/State Funds	\$50,000	Tier 1
BR5	SE 1st Street (from SE Coos Street to SE Fogarty Street), SE Fogarty Street (from US 20 to SE 2nd Street), and SE 2nd Street (SE Fogarty Street to SE Moore Drive) Install signing and striping as needed to designate a bike route. Project TR12 must be completed before/with Project BR5.	NURA	\$25,000	Tier 1
BR7	SW 2nd Street/SW Angle Street (from SW Elizabeth Street to SW 10th Street) Install signing and striping as needed to designate a bike route. Specific intersection treatments at US 101 and SW 9th Street intersections to be determined with Project REV6.	City/State Funds	\$50,000	Tier 1
BR13	NW 3rd Street (from US 101 to NW Cliff Street) Install signing and striping as needed to designate a bike route.	City/State Funds	\$50,000	Tier 1
BR14	Yaquina Bay Bridge Interim Improvements Install signing as needed to designate a bike route and implement other improvements as identified in the Oregon Coast Bike Route Plan such as flashing warning lights or advisory speed signs.	City/State Funds	\$75,000	Tier 1
BR17	NW 6th Street (from NW Coast Street to NW Nye Street) Install signing and striping as needed to designate a bike route.	City/State Funds	\$25,000	Tier 1

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
BR18	NE 7th Street/NE 6th Street (from NE Eads Street to NE Laurel Street) Install signing and striping as needed to designate a bike route.	City/State Funds	\$50,000	Tier 1
BR19 **	NW Spring Street/NW Coast Street/SW Alder Street/SW Neff Way (from NW 12th Street to US 101) Install signing and striping as needed to designate a bike route.	City/State Funds	\$75,000	Tier 1
SBL1	SE Moore Drive/NE Harney Street (from SE Bay Boulevard to NE 7th Street) Restripe to install buffered bike lanes between SE Bay Boulevard and US 20; Widen to install buffered bike lanes between US 20 and NE Yaquina Heights Drive; Restripe and upgrade the existing on-street bike lanes between NE Yaquina Heights Drive and NE 7th Street (project removes on-street parking on one side only). Coordinate improvements through the US 20 intersection with Project INT6.	NURA	\$825,000	Tier 1
SBL2	US 101 (from Yaquina Bay Bridge to SW Abbey Street) Construct a separated bicycle facility on US 101. Note the specified facility design and project extents are subject to review and modification.	NURA	\$1,350,000	Tier 1
SBL4	US 101 (from Yaquina Bay Bridge to SE 35th Street) Construct a separated bicycle facility on US 101. Note the specified facility design and project extents are subject to review and modification.	City/State Funds	\$925,000	Tier 1
BL1	SW Canyon Way (from SW 9th Street to SW Bay Boulevard) Restripe to provide on-street bike lanes in uphill direction and mark sharrows in the downhill direction (project may require conversion of angle parking near SW Bay Boulevard to parallel parking).	City/State Funds	\$25,000	Tier 1
BL2 **	NW Nye Street/SW 7th Street (from NW 15th Street to SW Hurbert Street) Restripe NW Nye Street to include on-street bicycle lanes (project removes on-street parking on one side only) between NW 15th Street and SW 2nd Street. Install signing and striping to designate SW 7th Street a shared bike route between SW 2nd Street and SW Hurbert Street.	City/State Funds	\$100,000	Tier 1
BL3	NE 1st Street (from US 101/NE 1st Street intersection to US 20/NE Fogarty Street intersection) Restripe to provide on-street bike lanes (project removes on-street parking on one side).	NURA	\$100,000	Tier 1

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
BL4	SW 9th Street (from US 101 to SW Fall Street) Restripe or widen as needed to provide on-street bike lanes (project removes on-street parking).	NURA	\$465,000	Tier 1
BL5	SW Bayley Street (from US 101 to SW Elizabeth Street) Restripe to provide on-street bike lanes (project removes on-street parking on one side).	NURA	\$25,000	Tier 1
BL6	SW Hubert Street (from SW 9th Street to SW 2nd Street) Restripe to provide on-street bike lanes (existing angle parking will be converted to parallel parking on one side). Specific intersection treatments at US 101 and SW 9th Street intersections to be determined with Project REV6.	NURA	\$25,000	Tier 1
BL7	NW/NE 6th Street (from NW Nye Street to NE Eads Street) Restripe or widen as needed to provide on-street bike lanes (project removes on-street parking on one side).	City/State Funds	\$775,000	Tier 1
BL8 **	NW/NE 11th Street (from NW Spring Street to NE Eads Street) Restripe to provide on-street bike lanes (project removes on-street parking on one side, although on-street parking may be impacted on both sides between NW Lake Street and NW Nye Street).	City/State Funds	\$50,000	Tier 1
BL9	NE 3rd Street (from NE Eads Street to NE Harney Street) Widen as needed to provide on-street bike lanes.	City/State Funds	\$525,000	Tier 1
BL11 **	SW Angle Street/SW 10th Street/SE 2nd Street/SE Coos Street/NE Benton Street (from SW 9th Street to Frank Wade Park) Restripe to provide on-street bike lanes (project removes on-street parking on one side between NE 12th Street and US 20). Install signing and striping to designate NE Benton Street a shared bike route between NE 12th Street and NE Chambers Street/Frank Wade Park. Note 5 ft. bike lanes assumed between US 20 and SE 2nd Street. Construct with Project CR2.	City/State Funds	\$150,000	Tier 1
BL12	SW Elizabeth Street (from SW Government Street to W Olive Street) Restripe to provide on-street bike lanes (project removes on-street parking on one side).	City/State Funds	\$75,000	Tier 1
BL13	W Olive Street (from SW Elizabeth Street to US 101) Restripe to provide on-street bike lanes (project removes on-street parking on one side). Note project requires modification of existing curb extensions at Coast Street; on-street bike lanes may terminate prior to the US 101 intersection to provide space for turn pockets.	City/State Funds	\$150,000	Tier 1

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
BL14	Yaquina Bay Road (from SE Moore Drive to SE Running Spring) Restripe or widen as needed to provide on-street bike lanes.	City/State Funds	\$1,625,000	Tier 1
CR2	SE Coos Street/US 20 Install an enhanced pedestrian and bicycle route crossing. Construct with Project BL11.	NURA	\$200,000	Tier 1
CR4	NE Fogarty Street/US 20 Install an enhanced pedestrian and bicycle route crossing. This intersection should be designed to facilitate bicycle turn movements from US 20 on-street bike facilities to/from parallel bike facilities on side streets to the north and south. Construct with Project BR5 and/or Project BL3.	NURA	\$200,000	Tier 1
CR6	SE 32nd Street/US 101 Install an enhanced pedestrian crossing.	City/State Funds	\$100,000	Tier 1
CR7	SW Naterlin Drive/US 101 Improve pedestrian connections between Yaquina Bay Bridge and downtown Newport through pedestrian wayfinding, marked crossings, and other traffic control measures.	City/State Funds	\$25,000	Tier 1
CR16 **	NW 8th/US 101 Install an enhanced pedestrian crossing.	NURA	\$150,000	Tier 1
CR18	SW Bay/US 101 Install an enhanced pedestrian crossing.	NURA	\$150,000	Tier 1
PRO1 ***	Parking Management Implement additional parking management strategies for the Nye Beach and Bayfront Areas. Strategies could include metering, permits, or other time restrictions.	City Funds	\$600,000	Tier 1
PRO2 ***	Transportation Demand Management Implement strategies to enhance transit use in Newport. Specific strategies could include public information, stop enhancements, route refinement, or expanded service hours.	City Funds	\$475,000	Tier 2
PRO3 ***	Neighborhood Traffic Management Implement a neighborhood traffic calming program.	City Funds	\$475,000	Tier 1

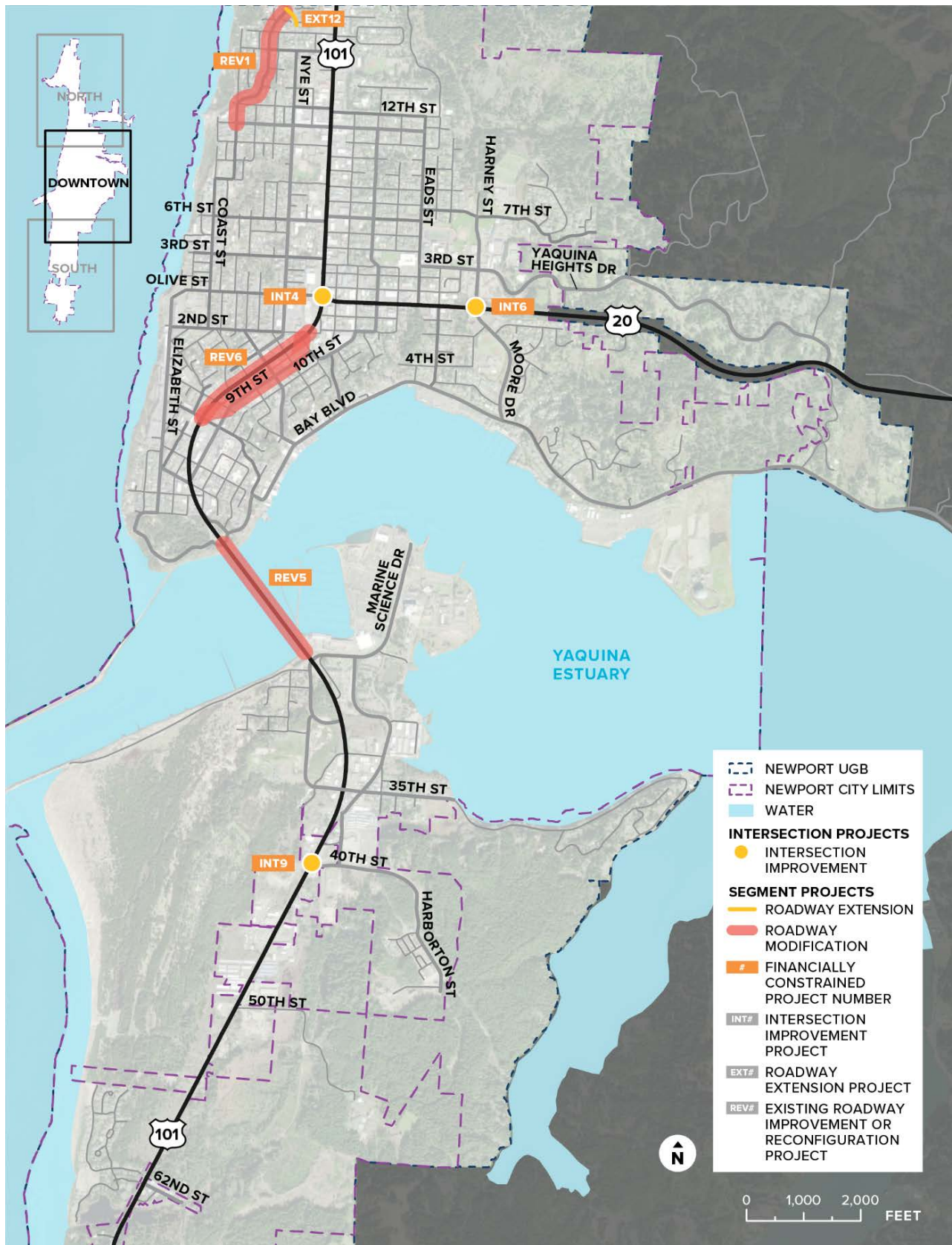
Notes:

** Project overlaps two of the map areas and is therefore displayed in both project tables and corresponding maps.

*** Project is not displayed on a map but applies in the downtown map area.

Project Horizon: Tier 1 = Years 1 to 10; Tier 2 = Years 11 to 20

Figure 9: Aspirational Motor Vehicle Projects Likely to be Funded – Downtown Map



[illegible]

Table 3: Aspirational Projects Likely to be Funded – South Map

Financially constrained projects within the South Map area are depicted on the downtown map set, or they are program management investments or a broad set of system improvements that cannot be readily mapped.

PROJECT ID	PROJECT DESCRIPTION	POTENTIAL FUNDING SOURCE	ESTIMATED PROJECT COST (2021 DOLLARS)	PRIORITY HORIZON
TR13 **	South Beach Improvements			
	Pedestrian and bicycle priority improvements as identified in the South Beach Refinement Plan. This project does not include the cost associated with Project SW18.	SBURA	\$700,000	Tier 1
PRO2 **	Transportation Demand Management			
	Implement strategies to enhance transit use in Newport. Specific strategies could include public information, stop enhancements, route refinement, or expanded service hours.	City Funds	\$475,000	Tier 2
PRO3 **	Neighborhood Traffic Management			
	Implement a neighborhood traffic calming program.	City Funds	\$475,000	Tier 1
Notes:				
** Project is not displayed on a map but applies in the south map area.				
Project Horizon: Tier 1 = Years 1 to 10; Tier 2 = Years 11 to 20				

TARGETED TRANSPORTATION STUDIES

A series of studies were conducted that provided greater depth of technical review and public engagement than is common for a TSP update. The focus of these special studies included corridor solutions along US 101 and US 20 in the downtown area, and a closer look at the feasibility, effectiveness, and cost to construct a proposed Harney Street extension. The 2012 TSP shows a proposed Harney Street extension parallel to US 101 north of US 20 to NE 36th Street that would provide alternative circulation for longer trips to relieve congestion in the downtown area.

Each of these projects represent large-scale capital investments that could significantly alter Newport's transportation network and travel patterns by increasing roadway capacity for motor vehicles, bicycles, and pedestrians. In addition to mobility and access improvements, the highway corridor studies also sought to leverage economic development opportunities to revitalize the downtown commercial core area. The following discussion summarize results of each special transportation study. Please refer to the full TSP and the Solutions Evaluation (Technical Memo #8) in the TSP Appendix for full details.

US 101 Downtown Corridor (SW 9th Street to SW Angle Street) – Three options were considered for this corridor. Two involved forming one-way couplets with the existing highway and SW 9th Street, and one retained the highway on its current alignment. However, that concept also includes providing quality bicycle facilities on parallel routes of SE 9th Street to reduce impacts to properties adjacent to the highway. The one-way couplets would provide for southbound traffic along the present highway alignment, and northbound flow along SW 9th Street. The difference between the two couplets was one

was longer, it began at the existing intersection of SW 9th Street and US 101, and the other was shorter, it began at SW Fall Street. All three options would upgrade the existing roadways to meet current ODOT design standards, which would address the narrow travel lanes, and lack of bike facilities. Based on feedback from the public and the PAC, the Long Couplet options was set aside from further review. It was agreed that the Long Couplet concept was not worth the extra investment for a longer improved facility, especially since the area around the hospital complex was already being redeveloped along the adjoining parcels nearby. The PAC suggested that the remaining two options advance for further deliberation during the public adoption process of the TSP.

US 20 Downtown Corridor (Harney Street-Moore Drive to US 101) – Two options were considered for this corridor. One involved forming a one-way couplet with the existing highway and NE 1st Street. In this concept, the eastbound flow would use the existing highway, while the westbound flow of traffic would use NE 1st Street. The other option was to upgrade and expand the highway along its present alignment. Based on feedback from the public and the PAC, the preferred option was the existing two-way highway along its current alignment. However, that concept also includes providing quality bicycle facilities on parallel routes of NE 1st Street to reduce impacts to properties adjacent to the highway.

US 20/US 101 Intersection – Several design concepts were evaluated at this location to serve traffic growth and still meet desired performance targets. Concepts included adding more vehicle turning lanes on high volume approaches, restricting Olive Way to westbound only flow, and converting the intersection to a multi-lane roundabout. The preferred concept is to add another southbound left-turn lane from US 101 onto eastbound US 20 (see INT4 for details). Initial sketches were made to illustrate how roadway widening might impact to adjoining properties (see initial diagrams in TSP Appendix ____).

Harney Street Extension (NE 7th Street to NE 36th Street) – The alignment of this proposed extension was evaluated in-depth by project team engineering staff to navigate the many environmental and topographical constraints of this route. These outcomes of these engineering studies show (see Figure 38, Chapter 5) that the primary new construction would be near NE 7th Street, then it bends around the hillside to the east and then connects to the existing Harney Street at NE Big Creek Road. This route was expected to carry moderate traffic volumes that would provide some relief to the US 101 corridor. However, because of the high estimated cost of the construction, at over \$40 million, the PAC recommended that this project be set aside from priority city funding at this time.

NW Nye Street Extension/NW Oceanview Drive – The northerly extension of NW Nye Street to connect to NW Oceanview Drive was recommended to address safety and access concerns in this area (see EXT12 for details). Two circulation options were advanced. The first option limits the Nye Street extension to pedestrian and bike access only with no changes to Oceanview Drive circulation. The second option would allow full motor vehicle, ped/bike use on the Nye Street extension, and restrict Oceanview Drive to one-way southbound for motor vehicles between Nye Street and NE 12th Street. The former northbound travel lane would be restriped as a shared-use path for ped/bike use in the one-way section.

TRANSPORTATION PLANNING IN SOUTH BEACH

Primary access to businesses and residents in South Beach principally relies on US 101. Recent analysis of the transportation system's capability to support existing and future growth indicates that the existing Oregon Highway Plan's (OHP) mobility standards or "targets" would not be met along US 101 for the 2030 planning horizon. This condition results from the combination of background traffic growth (e.g., through traffic) and anticipated development within the South Beach area. Substantial highway improvements in South Beach would not be sufficient to respond to the additional travel demand because the system is limited by the capacity of the Yaquina Bay Bridge, given its physical constraints as well as system infrastructure costs. To respond to this expected future condition, and to come into compliance with the State's expectations for mobility on US 101, the TSP identifies a variety of improvements to local street, bicycle, and pedestrian systems, as well as to US 101 that will improve local circulation and facilitate traffic movements on US 101. The identified improvements on the local roadway system, are described in Table 1¹. The Oregon Transportation Commission recognizes that the mobility targets established in OHP Table 6 may not be feasible or practical in all circumstances. OHP Policy 1F states that alternate mobility targets can be developed to reflect the balance between relevant objectives related to land use, economic development, social equity, and mobility and safety for all modes of transportation. New mobility standards for US 101 have been identified and analyzed in conjunction with planned transportation system improvements in the report titled "Newport Transportation System Plan Update - Alternate Mobility Standards Final Technical Memorandum #13 Summary of Measures of Effectiveness," dated April 2012 in order to confirm that the mobility targets can reasonably be met within the planning horizon.

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

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

Development of an Alternative Mobility Standard

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

¹ In 2012, Ordinance 2045 updated the TSP to include transportation improvements for South Beach. The technical memoranda that constitute the analysis and recommendations for the transportation system in South Beach are documented and included in Ordinance 2045. *Newport Transportation System Plan*

Update - Alternate Mobility Standards Final Technical Memorandum #13 Summary of Measures of Effectiveness informs the development of alternate mobility standards for US 101 in the South Beach study area. The development of these standards is based on the findings of technical memoranda #5, #10, #11 and #12 prepared for the Newport Transportation System Plan (TSP) Update.

² OHP Policy 1F, Table 6.

³ Newport TSP Technical Memorandum #5.

The capacity of the two-lane Yaquina Bay Bridge also affects highway operations in South Beach. The narrow travel lanes, lack of highway shoulders and the significant road grade from the middle of the bridge to its south end in South Beach affect the bridge's capacity when compared to a typical highway. The TSP Update calculated that the two-lane bridge's capacity is about 25% less than a typical highway. No replacement bridge can be expected in the planning horizon to provide additional capacity, so South Beach traffic movements will continue to be affected by this condition in 2030.

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

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

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

⁴ Newport TSP Update, Technical Memorandum #11.

Trip Budget Program

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

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

TAZ Trip Budgets

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

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

Table 4: South Beach Overlay Zone Trip Budget Totals

Area	TAZ Trip Budget ¹
Area A	1,237
Area B and C	798
Area D	606
Area E	167
Area F	626
Area G	257
Area H	300
Area I	181
Area J	200
Trip Reserve Total²	490
SBTOZ Trip Total	4,862

¹TAZ Trip Budgets are projected PM Peak Hour Trips forecasted for each TAZ during the next 20 years. TAZ Trip Budgets are based upon Scenario #2 in the "Newport Transportation System Plan Update--Alternate Mobility Standards Final Technical Memorandum #12."
² The SBTOZ Trip Reserve Total is 10% of the PM Peak Hour Trips from each TAZ. These trips can be allocated anywhere within the SBTOZ through Newport Zoning Code provisions.

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

Trip Reserve Fund

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

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

Approval of the allocation of trips from the Trip Reserve Fund is a discretionary decision, subject to attendant public notice, opportunity to comment, and an appeals process. Allocation of reserve trips is approved only where a transportation analysis demonstrates that the impacts from the proposed development is consistent with the planned preferred transportation system, or that the transportation impacts can be mitigated with improvements proposed as part of the development.

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

Transportation Impact Analysis Requirement

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

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

Trip Generation Calculation

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

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

Monitoring the Trip Budget Program

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

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

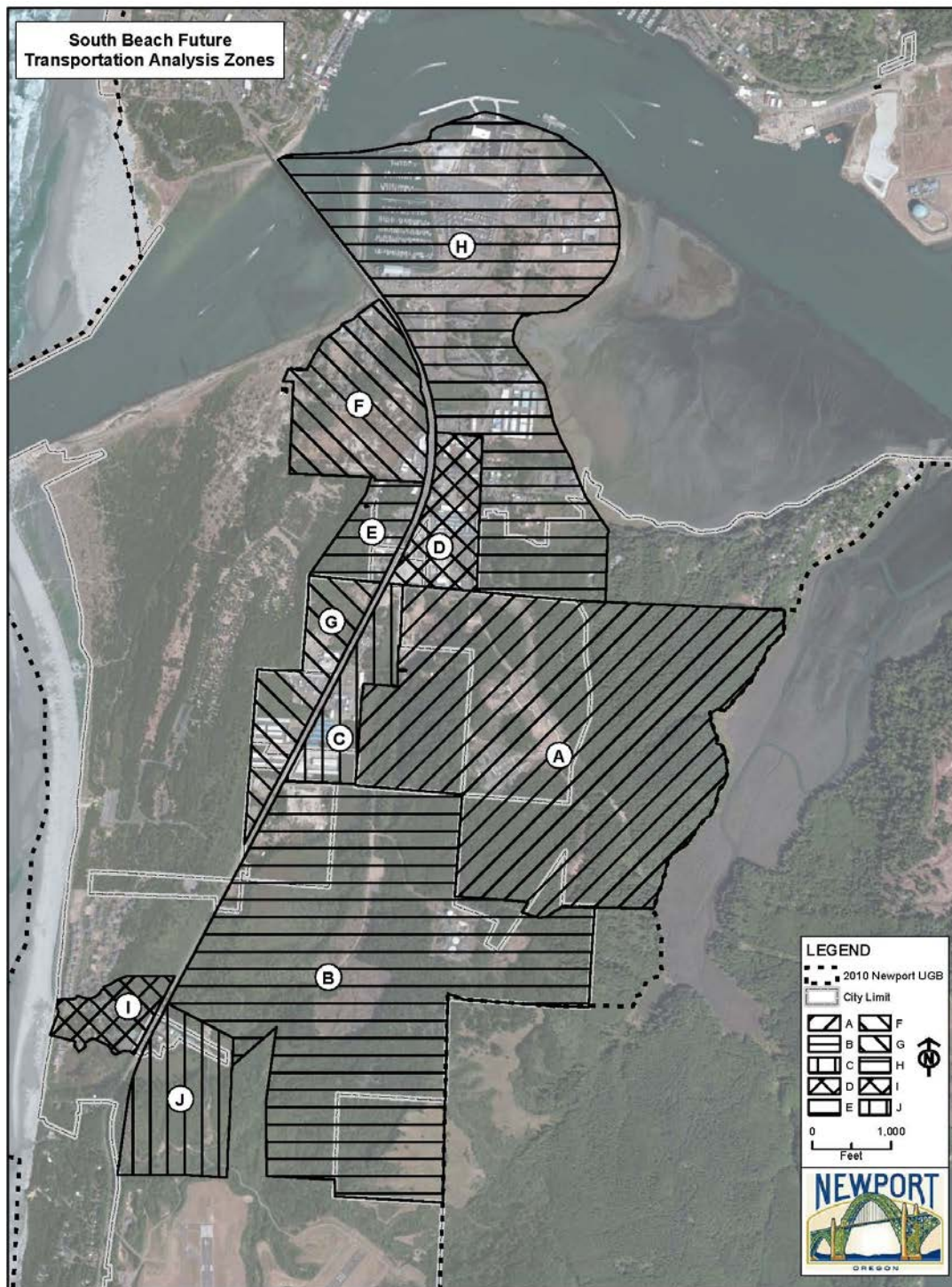
Amending the Trip Budget Program

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

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

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

Figure 11: South Beach Overlay Zone⁷



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

GOALS AND POLICIES **PUBLIC FACILITIES ELEMENT**

TRANSPORTATION

GOALS AND POLICIES

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

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

Policy 1: Improve and maintain a transportation system that is consistent with the adopted 2022 TSP, as amended. The 2022 TSP may be updated with future refinement plans or other transportation studies. Such studies or plans shall be adopted by reference herein.

Goal 2: Safety. Improve the safety of all users of the system for all modes of travel.

Policy 1: Proactively improve areas where crash risk factors are present, with particular attention to high vehicle volume roadways such as US 101 and US 20.

Policy 2: Apply a comprehensive approach to improving transportation safety that considers engineering, education, enforcement, emergency medical services and evaluation.

Policy 3: Incorporate street and access spacing standards into the City's development codes as identified in the TSP.

Policy 4: Support development of a Neighborhood Traffic Management (NTM) program to identify a clear and objective process for collecting community input, assessing the prevailing concerns, and evaluating which, if any, NTM solution is appropriate to be installed.

Goal 3: Mobility and Accessibility. Promote efficient travel that provides access to goods, services, and employment to meet the daily needs of all users, as well as to local and regional major activity centers.

Policy 1: Support the expansion of the local and regional transit network and services consistent with the TSP considering funding limitations, topographic constraints, and existing development patterns.

Policy 2: Facilitate improvements that enhance mobility of US 101 and US 20.

Policy 3: Incorporate vehicle mobility standards for city streets into the City's development codes consistent with the TSP, and manage congestion according to the adopted standards.

Policy 4: Support transportation options and ease of use for people of all ages and abilities.

Policy 5: Strive to ensure safe, direct, and welcoming routes to provide access to schools, parks, and other activity centers for all members of the community, including visitors, children, people with disabilities, older adults, and people with limited means.

Policy 6: Provide an interconnected network of streets to allow for efficient travel.

Policy 7: Monitor the transportation impacts of development in South Beach through the South Beach Transportation Overlay Zone (SBTOZ) and associated Trip Budget Program.

Policy 8: Continue to engage ODOT in conversations regarding future project planning and funding that would lead to improvements to, and possibly replacement of, the Yaquina Bay Bridge.

Goal 4: Active Transportation. Complete safe, convenient, and comfortable networks of facilities that make walking, ~~and~~ biking, ~~and~~ transit ~~an~~ more attractive choices ~~by~~ for people of all ages and abilities.

Policy 1: Continuously improve existing transportation facilities to meet applicable City of Newport and Americans with Disabilities Act standards.

Policy 2: Provide walking facilities that are physically separated from auto traffic on all arterials and collectors, and on streets and paths linking key destinations such as employment centers, schools, shopping, and transit routes.

Policy 3: Provide safe street crossing opportunities on high-volume and/or high-speed streets.

Policy 4: Facilitate walking access to transit routes and major activity centers in the City.

Policy 5: Work to close gaps in the existing sidewalk network.

Policy 6: Provide biking facilities that are comfortable, convenient, safe, and attractive for users of all ages and abilities on or near all arterials and collectors, and streets and paths linking key destinations such as employment centers, schools, shopping, and transit routes.

Policy 7: Work with Lincoln County Transit to identify barriers to transit ridership, enhancements to service, and physical improvements that can promote transit use, such as signage, posted schedules, and bus stop shelters.

Policy 8: Explore opportunities with Lincoln County Transit to enhance shuttle service across the bay during the busy tourist season to help reduce traffic congestion subject to the availability of funding.

Goal 5: Grow the Economy. develop a transportation system that facilitates economic activity and draws business to the area.

Policy 1: Support improvements that make the City a safe and comfortable place to explore on foot.

Policy 2: Manage congestion along freight routes according to current mobility standards.

Policy 3: Provide safe, direct, and welcoming routes between major tourist destinations in Newport.

Policy 4: Consider the larger parcel impact that right-of-way acquisitions for transportation improvements have on area businesses, and provide fair market compensation for such impacts.

Policy 5: Implement transportation solutions in commercial core areas along US 101 and US 20 that promote economic revitalization of these areas in addition to addressing broader transportation needs of the community.

Goal 6: Environment. Minimize environmental impacts on natural resources and encourage lower-polluting transportation alternatives.

Policy 1: Support strategies that encourage a reduction in trips made by single-occupant vehicles.

Policy 2: Minimize negative impacts to natural resources and scenic areas, and restore or enhance, where feasible.

Policy 3: Support facility design and construction practices that have reduced impacts on the environment.

Goal 7: Support Healthy Living. Support options for exercise and healthy lifestyles to enhance the quality of life.

Policy 1: Develop a connected network of attractive walking and biking facilities, including off-street trails, which includes recreational routes as well as access to employment, schools, shopping, and transit routes.

Policy 2: Provide active transportation connections between neighborhoods and parks/open spaces.

Policy 3: Provide for multi-modal circulation on-site and externally to adjacent land uses and existing and planned multi-modal facilities.

Goal 8: Prepare for Change. Ensure that the choices being made today make sense at a time when Newport is growing, and the transportation industry is rapidly changing.

Policy 1: Anticipate the impacts and needs of connected and automated vehicles.

Policy 2: Promote emerging transportation technologies, where feasible, including the rollout of infrastructure for electric vehicles.

Policy 3: Seek to supplement traditional transportation options with more emphasis given to walking, biking, and transit and consideration for new alternatives such as car sharing, bike sharing, driverless vehicles, ride sourcing, and micro-mobility.

Policy 4: Explore opportunities to partner with state, regional, and private entities to provide innovative travel options.

Goal 9: Fiscal Responsibility. Sustain an economically viable transportation system.

Policy 1: Improve resiliency of the transportation system to seismic and tsunami hazards, extreme weather events, and other natural hazards, including the preparation of project specific geotechnical analysis in Agate Beach and other areas of known subsurface instability.

Policy 2: Identify and develop diverse and stable funding sources to implement transportation projects in a timely fashion and ensure sustained funding for transportation projects and maintenance.

Policy 3: Preserve and maintain existing transportation facilities to extend their useful life.

Policy 4: Seek to improve the efficiency of existing transportation facilities before adding capacity.

Policy 5: Ensure that development within Newport is consistent with, and contributes to, the City's planned transportation system.

Goal 10: Work with Regional Partners. Partner with other jurisdictions to plan and fund projects that better connect Newport with the region.

Policy 1: Coordinate projects, policy issues, and development actions with all affected government agencies in the area.

Policy 2: Build support with regional partners for the improvement of regional connections.

Staff: The above language will replace the goals and policies contained in the current TSP. They are tailored to align with the goals and objectives listed in the draft TSP and executive summary. Language in Goal 5, Policy 5 can be drafted in a more targeted manner to allow the Commission and Council to select one of the two recommended solutions for US 101. If that doesn't occur, then the two options would be considered as part of the TGM funded City Center Revitalization Project, and a recommendation would come out of that process. Changes since the Commission's last work session (highlighted) respond to comments by Angelo Planning Group, who assessed whether or not any of the existing TSP policies should be carried forward. Additional policies provide further direction regarding City/ODOT coordination on the future of the Yaquina Bay Bridge, enhancements to transit service, and monitoring traffic impacts in South Beach that are subject to an existing trip budget program.

June 13, 2022 Amendments Implementing 2022 Newport Transportation System Plan Update

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strike through~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 14.01 PURPOSE, ~~APPLICABILITY~~, AND DEFINITIONS**

14.01.~~010005~~ Purpose

The several purposes of ~~this ordinance~~ Title XIV of the Newport Municipal Code, also referred to as the "ordinance," are: ~~t~~To implement the Comprehensive Plan; to encourage the most appropriate use of the land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open spaces for light and air; to lessen the congestion on streets; to allow for orderly growth in the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks, and other public requirements; and, in general, to promote public health, safety, convenience, and general welfare. The standards and conditions contained herein have been reviewed and deemed consistent with Comprehensive Plan policies.

14.01.010 Applicability

The rules, requirements, and provisions of Title are in addition and not in lieu of any prior ordinance, resolution, rule, requirement, or procedure previously adopted by the City of Newport except as may have been expressly repealed, provided, however, that the provisions of this ordinance shall be controlling in cases where there may be conflicting provisions.

Staff: Moved from what is presently Chapter 14.54. Applicability language should be included at the beginning of the code chapter with the purpose section.

14.01.015 Compliance Required

No structure or lot shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.

*Staff: Moved from what is presently Chapter 14.55.
Compliance required language should be included at the
beginning of Title XIV.*

14.01.020 Definitions

As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Accessory Dwelling Unit. An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

Accessory Structure or Use. A structure or use incidental and subordinate to the primary use of the property and which is located on the same lot or parcel as the primary use or is on a contiguous lot or parcel under the same ownership. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

Accessway. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an accessway for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles.

Adult Recreation Facility. A facility or that portion of a facility that may have any uses allowed in family recreation facilities. In addition, card rooms, taverns, and bars are also adult recreation facilities. Social gambling, as defined by Oregon law and city ordinance, may occur. Alcoholic beverages may be sold and consumed.

Affordable Housing. Means residential property in which:

- A. 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. 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.

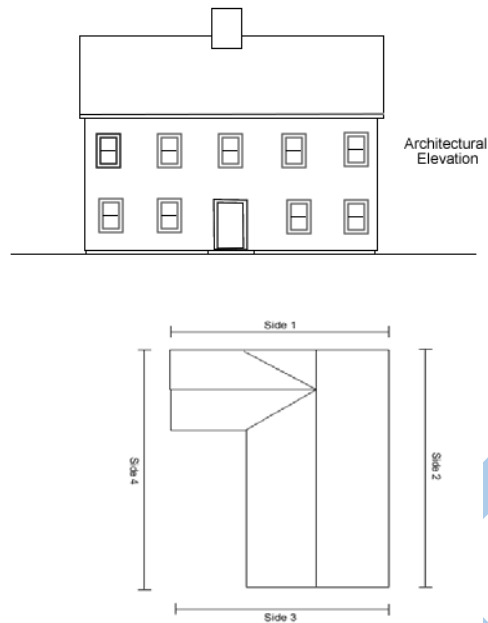
Affordability under either of the above metrics is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

Alley. A narrow street ~~25 feet or less~~ through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street. ~~Frontage on said alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.~~

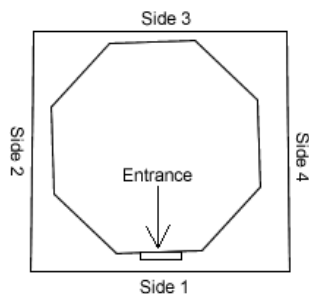
Apartment House. A residential structure having multiple residential living units where more than 50 percent of the units are rented for not less than 30 days at a time.

Applicant. A person who applies for a land use action or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Architectural Elevation.*** A scale drawing of the four sides of a building, one each for the front, two sides and rear, from grade to the highest point of the building. The four sides shall show the entire perimeter of the building and shall be centered on each side. The four sides shall be at 90 degrees to each adjacent side.



For a building with many sides or a non-rectangular shape, a rectangle shall be drawn around the outside of the building. Side 1 shall be centered on the entry to the building and each of the other three sides shall be 90 degrees to the adjacent side. Architectural elevations for use in the building height calculation shall be drawn for each side of the rectangle.



Assisted Living Facility. A facility licensed by or under the authority of the Department of Human Resources (DHR) per Oregon Administrative Rule 411-56-000, which provides or coordinates a range of services for elderly and disabled persons in a home-like environment. An assisted living facility is required to provide each resident with a separate living unit with a lockable door to guarantee their privacy, dignity, and independence.

Authorized Agent. A property management company or other entity or person who has been designated by the owner to act on their behalf. An authorized agent may or may not be the designated point of contact for complaints.

Automobile Service Station. A building or portion thereof and land used for dispensing automobile fuel, oil, and accessories. Automobile repairs may be made that do not produce an unreasonable or excessive amount of dust, odor, smoke, fumes, or noise. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Bed and Breakfast Facility. A short-term rental where the operator resides on the premises and meals are provided for a fee.

Bedroom. A habitable room that (a) is intended to be used primarily for sleeping purposes; (b) contains at least 70-square feet; and (c) is configured so as to take the need for a fire exit into account.

Boarding, Lodging, or Rooming House. A building or portion thereof containing a single dwelling unit where a group of four or more unrelated persons may live but not more than 20 unrelated persons. A boarding, lodging, or rooming house may be occupied and managed by a family in addition to the four to twenty unrelated persons. Where such a facility has a majority of the residents residing for 30 days or longer, it shall be considered a residential use and a boarding house. If the majority of such occupancy is for less than 30 continuous days, the facility shall be considered transient and the same as a hostel. Where such a facility is occupied by more than 20 unrelated persons, or where such a facility has more than one kitchen, it shall be considered a hotel or motel.

Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Child Care Center. means a child care facility, other than a family child care home, that is certified under ORS 329A.280.

Child Care Facility. means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any:

- A. preschool recorded program.
- B. Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.
- C. Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- D. Facility operated by:
 - 1. A school district as defined in ORS 332.002;
 - 2. A political subdivision of this state; or
 - 3. A governmental agency.
- E. Residential facility licensed under ORS 443.400 to 443.455.
- F. Babysitters.
- G. Facility operated as a parent cooperative for no more than four hours a day.
- H. Facility providing care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.
- I. Facility operated as a school-age recorded program.

City. The City of Newport, Oregon.

Commission. The City Planning Commission of the City of Newport, Oregon.

Community Development Director. The City of Newport Community Development Director/Planning Director or ~~designated~~designee.

Conditional Use. A use that may be permitted depending upon the individual circumstances. A conditional use permit will not be issued or shall be so conditioned so that neither the public nor neighboring property owners are unduly affected in an adverse way.

Condominiums. A form of ownership where buildings are subdivided into individual units such that each owner only owns his own unit and the air space occupied by it. The portion of land upon which the building is situated, the surrounding grounds, party walls, corridors, and services other than those within independent units (such as electrical, water, gas, sewer, etc.) become joint responsibilities of all the owners as tenants in common.

Cottage cluster. means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

Cottage cluster project. means a tract with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Court. An open, unoccupied space on the same lot with the building or buildings and which is bounded on two or more sides by such building or buildings. An open, unoccupied space bounded by one "L" shaped building, which is not a court but a yard.

Design Guidelines. The discretionary design oriented approval criteria with which a project is required to be in compliance. The design guidelines are applicable for applications that do not meet the design standards.

Design Review. The process of applying design guidelines and/or design standards

Design Standards. Clear and objective design oriented approval criteria with which a project must demonstrate compliance. If a project does not meet the design standards, then the project is reviewed under the design guidelines.

Dwelling, Cottage. means an individual dwelling unit that is part of a cottage cluster.

Dwelling, Duplex; or Dwelling, Two-Family. A building containing two attached dwelling units on one lot or parcel. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an Accessory Dwelling Unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.

Dwelling, Multi-Family. A building containing three or more attached dwelling units on one lot or parcel.

Dwelling, Single-Family. A detached building containing one dwelling unit.

Dwelling, Townhouse. means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on a single lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a “rowhouse,” “attached house,” or “common-wall house.”

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Family Child Care Home. means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.

Family or Household. An individual or two or more persons living together in a dwelling unit.

Family Recreation Facility. A facility designed for active indoor recreation, including a billiard parlor, dance hall, bowling alley, skating rink, teen club or youth center, arcade, indoor swimming pool, indoor tennis court, miniature golf course, and similar uses. No alcoholic beverages may be consumed or sold, nor may gambling occur in a family recreation facility. A supervisory employee must be present at all times, and public restrooms must be provided.

Footprint. The total square footage of the area within the perimeter of the building as measured around the foundation of a building.

Garage, Private. An accessory building detached or part of the main building including a carport which is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the persons resident upon the premises and in which no business, service, or industry related to motor vehicles is carried on.

Garage, Public. A "public or commercial garage" is a building or part of a building or space used for business or commercial purposes used principally for the repair, equipping, and care of motor vehicles and where such vehicles may be parked or stored.

Geologic Hazards. A geologic condition that is a potential danger to life and property which includes but is not limited to earthquakes, landslides, erosion, expansive soils, fault displacement, and subsidence.

Grade. The average of the finished exterior ground level at the corners of each architectural elevation of the building. In case an architectural elevation is parallel to and within five feet of a sidewalk or on top of a retaining structure, the grade for that one architectural elevation shall be measured at the sidewalk or base of the retaining structure.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Height of Building. The vertical distance from the "grade" to the highest point of the roof.

Home share. A short-term rental, other than a bed and breakfast facility, where a portion of a dwelling unit is rented while the homeowner is present. For the purposes of this definition, “present” means the homeowner is staying in the dwelling overnight for the duration of the rental.

Home Occupation. An accessory use of a dwelling unit for gainful employment involving provision or sale of goods and/or services and the creation of handicrafts and artwork and is incidental to the primary use of the building or residence.

Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

Hostel. A single building containing a single dwelling unit where four or more (but not more than 20) unrelated individuals may live for not more than 30 continuous days. A hostel may be occupied and managed by a family in addition to the 4-20 persons renting facilities. If there are more than 20 persons at maximum occupancy, such a facility shall be considered a hotel or motel for the purposes of this ordinance except for parking requirements. Hostels shall meet the requirements of the Uniform Building Code for maximum occupancy.

Hotel (transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), with or without cooking facilities, and where 50 percent or more of the lodging rooms are for rent to guests for a continuous period of less than 30 days. Short-term rental use of a single family dwelling or individual dwelling unit is not a hotel use.*

Hotel (non-transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), where cooking facilities are provided within individual lodging rooms, or for groups of lodging

rooms, and where 50 percent or more of the lodging rooms are offered for rent to guests for a continuous period of 30 days or longer. Short-term rental use of a single family dwelling or individual dwelling unit is not a hotel use.*

Junk Yard. Any property used by a business that deals in buying and selling old motor vehicles, old motor vehicle parts, abandoned automobiles, or machinery or parts thereof, or appliances or parts thereof, or iron, paper, or waste of discarded material.

Kennel. A lot or building in which four or more dogs, cats, or animals at least four months of age are kept. Any building containing more than one dwelling unit shall be considered a lot or building for the purposes of this item.

Land Division. A subdivision or partition.

Land Use Action. The procedure by which the City of Newport makes a land use decision.

Land Use Decision. In general, a final decision or determination that concerns the adoption, amendment, or application of the statewide planning goals, a comprehensive plan provision, or a land use regulation. Specifically, a city decision as defined by ORS 197.015(10).

Laundromat. An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Loading Space. An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading

Lot. A lawfully established unit of land. In the context of a land division, a lot is a unit of land created by a subdivision of land.

Lot Area. The total horizontal area within the lot lines of a lot.

Lot Corner. A lot ~~with~~ at least two adjacent sides ~~of which~~ ~~but that abut~~ streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

Lot, Corner, Reversed. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear where the lot to the rear is of the prevailing yard pattern.

Lot Frontage. The front of a lot is the portion nearest the street. In no case shall the frontage (or front lot line) be less than 25 feet.

Lot, Interior. A lot other than a corner lot.

Lot, Through. A lot having frontage on two parallel or approximate parallel streets other than alleys.

Lot Line. The property line abounding a lot. Where the lot line extends below ordinary high tide, ORS 390.615 shall apply. Where the lot line extends below ordinary high water, ORS 274.025 shall apply.

Lot Line, Front. In the case of an interior lot, a straight line joining the foremost points of the side lot lines. The foremost points of the side lot, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding, and, in the case of a corner lot, all sides of a lot adjacent to streets other than alleys shall be considered frontage.

Lot Line, Rear. In the case of an interior lot, a straight line joining the rearmost points of the side lot lines, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line, and in the case of through lots, there will be no rear lot line. All corner lots shall have at least a 10 foot rear yard.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot Measurements.

- A. Depth of a lot is the mean horizontal distance between the front lot line and rear lot line of a lot. In the case of a corner lot, the lot depth is the greater of the mean horizontal distances between front lot lines and the respective lot lines opposite each other.
- B. Width of a lot is the mean horizontal distance between side lot lines (of side and front lot lines for corner lots) perpendicular to the lot depth.

Lumber and Other Building Materials Dealer.

Establishment engaged in selling lumber and a general line of building materials to the general public (see State Industrial Code 5211).

Lumber Yard. A place of storage in connection with the wholesaling of lumber by a manufacturer such as a planing mill, a sawmill, or a producer of mill work (see S.I.C. 2411, 2421, 2426, 2429, and 2431).

Manufactured Dwelling. A manufactured home, mobile home, or residential trailer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located on a lot or parcel of land the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Manufactured Home. A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mini-Storage. Individual small warehouse units.

Ministerial Action. A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a

ministerial action requires no notice to any party other than the applicant and agencies that the Community Development Director, or designee, determines may be affected by the decision. A ministerial action does not result in a land use decision, as defined in ORS 197.015(10).

Mobile Food Unit. Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

Mobile Food Unit Pod. Four or more mobile food units on the same lot, parcel, or tract.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law at the time of construction.

Motel (transient). A building or group of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, with or without cooking facilities, and where 50 percent or more of the lodging rooms are for rent to guests for a continuous period of less than 30 days. Short-term rental use of a single family dwelling or individual dwelling unit is not a motel use.*

Motel (non-transient). A building or group of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, offered for rent to guests for a continuous period of 30 days or longer. Short-term rental use of a single family dwelling or individual dwelling unit is not a motel use.*

Nonconforming Lot. A lot legally existing on the effective date of this Ordinance that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Structure or Use. A legally established structure or use in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the regulations of the zoning district in which it is located. A use approved under criteria that have been modified or are no longer in effect is considered nonconforming.

Nursing Home. A nursing home provides 24 hour direct medical, nursing, and other health services. Registered nurses, licensed practical nurses, and nurses' aides provide services prescribed by resident(s) physician(s). A nursing home is for those persons who need health supervision but not hospitalization. The emphasis of this use is on nursing care, but convalescent, restorative physical, occupational, speech, and respiratory therapies are also provided. The level of care may also include specialized nursing services such as specialized nutrition, rehabilitation services and monitoring of unstable conditions. The term nursing home is also synonymous with the terms nursing facility and skilled nursing facility.

Open Porch. A roofed, open structure projecting from the outside wall of a building without window sash or any other form of permanent enclosure.

Owner. Means the natural person(s) or legal entity that owns and holds legal or equitable title to the property.

Parcel. Same as definition of "lot." In the context of a land division, a parcel is a unit of land that is created by a partitioning of land.

Parking Lot, Public. An open, off-street area used for the temporary parking of more than three automobiles and available for public use, with or without charge, or as an accommodation for clients and customers.

Partition. To divide land into not more than three parcels of land within a calendar year, but does not include:

A. .A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;

B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable ordinance; or

C. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes, provided that such road or right-of-way complies with the applicable comprehensive plan and state law. However, any property divided by the sale or grant of property for state highway, county road, city street, or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

Pedestrian Trail. Pedestrian trails are typically located in parks or natural areas and provide opportunities for both pedestrian circulation and recreation.

Person. ~~Every natural person, firm, partnership, association, or corporation.~~ An individual or entity.

Planned Development. The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by the ordinance.

Plat. The final map or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

Prefabricated Structure. A building or subassembly, other than a manufactured dwelling or small home, that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site, is relocatable, more than eight and one-half feet wide, and designed for use as a single family dwelling.

Primary Structure or Use. A structure or use of chief importance or function on a site. A site may have more than one primary structure or use.

Public Facilities. Sanitary sewer, water, streets (including sidewalks), storm water, and electricity.

Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

Recreational Vehicle (RV). A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of not more than 400 square feet in the setup mode.

Recreational Vehicle Park. A place where two or more recreational vehicles are located on a lot or parcel of land, the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Recreational Vehicle Storage. Storage for more than two recreational vehicles. No occupancy allowed.

Replat. The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. A replat shall not serve to vacate any public street or road.

Replat. Minor. A replat that involves five or fewer lots or any number of lots or parcels totally contained within a city block in the original configuration and that does not involve any public street rights-of-way. A minor replat shall not serve to vacate any public street or road

Residential Care Home. A residential facility, as defined in ORS 443.400, which provides residential care and/or treatment to five or fewer individuals, excluding caregivers, with mental or other developmental disabilities; mental, emotional, or behavioral

disturbances; or alcohol or drug dependence. This definition includes the state definitions of “residential training home” and “residential treatment home.”

Residential Facility. A facility licensed by or under the authority of the Department of Human Services (DHS) as defined in ORS 443.400, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Required staff persons shall not be counted in the number of facility residents. This definition includes the state definitions of “residential care facility,” “residential training facility,” and “residential treatment facility.”

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962.

Residential Unit. See definition of Dwelling Unit.

Roadway. The portion of a street right-of-way developed for vehicular traffic.

Sale or Transfer. Means any change of ownership during the period of time that a license is valid, whether or not there is consideration, except:

1A. A change of ownership in real property where title is transferred pursuant to a declaration of right of survivorship as recognized in ORS 93.180.

2B. A transfer of ownership in real property to a trust, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity so long as the conveyance does not result in any new individuals possessing titled or equitable interest in the property.

3C. A transfer of ownership between titled interest holders.

- 4D. A transfer of ownership between, or to include, spouses, domestic partners, or children.
-

Examples: The following scenarios serve as examples of some, but not all, of the types of transactions that will or will not constitute a sale or transfer as defined in this chapter:

- Title is held by a married couple or domestic partnership at the time the license is obtained. Partner dies and survivor retains license~~?~~?. This would not constitute a sale or transfer (Exception 1).
- An individual owns a parcel subject to a declaration of right-of-survivorship to their children at the time a license is obtained. The individual dies and title is transferred pursuant to that provision~~?~~?. This would not constitute a sale or transfer (Exception 1).
- Married couple possesses title to property at time license is obtained. They later elect to convey property into an irrevocable trust and retain a life estate in the deed~~?~~?. This would not constitute a sale or transfer (Exception 2).
- A corporation consisting of three shareholders owns a parcel at the time a license is obtained. They later convert the corporation to a limited liability company controlled by two of the original three shareholders~~?~~?. This would not constitute a sale or transfer (Exceptions 2. and 3).
- A limited liability company is formed with four individuals possessing ownership interest at the time a license is obtained. A fifth person later obtains an ownership interest in the company~~?~~?. This would constitute a sale or transfer.
- Four tenants in common own a parcel at time license is obtained. An owner sells their 1/4 interest to one of the other existing owners~~?~~?. This would not constitute a sale or transfer (Exception 3.) Alternatively, what if they sell their 1/4 interest

to a new person? That would constitute a sale or transfer.

- Title is held by a married couple at time license is obtained. They later acquire a home equity line of credit to repair the home, which lender secures with a deed of trust. Lender subsequently forecloses after a default under the term(s) of the security agreement~~?~~. The instrument the lender uses to obtain possessory interest is a sale or transfer.
- Two married couples possess ownership interest in an LLC at the time a license is obtained. One of the couple's divorces and one of the partners drops off the title. Remaining partner remarries and the new spouse is added to the LLC~~?~~. This is not a sale or transfer (Exception 4).
- Property is held by an individual at time license is obtained. The individual dies and children inherit property (no right of survivorship)~~?~~. This would not constitute a sale or transfer (Exception 4).
- An individual possesses title to the property at the time a license is obtained. He/she later adds their domestic partner to the title to the property~~?~~. This would not constitute a sale or transfer (Exception 4).

Setback. The minimum distance required between a specified object, such as a building and another point. Typically, a setback refers to the minimum distance from a building to a specified property line to provide a required yard.

Shared Use Path. Shared use paths provide off-roadway facilities for walking and biking travel. Depending on their location, they can serve both recreational and citywide circulation needs. Shared use path designs vary in surface types and widths.

Short-Term Rental. A dwelling unit, or portion thereof, that is rented to any person for a period of less than thirty (30) consecutive nights.

Small Home. A dwelling that is not more than 400 square feet in size and, if equipped with wheels and tongue or hitch, has had those components removed.

Small ~~wireless~~ Wireless facility Facility means a facility that meets each of the following conditions per 47 C.F.R § 1.6002(I), as may be amended or superseded:

A. The facilities (i) are mounted on structures 50 feet or less in height as measured from adjacent finished ground elevation, including the antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than 50 feet above the finished ground elevation or by more than 10 percent, whichever is greater; and

B. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and

C. All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and

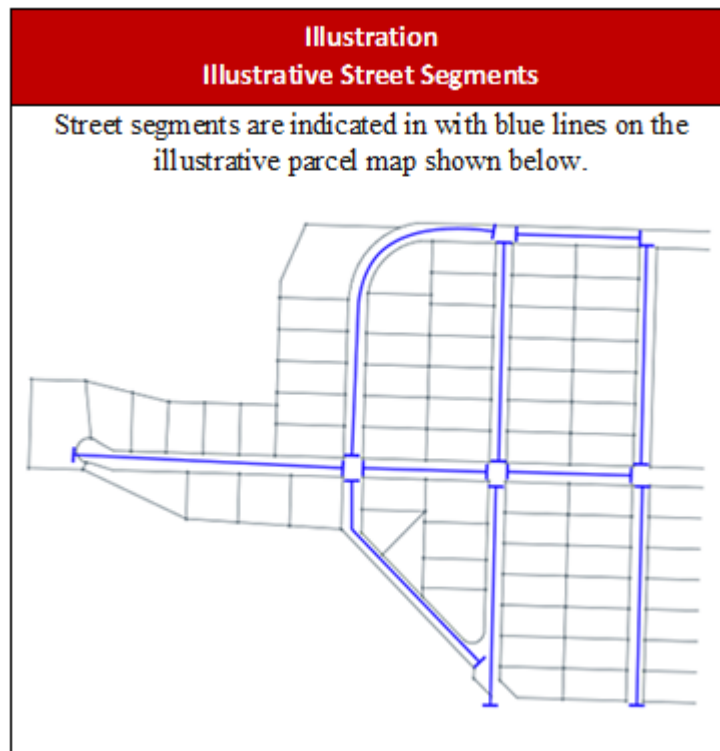
D. The facilities do not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).***

Street. ~~The term is defined in Section 13.05.005(J) of the Newport Subdivision Ordinance. A public or private way that is created to provide ingress or egress for vehicles to one or more lots, parcels, areas, or tracts of land. The City of Newport Transportation System Plan establishes four functional classifications of streets: Arterial, Major Collector, Neighborhood Collector, and Local Streets. Those classifications, and other street related terms, are defined as follows:~~

A. Arterial. ~~Arterial streets are primarily intended to serve regional and citywide traffic movement. Arterials provide the primary connection to collector streets. The Arterial streets in Newport are US 101 and US 20.~~

- B. **Half-street.** Partial improvement of an existing street, or a portion of the width of a right of way, usually along the edge of a subdivision or partition, where the remaining portion of the street could be provided in another subdivision or partition, and consisting of at least a sidewalk and curb on one side and at least two travel lanes.
- C. **Local.** All streets not classified as Arterial, Major Collector, or Neighborhood Collector streets are classified as Local Streets. Local Streets provide local access and circulation for traffic, connect neighborhoods, and often function as through routes for pedestrians and bicyclists. Local Streets typically maintain slow vehicle operating speeds to accommodate safe use by all modes.
- D. **Major Collector.** Major Collectors are intended to distribute traffic from Arterials to streets of the same or lower classification.
- E. **Neighborhood Collector.** Neighborhood Collectors distribute traffic from Arterial or Major Collector streets to Local Streets. They are distinguishable from Major Collectors in that they principally serve residential areas. Neighborhood Collector streets typically maintain slow vehicle operating speeds to accommodate safe use by all modes.
- F. **Private Street.** Private Streets are a special type of Local Streets that are used to facilitate access to specific properties or neighborhoods. The City of Newport is not responsible for maintenance on private streets.
- G. **Private Driveway.** A private street that begins at a public right-of-way that is proposed to serve not more than four individual lots/parcels cumulative as the primary vehicular access to those individual lots/parcels.
- H. **Shared Street.** A shared street is a local street that carries fewer than 500 vehicles per day. Shared streets have a single travel lane where all modes of travel share the paved roadway.

I. Street Segment. A portion of a local or collector street which is located between two intersections, or between an intersection and the end of a cul-de-sac or dead-end. *See Illustration: Illustrative Street Segments, below.*



Structural Alteration. Any change to the supporting members of a building including foundation, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.

Structure. That which is built or constructed. An edifice or building or any kind of any piece of work artificially built up or composed of parts joined together in some manner and which require location on the ground or which is attached to something having a location on the ground.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either of the following:
 - 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or
 - 2. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Temporary Structures. Trailers, mobile food units, prefabricated buildings, or other structures that can readily be moved or which are not attached in a permanent manner to a permanent foundation and are used for residential or business purposes.

Terrace. An open porch without a permanent roof and not over 30 inches in height (not requiring a railing according to the Uniform Building Code).

Town-Hhouse. Buildings that are subdivided into individual units such that each owner owns his own unit and also has entitlement to the parcel of land upon which his unit is located.

Townhouse projectProject. means one or more townhouse structures constructed, or proposed to be constructed, together with the lot, parcel, or tract where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and the commonly owned property, if any.

Tourist. A person or group of people who are traveling for pleasure or are of a transient nature.

Tract. Two or more contiguous lots or parcels under common ownership.

Transportation Facility. A street, pedestrian pathway, bicycle facility, shared use path, or other improvement for the conveyance of people or goods, as identified in the adopted Transportation System Plan.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

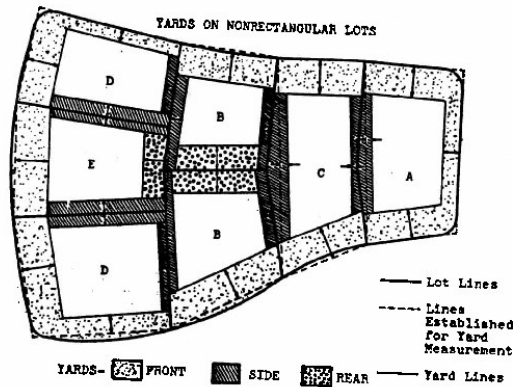
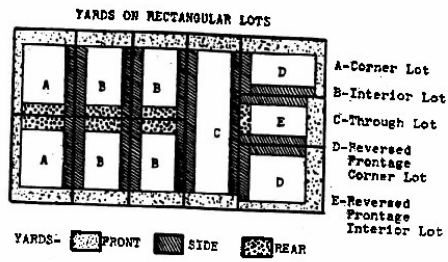
Vacation Rental. A short term rental where the entire dwelling unit is rented.

Walkway. A pedestrian way, including but not limited to a sidewalk, path or accessway, providing access within public right-of-way or on private property.

Wetlands. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard. An open space on a lot which is unobstructed by any building from the ground upward, except as otherwise provided in this ordinance. Yard depth is always measured horizontally and perpendicular to the respective lot line.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lots. In the case of corner lots, front yards shall be required as shown in Illustration A and in Table A.



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Newport Zoning Ordinance (No. 1308, as amended)

Yard, Rear. A yard extending across the width of the lot between the inner side yard lines, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. In the case of through lots and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the lesser depth second front yard.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the normal front yard and lesser depth second front yard have been established shall be considered to be side yards. The accompanying Illustration A indicates the location of yards on rectangular and non-rectangular lots.

Staff: Definitions from Title XIII, Land Divisions, have been added to this section since the land division regulations are being consolidated into Title XIV to streamline the regulations and eliminate duplicative procedural requirements. Those definitions include "Land Division," "Lot," "Parcel," "Partition," "Person," "Plat," "Replat," "Replat (Minor)," "Roadway," "Street," "Subdivide Land," and "Subdivision." Definitions for "Alley" and "Street" are revised, and "Accessway," "Pedestrian Trail," "Shared Use Path," "Reasonably Direct," "Roadway," "Transportation Facility," and "Walkway" have been added, to implement the updated Transportation System Plan, as recommended in Reference 14, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

CHAPTER 14.03 ZONING DISTRICTS

14.03.010 Purpose.

It is the intent and purpose of this section to establish zoning districts for the City of Newport and delineate uses for each district. Each zoning district is intended to service a general land use category that has common location, development, and use characteristics. The quantity and availability of lands within each zoning district shall be based on the community's need as determined by the Comprehensive Plan. Establishing the zoning districts also implements the General Land Use Plan Map as set forth in the Comprehensive Plan.

14.03.020 Establishment of Zoning Districts.

This section separates the City of Newport into four (4) basic classifications and thirteen (13) use districts as follows:

A. Districts zoned for residential use(s).

1. R-1 Low Density Single-Family Residential.
2. R-2 Medium Density Single-Family Residential.
3. R-3 Medium Density Multi-Family Residential.
4. R-4 High Density Multi-Family Residential.

B. Districts zoned for commercial use(s).

1. C-1 Retail and Service Commercial.
2. C-2 Tourist Commercial.
3. C-3 Heavy Commercial.

C. Districts zoned for industrial use(s).

1. I-1 Light Industrial.
2. I-2 Medium Industrial.
3. I-3 Heavy Industrial.
4. W-1 Water Dependent.

5. W-2 Water Related.

D. Districts zoned for public use(s).

1. P-1 Public Structures.
2. P-2 Public Parks.
3. P-3 Public Open Space.

14.03.030 City of Newport Zoning Map.

The zoning districts established by this section are officially identified on the map entitled "City of Newport Zoning Map," by reference incorporated herein. Zoning district boundaries, as shown on the official map, shall be construed as follows:

- A. City limit lines;
- B. Platted lot lines or other property lines as shown on the Lincoln County Assessor's plat maps;
- C. The centerline of streets, railroad tracks, or other public transportation routes;
- D. The centerline of streams or other watercourses as measured at Mean Low Water. In the event of a natural change in location of the centerline of such watercourse, then the zoning district boundary shall be construed to moving with the channel centerline; and
- E. The Mean Higher High Tide Line.

14.03.040 Intent of Zoning Districts.

Each zoning district is intended to serve a general land use category that has common locations, development, and service characteristics. The following sections specify the intent of each zoning district:

R-1/"Low Density Single-Family Residential." The intent of the R-1 district is to provide for large lot residential development. This district should also be applied where

environmental constraints such as topography, soils, geology, or flooding restrict the development potential of the land.

R-2/"Medium Density Single-Family Residential." The intent of this district is to provide for low density, smaller lot size residential development. It is also the ambition of this district to serve as a transitional area between the low density residential district and higher density residential districts.

R-3/"Medium Density Multi-Family Residential." This district is intended for medium density multi-family residential development. It is planned for areas that are able to accommodate the development of apartments. New R-3 zones should be near major streets, on relatively flat land, and near community or neighborhood activity centers.

R-4/"High Density Multi-Family Residential." This district is intended to provide for high density multi-family residential and some limited commercial development. New R-4 zones should be on major streets, on relatively flat land, and near commercial centers.

C-1/"Retail and Service Commercial." The intent of the C-1 district is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Manufacturing, processing, repair, storage, or warehousing is prohibited unless such activity is clearly incidental to the business and occupies less than 50% of the floor area.

C-2/"Tourist Commercial." The intent of this zone is to provide for tourist needs, as well as for the entertainment needs of permanent residents.

C-3/"Heavy Commercial." The intent of this zone is to provide for commercial uses that are frequently incompatible with retail and service commercial uses. This zone is also intended to provide uses that utilize more than 50% of the floor area for storage, repair, or compounding of products but do not constitute a nuisance because of noise, dust, vibration or fumes.

I-1/"Light Industrial." The intent of this zone is to provide for commercial and industrial uses that can be located near residential or commercial zones. Uses that are associated with excessive noise, dust, vibration, or fumes shall be prohibited.

I-2/"Medium Industrial." The intent of this zone is to provide areas suitable for industrial activities, including manufacturing, fabricating, processing, packing, storage, repairing, and wholesaling. This classification should be applied to industrial areas having good access to transportation facilities and not near residential zones.

I-3/"Heavy Industrial." The intent of this zone is to provide for industrial uses that involve production and processing activities generating noise, vibration, dust, and fumes. Typically, this zone requires good access to transportation, large lots, and segregation from other uses due to nuisances.

W-1/"Water-Dependent." The intent of the W-1 district is to protect areas of the Yaquina Bay Shorelands, as identified in the Newport Comprehensive Plan, for water-dependent uses. For purposes of this section, a water-dependent use is one which needs contact with or use of the water for water-borne transportation, recreation, energy production, or water supply. All uses in a W-1 district shall comply with the following standards:

- A. Existing water-dependent uses or future water-dependent uses anticipated by the Comprehensive Plan shall not be preempted or restricted by non-water-dependent uses. In determining whether or not a use preempts or restricts a water-dependent use, the following shall be considered:
 - 1. Water-related uses accessory to and in conjunction with water-dependent uses.
 - 2. Temporary or mobile uses such as parking lots or temporary storage areas.

3. Incidental and accessory non-water-dependent uses sharing an existing structure with a water-dependent use.
- B. Applicable policies in the Yaquina Bay Estuary and Yaquina Bay Shoreland sections of the Comprehensive Plan shall be followed.
- C. In determining whether a conditional use should be allowed, consideration shall be given to whether the site or portion thereof is within an area designated as especially suited for water-dependent or water-related uses in the Comprehensive Plan. If the property is within that area, then the site shall be protected for water-dependent and water-related recreational, commercial, and industrial uses.

W-2/"Water-Related." The intent of the W-2 district is to provide areas within and adjacent to the Yaquina Bay Shorelands for water-dependent, water-related, and other uses that are compatible or in conjunction with water-dependent and water-related uses. In determining whether or not a use is water-related, the following shall be uses:

- A. The proposed use is directly associated with a water-dependent use by supplying materials or services, or by using projects of water-dependent uses; and
- B. Location away from the water would result in a public loss in the quality of goods or services after considering economic, social, environmental, and energy effects.

All conditional uses in a W-2 district shall also comply with the following standard:

In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality.

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted

uses in the City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of [Section 14.25](#).

"P" = Permitted uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

		R-1	R-2	R-3	R-4
A.	Residential				
	1. Single-Family	P	P	P	P
	2. Two-family	P	P	P	P
	3. Townhouse	X	P	P	P
	4. Cottage Cluster	X	X	P	P
	5. Multi-family	X	X	P	P
	6. Manufactured Homes ¹	P	P	P	P
	7. Manufactured Dwelling Park	X	P	P	P
B.	Accessory Dwelling Units	P	P	P	P
	(B. was added on the adoption of Ordinance No 2055 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)				
C.	Accessory Uses	P	P	P	P
D.	Home Occupations	P	P	P	P
E.	Community Services				
	1. Parks	P	P	P	P
	2. Publicly Owned Recreation Facilities	C	C	C	C
	3. Libraries	C	C	C	C
	4. Utility Substations	C	C	C	C
	5. Public or Private Schools	C	C	C	P
	6. Family Child Care Home	P	P	P	P
	7. Child Care Center	C	C	C	C
	8. Religious Institutions/Places of Worship	C	C	C	C
F.	Residential Care Homes	P	P	P	P
G.	Nursing Homes	X	X	C	P
H.	Motels and Hotels ³	X	X	X	C
I.	Professional Offices	X	X	X	C
J.	Rooming and Boarding Houses	X	X	C	P
K.	Beauty and Barber Shops	X	X	X	C
L.	Colleges and Universities	C	C	C	C
M.	Hospitals	X	X	X	P
N.	Membership Organizations	X	X	X	p
O.	Museums	X	X	X	P
P.	Condominiums ²	X	P	P	P
Q.	Hostels	X	X	X	C
R.	Golf Courses	C	C	C	X
S.	Recreational Vehicle Parks	X	X	X	C
T.	Necessary Public Utilities and Public Service	C	C	C	C

	Uses or Structures				
U.	Residential Facility*	X	X	P	P
V.	Movies Theaters**	X	X	X	C
W.	Assisted Living Facilities***	X	C	P	P
X.	Bicycle Shop****	X	X	X	C
Y.	Short-Term Rentals (subject to requirements of Chapter 14.25)	P	P	P	P
Z.	<u>Transportation Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

¹ Manufactured homes may be located on lots, parcels or tracts outside of a manufactured dwelling park subject to the provisions listed in NMC 14.06.020.

² Condominiums are a form of ownership allowed in all zones within dwelling types otherwise permitted pursuant to subsection (A).

³ Hotels/motel units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone described in NMC Chapter 14.4650.

Staff: Adds transportation facilities as an outright use in the City's residential zones and picks up chapter renumbering. Transportation facilities had been previously interpreted as accessory uses. This change implements the updated Transportation System Plan, as recommended in Reference 1, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

14.03.060 Commercial and Industrial Districts.

The uses allowed within each commercial and industrial zoning district are classified into use categories on the basis of common functional, product, or physical characteristics.

A. Application of Use Categories. Uses are to be assigned to the category whose "Characteristics" most closely describe the nature of the primary use. Developments may have more than one primary use. "Use Examples" are provided for each use category. The names of uses on the list are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description on the Retail Sales and Service category.

B. Interpretation. When a use's category is not clearly identifiable, the Community Development Director shall determine the applicable use category under a Type I decision-making process as provided by [Section 14.52](#). The following factors are to be considered to determine what use category the use is in, and whether or not the activities constitute a primary use.

1. The description of the activity(ies) in relationship the characteristics of each use category;
2. The relative amount of site or floor space and equipment devoted to the activity;
3. Relative amount of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees for each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity would function independently of other activities on the site;

C. Commercial Use Categories

1. Office

- a. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government,

professional, medical, or financial services. Traffic is primarily from employees with limited customer interactions.

- b. Examples. Examples include financial businesses such as lenders, brokerage houses, bank headquarters; data processing; headquarters for professional service firms (lawyers, accountants, engineers, architects, etc.), sales offices; government offices; public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.
- c. Exceptions.
 - i. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
 - ii. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

2. Retail Sales and Service

- a. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- b. Examples. Examples include uses from the four subgroups listed below:
 - i. Sales-oriented, general retail: Stores selling, leasing, or renting consumer, home, and business goods including art,

art supplies, bicycles, books, clothing, dry goods, electronic equipment, fabric, fuel, gifts, groceries, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales. Sales oriented general retail includes the service but not repair of vehicles.

- ii. Sales-oriented, bulk retail: Stores selling large consumer home and business goods, including appliances, furniture, hardware, home improvements, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
- iii. Personal service-oriented: Branch banks; urgency medical care; Laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels (non-transient); motels (non-transient); taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming.
- iv. Entertainment-oriented: Restaurants (sit-down and drive through); cafes; delicatessens; taverns and bars; hotels (transient), motels (transient), recreational vehicles, and other temporary lodging with an average length of stay less than 30 days; athletic, exercise and health clubs or gyms; bowling alleys, skating rinks, game arcades; pool halls; dance halls, studios, and schools; theaters; indoor firing ranges, miniature golf facilities, golf courses, and driving ranges.

- v. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.
- c. Exceptions.
 - i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
 - ii. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
 - iii. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
 - iv. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
 - v. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.
 - vi. Camping for a charge or fee or to secure the trade or patronage of a person is limited to Recreation Vehicle Parks or public zoned property where identified in a city or state parks master plan.
 - vii. Recreational Vehicle Parks are subject to the standards set forth in Section 14.06.060.

viii. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as a Recreational Vehicle Park.

3. Major Event Entertainment

- a. Characteristics. Major Event Entertainment uses are characterized by spectator or participatory entertainment and recreational activities, either indoors or outdoors, that draw large numbers of people to specific events or shows.
- b. Examples. Examples include fairgrounds, sports complexes, ball fields, exhibition and meeting areas, coliseums or stadiums, equestrian centers and animal arenas, outdoor amphitheaters and theme or water parks.
- c. Exceptions.
 - i. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Sales Oriented Retail Sales or Service.
 - ii. Banquet halls that are part of hotels or restaurants are accessory to those uses.

4. Self-Service Storage

- a. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- b. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- c. Exceptions. A transfer and storage business where there are no individual storage areas or

where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

5. Vehicle Repair

- a. Characteristics. Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- b. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- c. Exceptions.
 - i. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

6. Parking Facility

- a. Characteristics. Parking facilities provide parking for vehicles as the primary use. The Parking Facility use category does not include parking that is required for a primary use. A fee may or may not be charged to park at a facility.
- b. Examples. Short and long term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and park-and-ride lots.
- c. Exceptions.
 - i. Required parking that is accessory to a use is not considered a Parking Facility.

D. Industrial Use Categories

1. Contractors and Industrial Service

- a. Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- b. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- c. Exceptions.
 - i. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.
 - ii. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

2. Manufacturing and Production

- a. Characteristics. Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. Manufacturing and production activities within heavy commercial or light industrial areas are those that do not produce excessive noise, dust, vibration, or fumes.
- b. Examples. Examples include uses from the two subgroups listed below:
 - i. Light Manufacturing: Industrial uses that do not generate excessive noise, dust, vibration or fumes, such that they can be located near residential and commercial zones without creating nuisance impacts. Uses include processing of food and related products where the materials and processing activities are wholly contained within a structure, such as bakery products, canned and preserved fruits and vegetables, sugar and confectionary products, and beverages; catering establishments; breweries, distilleries, and wineries; manufacture of apparel or other fabricated products made from textiles, leather or similar materials; woodworking, including furniture and cabinet making; fabrication of metal products and fixtures; manufacture or assembly of machinery, equipment, or instruments, including industrial, commercial, and transportation equipment, household items, precision

items, photographic, medical and optical goods, artwork, jewelry, and toys; manufacture of glass, glassware, and pressed or blown glass; pottery and related products; printing, publishing and lithography production; sign making; and movie production facilities.

- ii. Heavy Manufacturing: Industrial uses that should not be located near residential areas due to noise, dust, vibration or fumes that may be generated by the activities. Uses include processing of food and related products where some portion of the materials are stored or processed outdoors, such as dairies, slaughter houses, or feed lots; leather tanning and finishing; weaving or production of textiles; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemicals, rubber, structural clay, concrete, gypsum, plaster, bone, plastic, or stone products; primary metal industries including blast furnaces, foundries, smelting, and rolling and finishing of metal products; production and refinement of fossil fuels; concrete batching; and asphalt mixing; and manufacturing of prefabricated structures, including mobile homes.

c. Exceptions.

- i. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
- ii. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

3. Warehouse, Freight Movement, and Distribution

- a. Characteristics. Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves

or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

b. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

c. Exceptions.

i. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste and Recycling Related uses.

ii. Mini-warehouses are classified as Self-Service Storage uses.

5. Waste and Recycling Related

a. Characteristics. Uses that receive solid or liquid wastes from others for disposal on the site or transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the decomposition of organic material. Waste related uses also include uses that receive hazardous wastes from others.

b. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.

c. Exceptions.

- i. Disposal of clean fill, as defined in OAR 340-093-0030, is considered fill, not a Waste and Recycling Related use.
- ii. Sewer pipes that serve a development are considered a Basic Utility.

6. Wholesale Sales

- a. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- b. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- c. Exceptions.
 - i. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
 - ii. Firms that engage in sales on a membership basis are classified as consideration of characteristics of the use.
 - iii. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

1. Mining

- a. Characteristics. Include mining or extraction of mineral or aggregate resources from the ground for off-site use.
- b. Examples. Examples include sand and gravel extraction, excavation of rock, and mining of non-metallic minerals.
- c. Exceptions.
 - i. All other forms of mining or extraction of earth materials are prohibited.

E. Institutional and Civic Use Categories

1. Basic Utilities ~~and Roads~~

- a. Characteristics. Basic utilities ~~and Roads~~ are infrastructure services which need to be located in or near the area where the service is provided. Basic ~~Utility and Road~~utility uses generally do not have regular employees at the site. Services may be public or privately provided.
- b. Examples. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control devices. Water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; ~~and~~ suspended cable transportation systems; bus stops or turnarounds; local, collector and arterial roadways; and highway maintenance.
- c. Exceptions.
 - i. Services where people are generally present, ~~other than bus stops or turnarounds,~~ are classified as Community Services or Offices.

ii. Utility offices where employees or customers are generally present are classified as Offices.

~~iii. Bus barns are classified as Warehouse and freight movement.~~

~~iv.iii.~~ Public or private passageways, including easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Utility Corridors.

2. Utility, ~~Road and Transit~~ Corridors

a. Characteristics. Utility, ~~Road and Transit~~ Corridors include public or private passageways, including easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or similar services on a regional level. ~~This category includes new or expanded regional roadways, and tracks and lines for the movement of trains.~~

b. Examples. Examples include ~~highways, rail trunk and feeder lines;~~ regional electrical transmission lines; and regional gas and oil pipelines.

c. Exceptions.

i. ~~Highways, rail lines and u~~Utility corridors that are located within motor vehicle rights-of-way are not included.

3. Community Services

a. Characteristics. Public, non-profit or charitable organizations that provide local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. Services are

ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join. Uses may include shelter or housing for periods of less than one month when operated by a public or non-profit agency. Uses may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

b. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, religious institutions/places of worship, fire and ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, soup kitchens, and surplus food distribution centers.

c. Exceptions.

i. Private lodges, clubs, and private commercial athletic or health clubs are classified as Entertainment and Recreation. Commercial museums (such as a wax museum) are in Retail Sales and Service.

4. Child Care Center

a. Characteristics. Child Care Center use is a child care facility, other than a family child care home, that is certified under ORS 329A.280. Such facilities provide day or evening care to children under the age of 13 outside of the children's homes, with or without compensation. Child Care Centers may also provide care to children under 18 years of age who have special needs or disabilities and require a level of care that is above normal for the child's age.

b. Examples. Pre-schools, nursery schools, latch key programs, and residential facilities.

c. Exceptions.

- i. Child Care Center use does not include care given by a “Family Child Care Home” that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330. Family Child Care Homes are located in a dwelling and are permitted on residential and commercial property developed with a dwelling.

5. Educational Institutions

- a. Characteristics. Educational Institutions provide educational instruction to students. This category includes schools, colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree, and public and private schools at the primary, elementary, middle, junior, high, or high school level that provide state-mandated basic education. This category also includes trade schools and vocational schools that provide on-site training of trade skills.

- b. Examples. Types of uses include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, public and private daytime schools, boarding schools, military academies, and trade/vocational schools.

c. Exceptions.

- i. Preschools are classified as Daycare facilities.

6. Hospitals

- a. Characteristics. Hospitals provide medical and surgical diagnosis and care to patients and offer overnight care. Hospitals tend to be on multiple blocks or in campus settings.

b. Examples. Examples include hospitals and medical complexes that include hospitals or emergency care facilities.

c. Exceptions.

i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are “Residential Facilities” and permitted in R-3 and R-4 zoning districts.

ii. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

7. Courts, Jails, and Detention Facilities

a. Characteristics. Includes facilities designed to try, detain or incarcerate persons while being processed for arrest or detention by law enforcement. Inmates or detainees are under 24-hour supervision by sworn officers.

b. Examples. Examples include courts, prisons, jails, probation centers, juvenile detention homes.

c. Exceptions.

i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are “Residential Facilities” and permitted in R-3 and R-4 zoning districts.

ii. Programs that provide transitional living experience for former offenders, such as halfway houses, where sworn officers do not supervise residents, are also “Residential Facilities” and permitted in R-3 and R-4 zoning districts.

8. Communication Facilities

- a. Characteristics. Includes facilities designed to provide signals or messages through the use of electronic and telephone devices. Includes all equipment, machinery, structures (e.g. towers) or supporting elements necessary to produce signals.
- b. Examples. Examples include broadcast towers, communication/cell towers, and point to point microwave towers.
- c. Exceptions.
 - i. Receive only antennae are not included in this category.
 - ii. Radio and television studios are classified in the Office category.
 - iii. Radio Frequency Transmission Facilities that are public safety facilities and small wireless facilities are classified as Basic Utilities. Small wireless facilities shall be subject to design standards as adopted by resolution of the City Council.

9. Transportation Facilities

- a. Characteristics. Includes facilities designed to convey, or facilitate the conveyance of, people or goods from one location to another.
- b. Examples. Examples include streets, pedestrian pathways, bicycle facilities, shared use paths, trails, transit stops and rail lines.

Staff: This section defines use categories for commercial and industrial zone districts. Subcategories for “Basic Utilities and Roads” and “Utility, Road and Transit Corridors,” under Institutional and Civic Use categories treated transportation facilities and utilities in a similar manner. The subsections are being amended to remove references to transportation facilities, and a new transportation facilities subsection is being created. This will allow the City to regulate transportation facilities separate from utility uses.

1. Basic Utilities and Roads

14.03.070 Commercial and Industrial Uses.

The following list sets forth the uses allowed within the commercial and industrial land use categories.

"P" = Permitted uses.

"C" = Conditional uses; allowed only after the issuance of a conditional use permit.

"X" = Not allowed.

		C-1	C-2 ¹	C-3	I-1	I-2	I-3
1.	Office	P	X	P	P	P	X
2.	Retails Sales and Service						
	a. Sales-oriented, general retail	P	P	P	P	P	C
	b. Sales-oriented, bulk retail	C	X	P	P	P	C
	c. Personal Services	P	C	P	P	C	X
	d. Entertainment	P	P ²	P	P	C	X
	e. Repair-oriented	P	X	P	P	P	X
3.	Major Event Entertainment	C	C	P	P	C	X
4.	Vehicle Repair	X	X	P	P	P	X
5.	Self-Service Storage	X	X	P	P	P	X
6.	Parking Facility	P	P	P	P	P	P
7.	Contractors and Industrial Service	X	X	P	P	P	P
8.	Manufacturing and Production						
	a. Light Manufacturing	X	X	C	P	P	P
	b. Heavy Manufacturing	X	X	X	X	C	P
9.	Warehouse, Freight Movement, & Distribution	X	X	P	P	P	P
10.	Wholesale Sales	X	X	P	P	P	P
11.	Waste and Recycling Related	C	C	C	C	C	C
12.	Basic Utilities and Roads ³	P	P	P	P	P	P
13.	Utility, Road and Transit Corridors	C	C	C	C	C	C
14.	Community Service	P	C	P	P	C	X
15.	Family Child Care Home	P	P	P	X	X	X
16.	Child Care Center	P	P	P	P	P	X
17.	Educational Institutions						
	a. Elementary & Secondary Schools	C	C	C	X	X	X
	b. College & Universities	P	X	P	X	X	X
	c. Trade/Vocational Schools/Other	P	X	P	P	P	P

18.	Hospitals	C	C	C	X	X	X
19.	Courts, Jails, and Detention Facilities	X	X	P	C	X	X
20.	Mining						
	a. Sand & Gravel	X	X	X	X	C	P
	b. Crushed Rock	X	X	X	X	X	P
	c. Non-Metallic Minerals	X	X	X	X	C	P
	d. All Others	X	X	X	X	X	X
21.	Communication Facilities ⁴	P	X	P	P	P	P
22.	Residences on Floors Other than Street Grade	P	P	P	X	X	X
23.	Affordable Housing ⁵	P	P	P	P	X	X
<u>24.</u>	<u>Transportation Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

1. Any new or expanded outright permitted commercial use in the C-2 zone district that exceeds 2,000 square feet of gross floor area. New or expanded uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Chapter 14.34, Conditional Uses. Residential uses within the C-2 zone are subject to special zoning standards as set forth in Section 14.30.100.

2. Recreational Vehicle Parks are prohibited on C-2 zoned property within the Historic Nye Beach Design Review District.

3. Small wireless facilities shall be subject to design standards as adopted by City Council resolution.

4. Communication facilities located on historic buildings or sites, as defined in Section 14.23, shall be subject to conditional use review for compliance with criteria outlined in Sections 14.23 and 14.34.

5. Permitted as outlined in Chapter 14.15 or, in the case of hotels/motels, the units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone defined in NMC Chapter 14.4650.

Staff: Added transportation facilities as an outright use in the City's commercial zones and addressed chapter renumbering. Required distinguishing transportation facilities from basic utilities and utility corridors. Transportation facilities had been previously interpreted as accessory uses. This change implements the updated Transportation System Plan, as recommended in Reference 1, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

14.03.080 Water-dependent and Water-related Uses.

The following list sets forth the uses allowed with the water-dependent and water-related land use classifications. Uses not identified herein are not allowed.

"P" = Permitted uses.

"C" = Conditional uses permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

		W-1	W-2
1.	Aquaculture	P	P
2.	Boat Rentals, Sport Fishing and Charter Boat Services	P	P
3.	Docks, Wharves, Piers	P	P
4.	Dry Dock, Boat Repair, Marine Service, and Marine Railway Facilities	P	P
5.	Fuel Facilities for Boats or Ships	P	P
6.	Marinas and Port Facilities	P	P
7.	Seafood Processing and Packaging Plants	P	P
8.	Terminal Facilities for Loading and Unloading Ships and Barges	P	P
9.	Marine Research and Education Facilities of Observation, Sampling, Recording, or Experimentation on or Near the Water	P	P
10.	Ice Production and Sales, Refrigeration Repair, and Cold Storage to Serve the Seafood Industry	C	P
11.	Boat Building and Marine Equipment Manufacture	C	P
12.	Parking Lots	C	P
13.	Warehouses	C	P
14.	Uses Allowed in the Adjacent Estuarine Management Unit	C	P
15.	Water-dependent Uses That Meet the Intent of the W-1 District	C	P
16.	Bait, Tackle, and Sporting Goods Stores Specializing in Water-related Merchandise	X	P
17.	Seafood Markets	X	P
18.	Uses Permitted Outright in a C-2 District	X	C
19.	Manufacturing in Conjunction with Uses X C Permitted Outright in a C-2 District	X	C
20.	Offices Not On the Ground Floor of an Existing Building	X	C
21.	Residences on Floors Other than Street Grade	X	C
22.	Transportation Facilities	P	P

Staff: Added transportation facilities as an outright use in the City's water-dependent and water-related zones. Transportation facilities had been previously interpreted as accessory uses. Change recommended in Reference 1, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

14.03.090 Uses in State Park Master Plans.

* Where the W-1 and/or W-2 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design standards in the master plan and with other applicable standards.

14.03.100 Public Uses

. The following list sets forth the uses allowed within the public land use classification. Uses not identified herein are not allowed.

"P" = Permitted Uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

		P-1	P2	P-3
1.	Public Parks	P	P	P
2.	Public Open Space	P	P	P
3.	Public Schools, Colleges, or Universities	P	X	X
4.	Any Building or Structure Erected by a Governmental Entity	P	X	X
5.	Community Buildings	P	X	X
6.	Fairgrounds	P	X	X
7.	Public Cemeteries	P	P	X
8.	Water & Wastewater Treatment Plants	P	X	X
9.	Performing Arts Centers	P	X	X
10.	Visual Arts Centers	P	X	X
11.	Senior Centers	P	X	X
12.	Airport and Accessory Structures	P	X	X
13.	Public Golf Courses	P	P	X
14.	City Halls	P	X	X
15.	County Courthouses	P	X	X
16.	Jails and Juvenile Detention Facilities	P	X	X
17.	City or County Maintenance Facilities	P	X	X
18.	Publicly Owned Recreational Vehicle Parks	C	C	X

19.	Public Museums	P	X	X
20.	Public Restrooms	P	P	X
21.	Recreation Equipment	P	P	X
22.	Post Office	P	X	X
23.	Parking Lots	P	P	X
24.	Public Hospitals	P	X	X
25.	Trails, paths, bike paths, walkways, etc. Transportation Facilities	P	P	P
26.	Water Storage Facilities	P	X	X
27.	Public Libraries	P	X	X
28.	Fire Stations	P	X	X
29.	Police Stations	P	X	X
30.	Accessory Structures for Any of the Above	P	P	P

Staff: Added transportation facilities as an outright use in the City's public zones. Trails, paths and bike paths are described as types of transportation facilities. Transportation facilities had been previously interpreted as accessory uses. Change recommended in Reference 1, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.03.110 Uses in State Park Master Plans.

Where the P-1, P-2, and/or P-3 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design standards in the master plan and with other applicable standards.

CHAPTER 14.14 ~~PARKING, AND LOADING, AND ACCESS~~ REQUIREMENTS

14.14.010 Purpose

The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

14.14.020 Definitions

For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

14.14.030 Number of Parking Spaces Required

A. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking

spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of [Section 14.14.050](#), Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

1.	General Office	1 space/600 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf
4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump
9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf
12.	Waterport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of

		terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence	2 spaces/dwelling
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Townhouse	1.5 spaces/unit
24.	Cottage Cluster	1 space/unit
25.	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
26.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
27.	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses shall be calculated separately)
28.	Park	2 spaces/acre
29.	Athletic Field	20 spaces/acre
30.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
31.	Marina	1 space/5 slips or berths
32.	Golf Course	4 spaces/hole
33.	Theater	1 space/4 seats
34.	Bowling alley	4 spaces/alley
35.	Elementary/Middle School	1.6 spaces/classroom
36.	High School	4.5 spaces/classroom
37.	Community College	10 spaces/classroom
38.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
39.	Day Care Facility	1 space/4 persons of license occupancy
40.	Hospital	1 space/bed
41.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified)

14.14.040 Parking Requirements for Uses Not Specified

The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in [Section 14.14.030](#) or a separate parking demand analysis prepared by the applicant and subject to a Type I decision making procedure as provided in [Section 14.52](#), Procedural Requirements.

14.14.050 Accessible and Electric Vehicle Parking

Parking areas shall meet all applicable accessible parking and electric vehicle charging infrastructure requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons, and sufficient electric vehicle parking infrastructure for future users.

Staff: Unlike other parking standards, accessible and electric vehicle requirements are regulated in the State of Oregon Structural Specialty Code (OSSC). Electric vehicle standards are new, being added with HB 2180 (2021). The City adopts the OSSC by reference, and it is amended every couple of years. This cross-reference is helpful in informing applicants of the requirements.

14.14.060 Compact Spaces

For parking lots of four five vehicles or more, 40% of the spaces may be compact spaces, as defined in Section 14.14.090(A) measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compacts" in letters that are at least six inches high.

Staff: Revised per Reference 8, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Compact measurement no longer addressed in NMC 14.14.090(A). The 40% allowance works for five parking spaces not four.

14.14.070 Bicycle Parking

Bicycle parking facilities shall be provided as part of new multi-family residential developments of four five units or more; —and— new retail, office, and institutional developments; and park-and-ride lots and transit transfer stations.

A. The required minimum number of bicycle parking spaces is as follows: rounding up to the nearest whole number:

Parking Spaces Required	Bike Spaces Required
1 to 4 ^a	<u>01</u>

5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/ 50 25

a. Residential developments less than 5 units are exempt from bicycle parking requirements.

- B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.
- C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.
- E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

Staff: Expands requirement for bike parking to commercial and institutional projects that generate a demand for more than 5 new parking spaces. Added per Reference 5, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.14.080 Shared Parking

The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

14.14.090 Parking Lot Standards

Parking lots shall comply with the following:

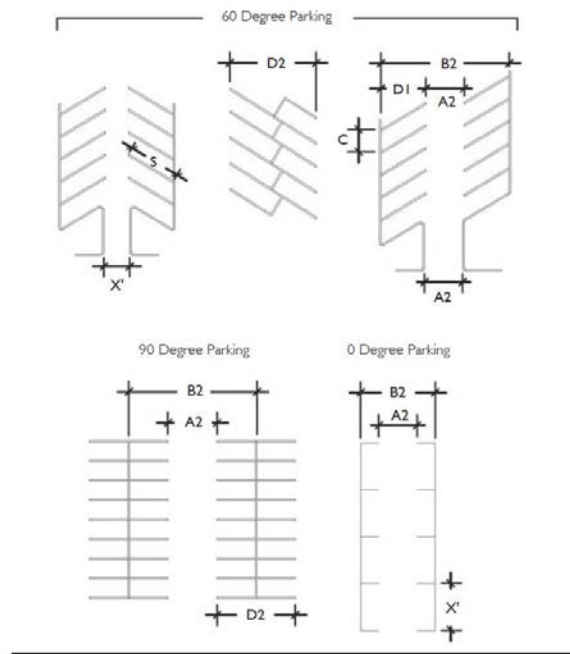
- A. Parking Lot Minimum Standards. Parking lots shall be designed pursuant to the minimum dimensions provided in Table 14.14.090-A and Figure 14.14.090-A. Size of Spaces. Standard parking spaces shall be nine (9) feet in width by 18 feet in length. Compact spaces may be 7.5 feet wide by 15 feet long. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking space(s) shall be not less than eight (8) feet wide and 22 feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.
- B. Aisle Widths. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Parking Angle	0	30°	45°	60°	90°
Aisle Width					
One-way traffic	13	11	13	18	24
Two-way traffic	19	20	21	23	24

Table 14.14.090-A. Parking Lot Minimum Dimensions for Standard Space

<u>PARKING ANGLE ≤ °</u>	<u>CURB LENGTH</u>	<u>STALL DEPTH</u>		<u>AISLE WIDTH</u>		<u>BAY WIDTH</u>		<u>STRIPE LENGTH</u>
		<u>SINGLE</u>	<u>DOUBLE</u>	<u>ONE</u>	<u>TWO</u>	<u>ONE</u>	<u>TWO</u>	
		<u>D1</u>	<u>D2</u>	<u>WAY</u> <u>A1</u>	<u>WAY</u> <u>A2</u>	<u>WAY</u> <u>B1</u>	<u>WAY</u> <u>B2</u>	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Figure 14.14.090-A. Parking Lot Minimum Dimensions



C. Surfacing.

1. All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and dust may be approved by the City Engineer if an equivalent level of stability is achieved.
2. Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.

3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings.

D. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.

E. Satellite Parking.

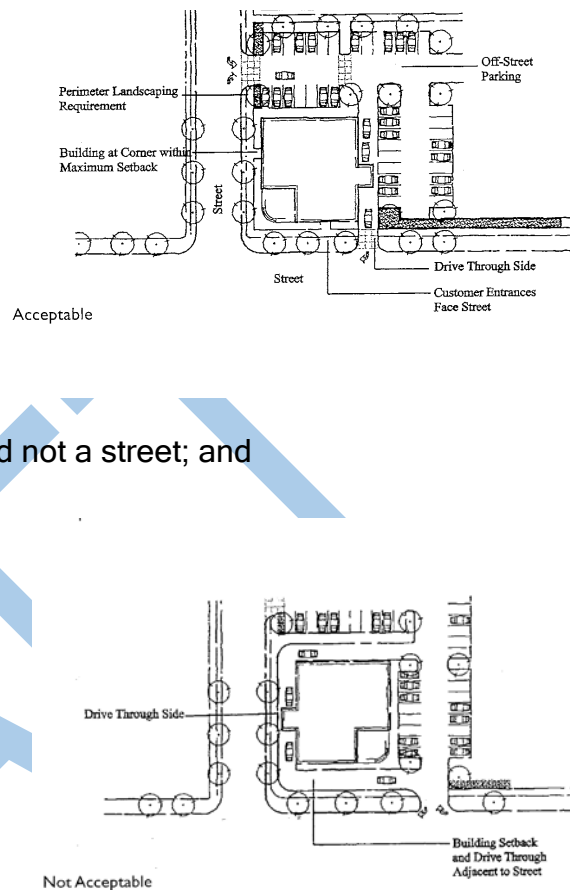
1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.
2. All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.
3. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.
4. Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.

F. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

G. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

1. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street; and
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

Figure 1 – Drive-Up and Drive-Through Facilities



H. Driveway Standards. Driveways shall conform to the requirements of Chapter 14.46.

I. Landscaping and Screening. Parking lot landscaping and screening standards must comply with Section 14.19.050.

J. Preferential Carpool/Vanpool Parking. Parking areas that have designated employee parking and more than 20 vehicle parking spaces shall provide at least 10% of the employee parking spaces, as preferential

carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA accessible parking spaces.

Staff: Updates parking lot standards to include additional information for dimensions required to implement various parking lot configurations. Cross-references to new driveway standards and revised landscaping requirements. Revisions per References 8 and 11, Tech Memo #12, by Angelo Planning Group, dated 12/8/21

14.14.100 Special Area Parking Requirements

These special areas are defined as follows:

- A. Nye Beach. That area bounded by SW 2nd Street, NW 12th Street, NW and SW Hurbert Street, and the Pacific Ocean.
- B. Bayfront. That area bounded by Yaquina Bay and the following streets: SE Moore Drive, SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.
- C. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, SW 10th Street, SW Angle Street, SW 11th Street, SW Hurbert Street, and SW 10th Street.

Uses within a special area are not required to provide the parking required in this section if a parking district authorized by the City Council is formed in all or part of the special area. In such circumstances, off-street parking shall be provided as specified by the parking district.

14.14.110 Loading and Unloading Areas

Off-street loading and unloading areas shall be provided per this section.

- A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-

street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.

- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table 14.14.110-A, Required Loading Spaces

Square footage of Building	Number of Loading Spaces
0-19,999	0
20,000 – 79,999	1
80,000 – 119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the Planning Commission may waive the requirements of this section.
- F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and

unloading facility shall be screened per [Section 14.18](#).

~~14.14.120~~ — Access

- ~~A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.~~
- ~~B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.~~
- ~~C. All accesses shall be approved by the City Engineer or designate.~~
- ~~D. Driveway accesses onto Arterial streets shall be spaced a distance of 500 feet where practical, as measured from the center of driveway to center of driveway.~~
- ~~E. Each parcel or lot shall be limited to one driveway onto an Arterial street unless the spacing standard in (D) can be satisfied.~~
- ~~F. Access Consolidation. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.~~

Staff: NMC 14.14.120 is being replaced with new Chapter 14.46, per Reference 6, Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

~~14.14.130~~120 Variances

Variances to this section may be approved in accordance with provisions of [Section 14.33](#), Adjustments and Variances, and a Type III Land Use Action decision process consistent with [Section 14.52](#), Procedural Requirements.*

CHAPTER 14.19 LANDSCAPING REQUIREMENT

14.19.010 Purpose

The purpose of this section is to provide for the installation, long-term maintenance and protection of trees, vegetation and other landscape elements within the City of Newport recognizing however, that development often times requires the removal of trees and other plant material. When removal is done, the purpose of this section is to require replacement that is attractive, well placed and enhances the overall appearance of the property and the City as a whole. It is further the purpose of this section to:

- A. Aid in air purification and storm water runoff retardation;
- B. Aid in the reduction of noise and glare;
- C. Provide visual buffers;
- D. Enhance the beauty of the city;
- E. Improve property values;
- F. Reduce erosion; and
- G. To protect and enhance the natural beauty, environment and greenspace within the City of Newport to advance economic development, attract residents and promote tourism.

14.19.020 Definitions

For purposes of this section, the following definitions shall apply. Where no definition is given, the common usage of the word shall be used. If there is a conflict between the definitions contained in this section and the more general definitions contained in the definitions section of this Ordinance, this section shall apply.

- A. Addition. An increase in the gross floor area.
- B. Bayfront. The area of the city defined in the Bayfront Plan section of the City's Comprehensive Plan.

- C. Buffer. The use of landscaping, or the use of landscaping along with berms or fences, that obscure the sight from an abutting property and uses, that at least partially and periodically obstructs view and noise. For purposes of this Section, the buffer does not count toward the required landscaping.
- D. City Center. The area of the city defined in Section 14.14.100(C) of this Code.
- E. Development. That which is done on a tax lot or parcel of property under one ownership pursuant to any permit issued by the City of Newport Department of Planning and Community Development.
- F. Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- G. Hanging Basket. A basket of flowers or other plant material that is over a public right-of-way or private property and attached to a building, pole, wall, tree or other attachment. In no case shall a hanging basket be less than eight feet above a sidewalk or other pedestrian way or within two feet of a street or driveway.
- H. Landscaped Area. That area within the boundaries of a given lot or other area authorized for landscaping purposes which is devoted to and consists of landscaping.
- I. Landscaping. Material placed in a landscaped area including but not limited to grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features, provided, however that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic plant material. Landscaping does not include sidewalks, fences, walls, benches or other manufactured materials unless same is incidental to the total area of the landscaped area.

- J. Landscaping Plan. A drawing to scale showing the location, types and density of landscaping.
- K. Maintain or Maintenance. Any activity such as pruning, mulching, mowing, fertilizing, removal and replacement of dead vegetation and other similar acts that promote the life, growth, health or beauty of the landscape vegetation.
- L. Nye Beach. The area of the City defined in the Historic Nye Beach Overlay District section of this Ordinance.
- M. Planter. A decorative container for flowers, bushes, trees and other plant materials including but not limited to window boxes, planter boxes, flower pots and other containers.
- N. Sight obscuring. Landscaping, berms, fences, walls or a combination of all those elements that completely blocks the ability to see through it.
- O. Window or Planter Box. A decorative box, pot, or other container that contains flowers and other plant material that is placed immediately below a window, along a walkway or other location. In no case shall a window or planter box extend more than two feet or 20% of the distance from the building to the street curb into the public right-of-way, whichever is less.

14.19.030 Applicability

The provisions of this ordinance shall apply to all new commercial, industrial, public/institutional, and multi-family development, including additions to existing development or remodels.

14.19.040 General Requirements

The objective of this section is to encourage the planting and retention of existing trees and other vegetation to improve the appearance of off-street parking areas, yard areas and other vehicular use areas; to protect and preserve the appearance, character, and value of surrounding properties, and thereby promote the general

welfare, safety and aesthetic quality of the City of Newport; to establish buffer strips between properties of different land uses in order to reduce the effects of sight and sound and other incompatibilities between abutting land uses; to insure that noise, glare and other distractions within one area does not adversely affect activity within the other area. Prior to the issuance of a building permit, landscaping plans showing compliance with this section are required.

- A. No landscape plan submitted pursuant to this section shall be approved unless it conforms to the requirements of this ordinance.
- B. Landscape plans shall be submitted for all development. Said plans shall include dimensions and distances and clearly delineate the existing and proposed building, parking space, vehicular access and the location, size and description of all landscape areas and materials.
- C. Landscaping shall not obstruct the view at the intersection of two or more streets or alleys; or at the intersection of a street and a driveway.
- D. A guarantee of performance bond or escrow agreement shall be required in an amount to be determined by the Planning Director and approved by the City Attorney as to form to insure satisfactory completion of the landscaping plan as approved if the required landscaping is not installed prior to certificate of occupancy as required by the Building Code.

14.19.050 Landscaping Required for New Development, Exceptions

All new development, except for one and two family residences, shall be required to install landscaping per this section. For purposes of this section, new development shall mean construction upon a vacant lot or a lot that becomes vacant by virtue of the demolition of an existing building. Landscaping shall be provided as follows:

- A. Area. Landscaping shall be ten percent of the total square footage of a lot or parcel.

- B. Location. Landscaping shall be located along a street frontage or frontages.
- C. Exceptions. The right-of-way between a curb and a property line, not counting any sidewalk, driveway or other hard surfaces, may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for future street expansion. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer. A window or planter box may also be used to meet landscaping requirements at a ratio of 1 to 1. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping.
- D. Landscaping and Screening for Parking Lots. The purpose of this subsection is to break up large expanses of parking lots with landscaping. Therefore, all parking areas or each parking bay where a development contains multiple parking areas~~not abutting a landscaping area with 20 or more parking stalls~~ shall comply with the following provisions:
1. ~~Five percent of the parking area shall be dedicated to a landscaped area and areas. A~~ minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. This 10 percent landscaping requirement includes landscaping around the perimeter of parking areas as well as landscaped islands within parking areas. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.

2. In no cases shall a landscaped area required under this subsection be larger than 300 square feet. If more landscaping is required than the 300 square feet it shall be provided in separate landscaping areas. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 12 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than 6 feet, to ensure adequate soil, water, and space for healthy plant growth;
3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within 2 years of planting, not less than 50 percent of that area is covered with living plants; and
4. Wheel stops, curbs, bollards or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than 2 feet from any such barrier.
5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.
6. The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between 3 feet and 4 feet.
7. The provisions of this subsection do not apply to areas for the storage and/or display of vehicles.

Staff: Increases parking lot landscaping requirement from five to 10 percent. Requires at least one tree for every 12 spaces, specifies minimum dimensions for

landscape islands to ensure sufficient space for plantings, outlines landscaping expectations, includes wheel stop requirements, and adds a standards for landscape screening to ensure headlights do not shine into residential yards or rights-of-way. Changes implement recommendations listed in Reference 8, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.19.060 Landscaping Requirements for Additions and Remodels

For purposes of this section, addition means any development that increases the floor area of a building. Remodel is any work requiring a building permit. For additions and remodels, landscaping shall be provided as follows:

- A. Area. If the subject development after completion complies with the requirements for new development, no additional landscaping is required. If the subject development does not comply with the requirement for new development, landscaping shall be installed so as follows:
1. For projects with a value of \$50,000 or less, no additional landscaping is required.
 2. For projects with a value of \$50,001 to \$100,000, the amount of landscaping shall be no less than 25% of that required for new development.
 3. For projects with a value of \$100,001 to \$175,000, the amount of landscaping shall be no less than 50% of that required for new development.
 4. For projects with a value of \$175,001 to \$300,000, the amount of landscaping shall be no less than 75% of that required for new development.
 5. For projects with a value greater than \$300,000, the amount of landscaping shall be 100% of that required for new development.

Values shall be based on year 2000 dollars and adjusted on July 1 of each year for inflation. The adjustment shall

be based on the latest available Portland, Oregon Consumer Price Index.

For purposes of this section, the value shall be based on the amount placed on the application for a building permit. If the Building Official determines that the value is below the actual value as calculated by the formulas developed by the State of Oregon Building Codes Division, the value on the permit shall be as determined by the Building Official. If there is a dispute as to the value, the matter shall be referred to the Planning Commission for resolution. The procedure used shall be the same as for a Type I variance contained in [Section 14.33](#) of this Ordinance.

In the case where a second addition or remodel is commenced within one year of the first addition or remodel, the two projects shall be counted as one with regard to determining the above landscaping requirements.

- B. Location. Landscaping shall be located along a street frontage or frontages.
- C. Exceptions. The right-of-way between a sidewalk and a property line may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for future street expansion. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping. In addition, window boxes may be substituted for surface landscaping. The calculation shall be one square foot of window box accounts for three square feet of surface landscaping as required in Subsection A of this Section. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer.

14.19.070 Nye Beach*

Development in the Historic Nye Beach Design Review District shall follow the same landscaping requirements

as [Subsection 14.19.080](#) (City Center and Bayfront) of Section 14.19 if landscaping requirements are not specified elsewhere. If landscaping is required under a permit issued under the design review design guidelines or design standards, then the permit requirements shall be the applicable landscaping requirements. If the permit requirements specify landscaping requirements that are to be implemented in conjunction with, or in addition to, the landscape requirements of this section, then the landscaping requirements of the permit shall be implemented in conjunction with, or in addition to, the requirements of landscaping specified in [Subsection 14.19.080](#) (City Center and Bayfront) of Section 14.19.

14.19.080 City Center and Bayfront

Because the City Center and Bayfront areas were platted and built on very small lots and many of the existing buildings are located on or near the property lines, a strict area landscaping requirement is difficult to obtain and places an undue burden on the property owner. Those areas shall therefore be subject to this section rather than [Sections 14.19.050](#) and [14.19.060](#) of this ordinance.

- A. New Development. The requirement for new development, defined as building on a vacant lot, shall be 10% of the lot area. In lieu of the 10%, hanging baskets or window/planter boxes may be substituted for surface landscaping, or any combination thereof. The calculation for square footage may be up to one square foot of hanging basket, planter box or window box for every three feet of otherwise required landscaping.
- B. Additions. Landscaping shall be required at a rate of 10% of the area of the addition. In lieu of the 10%, hanging baskets or window/planter boxes may be substituted for surface landscaping, or any combination thereof. The calculation for square footage may be up to one square foot of hanging basket, planter box or window box for every three feet of otherwise required landscaping.
- C. Remodels. Landscaping shall be required per [Section 14.19.060](#) except that in lieu of providing

surface landscaping, window/planter boxes or hanging baskets may be substituted at a rate of one square foot of window/planter box or hanging basket for every ten square feet otherwise required.

14.19.090 Maintenance of Required Landscaping

Landscaping required by this section, whether existing prior to January 1, 1999 or not, shall be reasonably maintained based on the time of year and kept free of weeds and garbage. Failure to maintain required landscaping may be found to be a violation and subject to penalties contained in [Section 14.54](#) of this Code.

14.19.100 Variances

Variances to the requirements of this section shall be subject to the processes and criteria contained in [Section 14.33](#), Adjustments and Variances, and [Section 14.52](#), Procedural Requirements.* As a condition of approval, the Planning Commission may require a bond to assure satisfactory completion of the required landscaping. The Planning Commission may also approve, in lieu of providing a strict landscaping area, window or planter boxes in numbers and size to comply with the intent of this section or a reduction of up to 25% of the required landscaping when the Commission finds that the architectural character of the building is of such quality to justify the reduction. The Commission may also waive up to 25% of the area requirement if the developer puts in an automatic sprinkling system to water the landscaping. The required parking may be reduced up to 10% of the number ordinarily required by this Code if the parking spaces lost is put into landscaping. The site plan prepared by a registered surveyor as required by [Sections 14.33.040](#) is not required for a variance under this Section. If there is a neighborhood design review process, that process supersedes the requirements in this section and, if the design review committee finds that the landscaping is consistent with their review, supersedes the need for a variance otherwise required by this Section.

CHAPTER 14.33 ADJUSTMENTS, ~~AND~~ VARIANCES, AND **TRANSPORTATION MITIGATION PROCEDURE**

14.33.010 Purpose

The purpose of this section is to provide flexibility to numerical development standards in recognition of the wide variation in property size, configuration, and topography within the City of Newport and to allow reasonable and economically practical development of a property.

14.33.020 General Provisions

- A. Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback distance may be processed and authorized under a Type I or Type III decision-making procedure as provided by [Section 14.52](#), Procedural Requirements, in addition to the provisions of this section.
- B. No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located, or to increase densities in any residential zone.
- C. In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

14.33.030 Approval Authority

Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no appeal of the Director's determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.

- A. A deviation of less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.
- B. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.
- C. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

14.33.040 Application Submittal Requirements

In addition to a land use application form with the information required in [Section 14.52.080](#), the petition shall include a site plan prepared by a registered surveyor that is drawn to scale and illustrates proposed development on the subject property.

- A. For requests to deviate from required setbacks, the site plan shall also show survey monuments along the property line subject to the Adjustment or Variance.
- B. For requests to deviate from building height limitations, the application shall include exterior architectural elevations, drawn to scale, illustrating the proposed structure and adjoining finished ground elevations.

14.33.050 Criteria for Approval of an Adjustment

The approval authority may grant an Adjustment using a Type I or Type III decision-making process when it finds that the application complies with the following criteria:

- A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

- B. Any impacts resulting from the Adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and
- C. The Adjustment will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access; and
- D. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zoning district.

14.33.060 Criteria for Approval of a Variance

The approval authority may grant a Variance using a Type III decision-making process when it finds that the application complies with the following criteria:

- A. A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:
 - 1. The size, shape, natural features, and topography of the property, or
 - 2. The location or size of existing physical improvements on the site, or
 - 3. The nature of the use compared to surrounding uses, or
 - 4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or

5. A circumstance or condition that was not anticipated at the time the Code requirement was adopted.
 6. The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.
- B. The circumstance or condition in “A” above is not of the applicant’s or present property owner’s making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.
 - C. There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.
 - D. Authorization of the Variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.
 - E. The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.
 - F. Any impacts resulting from the Variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

14.33.070 Transportation Mitigation Procedure

A. Purpose. The purpose of this procedure is to allow modifications to transportation standards where meeting the roadway cross-section requirements of Sub-Sections 14.44.060(A) or (B) is not possible due to existing site constraints.

B. When Standards Apply. The standards of this section apply to new development or redevelopment for which a building permit is required and that place demands on public or private transportation facilities or city utilities. This procedure may be used in cases where full street improvements, half street improvements, and frontage improvements are required.

C. Approval Process.

1. Pre-application Conference. The applicant shall participate in a pre-application conference pursuant to Section 14.52.045 prior to submitting an application requesting a Transportation Mitigation Procedure. The Community Development Director, City Engineer, and other appropriate city officials will participate in the pre-application conference. The meeting will be coordinated with ODOT when an approach road to US-101 or US-20 serves the property so that the application addresses both city and ODOT requirements.

2. The applicable review process will be the same as that accorded to the underlying land use proposal. If not requested as part of a land use proposal, this procedure shall be subject to a Type I process as defined in Section 14.52.020 (A).

D. Approval Criteria.

1. A cross-section other than that identified in the adopted Transportation System Plan (TSP) for the functional classification of the roadway may be approved if one or more of the following conditions apply to the subject property and result

in site conditions that prohibit the minimum
roadway cross-section from being constructed.

a. Slopes over 25%

b. Mapped landslide areas

c. Mapped wetlands (National Wetland
Inventory, City Wetlands Areas, or site specific
survey)

d. Existing structures

e. Historical resources

f. Insufficient right-of-way

2. The steps to determine an acceptable alternate
roadway design must be documented and follow
the Process for Determining Street Cross-
Sections in Constrained Conditions, as detailed in
Table 14.33.070-A.

3. The proposal shall identify which conditions in
Subsection 1 above apply to the subject property
and show how conditions prevent the minimum
cross-section from being constructed.

4. The proposal shall include documentation in the
form of a written agreement from the Community
Development Director, or designee, in
consultation with the City Engineer and other city
officials, as appropriate, that the proposed cross-
section is consistent with the Process for
Determining Street Cross-Sections in
Constrained Conditions outlined in Table
14.33.070-A.

Table 14.33.070-A. Process for Determining Street Cross-Sections in Constrained Conditions

ANY NON- ARTERIAL ¹ STREET FUNCTIONAL CLASSIFICATION WITH:	STEPS TO REDUCE LOWER PRIORITY STREET COMPONENTS ⁵			
	STEP 1	STEP 2	STEP 3	STEP 4
EQUAL PEDESTRIAN AND BICYCLE CORRIDORS ²		Reduce sidewalk frontage zone to acceptable width	Choose acceptable bike facility	Reduce the furnishings/ landscape zone or pedestrian thoroughway to acceptable width
HIGHER PEDESTRIAN VS. BICYCLE CORRIDORS ³	Eliminate on- street parking on one or both sides	Implement acceptable bike facility	Reduce sidewalk frontage zone to acceptable width	
HIGHER BICYCLE VS. PEDESTRIAN CORRIDORS ⁴		Reduce sidewalk frontage zone to acceptable width	Reduce the furnishings/ landscape zone or pedestrian thoroughway to acceptable width	Implement acceptable bike facility

Notes:

1. The street cross-section for ODOT facilities depends on the urban context and are subject to review and approval by ODOT. Additional detail is provided in the BUD.
2. Includes Major Pedestrian vs. Major Bicycle corridor, Neighborhood Pedestrian vs. Neighborhood Bicycle corridor, or Local Pedestrian vs. Local Bicycle corridor.
3. Includes Major Pedestrian vs. Neighborhood or Local Bicycle corridor, or Neighborhood Pedestrian vs. Local Bicycle corridor.
4. Includes Major Bicycle vs. Neighborhood or Local Pedestrian corridor, or Neighborhood Bicycle vs. Local Pedestrian corridor
5. Local Streets that carry less than 500 vehicles per day are candidates for shared street treatments in lieu of this process

D. Conditions of Approval. The city may deny, approve, or approve a development proposal with conditions needed to meet operations, structural, and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the city's Transportation System Plan. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

E. Fee in Lieu. The city may require the applicant to pay a fee in lieu of constructing required frontage

improvements, consistent with Section 14.44.70 - Fee
in Lieu Option.

Staff: Subsection added per Reference 12, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Creates an appealable land use process for permitting deviations to minimum street cross-sections adopted in the Transportation System Plan. Purpose language clarified per follow-up review by Angelo Planning Group regarding the transportation standards that can be varied using this procedure.

DRAFT

CHAPTER 14.44 TRANSPORTATION STANDARDS

14.44.010 Purpose

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

14.44.020 When Standards Apply

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

14.44.030 Engineering Design Criteria, Standard Specifications and Details

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

14.44.040 Conditions of Development Approval

No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities.

Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

14.44.050 Transportation Standards

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

- ~~1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.~~
- ~~2. Streets within or adjacent to a development subject to Chapter 13.05, Subdivision and Partition, shall be improved in accordance with the Transportation System Plan, the provisions of this Chapter, and the street standards in Section 13.05.015.~~
- ~~3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance Chapter 13.05, and public streets shall be dedicated to the applicable road authority;~~
- ~~4. Substandard streets adjacent to existing lots and parcels shall be brought into conformance with the standards of Chapter 13.05.~~

~~A. Neighborhood Traffic Management. Traffic calming measures such as speed tables, curb bulb outs, traffic circles, and other solutions may be identified as required on-site or off-site improvements for development along Neighborhood Collector or Local Streets.~~

Staff: Added per Reference 14, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Introduces neighborhood traffic management concept for neighborhood collector and local streets. Subsections A(1) through A(4) are covered by NMC 14.44.020. Therefore, they are being deleted as redundant.

- B. Guarantee. The city may accept a future improvement guarantee in the form of a cash deposit, surety bond, letter of credit or non-remonstrance agreement, in lieu of street improvements, if it determines that one or more of the following conditions exist:
1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 3. The improvement ~~would be in conflict with any~~ funded and programmed for construction in an adopted capital improvement plan; or
 4. The improvement is associated with an approved land partition or minor replat and the proposed land partition does not create any new streets.
- C. Creation of Rights-of-Way for Streets and Related Purposes. Streets may be created through the approval and recording of a final subdivision or partition plat pursuant to Chapter 13.05; by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan and the deeded right-of-way conforms to the standards of this Code; or other means as provided by state law.
- D. Creation of Access Easements. The city may approve an access easement when the easement is necessary to provide viable access to a developable lot or parcel and there is not sufficient room for public right-of-way due to topography, lot configuration, or placement of existing buildings. Access easements shall be created and maintained in accordance with the Uniform Oregon Fire Code.

E. Street Location, Width, and Grade. The location, width and grade of all streets shall conform to the Transportation System Plan, subdivision plat, or street plan, as applicable and are to be constructed in a manner consistent with adopted City of Newport Engineering Design Criteria, Standard Specifications and Details. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, pursuant to the requirements ~~in~~ Chapter 13.05 of this Chapter.

F. Transit improvements. Developments that are proposed on the same site as, or adjacent to, an existing or planned transit stop, as designated in the Lincoln County Transit District's 2018 Transit Development Plan, shall provide the following transit access and supportive improvements in coordination with the transit service provider:

1. Reasonably direct pedestrian and bicycle connections between the transit stop and primary entrances of the buildings on site, consistent with the definition of "reasonably direct" in Section 14.01.020.
2. The primary entrance of the building closest to the street where the transit stop is located shall be oriented to that street.
3. A transit passenger landing pad.
4. A passenger shelter or bench if such an improvement is identified in an adopted transportation or transit plan or if the transit stop is estimated by the Lincoln County Transit District to have at least 10 boardings per day.
5. Lighting at the transit stop.
6. Other improvements identified in an adopted transportation or transit plan, provided that the improvements are roughly proportional to the impact of the develop

Staff: Added per Reference 5, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Establishes

requirements for transit related improvements, where appropriate, in conjunction with new development.

14.44.060 Streets, Pathways, Accessways, and Trails

A. Street Width and Cross Sections. Right-of-way and roadway widths shall conform to the Minimum Street Cross-Sections in the Transportation System Plan and the standards in Table 14.44.060-A.

Table 14.44.060-A. Minimum Right of Way and Roadway Widths

<u>Functional Classification</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Roadway Width</u>
<u>Major Collector</u>	<u>70-ft</u>	<u>48-ft</u>
<u>Neighborhood Collector</u>	<u>50-ft</u>	<u>36-ft</u>
<u>Local</u>	<u>50-ft</u>	<u>36-ft</u>
<u>Yield Street</u>	<u>40-ft</u>	<u>24-ft</u>
<u>Shared Street</u>	<u>30-ft</u>	<u>16-ft. ¹</u>

^{1.} A 12-ft width may apply to local streets that carry fewer than 150 vehicles per day.

B. Travel Lane and On-Street Parking. Travel lanes and on-street parking areas shall be sized in accordance with the standards in Table 14.44.060-B

Table 14.44.060-B. Minimum On-Street Parking and Roadway Widths

<u>Roadway Classification</u>	<u>Arterial Street ¹</u>	<u>Major Collector</u>	<u>Neighborhood Collector</u>	<u>Local Street</u>	<u>Yield Street ²</u>
<u>Through Lanes</u>	<u>2 to 4</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>
<u>Min. Lane Width</u>	<u>11-12 ft. ³</u>	<u>10 ft. ⁴</u>	<u>10 ft. ⁴</u>	<u>10 ft.</u>	<u>12 – 16 ft.</u>
<u>Median/Center Turn Lane</u>	<u>11-14 ft. ⁶</u>	<u>11 ft. ⁷</u>	<u>11 ft. ⁷</u>	<u>None</u>	<u>None</u>
<u>Min. On-Street Parking Width</u>	<u>Context Dependent. 7-8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>7-8 ft. ⁸</u>	<u>7-ft one side ⁸</u>

^{1.} Although guidance is provided for arterial streets, these are under State jurisdiction. Values presented in this table are consistent with the Blueprint for Urban Design (BUD). For detailed design recommendations on US 101 and US 20, the identified urban contexts for Newport are provided in the appendix and the BUD is publicly available.

^{2.} For use along low volume local streets in residential areas only. Requires intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities. For blocks of no more than 300 ft. in length, and with fire access roads at both ends, a 16 ft. width may apply to local streets that carry fewer than 500 vehicles per day, or a 12 ft. width may apply to local streets that carry fewer than 150 vehicles per day. For blocks longer than

300 feet, this also requires 30 ft. long pullouts/no parking zones every 150 ft. to allow for 20 ft. wide clear areas (excluding drainage swales) or 26 ft. wide clear areas near fire hydrants.

3. 11 ft. travel lanes are preferred for most urban contexts within Newport. 11 ft. travel lanes are standard for central business district areas in the BUD. Adjustments may be required for freight reduction review routes. Final lane width recommendations are subject to review and approval by ODOT.
4. Travel lanes widths of 11-12 ft. are required along designated local truck routes.
5. A minimum 8-ft.-wide pedestrian refuge should be provided at marked crossings. Otherwise, a median can be reduced to a minimum of 4 ft. at midblock locations that are more than 150 ft. from an arterial (i.e., US 101 and US 20), before widening at intersections for left-turn lanes (where required or needed).
6. The BUD recommends a 14 ft. lane for speeds above 40 mph. Final lane width recommendations are subject to review and approval by ODOT.
7. Center turn lane required at and within 150 ft. of intersections with arterials (i.e., US 101 and US 20). Otherwise, it is optional and should be used to facilitate turning movements and/or street crossings; minimum 8-ft-wide median required where refuge is needed for pedestrian/bicycle street crossings.
8. On-street parking is preferred along all City streets where block spacing, and system connectivity standards are met. An 8 ft. width is required in most areas, with a 7 ft. width only allowed along local streets in residential areas. Local yield/shared streets require intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities, with an 8 ft. width required when on only one side, and 7 ft. width allowed when on both sides. Shoulders totaling 8 ft. in collective width may also be provided in lieu of parking

C. If the required cross-section is wider than the available right-of-way, coordination with the City of Newport is required to determine whether right-of-way dedication is necessary or design elements can be narrowed or removed. Any modifications to the minimum street cross-section require approval pursuant to the requirements of Section 14.33.100 - Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.

D. Reserve Strips. Reserve strips giving a private property owner control of access to streets are not allowed.

E. Alignment. As far as practicable, Arterial, Collector, and Neighborhood Collector Streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in T intersections are unavoidable, they shall leave a minimum of 200 ft. between the nearest edges of the two rights-of-way. This requirement may be modified by the approval authority if topography or other conditions make it impractical to satisfy the standard.

F. Future Extensions of Streets. Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Oregon Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary.

G. Intersection Angles.

1. Streets shall be laid out to intersect at right angles.
2. An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.
3. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.
4. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.
5. No more than two streets may intersect at any one point.
6. If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection G.(1.) be less than 80 degrees unless there is a special intersection design.

H. Half Street. Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the property, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided or developed.

I. Sidewalks. Sidewalks in conformance with the city's adopted sidewalk design standards are required as outlined in the adopted Transportations System Plan and Table 14.44.060(C) below. Any modifications to the sidewalk standards require approval pursuant to the requirements of Section 14.33.100 - Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.

Table 14.44.060-C. Minimum On-Street Parking and Roadway Widths

<u>Roadway Classification</u>	<u>Arterial Street ¹</u>	<u>Major Collector (Commercial)</u>	<u>Major Collector (Non-Commercial)</u>	<u>Neighborhood Collector</u>	<u>Local/Yield Street ³</u>
<u>Edge</u>	<u>1-4 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>
<u>Pedestrian Throughway</u>	<u>5-10 ft.</u>	<u>8 ft. ⁴</u>	<u>6 ft.</u>	<u>6 ft.</u>	<u>5 ft.</u>
<u>Furnishings/Landscape (including curb)</u>	<u>5.5-6.5 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>0.5 ft.</u>	<u>0.5 ft.</u>
<u>Min. Walkway Width</u>	<u>Variable ⁵</u>	<u>11 ft.</u>	<u>9 ft.</u>	<u>6.5 ft.</u>	<u>5.5 ft.</u>
<u>Minimum Buffer (Pedestrian Throughway to Vehicle Travel Way) ²</u>	<u>Variable ⁵</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>0.5 ft.</u>	<u>0.5 ft.</u>

¹ Minimum widths may be expanded in areas with enhanced pedestrian activity, or when identified as a project in the TSP or subsequently adopted refinement plan. For instance, the edge zone may need to be expanded to accommodate outdoor seating for the adjacent land use.

² Includes width of on-street parking, bike facilities, and furnishing/landscape zone.

³ Local streets that are also constructed as shared/yield streets do not require curbs and may include a 5 ft. shoulder walkway at street level, with the travel lanes and shoulders satisfying pedestrian needs. In constrained cases, the shoulder walkway may be provided on only one side, or eliminated.

⁴ In highly constrained locations, the landscape buffer may be eliminated to meet the required 8 ft. pedestrian throughway with approval from the City Engineer, City Engineer's designee or Community Development Director.

⁵ Desired walkway and buffer width for ODOT facilities depends on the urban context and are subject to review and approval by ODOT.

J. Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Oregon Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle

accessway may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division or development.

K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.

L. Alleys. Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.

M. Street Trees. Trees and other plantings may be installed within proposed or existing rights-of-ways provided they conform to the City's approved Tree Manual.

N. Accessways. Accessways must be on public easements or rights-of-way and have a minimum paved surface of 8 feet, with a 2-foot shoulder on each side, within a 12-foot right-of-way.

O. Shared Use Paths. A shared use path must be a minimum of 10 feet wide within 14 feet of right-of-way. In areas with significant walking or biking demand, as identified in the Newport Transportation System Plan (e.g., Nye Beach Area, Oregon Coast Bike Route) or on state facilities, the path must be 12 feet wide within a right-of-way of 16 feet (see Figure 14.44.060-A), unless an alternative width is approved by ODOT. A shared use

path may be narrowed to 8 feet over short distances to address environmental or right-of-way constraints.

Figure 14.44.060-A, Pedestrian Trail, Accessway, & Shared Use Paths



¹ For short segments, a low use shared use path can be as narrow as 8-feet wide, with a 1-foot shoulder on each side and a total right-of-way of 10 feet.

² Unless otherwise authorized by ODOT, a shared use path width of 12 feet is required parallel to ODOT facilities and may be applied in other areas with significant walking or biking demand (e.g. Nye Beach, Oregon Coast Bike Route).

P. Pedestrian Trail. Pedestrian trails are typically located in parks or natural areas and provide opportunities for both pedestrian circulation and recreation. They may be constructed as a hard or soft surface facility. The City of Newport Parks System Master Plan identifies requirements for specific trail improvements.

Q. Accessway. Accessways must be on public easements or rights-of-way and have minimum paved surface of 8 feet, with a 2-foot shoulder on each side, and 12 feet of right-of-way.

R. Private Streets. Private streets, though discouraged in conjunction with Land Divisions, may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;

2. The development site remains in one ownership, or adequate mechanisms are established, such as a

homeowners' association with the authority to enforce payment, to ensure that a private street installed with a Land Division will be adequately maintained;

3. Where a private street is installed in conjunction with a Land Division, development standards, including paving standards, consistent with City standards for public streets shall be used to protect the interests of future homeowners; and

4. The private street is located within a separate tract.

Staff: Added per Reference 14, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Land division street standards have been folded into this section with a cross reference in Section 14.48.015. Marginal Street standard that would allow local streets to parallel arterials in cases where a residential subdivision is adjacent to an arterial has been removed. Tables and Figure are pulled from the February 2022 draft TSP. Sidewalk table added since the Commission's May 9, 2022 work session. Private street standard added prior to 6/13/22 public hearing per consultation with Angelo Planning Group.

14.44.070 Fee in Lieu Option

The city may require the applicant to pay a fee in lieu of constructing required frontage improvements.

A. A fee in lieu may be required by the city under the following circumstances:

1. There is no existing road network in the area.

2. There is a planned roadway in the vicinity of the site, or an existing roadway stubbing into the site, that would provide better access and local street connectivity.

3. When required improvements are inconsistent with the phasing of transportation improvements in the vicinity and would be more efficiently or effectively built

subsequent to or in conjunction with other needed improvements in area.

B. The fee shall be calculated as a fixed amount per linear foot of needed transportation facility improvements. The rate shall be set at the current rate of construction per square foot or square yard of roadway built to adopted city or ODOT standards at the time of application. Such rate shall be determined by the city, based upon available and appropriate bid price information, including but not limited to surveys of local construction bid prices, and ODOT bid prices. This amount shall be established by resolution of the City Council upon the recommendation of the City Engineer and reviewed periodically. The amount of monies deposited with the city shall be at least 125 percent of the estimated cost of the required street improvements, inclusive of associated storm drainage improvements, or such other percentage to account for inflation, as established by City Council resolution. The fee shall be paid prior to final plat recording for land division applications or issuance of a building permit for land development applications.

C. All fees collected under the provisions of Section 14.44.070 shall be used for construction of like type roadway improvements within City of Newport's Urban Growth Boundary, consistent with the Transportation System Plan. Fees assessed to the proposed development shall be roughly proportional to the benefits the proposed development will obtain from improvements constructed with the paid fee.

Staff: Moved from Chapter 14.45 to this location per Reference 3, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

CHAPTER 14.45 TRAFFIC IMPACT ANALYSIS

14.45.010 Applicability

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

- A. To determine whether a significant effect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation, as specified in OAR 660-012-0060.
- B. ODOT requires a TIA in conjunction with a requested approach road permit, as specified in OAR 734-051-3030(4).
- C. The proposal may generate 500 or more average daily trips or 100-50 PM peak-hour trips or more onto city streets or county roads.
- D. The proposal may increase use of any adjacent street by 10 vehicles or more per day that exceeds 26,000 pound gross vehicle weight.
- E. The proposal includes a request to use Trip Reserve Fund trips to meet the requirements of [Chapter 14.43](#), South Beach Transportation Overlay Zone.
- F. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or the location of an existing or proposed access driveway does not meet minimum access spacing or sight distance requirements.
- G. For phased development on a lot, parcel or tract, the number of vehicle trips shall be the cumulative number of vehicle trips generated for all phases until such time as traffic impact analysis is required pursuant to this section.

14.45.020 Traffic Impact Analysis Requirements

- A. Pre-application Conference. The applicant shall meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis (TIA). This meeting will be coordinated with ODOT when an approach road to US-101 or US-20 serves the property so that the completed TIA meets both City and ODOT requirements.
- B. Preparation. The submitted TIA shall be prepared by an Oregon Registered Professional Engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.
- C. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. An applicant may choose, but is not required, to use a trip generation study as a reference to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which similar facilities are available to count.
- D. Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where 50 or more peak hour vehicle trips can be expected as a result of the proposal.
- E. Transportation Planning Rule Compliance. The TIA shall comply with the requirements of OAR 660-012-0060.
- F. Structural conditions. The TIA shall address the condition of the impacted roadways and identify structural deficiencies or reduction in the useful life of existing facilities related to the proposed development.
- G. Heavy vehicle routes. If the proposal includes an increase in 10 or more of the vehicles described in [Section 14.45.010.D](#), the TIA shall address the

provisions of [Section 14.45.020.F](#) for the routes used to reach US-101 or US-20.

H. **Phased Development.** If the land use application is part of a phased development, the TIA shall analyze the ultimate build-out of all phases of the project.

14.45.030 Study Area

The following facilities shall be included in the study area for all TIAs:

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

14.45.040 Approval Process

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

14.45.050 Approval Criteria

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

- A. The analysis complies with the requirements of [14.45.020](#);
- B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve the traffic safety problems in a manner that is satisfactory to the City Engineer and, when state highway facilities are affected, to ODOT; and
- C. Where a proposed amendment to the Newport Comprehensive Plan or land use regulation would significantly affect an existing or planned transportation facility, the TIA must demonstrate that solutions have been developed that are consistent with the provisions of OAR 660-012-0060; and
- D. For affected non-highway facilities, the TIA establishes that city Level of Service (LOS) and volume to capacity (v/c) standards, known collectively as city's vehicle mobility standards, have been met as outlined in Table 14.45.050-A; and any Level of Service standards adopted by the city have been met, and development will not cause excessive queuing or delays at affected intersections, as determined in the City Engineer's sole discretion; and

Table 14.45.050-A. Vehicle Mobility Standard for City Streets from the Newport Transportation System Plan

<u>Intersection Type</u>	<u>Proposed Mobility Standard</u>	<u>Reporting Measure</u>
<u>Signalized</u>	<u>LOS D and v/c</u> <u>≤0.90</u>	<u>Intersection</u>
<u>All-way stop or roundabouts</u>	<u>LOS D and v/c</u> <u>≤0.90</u>	<u>Worst Approach</u>
<u>Two-way stop ¹</u>	<u>LOS E and v/c</u> <u>≤0.95</u>	<u>Worst Major Approach/Worst Minor Approach</u>

¹. Applies to approaches that serve more than 20 vehicles; there is no standard for approaches serving lower volumes.

- E. Proposed public improvements are designed and will be constructed to the standards specified in [Chapter 14.44 Transportation Standards](#) ~~or Chapter 13.05, Subdivision and Partition, as applicable.~~

14.45.060 Conditions of Approval

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

~~14.45.070 Fee in lieu Option~~

~~The city may require the applicant to pay a fee in lieu of constructing required frontage improvements.~~

~~A. A fee in lieu may be required by the city under the following circumstances:~~

- ~~1. There is no existing road network in the area.~~
- ~~2. There is a planned roadway in the vicinity of the site, or an existing roadway stubbing into the site, that would provide better access and local street connectivity.~~
- ~~3. When required improvements are inconsistent with the phasing of transportation improvements in the vicinity and would be more efficiently or effectively built subsequent to or in conjunction with other needed improvements in area.~~
- ~~4. For any other reason which would result in rendering construction of otherwise required improvements impractical at the time of development.~~

~~B. The fee shall be calculated as a fixed amount per linear foot of needed transportation facility improvements. The rate shall be set at the current rate of construction per square foot or square yard of roadway built to adopted city or ODOT standards at the time of application. Such rate shall be determined by the city, based upon available and appropriate bid price information, including but not limited to surveys of local construction bid prices, and ODOT bid prices. This amount shall be established by resolution of the City Council upon the recommendation of the City Engineer and reviewed periodically. The fee shall be~~

~~paid prior to final plat recording for land division applications or issuance of a building permit for land development applications.~~

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

Staff: Revisions reflect changes recommended Staff: Added per Reference 10, Tech Memo #12, by Angelo Planning Group, dated 12/8/21. . Changes address phased development, and add Level of Service and volume to capacity standards for intersections. 14.45.010(G) has been updated since the May 9, 2022 work session. Fee in lieu option moved to Chapter 14.44.

CHAPTER 14.46 VEHICULAR ACCESS AND CIRCULATION

14.46.010 Purpose

Chapter 14.46 implements the street access policies of the City of Newport Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.

14.46.020 Permit Required

Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires a right-of-way permit, pursuant to NMC Chapter 9.10. In addition, approval by Lincoln County is required for connections to county roads within the city limits, and authorization from the Oregon Department of Transportation is required for connections onto US 101 or US 20.

14.46.030 Approach and Driveway Development Standards

Approaches and driveways shall conform to all of the following applicable development standards:

- A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.
- B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.
- C. All accesses shall be approved by the City Engineer or designate.
- D. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.
- E. Access shall be taken from lower classification streets (e.g. local and neighborhood collector streets)

when it can be accomplished in conformance with these standards.

F. New approaches shall conform to the spacing standards listed in Table 14.46.020-A, and shall conform to minimum sight distance and channelization standards of the city, county or ODOT, as appropriate.

Table 14.46.020-A. Access Spacing Standards ¹

	<u>Arterials ²</u>	<u>Major Collectors</u>	<u>Neighborhood Collector</u>	<u>Local Street</u>
<u>Minimum Driveway Spacing (Driveway to Driveway)</u>	<u>See Table 14.46.020-B</u>	<u>100 ft.</u>	<u>75 ft.</u>	<u>n/a</u>
<u>Minimum Intersection Setback (Full Access Driveways Only)</u>	<u>See Table 14.46.020-B</u>	<u>150 ft.</u>	<u>75 ft.</u>	<u>25 ft.</u>
<u>Minimum Intersection Setback (Right-In/Right-Out Driveways)</u>	<u>See Table 14.46.020-B</u>	<u>75 ft.</u>	<u>50 ft.</u>	<u>25 ft.</u>
<u>Maximum Length Between Pedestrian/Bicycle Connections</u>	<u>See Table 14.46.020-B</u>	<u>300 ft.</u>	<u>300 ft.</u>	<u>300 ft.</u>

¹. All distances measured from edge of adjacent approaches.

². All Arterial streets are under ODOT jurisdiction. ODOT facilities are subject to access spacing guidelines in the Oregon Highway Plan, Appendix C Table 14, and the Blueprint for Urban Design. Blueprint for Urban Design Guidelines in Table 14.46.020-B are based on posted speed and urban context.

Table 14.46.020-B. Blueprint for Urban Design Guidelines for Arterial Access Spacing

<u>Urban Context (Posted Speed)</u>	<u>Target Spacing Range (Feet)</u>
<u>Traditional Downtown/CBD (20-25 mph)</u>	<u>250 - 550</u>
<u>Urban Mix (25-30 mph)</u>	<u>250 - v550</u>
<u>Commercial Corridor (30-35 mph)</u>	<u>500 - 1,000</u>
<u>Residential Corridor (30-35 mph)</u>	<u>500 - 1,000</u>
<u>Suburban Fringe (35-40 mph)</u>	<u>750 - 1,500</u>
<u>Rural Community (25-35 mph)</u>	<u>250 - 750</u>

Source: ODOT Blueprint for Urban Design, Tables 3-9 and 3-10

- G. Existing approaches shall be upgraded as specified in an approved Traffic Impact Analysis.
- H. With the exception of Private Driveways as defined in Section 14.01.020, all approaches and driveways serving more than five parking spaces shall be paved and meet applicable construction standards.
- I. The city may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the city, county, or ODOT requires mitigation to alleviate safety or traffic operations concerns.
- J. Where city, county, or ODOT spacing standards limit the number or location of connections to a street or highway, the city may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The city may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).
- K. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus.
- L. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.
- M. Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
- N. Driveways shall be designed so that vehicle areas, including, but not limited to, vehicle storage and service areas, do not obstruct any public right-of-way.
- O. Drive-up/drive-in/drive-through uses and facilities shall meet the standards in Section 14.14.090(G).

- P. Approaches and driveways shall be a minimum of twelve (12) feet for a one-way drive and twenty (20) feet for a two-way drives. Approaches and driveways shall not be greater than 150% of the minimum, with the exception of those that serve industrial uses and heavy commercial uses which may be up to 35 feet.
- Q. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
- R. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
- S. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge.
- T. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
- U. The city may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
- V. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The city may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the city will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

W. Where a proposed driveway crosses a culvert or drainage ditch, the city may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable engineering and stormwater design standards.

X. Temporary driveways providing access to a construction site, staging area, or special event shall be paved, graveled, or treated in an alternative manner as approved by the City Engineer, to prevent tracking of mud onto adjacent paved streets.

14.46.040 Exceptions and Adjustments

The city may approve deviations from the spacing standards in Table 14.46.020-A through a Type I procedure, when one of the following criteria can be met.

A. An existing connection to a city street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance; or

B. Mitigation measures, such as consolidated access, joint use driveways, directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation actions can be shown to mitigate all traffic operations and safety concerns.

14.46.050 Joint Use Access Easement and Maintenance Agreement

Joint Use Access Easement and Maintenance Agreement. Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records.

Staff: Added vehicle access and circulation standards per Reference 6, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Process for Section 14.46.040, Exceptions and Adjustments, change to a Type I review to align with the transportation mitigation process in 14.33.070.

DRAFT

CHAPTER 14.47 PEDESTRIAN ACCESS

14.47.010 Purpose

This Chapter implements the pedestrian access and connectivity policies of City of Newport Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

14.47.020 Applicability

The provisions of this chapter shall apply to all new or substantial improvements to commercial, industrial, public/institutional, and multifamily development as defined in 14.01.020. Where the provisions of this chapter conflict with facilities identified in the Newport Parks and Recreation Master Plan, the Newport Parks and Recreation Master Plan shall govern.

14.47.030 Standards

Developments shall conform to all of the following standards for pedestrian access and circulation:

- A. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any.
- B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on all of the following criteria:
 - 1. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel;
 - 2. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.

3. The walkway network connects to all primary building entrances in a manner consistent with the Oregon Structural Specialty Code.

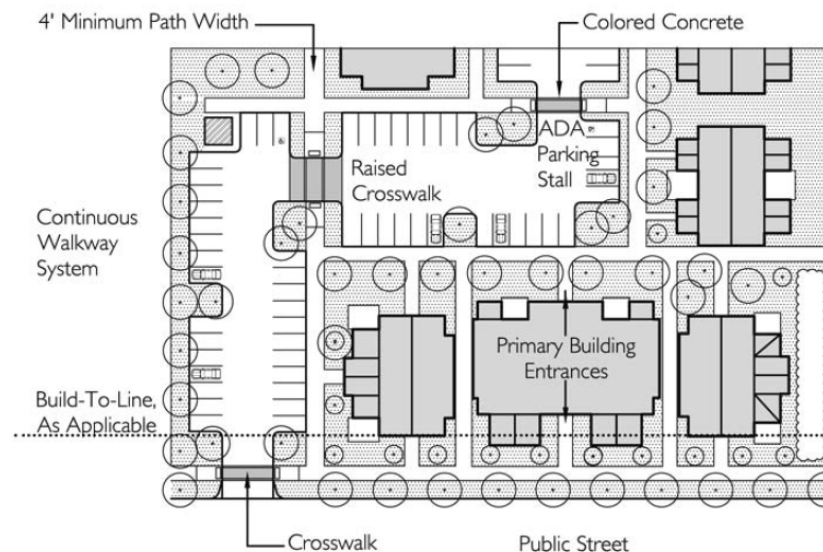
C. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly identified with pavement markings or contrasting paving materials (e.g., pavers, light color concrete inlay between asphalt, or similar contrast). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

D. Walkway Surface. Walkway surfaces may be concrete, asphalt, brick/masonry pavers, or other city-approved durable surface meeting Americans With Disabilities Act requirements.

E. Walkway Width. Walkways shall be not less than 4 feet in width, except that concrete walkways a minimum of 6 feet in width are required in commercial developments and where access ways are required.

F. Pedestrian Trail, Accessway, and Shared Use Path. Standards for trails, accessways, and shared use paths are found in Section 14.44.60.

Figure 14.47.030-A. Pedestrian Access and Circulation Standards Illustration



Staff: Added pedestrian access standards internal to a property in line with Reference 10, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

CHAPTER 14.48 LAND DIVISIONS

14.48.005 Purpose

This chapter provides uniform standards for the division of land and the installation of related improvements within the corporate limits of the city for the purposes of protecting property values, and furthering the health, safety and general welfare of the citizens of Newport. The provisions of this chapter implement Statewide Planning Goals as addressed in the Newport Comprehensive Plan along with the applicable portions of Chapters 92 and 227 of the Oregon Revised Statutes.

14.48.010 Application Requirements

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

1. A completed city application form signed by the owner of the property or an authorized agent. If the application form is signed by an authorized agent, it must be accompanied by a document signed by the property owner authorizing the agent to act for the owner in the land division process.
2. A tentative plan containing the information identified in Section 14.48.010(C).
3. A narrative listing each applicable approval criterion or standard and an explanation as to how the criterion or standard is met.
4. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities will be extended to connect to existing streets and utilities and may be connected to future streets and utilities.

5. Proposed deed restrictions, if any, in outline form.
 6. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
 7. A plan for domestic water supply lines and related water service facilities.
 8. Proposals for sewage disposal, storm water drainage, and flood control, including profiles of proposed drainage ways.
 9. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
 10. Where geologic hazards are known to exist on part or all of the property in question based on adopted maps of the City of Newport, a geologic hazard report is required and shall be provided in accordance with the requirements of Chapter 14.21. The report must clearly state what measures will be taken to safeguard against existing hazards.
 11. Written letters from public facilities (water, sewer, storm water, and streets) and utilities (electric and phone) identifying requirements for providing service to the land division.
 12. An application fee in an amount set by City Council resolution.
 13. A Trip Assessment Letter, if required by Chapter 14.43.
 14. A Traffic Impact Analysis, if required by Chapter 14.45.
 15. Other materials that the applicant believes relevant or that may be required by the city.
- B. The tentative plan of a land division shall be drawn such that the dimensions can be verified with the standard tick marks depicted on an Engineer's or Architects scale.

C. The following general information shall be shown on the tentative plan of the land division:

1. If a subdivision, the proposed name of the subdivision. This name shall not duplicate or resemble the name of another subdivision in the county and shall be approved by the Planning Commission.
2. Date, northpoint, and scale of the drawing.
3. Appropriate identification of the drawing as a tentative plan.
4. Location of the property being divided sufficient to define its location and boundaries, and a legal description of the entire property being divided.
5. Names and addresses of the owner, the applicant if different from the owner, and the engineer and/or surveyor.
6. The following existing conditions shall be shown on the tentative plan:
 - a. The location, widths, and names of existing streets and undeveloped rights of way within or adjacent to the tract, any existing easements, and other important features such as section lines, section corners, city boundary lines, and monuments.
 - b. Contour lines related to some established bench mark or other datum approved by the city and having minimum intervals as follows:
 - i. For slopes of less than 5 percent: show the direction of slope by means of arrows or other suitable symbols, together with not less than four (4) spot elevations per acre, evenly distributed.
 - ii. For slopes of 5 percent to 15 percent: five (5) feet.
 - iii. For slopes of 15 percent to 20 percent: 10 feet.
 - iv. For slopes of over 20 percent: 20 feet.

c. The location and direction of water courses and the location of areas subject to flooding.

d. Natural features such as wetlands, tidelands, marshes, or any natural resource identified as a protected Statewide Land Use Planning Goal 5 or Goal 17 resource on maps adopted by the city shall be identified. Other features, such as rock outcroppings, wooded areas, and isolated trees that serve as the basis of any requested modifications to the land division standards shall also be identified.

e. Existing uses of the property and location of existing structures to remain on the property after platting.

f. The location within the land division and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and utility lines.

7. The following information shall be included on the tentative plan of a subdivision.

a. The location, width, names, approximate grades, and radii of curves of proposed streets and the relationship of proposed streets to streets shown in the Transportation System Plan. Streets in existing adjacent developments and approved subdivisions and partitions shall also be shown, as well as potential street connections to adjoining undeveloped property.

b. The location, width, and purpose of proposed easements.

c. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.

d. Proposed sites, if any, allocated for purposes other than single-family dwellings.

D. If the land division proposal pertains to only part of the property owned or controlled by the owner or

applicant, the city may require a sketch of a tentative layout for streets in the undivided portion.

14.48.015 Streets

Streets created with a subdivision or partition shall meet the requirements of Section 14.44.060.

14.48.020 Blocks

A. Blocks created in land divisions shall be consistent with the standards in Table 14.48.020-A. Modifications to the standards may be made by the approving authority pursuant to the standards in Chapter 14.33 if the street is adjacent to an arterial street, the location of adjoining streets, or other constraints identified in Section 14.33.100 justify the modification.

B. Mid-block pedestrian and bicycle connections must be provided when the block length exceeds 300 feet to ensure convenient access for all users. Mid-block pedestrian and bicycle connections must be provided on a public easement or right-of-way every 300 feet, unless the connection is impractical due to topography, inadequate sight distance, high vehicle travel speeds, lack of supporting land use, or other factors that may prevent safe crossing; or a rational nexus to the proposed development is not established and the connection is not roughly proportional to the impacts created by the proposed land division.

Table 14.48.020-A. Block Length ¹

	<u>Arterials ²</u>	<u>Major Collectors</u>	<u>Neighborhood Collector</u>	<u>Local Street</u>
<u>Maximum Block Length (Public Street to Public Street)</u>	<u>550 ft.</u>	<u>1,000 ft.</u>	<u>1,000 ft.</u>	<u>1,000 ft.</u>
<u>Minimum Block Length (Public Street to Public Street)</u>	<u>220 - 550 ft.</u>	<u>200 ft.</u>	<u>150 ft.</u>	<u>125 ft.</u>
<u>Maximum Length Between Pedestrian/Bicycle Connections (Public Street to Public Street, Public Street to Connection, or</u>	<u>220 - 550 ft.</u>	<u>300 ft.</u>	<u>300 ft.</u>	<u>300 ft.</u>

<u>Connection to Connection) ²</u>				
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¹. All distances measured from edge of adjacent approaches.

². See Section 14.48.020(B).

³. All Arterial streets are under ODOT jurisdiction. ODOT facilities are subject to access spacing guidelines in the Oregon Highway and the Blueprint for Urban Design which vary based on posted speed and urban context.

Staff: Revised per Reference 7, Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.48.020 Easements

A. Utility Lines. Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.

B. Utility Infrastructure. Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

C. Water Course. If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage rightof-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

14.48.025 Lots and Parcels

A. Size. The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception: Where property is zoned and planned for business or industrial use, other widths and areas may be

permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Street Frontage. Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.

C. Through Lots and Parcels. Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting a traffic artery or other incompatible use.

D. Lot and Parcel Side Lines. The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.

E. Special Setback Lines. All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.

F. Maximum lot and parcel size. Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow

greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.

G. Development Constraints. No lot or parcel shall be created with more than 50 % of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource. Modifications to this requirement may be made by the approval authority if the approval authority determines that the proposed lot or parcel contains sufficient land area to allow for construction on the lot or parcel without impacting the Newport Municipal Code Index Page 508 resource or that a variance or other permit has been obtained to allow for impacts on the identified resource.

H. Lots and Parcels within Geologic Hazard Areas. Each new undeveloped lot or parcel shall include a minimum 1000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See NMC Chapter 14.21 for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.

14.48.030 Public Improvement Requirements

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

1. Streets. All streets, including alleys, within the land division, streets adjacent but only partially

within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be constructed in accordance with the standards set forth in Chapter 14.44. Street width standards may be adjusted subject to the provisions of Section 14.33.070.

*Staff: Subsection amended per Reference 14,
Tech Memo #12, by Angelo Planning Group,
dated 12/8/21.*

2. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.
3. Sanitary Sewers. Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the city, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.
4. Water. Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.
5. Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:

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

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

c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 14.48.060.

B. Public Improvement Procedures. In addition to other requirements, public improvements installed by a developer that is dividing land, whether required or voluntarily provided, shall comply with this chapter, and with any public improvement standards or specifications adopted by the city. The following procedure shall be followed:

1. Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans shall be required before approval of the tentative plan of a subdivision or partition.
2. Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.
3. Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
4. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.
5. A map showing public improvements as built shall be filed with the city upon completion of the improvements.
6. Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.

Staff: Delayed sidewalk improvement agreement in favor of an allowance for deferred installation for residential subdivisions. In such cases, sidewalk can be installed on a lot-by-lot basis as homes are constructed. The delayed sidewalk agreement language has proven difficult to implement.

14.48.035 Adequacy of Public Facilities and Utilities

- A. Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division.
- B. For public facilities of sewer, water, storm water, and streets, the letter must identify the:
1. Water main sizes and locations, and pumps needed, if any, to serve the land division.
 2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.
 3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.
 4. Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.

14.48.040 Underground Utilities and Service Facilities

- A. Undergrounding. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility

service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.

B. Non-City-Owned Utilities. As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.

14.48.045 Minor Replats and Partitions

A. Approval Criteria. The criteria for approval are as follows:

1. The tentative plan complies with the definition of a replat or partition, as appropriate.
2. All lots or parcels within the tentative plan meet the requirements of Section 14.48.025. Alternatively, if the original lots or parcels were nonconforming, the resultant lots or parcels may be allowed without a variance if they are less nonconforming.
3. Approval of the tentative plan does not interfere with the provision of key public facilities.

4. The applicant has agreed to sign a consent to participate in sewer, water, or street local improvement districts that the subject lots or parcels would be part of once those districts are formed. The consent shall be a separate document recorded upon the lots or parcels subject to the partition. The document shall be recorded prior to final plat approval.

5. Public facilities serving the minor replat or partition are adequate under Section 14.48.035. Proposed streets within the minor replat or partition comply with the standards under Section 14.48.015, including any allowed modification, or a variance has been obtained.

6. All required public improvements will be provided.

7. Any required submitted geological hazard report concludes that the property can be developed in the manner proposed, in accordance with any recommendations contained in the report.

B. Compliance with Criteria. If the tentative plan complies with the criteria, the plan shall be approved. Conditions of approval, including requirements to provide public improvements necessary to allow development, may be imposed. If the tentative plan does not comply with the criteria or cannot be made to comply through reasonable conditions of approval, the plan shall be denied and the applicant shall be notified in writing why the tentative plan was denied and what items need to be corrected before the tentative plan can be approved.

C. Geological Hazards Reports. Approval of the minor replat or partition pursuant to a submitted geological hazard report includes approval of the geological report recommendations. Based on the report, the community development director shall establish when compliance with the geological

report recommendations must be demonstrated. This shall be in the form of a written certification prepared by an engineering geologist or other equivalent certified professional, establishing that the report requirements have been satisfied, and should be noted as a condition of approval.

D. Final Plat Approval. Within twenty-four (24) months of the tentative plan approval, the applicant shall submit to the city a final plat for the replat or partition that is consistent with the tentative plan and state law. A signature block for the Community Development Director, the Lincoln County Surveyor, the Lincoln County Tax Collector, and the Lincoln County Tax Assessor shall be on the final plat. The Community Development Director shall approve the final plat if it is consistent with the tentative plan and all conditions have been satisfied, including the provision and acceptance of any required public improvements. The city shall forward approved plats to Lincoln County for review and recordation. The applicant shall submit one paper copy of the recorded final plat within 90 days to the community development department.

E. Procedure for Approval of Replat Other than a Minor Replat. The procedure and criteria for tentative and final approval of replats other than minor replats shall be the same as for subdivisions or partitions, depending on whether the replat is of a subdivision or partition.

14.48.050 Miscellaneous

A. Street Lights. Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights

shall be place in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

B. Street Signs. Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

C. Monuments. Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

D. Exceptions for Planned Developments. The standards and requirements of this Chapter may be modified without an adjustment or variance for planned developments.

E. Adjustment or Variances. Adjustments or variances to this chapter not otherwise allowed by modification within this chapter are subject to the standards and procedures for set forth in Chapter 14.33. Notice of the adjustment or variance request may be included in the legal notice for the hearing on the tentative plan for a subdivision or may be provided separately.

F. Standards in Effect after Subdivision Approval. The land use standards in effect at the time of a subdivision approval apply to all applications for land use approval within the subdivision filed within 180 days of the subdivision approval. After that time, the land use standards in effect at the time the land use application is deemed complete shall apply to the land use application.

14.48.055 Cemeteries

A. Minimum Requirements for the Platting and Subdivision of Land for Cemetery Purposes.

The following are the minimum requirements for lot sizes, walkways, streets, and street improvement widths applicable to cemeteries:

1. Lot Sizes:

- a. Width - not less than four feet.
- b. Length - not less than 10 feet.

2. Walkways:

- a. Width - not less than six (6) feet.
- b. Location - each individual grave to be served.

3. Street Right-of-Way Widths:

- a. Within the plat - not less than 32 feet.
- b. Entrance roads - to conform to present city subdivision regulations.

4. Street Improvement Widths:

- a. Within the plat - not less than 24 feet.
- b. Entrance roads - to conform to present city subdivision regulations.

5. Dead end Roads (Within the Plat):

- a. Right-of-way - not less than 42 feet.
- b. Improvement width - not less than 36 feet.
- c. Cul-de-sac - not less than a 45 foot radius.

B. Buffer Strips. Buffer strips shall be established that are at least 100 feet in width when a cemetery development is adjacent to a residentially zoned property; 75 feet when a cemetery development is adjacent to tourist commercial zoned property; and 50 feet in width when a cemetery development is adjacent to all other commercially zoned property. No lots shall be allowed within the buffer strips.

C. Buffer Strip Planting and Maintenance. All required buffer strips shall be planted at the time the adjacent land planted for cemetery lots is being offered for sale. The buffer strip shall have evergreen trees planted to such a density that they are an effective screen to adjoining property. The evergreen trees shall have an initial minimum planting height of four (4) feet and shall be of such species that they will reach a height of at least 20 feet at maturity. All remaining ground areas in the buffer strip shall be maintained as lawn area, shrubs, or flower beds, as are maintained by the management of the cemetery in all other areas of the cemetery plat that are presently being used.

D. Location of Cemeteries. No cemeteries shall be allowed to be placed within one mile of the high-water line of the Pacific Ocean and within one-half mile of the high-water line of the Yaquina Bay.

14.48.060 Final Plat Requirements

A. Submission of Final Plat. Within twenty-four (24) months after tentative plan approval, such other time established at the time of tentative plan approval, or extensions granted under this chapter, the owner and/or applicant (collectively referred to as the “developer”) shall cause the land division to be surveyed and a final plat prepared. If the developer elects to develop the land division in phases, final plats for each phase shall be completed within the time required (e.g. Phase I completed within two years, Phase II completed within the next two years, etc.). The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.

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

C. Improvement Agreements. If all the required improvements have not been satisfactorily completed before the final plat is submitted for approval, the city may, at its discretion, allow final approval of the plat if the developer enters into a written agreement with the city to provide the required improvements secured by a cash deposit, bond, or letter of credit. The agreement must provide for completion within one year of the approval of the final plat. The agreement shall be acceptable to the city attorney and include provisions that:

1. Authorize the city to complete the required improvements and recover their full cost and expense from the developer if the developer fails to complete the improvements as required.
2. Authorize the inspection of all improvements by the city engineer and provide for reimbursement to the city of all costs of inspection.

3. Indemnify of the city, its officials, employees and agents, from and against all claims of any nature arising or resulting from the failure of the developer to comply with any requirement of such agreement.

4. Ensure compliance with conditions required by the city in approving the final plat prior to completion of all required improvements.

D. Financial Assurances. A developer that enters into an improvement agreement shall provide financial assurances in the form of one or more of the following:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon and in a form satisfactory to the city attorney, or

2. An irrevocable letter of credit in a form satisfactory to the city attorney, or

3. A cashier's check or money order from a bank or other reputable lending institution, or

4. Certification by a bank or other reputable lending institution that funds are being held, or a line of credit has been established, to cover the cost of required improvements.

E. Amount of Security. The financial assurances shall be in an amount equal to 110% of the amount determined by the city engineer as sufficient to cover the cost of the improvements, engineering, inspection, and incidental expenses. The financial assurances may provide for reduction of the amount in increments as improvements are completed and approved by the city engineer. However, the number of reductions or disbursements and the amount of retainage required shall be at the discretion of the city engineer.

F. Post Completion Financial Assurances. On acceptance of all improvements by the city, a financial assurance, as provided in Subsection (D), shall be provided in an amount equivalent to 10% of the construction cost. Such financial assurance shall remain in effect for a period of one year. All deficiencies in construction and maintenance discovered and brought to the attention of the developer within one year of acceptance must be corrected to the satisfaction of the city engineer.

G. Acceptance of Improvements by City, Guarantee. The city will accept public improvements only if they have received final inspection approval by the city engineer and "as constructed" engineering plans have been received and accepted by the city engineer. The developer shall warrant all public improvements and repairs for a period of one year after acceptance by the city.

H. Phased Developments. For a phased development, final plats may be submitted consistent with any phasing plan approved at the time of tentative plan approval.

I. Approval of Final Plat. The approval authority shall note their approval of the final plat, along with the effective date of approval, which constitutes the City's acceptance of any dedications to the public contained therein.

J. Recording of Final Plat. After final approval, the final plat shall be forwarded to Lincoln County for review and recording as required by law.

Staff: Chapter 13.05, Land Divisions, consolidated as new Chapter 14.48. Duplicative procedural provisions have not been carried over, and have been consolidated into Chapter 14.52 where appropriate. Changes are generally consistent with Reference 15, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Added cashier's checks or money orders as acceptable

financial guarantees under Subsection 14.48.060(D). Additional options added for guaranteeing public improvements and the amount of the financial security has been reduced from 150% to 110% considering that required improvements must be completed within 12-months. Post construction warranty language under NMC 14.44.060(F) amended to cover all public improvements (not just those subject to an improvement agreement) and reduced the warranty amount to 10% of the total construction cost. Eliminated discretionary final plat review language and requirement that hardcopies of final plat be provided once recorded (that information is now available online).

DRAFT

CHAPTER 14.49 PROPERTY LINE ADJUSTMENTS

14.49.010 Property Line Adjustment

The City of Newport hereby establishes a procedure for the adjustment of property lines. A procedure carried out pursuant to this chapter shall be known and referred to as a "property line adjustment."

14.49.020 Approval Criteria

A property line adjustment may be utilized, as an alternative to partition or replatting procedures, under the following circumstances:

- A. The size, shape or configuration of two existing units (lots or parcels) of land, each of which is a legal lot or parcel, is to be modified by the relocation of a common boundary between the parcels; and
- B. An additional unit of land is not created; and
- C. If an existing unit of land is reduced in size by the adjustment, that unit of land will comply with the requirements of any applicable ordinance, and none of the units of land existing after the adjustment will be in nonconformity with any applicable zoning or other requirement of the City of Newport to a greater extent than prior to the adjustment.

14.49.030 City Approval Required

No property line adjustment shall be undertaken without the prior approval of the City of Newport. Any person desiring to carry out such a property line adjustment shall submit to the Planning Director of the City of Newport an application, together with such fee as the Common Council of the City of Newport may from time-to-time by resolution determine. The property line adjustment application shall be upon such form as shall be approved by the planning director, and shall include at least the following information:

- A. A legal description (by lot and block or by metes and bounds) of the units of land as they exist prior to the proposed boundary line adjustment.

B. A map (a tax map, survey, or equivalent) depicting the configuration of the units of land as they exist prior to the adjustment.

C. A similar map showing the configuration of the lots, as they would exist after the proposed adjustment.

D. Legal description of the parcels as they would exist after the proposed adjustment.

14.49.040 Conveyance and Security

Following such approval, the property line adjustment may be carried out in the following manner.

A. The owners of the land involved in the property line adjustment shall prepare a conveyance or conveyances in accordance with ORS 92.190(4), containing the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement. The parties shall thereupon attach a certificate of the City of Newport setting forth its approval of the property line adjustment, in accordance with the provisions of this Chapter, and record the property line adjustment deed and such certificate and the survey, if any, required by ORS 92.060(7) with the Lincoln County Clerk, in the manner provided in ORS 92.190(3).

B. The parties shall obtain a survey of the adjusted property line, and the same shall be monumented, and the survey shall be filed with the county surveyor, as required by ORS 92.060(7), except as follows:

1. Such survey and monumentation shall not be required when both parcels affected are greater than 10 acres in size.

2. The requirements of such survey and monumentation shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary.

14.49.050 Responsibility

No property line adjustment shall be effective except upon compliance with the terms, provisions and requirements of this Chapter. The City of Newport does not hereby assume any responsibility to verify or ascertain the ownership of any property or the accuracy of any map, survey or legal description or other information or material submitted to it in connection with this procedure, or to ascertain the adequacy of the form of any property line adjustment deed or other document utilized by party pursuant to this procedure. Any approval granted under the terms and provisions of this Chapter shall be no greater than permitted under the provisions of ORS 92.190 and other applicable statutes, and all actions pursuant to this Chapter shall be subject to the authority and provisions of the laws of the State of Oregon.

Staff: Language was previously included in NMC Chapter 13.99. Moved to this location. No changes to language otherwise. Revision is consistent with Reference 15, Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

CHAPTER 14.4650 TSUNAMI HAZARDS OVERLAY ZONE

14.4650.010 Purpose

The purpose of this section is to promote the public health, safety, and general welfare to minimize risks to essential facilities, and special occupancy structures serving high risk populations within a tsunami inundation area, consistent with Statewide Planning Goals 7 and 18, and the Natural Features Section of the Newport Comprehensive Plan.

14.4650.020 Definitions

As used in this chapter:

- A. Hazardous facility means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released. Such facilities are subject to a high hazard (Group H) occupancy classification by the Oregon Structural Specialty Code.
- B. Tsunami inundation area means those portions of the City of Newport within the “XXL” tsunami inundation area boundary, as depicted on the maps titled “Local Source (Cascadia Subduction Zone) Tsunami Inundation Map Newport North, Oregon” and “Local Source (Cascadia Subduction Zone) Tsunami Inundation Map Newport South, Oregon” produced by the Oregon Department of Geology and Mineral Industries (DOGAMI), dated February 8, 2013.
- C. Vertical evacuation structure means a stand-alone structure, portion of a building or constructed earthen mound designed for vertical evacuation from a tsunami that is accessible to evacuees, has sufficient height to place evacuees above the design level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

14.4650.030 Overlay Zone Established

A Tsunami Hazards Overlay Zone District shall be indicated on the Zoning Map of the City of Newport with

the letters of THOZ, the boundaries of which encompass
and conform to the tsunami inundation area.

14.4650.040 Relationship to Underlying Zone Districts

Except for the prohibited uses set forth in section
[14.46.050](#), all uses permitted pursuant to the provisions
of the underlying zone may be permitted, subject to the
additional requirements and limitations of this chapter.

14.4650.050 Prohibited Uses

A. Unless authorized in accordance with section
[14.46.060](#), the following uses are prohibited in the
Tsunami Hazard Overlay Zone:

1. Hospitals and other medical facilities having
surgery and emergency treatment areas;
2. Fire and police stations;
3. Emergency vehicle shelters and garages;
4. Structures and equipment in emergency
preparedness centers;
5. Standby power generating equipment for
essential facilities;
6. Structures and equipment in government
communication centers and other facilities
required for emergency response;
7. Medical, assisted, and senior living facilities with
resident incapacitated patients. This includes
residential facilities, but not residential care
homes, as defined in ORS 443.400;
8. Jails and detention facilities;
9. Day care facilities;
10. Hazardous facilities; and
11. Tanks or other structures used for fire
suppression purposes to protect uses listed in this
sub-section.

B. Unless authorized in accordance with section [14.46.060](#), the following uses are prohibited in the portions of the Tsunami Hazard Overlay Zone subject to inundation from a Small (S) or Medium (M) magnitude local source tsunami event:

1. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level;
2. Child care facilities;
3. Buildings for colleges or adult education schools with a capacity greater than 500 persons; and
4. Tanks or other structures used for fire suppression purposes to protect uses listed in this sub-section.

C. The provisions of this section do not apply to water-dependent and water-related facilities, including but not limited to docks, wharves, piers and marinas.

[14.4650.060](#) Use Exceptions

A use listed in section [14.4650.050](#) may be permitted upon authorization of a Use Exception issued in accordance with a Type III decision-making procedure as outlined in Chapter 14.52, Procedural Requirements, provided the following requirements are satisfied:

- A. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.
- B. Fire or police stations may be permitted upon findings that there is a need for a strategic location.
- C. Uses otherwise prohibited, such as child or day care facilities, are allowed when accessory to a permitted use, provided a plan is submitted outlining the steps that will be taken to evacuate occupants to designated assembly areas.

D. Other uses prohibited section [14.4650.050](#) may be permitted upon the following findings:

1. There are no reasonable, lower-risk alternative sites available for the proposed use; and
2. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and
1. The structures will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.

[14.4650.070](#) Vertical Evacuation Structures

All vertical evacuation structures, irrespective of their height, shall adhere to the provisions set forth in NMC 14.10.020(D)(1-4).

[14.4650.080](#) Evacuation Route Improvement Requirements

All new, or substantial improvements to, multifamily residential, commercial, industrial or institutional development on existing lots and parcels and land divisions in the Tsunami Hazard Overlay Zone shall:

- A. Provide all-weather pedestrian access from the building(s) to adjacent public rights-of-way or City designated evacuation routes; and
- B. Install wayfinding signage, in a format and location approved by the City, indicating the direction and location of the closest evacuation routes; and
- C. Post emergency evacuation information in public areas, meeting rooms, or common areas, alerting residents, visitors, and employees to the tsunami threat. Such information shall include a map indicating the direction and location of the closest evacuation route.

Staff: Chapter renumbered as a result of a reordering of the chapter. No substantive changes.

CHAPTER 14.52 PROCEDURAL REQUIREMENTS

14.52.010 Purpose

The purpose of this section is to designate and define the responsibilities of the approving authorities and to set forth the procedural requirements for land use actions requiring public notice before or after the decision.

14.52.020 Description of Land Use Actions/Decision-Making Procedures

The following is a description of four general types of land use actions/decision-making procedures utilized for land use and limited land use decisions within the City of Newport:

- A. Type I Land Use Actions. Type I decisions are generally made by the Community Development Director without public notice prior to the decision and without a public hearing. A notice of the decision and opportunity to appeal is provided. Type I decisions involve limited administrative discretion. An example of a Type I action is an estuarine review. An appeal of a Type I decision is heard by the Planning Commission.
- B. Type II Land Use Actions. Type II decisions are generally made by the Community Development Director with public notice and an opportunity to comment but without a public hearing. Type II decisions involve administrative discretion in the application of criteria but usually involve land use actions with limited impacts or involve limited land use decisions. Examples of Type II actions include Conditional Use Permits that generate less than 50 vehicle trips per day and involve property that is less than an acre in size, Property Line Adjustments, Minor Partitions, and Minor Replats. An appeal of a Type II decision by the Community Development Director is heard by the Planning Commission, and an appeal of a Type II decision by the Planning Commission is heard by the City Council.
- C. Type III Land Use Actions. Type III decisions are considered quasi-judicial land use actions and generally are made by the Planning Commission after public notice and a public hearing. Type III

decisions generally use discretionary criteria or involve land use actions with larger impacts than those reviewed under a Type I or Type II procedure. Examples of Type III actions include Conditional Use Permits that generate more than 50 trips per day, variances, preliminary and final planned development applications, interpretation requests, and tentative subdivision plat applications. An appeal of a Type III permit decision is heard by the City Council.

- D. Type IV Land Use Actions. Type IV decisions are made by the City Council as either quasi-judicial or legislative decisions involving land use action such as urban growth boundary amendments, Comprehensive Plan map/text amendments, Zoning map/text amendments, annexation requests, planned destination resorts conceptual master plans, and street/plat vacations for which an ordinance must be adopted by the City Council. Most Type IV decisions require a public hearing and recommendation by the Planning Commission prior to the City Council public hearing.

14.52.030 Approving Authorities

The approving authority for the various land use actions shall be as follows:

- A. City Council. A public hearing before the Council is required for all land use actions identified below. Items with an “*” require a public hearing and recommendation from the Planning Commission prior to a City Council hearing.
1. Annexations*.
 2. Comprehensive Plan amendments (text or map)*.
 3. Planned destination resorts--conceptual master plans*.
 4. Urban growth boundary amendments*.
 5. Vacations (plat or street)*.

6. Withdrawals of territory (public hearing required).

7. Zone Ordinance amendments (text or map)*.

8. Any other land use action defined in ordinance as a Type IV decision*.

9. Any land use action seeking to modify any action or conditions on actions above previously approved by the City Council where no other modification process is identified.

10. Appeals of a Planning Commission action.

B. Planning Commission. A public hearing before the Commission is required for all land use actions identified below. Items with an “*” are subject to Planning Commission review as defined in the section of the ordinance containing the standards for that particular type of land use action. Planning Commission decisions may be appealed to the City Council.

1. Conditional use permits*.

2. Nonconforming use changes or expansions*.

3. Planned destination resorts - preliminary and final development plans*.

4. Planned developments.

5. Subdivisions (tentative subdivision plat).

6. Variances.

7. Adjustments*.

8. Design review*.

9. Interpretations of provisions of the Comprehensive Plan or Zoning Ordinance that require factual, policy, or legal discretion.

10. Any land use action defined as a Type III decision.

11. Any land use action defined as a Type II decision for which the Planning Commission is the initial approving authority.
 12. Any land use action seeking to modify any action or conditions on actions above previously approved by the Planning Commission where no other modification process is identified.
 13. Appeal of the Community Development Director decision under a Type I or Type II decision.
- C. Community Development Director. Land use actions decided by the Director are identified below. A public hearing is not required prior to a decision being rendered. Items with an “*” are subject to Director review as defined in the section of the ordinance containing the standards for that particular type of land use action. Decisions made by the Community Development Director may be appealed to the Planning Commission.
1. Conditional use permits*.
 2. Partitions, minor.
 3. Replats, minor.
 4. Estuarine review.
 5. Adjustments*.
 6. Nonconforming use changes or expansions*.
 7. Design review*.
 8. Ocean shorelands review.
9. Any land use action defined as a Type I or Type II decision for which the Community Development Director is the initial approving authority.
 10. Any land use action seeking to modify any action or conditions on actions above previously approved by the Community Development

Director where no other modification process is identified.

14.52.040 Application for a Land Use Action

All requests for land use actions shall be on forms prescribed by the city. The Community Development Department prepares the application forms and, from time to time, amends the forms as the need arises. At a minimum, the application shall require the following:

- A. Name and address of the applicant.
- B. Name and address of the property owner, if different and applicable.
- C. Legal description of the property, if applicable.
- D. A site plan drawn to scale, if applicable, which shows dimension, property lines, existing buildings, and/or the proposed development.
- E. A Lincoln County Assessor's map showing the subject property and the notification area, if applicable.
- F. Street address of the subject property, if applicable.
- G. Names and addresses of property owners within the notification area, if applicable, as shown in the records of the county assessor.
- H. Signature blocks for the applicant and property owner, if different and applicable.
- I. Comprehensive plan and zoning designation of the subject property, if applicable.
- J. Findings of fact and other information that support the request and address all the applicable criteria.
- K. A current list of the site addresses of any structure in the area proposed to be annexed, if applicable.
- L. Any other information as identified by ordinance for the applicable type of land use action.

14.52.045 Pre-Application Conferences

A. Purpose and Intent. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Development Code and to identify issues likely to arise in processing an application. Pre-application conferences shall be conducted by the Community Development Director and/or his or her designee and shall include other city officials and public agency representatives as may be necessary for preliminary staff review of the proposal and to provide guidance to the applicant.

B. Applicability. A pre-application conference with the City of Newport is required for Type III, and Type IV applications and other permit types as specified, unless waived by the Community Development Director.

C. Pre-application Materials. The applicant is requested to provide the following materials prior to the pre-application conference.

1. Location and conceptual site plan of the proposed development.
2. List of questions for staff

Staff: Added per Reference 4, Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Proposed language includes Type I and II permits in only those cases where a pre-application meeting is called out as required for the specific permit type.

14.52.050 Submittal of Applications

A property owner, any person with the written approval of the property owner, or the city manager, may apply for a land use action. All documents or evidence in the file on an application shall be available to the public.

A. Not later than 30 calendar days after receipt, the Community Development Director or designate shall determine whether or not the applicant is complete and notify the applicant in writing of what information is missing and allow the applicant to submit the missing information. If the Community Development

Director or designate does not make a determination of an incomplete application within 30 days after receipt, the application is deemed complete. Complete applications shall be accepted and processed. If an application is deemed incomplete, the application shall be deemed complete upon receipt by the Community Development Department of:

1. All of the missing information;
 2. Some of the missing information and written notice that no other information will be provided; or
 3. Written notice that none of the missing information will be provided.
- B. The completeness determination is not a review of the merit of the application and a positive completeness determination is not a conclusion that the application can be approved.
- C. On the 181st calendar day after first being submitted, the application shall be void if the applicant has been notified of the missing information as required under subsection A above and has not submitted:
1. All of the missing information;
 2. Some of the missing information and written notice that no other information will be provided; or
 3. Written notice that none of the missing information will be provided.
- D. For applications subject to ORS 227.178, if the application was complete when first submitted, or if the applicant submits the requested information within 180 calendar days of the date the application was first submitted, approval or denial of the application shall be based on the standards and criteria that were applicable at the time the application was first submitted.

- E. For applications subject to ORS 227.178, the 100 and 120 day rules as specified in ORS 227.178 shall be applicable.

14.52.060 Notice

The notification requirements in general for the various types of land use actions are identified below. The applicant shall provide city staff with the required names and addresses for notice. Notice of hearings to individual property owners is not required for Type IV legislative actions unless required by state law, such as ORS 227.186 (notice to owners whose property is rezoned). These notification requirements are in addition to any other notice requirements imposed by state law or city ordinance.

A. Information Required in all Notices of Actions and Hearings:

1. Name of applicant and property owner (if different), and file number.
2. Location of property (if applicable).
3. Date, time, and location for public hearing (for all hearings).
4. A brief summary of the nature and substance of the application or decision.
5. A list of applicable Newport Ordinance and/or Comprehensive Plan standards and where the applicable criteria may be found.
6. A statement that relevant information (decision, staff report, application or other materials) may be reviewed and providing information about where and when they can be reviewed, and a statement that copies are available at cost).
7. Staff contact information, including name, address, and phone number.
8. Date the notice is mailed.

B. Information Required in Specific Notices:

1. Date of decision (for Type I actions).
2. A statement describing the process and the deadline for filing comments (for Type II actions).
3. A statement that the failure to raise an issue with sufficient specificity to allow the decision maker an opportunity to respond to the issue precludes raising the issue on appeal, including an appeal to the Land Use Board of Appeals (for Type II and III and quasi-judicial Type IV actions).
4. Date, time, and location of the hearing (all hearing notices).
5. A statement that the staff report will be available for view at no cost and that copies will be available at a reasonable cost at least seven days before the hearing (Type III and Type IV quasi-judicial actions).
6. A general description of the hearing process, including the process for submitting written materials (Type III and IV decisions).
7. An explanation of the use or uses that could be authorized by the decision (Type IV decisions).

C. Mailing of Notice. Notices of hearings and actions shall be mailed by first class mail at least 14 days prior to the deadline for providing testimony for Type II decisions and at least 20 days prior to the public hearing for Type III and Type IV quasi-judicial actions. Notices shall be mailed to:

1. The applicant and property owner (if different).
2. Any affected public agency including ODOT and Lincoln County Transit, or public/private utility.
3. Any person who has requested notice of the hearing or action in writing.

4. Any officially recognized neighborhood association whose boundaries include the subject property.
5. Record owners of property (as specified in the most recent Lincoln County Assessor's property tax assessment roll):
 - a. Within 200 feet of the subject property (Type I, Type II, and Type III actions).
 - b. Within 300 feet of the subject property (Type IV quasi-judicial actions).

Staff: Added per Reference 4, Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Proposed language does not include Type II actions.

D. Written Notice for Rezoning of Mobile Home or Manufactured Dwelling Park. If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park, written notice by first class mail shall be given to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days, but not more than 40 days, before the date of the first hearing on the application.

E. Written Notice to Airport Owners. Notice of a public hearing on a zone use application shall also be provided to the owner of an airport, defined by the Department of Transportation as a "public use airport," if:

1. The name and address of the airport owner has been provided by the Aeronautics Division of the Department of Transportation to the City Community (Planning) Department; and
2. The property subject to the zone use hearing is:
 - a. Within 5,000 feet of the side or end of a runway of an airport determined by the Department of Transportation to be a "visual airport," or
 - b. Within 10,000 feet of the side or end of the runway of an airport determined by the

Department of Transportation to be an
“instrument airport.”

3. Notice of a zone use hearing need not be provided if the permit or zone change would only allow a structure less than 35 feet in height, and the property is located outside of the runway “approach surface” as defined by the Department of Transportation.

- F. Published Notice. Notice of each Type III and Type IV hearing shall be published at least once in a newspaper of general circulation in the city at least 5 days, and no more than 14 days, prior to the date set for public hearing.

14.52.070 Staff Reports

Staff reports on any quasi-judicial land use action shall be available for public inspection at least seven (7) days prior to the date set for public hearing, and copies will be provided at the city's rate for photocopies.

14.52.080 Hearings Procedures (Quasi-Judicial/Limited Land Use)

This section shall govern the conduct of quasi-judicial/limited land use hearings. The following public hearing procedures are the minimum procedures for use in conduct of quasi-judicial and limited land use hearings and may be supplemented by any duly adopted rules of procedure.

- A. Nature and General Conduct of Hearing. The approving authority, in conducting a hearing involving a land use action, is acting in a quasi-judicial capacity, and all hearings shall be conducted accordingly. Parties to the hearing are entitled to an opportunity to be heard, to present and rebut evidence, and to have a decision based on evidence supported by findings of fact and supporting information. Testimony shall be made with sufficient specificity so as to afford the approving authority and other parties an adequate opportunity to respond to each issue.
- B. Disqualification, Ex Parte Contacts, Bias, Challenges to Participation. Proponents and opponents are

entitled to an impartial tribunal that judge land use actions. A proponent or opponent may, therefore, challenge the qualifications of a member of the approving authority to participate in the meeting or decision. A challenge must state with sufficient specificity the facts relied upon by the submitting party relating the person's bias, prejudice, personal interest, or other facts from which the party has concluded that the member of the approving authority may be unable to participate and make a decision in an impartial manner. Challenges shall be incorporated into the record of the meeting.

1. Disqualification. No member of the approving authority shall participate in discussion of an application or vote on an application for any land use action when any of the following conditions exist:
 - a. Any of the following have a direct or substantial financial interest in the proposal: members of the approving authority or a member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, or household, or there is an actual conflict of interest under state law.
 - b. The land use action involves a business in which the member is directly associated or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - c. The member owns property within the area entitled to receive notice of the action.
 - d. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.
2. Disclosure of Potential Conflict of Interest. Even if an approval authority member chooses to participate, the member shall disclose any potential conflict of interest as required by state law.

3. Ex parte Contacts. In quasi-judicial matters, approving authority members shall reveal any ex parte contacts, including site visits. Parties to a hearing shall have the right to rebut the substance of an ex parte contact.
4. Challenges. Any person may challenge the participation of a member of the approving authority in a decision-making process. A challenge must state with sufficient specificity the factual and legal basis of the reasons for the challenge.
5. Rights of Disqualified Members of the Approving Authority. An abstaining or disqualified member of the approving authority shall be counted if present for purposes of forming a quorum. A member who represents personal interest at a meeting may do so only by abstaining from voting on the proposal, vacating the seat on the approving authority, and physically joining the audience, and by making full disclosure of his or her status and position at the time of addressing the approving authority.
6. Requalification of Disqualified Members of the Approving Authority. If all members of the approving authority abstain or are disqualified, all members present, after stating their reasons for abstention or disqualification, shall by doing so be requalified unless prohibited by state law and proceed to hear the issues and make a decision.
7. Participation in Decision by Absent Member of Approving Authority. A member of the approving authority absent during the presentation of evidence in a land use action meeting may not participate in the deliberations or final decision regarding the matter of the meeting unless the member has reviewed all the evidence in the record to date, including audio tapes of prior meetings.
8. Failure to Achieve Meeting Quorum. In the event an approving authority is not able to achieve a quorum for a meeting at which there is scheduled a consideration of a land use action, the land use

action shall be automatically set over to the next regularly-scheduled approving authority meeting. In the event that an approving authority other than the City Council is unable to achieve quorum for two consecutive meetings, the land use action shall be scheduled for a public hearing before the next level of approving authority and shall be renoticed and a new public hearing held.

9. Failure to Make a Final Decision on a Quasi-Judicial Land Use Action, Limited Land Use Action, or on Appeal. In the event an approving authority other than the City Council is not able to make a final decision on a quasi-judicial land use action within three meetings after the hearing or record is closed, the land use action shall be scheduled for a public hearing before the next level of approving authority and shall be renoticed and a new public or appeal hearing held. In the event that an approving authority other than the City Council becomes deadlocked through an even split in the approving authority such that a decision cannot be made, the approving authority shall forward the land use action to the next higher review authority for a new public or appeal hearing.

C. Public Hearing. This subsection shall govern the conduct of all public hearings.

1. Nature of Hearing. All parties participating in a public hearing shall have an opportunity to be heard, to present and rebut evidence, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law. The presiding officer of the approving authority shall have authority to:
 - a. Regulate the course and decorum of the meeting.
 - b. Dispose of procedural requests and similar matters.
 - c. Impose reasonable limitations on the number of witnesses heard and set reasonable time

limits for oral presentation, questions, and rebuttal testimony.

- d. Question any person appearing, and allow other members to question any such person.
- e. Waive the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party substantial rights as provided herein or otherwise by law.
- f. Take such other action as authorized by the approving authority to appropriately conduct the hearing.

A ruling of the presiding officer may be challenged by any member of that approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.

- 2. Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or may exclude from the hearing anyone who:
 - a. Is disorderly, abusive, or disruptive.
 - b. Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
 - c. Testifies without first receiving recognition from the presiding officer.
 - d. Presents irrelevant, immaterial, or repetitious evidence.
- 3. Order of Procedure. The hearing shall proceed in the following manner:
 - a. Open Public Hearing. The presiding officer shall open the public hearing and announce the nature and purpose of the hearing, identify

the applicant, describe the general nature of the proposal, and state (or defer to staff to state) the applicable substantive criteria by which the application is being judged. The presiding officer shall also state that testimony and evidence must be directed toward the applicable criteria. In addition, for quasi-judicial land use actions or limited land use actions, the presiding officer shall state that failure to raise an issue with sufficient specificity to afford the approving authority and the parties an opportunity to respond to the issue precludes an appeal based on that issue, including to the Land Use Board of Appeals.

- b. Call for Abstentions. The presiding officer shall call for any conflicts of interest, and, if applicable, ex parte contacts, or site visits by members of the approving authority.
- c. Call for Objections. The presiding officer shall call for any objections to the approving authority hearing the matter before it.
- d. Staff Report. Staff present a staff report and any recommendations.
- e. Proponents' Presentation. The presiding officer shall call for testimony from the applicant and from any person supporting the application.
- f. Opponents' Presentation. The presiding officer shall call for testimony from any person objecting to the application.
- g. Rebuttal by Applicant. The presiding officer shall call for rebuttal from the applicant in response to evidence or issues raised by the opponents.
- h. Continuance. Review authorities may continue a public hearing or leave a record open to allow for additional testimony. In a quasi-judicial or limited land use action, prior to the conclusion of the initial evidentiary

hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. If the request is made prior to the conclusion of the initial evidentiary hearing, the review authority shall grant the request by either continuing the public hearing or leaving the record open in conformance with the requirements of ORS 197.763.

- i. Close Public Hearing. Unless there is a continuance, the presiding officer shall close the public hearing and state that no further testimony will be received by the approving authority.
- j. Deliberation by Approving Authority. The approving authority shall consider the testimony and evidence before it in open discussion. The approving authority may ask questions of staff. The approving authority may ask proponents or opponents for clarification on a matter; but if they choose to do so, others must be given opportunity to rebut.
- k. Decision. Following deliberation, the approving authority shall vote on the matter, including on any conditions of approval to be attached (or in the case of a review and recommendation, any recommended conditions of approval).
- l. Adoption of Findings of Fact. The approving authority shall adopt findings of fact that support their decision. If there are no findings available to support their decision, staff may prepare findings of fact to be presented at a future meeting. The approving authority may also call for the preparation of findings of fact by the proponent or opponent, or any combination, including staff, of each to be presented at a future meeting. The approving authority may also request that findings of fact be presented at a future meeting other than the next regularly-scheduled meeting. For hearings that are for a review and

recommendation only, no findings of fact are required.

- m. Final Decision. The decision of the approving authority is final when reduced to writing and signed by the presiding officer of the approving authority. Final decisions shall be by order unless an ordinance is required for the decision. Appeal periods shall begin from the date the final decision is signed. For hearings that are for a review and recommendation only, no final order is required.
- n. Notice of Decision. A notice of the decision (except for those made for the purpose of a review and recommendation only) made by the approving authority shall be given to:
 - i. Anyone who has made appearance of record (see [Section 14.39.045](#)); and
 - ii. Anyone who has filed a written request for notice of the approving authority's decision; and
 - iii. Anyone who has requested notice of any appeal hearing.

14.52.090 Public Hearings Procedures (Legislative)

This section shall govern the conduct of legislative land use hearings. The following public hearing procedures are the minimum procedures for use in conduct of legislative land use hearings and may be supplemented by any duly adopted rules of procedure.

- A. Nature and General Conduct of Hearing. The approving authority, in conducting a hearing involving a legislative land use action, is acting in a legislative capacity, and all hearings shall be conducted accordingly.
- B. Disqualification. No member of the approving authority shall participate in discussion of an application or vote on an application for any land use action when there exists an actual conflict of interest under state law. Potential conflicts of interest under

state law shall be disclosed by members of the approving authority. An abstaining or disqualified member of the approving authority shall be counted if present for purposes of forming a quorum.

- C. Failure to Achieve Meeting Quorum. In the event an approving authority is not able to achieve a quorum for a meeting at which there is scheduled a consideration of a land use action, the land use action shall be automatically set over to the next regularly-scheduled approving authority meeting. In the event that an approving authority other than the City Council is unable to achieve quorum for two consecutive meetings, the land use action shall be scheduled for a public hearing before the next level of approving authority and shall be renoticed and a new public hearing held.
- D. Public Hearing. The public hearing process identified above in [14.52.080\(C\)](#) for quasi-judicial/limited land use hearings shall be utilized with the following modifications noted for the legislative hearing process to the following subsections of [14.52.080\(C\)\(3\)](#):
1. Final Decision. The decision of the approving authority is final when reduced to writing and signed by the presiding officer of the approving authority. Final decisions shall be by order unless an ordinance is required for the decision. Appeal periods shall begin from the date the final decision is signed. For hearings that are for a review and recommendation only, no final order is required. Unless required by law to do so, the approving authority is not obligated to adopt a final order or ordinance if the approving authority chooses not to adopt a legislative amendment.
 2. Notice of Decision. A notice of the decision (except for those made for the purpose of a review and recommendation only) made by the approving authority shall be given to:
 - a. Anyone who has made appearance of record (see [Section 14.52.080\(B\)](#)) and submitted a written request for a notice of decision; and

- b. Anyone who has filed a written request for notice of the approving authority's decision.
- c. The Department of Land Conservation and Development as required for a post acknowledgement plan amendment.

14.52.100 Appeals

Any person with standing may appeal a decision of the approving authority. No person shall have standing to appeal unless the person made an appearance of record in the initial proceeding prior to the close of the public comment period, public hearing, or close of the record. All appeals shall be made no later than 15 calendar days after the date the final order is signed. "Appearance of record" shall mean either appearance in person or in writing. City Council decisions may be appealed to the Oregon Land Use Board of Appeals as provided by state law.

- A. Appeal Document. All appeals shall be signed by the appellant or authorized agent and shall contain:
 - 1. An identification of the decision sought to be reviewed, including the date of the decision.
 - 2. A statement demonstrating that the appellant has standing to appeal.
 - 3. A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the application shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to city code, an ordinance statute, or other law, the appeal shall identify the city code, an ordinance, statute, or other legal provision, and state how the applicable provision has been violated. For appeals of a quasi-judicial or limited land use action, a statement demonstrating that the appeal issues were raised with sufficient specificity in the hearing below.

B. Scope of Review. Unless the appeal is heard de novo, the appeal of a decision by a person with standing shall be limited to the specific issues raised during the hearing from which the decision is being appealed. Approving authorities may hear appeals on the record of the initial hearing (if a previous hearing was held) or de novo. An appeal from a land use action that had a previous hearing shall be held on the record unless the approving authority determines that a de novo hearing is warranted.

1. When de novo hearing is warranted.

- a. Where a land use decision was made without a public hearing, the appeal shall be heard de novo.
- b. Where a land use decision was made following a public hearing, the approving authority may consider holding the appeal de novo for any of the following reasons:
 - i. (The appellant(s) have documented as part of a petition to appeal a significant procedural error that resulted in a substantive harm to their ability to participate in the initial hearing that could be cured by a subsequent de novo hearing.
 - ii. The appeal of the decision is part of a package of land use requests submitted by the applicant that include other land use requests that will be considered in a new public hearing before the review authority, and it would be more efficient to conduct the appeal de novo in conjunction with the hearings for the other land use requests.
 - iii. A significant number of appeals have been filed such that the efficiency of the appeal process would be better served through a de novo hearing.

2. Procedure for determining when de novo hearing is warranted on appeal from a land use decision made following a public hearing:

- a. Following the end of the appeal period for which an appeal has been filed with a request for a de novo hearing, the matter of the de novo appeal hearing request shall be scheduled at the next available approving authority meeting for consideration.
 - b. The appeal authority shall review the submitted request for de novo hearing along with any staff and applicant (if other than appellant) input on the matter and make a decision.
- C. Notice of Appeal. Notice of the appeal hearing shall be given to the applicant, the applicant's authorized agent (if any), and to interested persons. Interested persons are:
1. Anyone who has made appearance of record.
 2. Anyone who has filed a written request for notice of the approving authority's decision; and
 3. Anyone who has requested notice of any appeal hearing.
- D. Appeal Hearings. The following is a minimum set of procedures supplemented by any duly adopted rules of procedure:
1. Appeal hearings on the record shall be conducted as follows:
 - a. A record of hearing shall be prepared by the Community Development Department containing the written material involving the approval through the filing of the appeal. A transcript of the hearing shall be prepared and included with the record.
 - b. Following preparation of the record, a date for the on-the-record hearing shall be set by the Community Development Department, and notice of the date of the appeal hearing shall be given.

- c. The appellant(s) shall have seven calendar days from the date the record is available to supplement the petition for appeal by identifying items in the record in support of the appeal ("support brief").
 - d. The applicant(s) (if other than the appellant) and city staff shall have seven calendar days from the date the appellant support brief is due to respond ("response brief").
 - e. The appeal hearing will allow for comments by city staff, argument from appellant(s), applicant(s) (if other than appellant), rebuttal, and questions and deliberation by the approving authority.
 2. De novo appeal hearings may be held by the appeals approving authority. In cases of a de novo hearing, the same procedure shall be used as was employed in the initial hearing.
 3. Ability for City Council to deny appeal without hearing. The City Council may deny an appeal from a Planning Commission decision where the Planning Commission has held a de novo hearing following an appeal of a decision of the Community Development Director for land use actions subject to the 120-day rule in ORS 227.178. If the City Council votes to deny an appeal, the Council shall adopt the Planning Commission Final Order as the final decision of the City.
- E. Appeals Decision. Upon review of the appeal, the appeals approving authority may, by final order, affirm, reverse, or modify in whole or part the initial decision. When the appeals approving authority modifies or reverses a decision of the initial approving authority, the final order shall set forth findings and reasons for the change. The appeals approving authority may also remand the matter back to the initial approving authority for further consideration or clarification. A notice of the decision made by the approving authority shall be given to:
1. Anyone who has made appearance of record; and

2. Anyone who has filed a written request for notice of the approving authority's decision; and
3. Anyone who has requested notice of any appeal hearing.

F. Judicial Finality. No permit shall be issued, no permit or approval shall be considered valid, and no project may proceed, based on any land use decision of the City of Newport for a land use action processed under this section of the Ordinance, until such time as all rights of appeal from such decision have been exhausted and such decision is "judicially final." A decision shall be considered judicially final at such time as any applicable period for the appeal of such decision shall have expired without initiation of an appeal, or any properly initiated appeal shall have been exhausted, whichever is later. However, this shall not preclude the making of an application for, or the conduct of proceedings to consider, the issuance of a permit or approval based on such land use decision.

14.52.110 Decision Time

Once a complete application is received by the City of Newport, the city shall take final action, including resolution of all local appeals, on applications subject to ORS 227.178 within 100 or 120 days, as applicable, unless otherwise waived by the applicant in accordance with state requirements.

14.52.120 Conditions of Approval

All city decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be met.

14.52.130 Consolidated Procedure

Any applicant for a land use action may apply at one time for all related land use actions. Where different land use actions requiring different review authorities are submitted, decisions on applications made by a lower level review authority may be made contingent on the applicant receiving approval from the higher level review

authority. Alternatively, the higher level reviewing authority may take action on all of the related land use actions. Fees for land use actions that are consolidated are set forth as established by resolution of the City Council for land use fees.

14.52.140 Expiration and Extension of Decision

Expiration or extension of all land use decisions shall be as follows:

- A. All land use decisions shall be void if within ~~eighteen~~ twenty-four (24) months of the date of the final decision:
 1. All necessary building permit(s) have not been issued, if required; or
 2. ~~In cases where building permit(s) are not required, the~~ authorized use has been established; ~~or,~~
 3. In cases where a final plat is required, the final plat has not been signed by the City and referred for recording.
- B. Notwithstanding Subsection (A) of this section, the approval authority may set forth in the written decision specific instances or time periods when a permit expires.
- C. The Community Development Department may extend any approved decision for a period of ~~six~~ twelve (12) months; provided the permit holder
 1. Submits a written request for an extension of time prior to expiration of the approval period;
 2. ~~Has applied for all necessary additional approvals or permits required as a condition of the land use permit;~~
 3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

D. The Planning Commission may grant an additional twelve (12) month extension after public hearing. Notice shall be the same as the original tentative plan. The criteria for an extension are:

1. An unforeseen change in the economic condition has affected the real estate market for the project;
or
2. The weather has prevented the physical work; or
3. Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project.
4. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

~~DE.~~ The granting of an extension pursuant to this section is an administrative action, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.

~~EF.~~ Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

~~FG.~~ If a permit decision is appealed beyond the jurisdiction of the city, the expiration period shall not begin until review before the Land Use Board of Appeals and the appellate courts has been completed, including any remand proceedings before the city. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

14.52.150 Revocation of Decisions

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the city's approval, the city may institute a revocation proceeding under this section.

- A. Type I, Type II, and Type III decisions may be revoked or modified if the Planning Commission determines a substantial likelihood that any of the following situations exists:
 - 1. One or more conditions of the approval have not been implemented or have been violated: or
 - 2. The activities of the use, or the use itself, are substantially different from what was approved or represented by the applicant.
- B. A revocation shall be processed as a Type III decision. The Community Development Department or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the city's approval.
- C. Effect of revocation. In the event that the permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the Planning Commission's decision on a revocation request is appealed, the requirement to terminate the use shall be stayed pending a final, unappealed decision.

14.52.160 Applicability in the Event of Conflicts

The provisions of this section supersede all conflicting provisions in the Newport Zoning Ordinance.

~~Chapter 14.53 Council Review~~

~~Chapter 14.54 Applicability of the provisions of this ordinance~~

~~The rules, requirements, and provisions of this Ordinance are in addition and not in lieu of any prior ordinance, resolution, rule, requirement, or procedure previously adopted by the City of Newport except as may have been expressly repealed, provided, however, that the provisions of this Ordinance shall be controlling in cases where there may be conflicting provisions.~~

~~Chapter 14.55 Compliance with ordinance provisions~~

~~No structure or lot shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.~~

Chapter 14.56 53 ~~Enforcement~~ENFORCEMENT

- A. The City Manager, or designee, shall have the power and duty to enforce the provisions of this ~~Ordinance~~Chapter. An appeal from a ruling of the City Manager, or designee, shall be made to the City Planning Commission.
- B. Any use authorized under the provisions of this ~~ordinance~~Chapter shall be open to inspection and review at reasonable times by code enforcement personnel for the purpose of verifying compliance with ~~ordinance approval~~ standards or conditions of approval.

Chapter 14.57 54 ~~Penalty~~PENALTY

~~Except as provided hereafter, a A violation hereof of the provisions of this Chapter shall be punishable as an a civil infraction pursuant to the provisions of Chapter 2.15 of the Newport Municipal Code by a fine not to exceed \$500.00 for each violation. If a person has committed more than two violations of this Ordinance within the preceding 24 months, a subsequent violation shall be a misdemeanor, punishable by a fine not to exceed \$1,000.00, or by jail not to exceed 60 days, or both. A violation shall be deemed to occur on the date of the occurrence of the act constituting the violation and not on the date the court shall find the defendant guilty of such violation.~~

~~Each day during which a violation continues shall constitute a separate offense. Violation of more than one provision hereof shall constitute a separate offense with respect to each provision so violated.~~

Staff: Civil infractions are defined in Chapter 2.15 of the Newport Municipal Code. It also covers the process for adjudicating them. No need to duplicate the process.

Chapter 14. ~~5855~~ Interpretation ~~INTERPRETATION~~

The provisions of this ~~Ordinance-Chapter~~ shall be held to be the minimum requirements for the promotion of the public safety, health, morals, or general welfare. It is not intended by this ~~Ordinance-Chapter~~ to interfere with or abrogate or annul any easements, covenants, or other agreements between parties. Where this ~~Ordinance-Chapter~~ imposes a greater restriction upon the use of buildings or premises, or upon the heights of buildings, or requires larger yards and open spaces than are required in other ordinances, codes, regulations, easements, covenants, or agreements, the provisions of this ~~Ordinance-Chapter~~ shall govern.

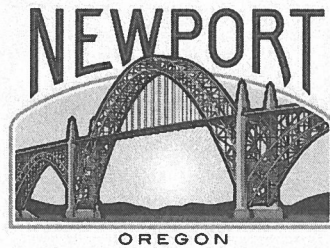
Chapter 14. ~~5956~~ Severability ~~SEVERABILITY~~

The provisions of this ~~Ordinance-Chapter~~ are hereby declared to be severable. If any section, sentence, clause, or phrase of this ~~Ordinance-Chapter~~ is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ~~Ordinance-Chapter~~.

Chapter 14. ~~6057~~ Fees ~~FEES~~

~~Zoning and planning fees~~ Fees for the review of land use actions outlined in this Chapter shall be fixed by the City Council by resolution and shall be reviewed annually. ~~Zoning and planning~~ Such fees shall be paid upon submission of an application ~~of or~~ petition and shall ~~not~~ be refundable only in those circumstances where the application or petition is withdrawn before the City incurs costs related to the review and/or processing of the request.

Staff: Revisions clarify language and circumstances where fees are refundable.



FOR IMMEDIATE RELEASE

Contact: Derrick Tokos
541.574.0626

**CITY OF NEWPORT
NOTICE OF PUBLIC HEARING
ON THE NEWPORT TRANSPORTATION
SYSTEM PLAN UPDATE**

The Newport Planning Commission is holding a public hearing to take testimony on a new Transportation System Plan (TSP) that sets out project priorities, goals, and policies to guide future investments in the City's transportation system. The Commission is charged with reviewing the TSP and making a recommendation to the Newport City Council regarding its potential adoption. All interested persons are encouraged to attend the hearing, which is scheduled for:

Date/Time: **June 13, 2022 at 7:00pm** or soon thereafter

Location: Council Chambers, Newport City Hall, 169 SW Coast Hwy

A copy of the Transportation System Plan and related information, including an interactive web map of the key projects, can be found on the project website at www.Newporttsp.org or the City of Newport website at: <https://www.newportoregon.gov/dept/cdd>. For more information, please feel free to contact Derrick Tokos, City of Newport Community Development Director, at 541-574-0626 or d.tokos@newportoregon.gov.

#####

Sherri Marineau

From: Sherri Marineau
Sent: Thursday, June 02, 2022 4:26 PM
Subject: City of Newport Notice of Public Hearing on the Newport Transportation System Plan Update
Attachments: Press Release PC Public Hearing.pdf

Importance: High

Good Afternoon,

You are receiving this email because you indicated that you would like to be kept informed about the City of Newport's progress in updating its Transportation System Plan (TSP). The Newport Planning Commission is holding a public hearing to take testimony on a new Transportation System Plan (TSP) that sets out project priorities, goals, and policies to guide future investments in the City's transportation system. The Commission is charged with reviewing the TSP and making a recommendation to the Newport City Council regarding its potential adoption. All interested persons are encouraged to attend the hearing, which is scheduled for:

Date/Time: June 13, 2022 at 7:00pm or soon thereafter

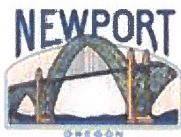
Location: Council Chambers, Newport City Hall, 169 SW Coast Hwy

A copy of the Transportation System Plan and related information, including an interactive web map of the key projects, can be found on the project website at www.Newporttsp.org or the City of Newport website at: <https://www.newportoregon.gov/dept/cdd>.

For more information, please feel free to contact **Derrick Tokos**, City of Newport Community Development Director, at **541-574-0626** or d.tokos@newportoregon.gov.

Regards,

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
s.marineau@newportoregon.gov



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

Sherri Marineau

From: Sherri Marineau
Sent: Thursday, June 02, 2022 4:24 PM
To: 'jeffh@ouderkirkhollen.com'; 'captain@marinediscovery.com'; 'lyle@jcmarket.net'; 'brynnyc@gmail.com'; 'newport.newts@gmail.com'; 'ralph.breitenstein@gmail.com'; 'rkinion@co.lincoln.or.us'; 'Bob Berman'; 'lindaraen@charter.net'; 'Belloni, Rich'; 'mrscoppola@gmail.com'; Dean Sawyer; 'Judy Kuhl'; 'Roland Woodcock'; Spencer Nebel; 'Kevin Chewuk'; 'FELDMANN James'; 'Carl Springer | DKS'; 'nye.neighbors@gmail.com'
Subject: City of Newport Notice of Public Hearing on the Newport Transportation System Plan Update
Attachments: Press Release PC Public Hearing.pdf
Importance: High

The Newport Planning Commission is holding a public hearing to take testimony on a new Transportation System Plan (TSP) that sets out project priorities, goals, and policies to guide future investments in the City's transportation system. The Commission is charged with reviewing the TSP and making a recommendation to the Newport City Council regarding its potential adoption. All interested persons are encouraged to attend the hearing, which is scheduled for:

Date/Time: **June 13, 2022 at 7:00pm** or soon thereafter

Location: Council Chambers, Newport City Hall, 169 SW Coast Hwy

A copy of the Transportation System Plan and related information, including an interactive web map of the key projects, can be found on the project website at www.Newporttsp.org or the City of Newport website at: <https://www.newportoregon.gov/dept/cdd>. For more information, please feel free to contact **Derrick Tokos**, City of Newport Community Development Director, at **541-574-0626** or d.tokos@newportoregon.

Regards,

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365



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Sherri Marineau

From: Sherri Marineau
Sent: Thursday, June 02, 2022 4:23 PM
To: Bob Berman; Derrick Tokos; Dustin Capri; Jim Patrick; Jim Hanselman; Bill Branigan; 'gary.east460@gmail.com'; 'wgsbend@gmail.com'; Braulio Escobar; 'dolphinconstructionphone@gmail.com'
Subject: City of Newport Notice of Public Hearing on the Newport Transportation System Plan Update
Attachments: Press Release PC Public Hearing.pdf
Importance: High

Hello,

This afternoon we sent out the attached press release concerning the upcoming Planning Commission public hearing scheduled for **June 13, 2022** concerning the Transportation System Plan updates. The attached press release includes information on the hearing, and links to TSP project website and the City of Newport's website where you can view the pertaining documents.

Please note the meeting agenda packet will be posted on **June 9, 2022**. Please contact Derrick with your questions.

Thank you,

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2
 fax: 541.574.0644
s.marineau@newportoregon.gov



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

Sherri Marineau

From: Sherri Marineau
Sent: Thursday, June 02, 2022 4:24 PM
To: Andre Hagedsted; Bill Dalbey; Casey Miller; YBC Radio News; Chris Lehman; Dave Miller; David Morgan; Gary Vick; Judy Kuhl; Justin Werner; katu; Keira Morgan; Kenneth Lipp; KLCC News; News KVAL; Lincoln City Chamber of Commerce; oregonian; newport news; News; KEZI; news guard; Oregon Coast Today; Rick Beasley; Walter Sherman; Yachats Chamber
Cc: Beatriz Botello; CM Hall; Cynthia Jacobi; David Allen; Dean Sawyer; Dietmar Goebel; Erik Glover; Jan Kaplan; Mayor City of Newport; Melanie Nelson; Peggy Hawker; Ryan Parker; Spencer Nebel; Derrick Tokos
Subject: Press Release - Notice of Public Hearing on the Newport Transportation System Plan Update
Attachments: Press Release PC Public Hearing.pdf
Importance: High

Sherri Marineau
 City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 ph: 541.574.0629, option 2
 fax: 541.574.0644
s.marineau@newportoregon.gov



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, June 13, 2022, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council regarding adoption of a new Transportation System Plan Element to the City of Newport Comprehensive Plan. Changes include new project priorities, goals, and policies to guide future investments in the City's transportation system (File No. 1-CP-17). Transportation related land use standards in the Newport Municipal Code that apply to new development and redevelopment are also being amended (File No. 7-Z-17). The proposed legislative changes qualify as a major amendment to the Comprehensive Plan, which require findings that address new or updated information, and/or a change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information (ref: "Administration of the Plan" Section to the Comprehensive Plan). A major amendment may be pursued if one or more of the following conditions exist: (1) A significant change in one or more conclusions; or (2) A public need for the change; or (3) A significant change in community attitudes or priorities; or (4) A demonstrated conflict with another plan goal or policy that has a higher priority; or (5) A change in a statute or statewide agency plan. All applicable Statewide Planning Goals must be addressed. Implementation Strategies may be amended or replaced if there is: (1) A change in one or more goal or policy; or 2) A new or better strategy that will result in better accomplishment of the goal or policy; or 3) A demonstrated ineffectiveness of the existing implementation strategy; or 4) A change in the statute or state agency plan; or 5) A fiscal reason that prohibits implementation of the strategy. For the new transportation related land use standards, Newport Municipal Code (NMC) Section 14.36.010 requires findings that the amendments to the Zoning Ordinance are required by public necessity and the general welfare of the community. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 12:00 p.m. (noon) the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address d.tokos@newportoregon.gov (mailing address above).

(For Publication Once on Friday, June 3, 2022)

PUBLIC NOTICES

6/3/2022

LEGAL DEADLINES:

Wednesday
Edition:
2:00pm
Friday
PRIOR

Friday
Edition:
2:00pm
Tuesday
PRIOR

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN

Probate Department in the Matter of the Estate of Marie Willard Schaff, deceased, No. 22PB03797. NOTICE TO INTERESTED PERSONS. NOTICE IS HEREBY GIVEN that the undersigned has been appointed Personal Representative of the above estate. All persons having claims against the estate are required to present them with proper vouchers to the undersigned Personal Representative at Evans Batlan Getchell LLC, Attorneys at Law, 969 - 13th Street S.E., Salem, Oregon 97302, within four months after the date of the first publication of this notice, or claims may be barred. All persons whose right may be affected by the proceedings hereby are advised that additional information may be obtained from the records of the above entitled court, the Personal Representative or the attorney for the Personal Representative. Dated and first published May 20, 2022. /s/ MATTHEW F. SEILS, Personal Representative. PERSONAL REPRESENTATIVE: MATTHEW F. SEILS, 3205 Brush College Rd NW, Salem, Oregon 97304, (503) 889-4413. ATTORNEY FOR PERSONAL REPRESENTATIVE: Cecelia L. Batlan, OSB #082560, Evans Batlan Getchell LLC, Attorneys at Law, 969 - 13th Street S.E., Salem, OR 97302-2504, (503) 588-5670, (503) 588-5673 -Fax, celia@kevanslaw.com, M20, M27, JN03 (34-03)

NOTICE TO INTERESTED PERSONS IN THE COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN Probate Department in the Matter of the Estate of Phyllis Marie Hoover, Deceased, No. 22PB04877. NOTICE TO INTERESTED PERSONS. Notice is hereby given pursuant to ORS 113.155 that the undersigned has been appointed and has qualified as the personal representative of the estate. All persons having claims against the estate are hereby required to present the same, with proper vouchers, within four months after the date of first publication notice, as stated below, to the personal representative at: Marvin Lee Selfridge c/o Jeffrey C. Priddgen, Attorney At Law, 515 W. Olive Street, Newport, OR 97365, (541) 265-2217, or they may be barred. All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the court, the personal representative or the attorney for the personal representative. First date published, June 3, 2022. /s/ Marvin Lee Selfridge, Personal Representative. JN03, JN10, JN17 (63-17)

SELF STORAGE PUBLIC SALE
Safe-Lock Storage 3639 SE Ash St. South Beach, Oregon 97366. Saturday 6/18/2022 @ 10:00am

C20 Jimmy Acebedo Ramirez, K18 Cameron Brown. Sale Subject to Cancellation Safe-Lock Storage reserves the Right to refuse any and all bids. JN03, JN10 (61-10)

NOTICE OF A PUBLIC HEARING

The City of Newport Planning Commission will hold a public hearing on Monday, June 13, 2022, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council regarding adoption of a new Transportation System Plan. The City of Newport Comprehensive Plan. Changes include new project priorities, goals, and policies to guide future investments in the City's transportation system (File No. 1-CP-17). Transportation related land use standards in the Newport Municipal Code that apply to new development and redevelopment are also being amended (File No. 7-2-17). The proposed legislative changes qualify as a major amendment to the Comprehensive Plan, which requires findings that address new or updated information, and/or a change or addition to the data, text, inventories, or graphics which significantly affects a conclusion that is drawn for that information (ref: "Administration of the Plan" Section to the Comprehensive Plan). A major amendment may be pursued if one or more of the following conditions exist: (1) A significant change in one or more conclusions; or (2) A public need for the change; or (3) A significant change in community attitudes or priorities; or (4) A demonstrated conflict with another plan goal or policy that has a higher priority; or (5) A change in a statute or statewide agency plan. All applicable Statewide Planning Goals must be addressed. Implementation Strategies may be amended or replaced if there is: (1) A change in one or more goal or policy; or (2) A new or better strategy that will result in better accomplishment of the goal or policy; or (3) A demonstrated ineffectiveness of the existing implementation strategy; or (4) A change in the statute or state agency plan; or (5) A fiscal reason that prohibits implementation of the strategy. For the new transportation related land use standards, Newport Municipal Code (NMC) Section 14.36.010 requires findings that the amendments to the Zoning Ordinance are required by public necessity and the general welfare of the community. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from proponents, testimony from opponents, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 12:00 p.m. (noon) the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Material related to the proposed amendment may be requested or a copy purchased at

the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be viewed or a copy purchased. Contact Derrick Tokos, AICP Newport Community Development Director, (541) 674-0826, email address d.tokos@newportoregon.gov (mailing address above). JN03 (59-03)

NOTICE OF AVAILABILITY
Final Environmental Assessment and Finding of No Significant Impact for the Proposed Newport Municipal Airport Obstruction Removal Project. Interested parties are hereby notified that the Federal Aviation Administration (FAA) has approved a Final Environmental Assessment (Final EA) and prepared Finding

of No Significant Impact (FONSI) for the proposed Obstruction Removal Project at the Newport Municipal Airport, located in South Beach, Lincoln County, Oregon. The City of Newport (the Airport Sponsor) proposes to remove approximately 30 acres of vegetation and trees that area obstructions to the approach surfaces of Runways 16, 20, and 34. Removing these trees and vegetation will allow for a clear 20:1 approach surface for Runways 20 and 34, and a clear 34:1 approach surface for Runway 16. The approach surface is critical in allowing aircraft to execute landings in a manner that is safe to the aircraft, nearby environmental resources, residences, and the general public. The obstructions consist mostly of tall trees that are potential hazards to airplanes approaching the airport to land safely due to their height. Many of the trees to be removed are located off airport property, on surrounding

parcels. The Final EA and FONSI found that the project is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act (NEPA) of 1969 and will not significantly affect the quality of the human environment. In accordance with current Council on Environmental Quality (CEQ) regulations, copies of the FONSI and Final EA will be available for review at the Airport's website (<https://www.newportoregon.gov/dept-onp/projects.asp>) through June 18, 2022. A printed hard copy of the Final EA or FONSI can be provided upon request by contacting Lance Vanderbeck, Airport Director, 135 SE 84th St., South Beach, OR 97366 or L.Vanderbeck@NewportOregon.gov. Please direct written comments to: Ron Elizabeth Logan, Federal Aviation Administration, Seattle Airports District Office, 2200 S 216th Street, Des Moines, WA 98198 or ron.logan@faa.gov. JN03 (58-

03)
NOTICE TO INTERESTED PERSONS IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR THE COUNTY OF LINCOLN In the Matter of the Estate of ELIZABETH ANN OGDEN, Deceased. Case No. 22PB02576. NOTICE TO INTERESTED PERSONS. NOTICE IS HEREBY GIVEN that the undersigned has been appointed personal representative of the Estate of Elizabeth Ann Ogden. All persons having claims against the estate are required to present them, with vouchers attached to the personal representative through the personal representative's attorney at PO Box 1987, Newport, OR 97365, within four months after the date of first publication of this notice, or the claims may be barred. All persons whose rights may be affected by the proceedings may obtain additional information from the records of the Court,

the personal representative, or the attorney for the personal representative, Traci P. McDowell. Dated and first published on May 27th, 2022. YAJUNA LAW, LLC, /s/ Traci P. McDowell, Traci P. McDowell, OSB #184063, Attorney for Personal Representative. M27, JN03, JN10 (50-10)
PUBLIC NOTICE
I, Sonja Lynn Jordan - Peterson, do not give my authorization or consent to ANY LIFE INSURANCE POLICY that Roberta Rice - Tryon or Sebastian Duncan-Jordan (Alias, Daniel Wayne Peterson OR Their Affiliates, M27, JN03, JN10, JN17 (44-17)

to COVID-19 concerns and guidelines, the meeting will be held via ZOOM and will take place the 13th day of June 2022 at 6:30 p.m. The purpose of the meeting is to receive the budget message and to receive comment from the public on the budget. A copy of the budget document may be inspected or obtained after June 13th, 2022, at the office of Ritacco and Company, 924 SW 8th Street, Newport, Oregon between the hours of 9:00 a.m. and 3:00 p.m., Monday through Friday. This is a public meeting where deliberation of the Budget Committee will take place. Any person may join the meeting and discuss the proposed programs with the Budget Committee. If you would like to participate, please check the community bulletin board, or email John Bringetto at svjngl@gmail.com by June 10th, 2022. /s/ Jeanetta F. Ritacco, Budget Officer. M27, JN03 (43-03)

FORM OR-ED-1

NOTICE OF BUDGET HEARING

A public meeting of the Lincoln County School District Board of Directors will be held on June 14, 2022 at 6:30 pm at Newport High School, 322 NE Eads St, Newport, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2022 as approved by the Lincoln County School District Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at 1212 NE Fogarty St, Newport, Oregon between the hours of 8 a.m. and 4 p.m., or online at www.lincolnc.k12.or.us. This budget is for an annual budget period. This budget was prepared on a basis of accounting that is the same as the preceding year.

Contact: Kim Cusick, Business Director

Telephone: 541-265-4409

Email: kim.cusick@lincoln.k12.or.us

FINANCIAL SUMMARY - RESOURCES

TOTAL OF ALL FUNDS	Actual Amount Last Year 2020-21	Adopted Budget This Year 2021-22	Approved Budget Next Year 2022-23
Beginning Fund Balance	\$25,516,223	\$30,286,964	\$35,921,909
Current Year Property Taxes, other than Local Option Taxes	44,346,890	44,536,101	45,969,660
Other Revenue from Local Sources	13,322,920	15,293,810	14,549,854
Revenue from Intermediate Sources	542,760	438,500	446,000
Revenue from State Sources	31,045,128	34,312,065	36,605,779
Revenue from Federal Sources	10,983,973	29,092,123	16,843,815
Interfund Transfers	2,100,000	25	5,550,010
All Other Budget Resources	432,761	5,000	760,000
Total Resources	\$128,290,655	\$153,964,588	\$156,647,027

FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION

Salaries	\$31,087,614	\$38,760,770	\$37,927,608
Other Associated Payroll Costs	18,703,682	24,635,400	24,835,419
Purchased Services	19,307,653	28,414,430	26,966,571
Supplies & Materials	5,997,855	7,503,978	7,481,099
Capital Outlay	4,529,074	12,223,991	11,191,493
Other Objects (except debt service & interfund transfers)	1,311,127	1,996,190	1,807,106
Debt Service*	9,707,062	11,620,238	12,044,753
Interfund Transfers*	2,100,000	25	5,550,000
Operating Contingency		4,090,000	4,050,000
Unappropriated Ending Fund Balance & Reserves	35,546,588	24,719,566	24,792,978
Total Requirements	\$128,290,655	\$153,964,588	\$156,647,027

FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOYEES (FTE) BY FUNCTION

1000 Instruction	\$41,735,112	\$54,532,353	\$51,098,775
FTE	400.07	402.17	415.83
2000 Support Services	31,836,757	42,058,423	44,837,771
FTE	181.27	202.11	207.93
3000 Enterprise & Community Service	3,427,144	5,773,700	4,251,859
FTE	3.53	5.34	5.28
4000 Facility Acquisition & Construction	3,934,992	11,167,083	10,017,691
FTE			
5000 Other Uses			
5100 Debt Service*	9,710,062	11,623,438	12,047,953
5200 Interfund Transfers*	2,100,000	25	5,550,000
6000 Contingency		4,090,000	4,050,000
7000 Unappropriated Ending Fund Balance	35,546,588	24,719,566	24,792,978
Total Requirements	\$128,290,655	\$153,964,588	\$156,647,027
Total FTE	584.87	609.62	629.04

* not included in total 5000 Other Uses. To be appropriated separately from other 5000 expenditures.

STATEMENT OF CHANGES IN ACTIVITIES AND SOURCES OF FINANCING **

New Revenue Source in General Fund; HB 4026 2020 Wildfires Funding \$967,976 for 2022-23. Large beginning fund balances the past 2 years are due to underexpenditure during Covid, the availability of federal Covid Relief funds, and the additional wildfire funding. Policy requires a 7% ending fund balance. One-time funds over the 7% are transferred to special revenue funds rather than used for general operating expenses. \$5,550,000 of these excess funds have been budgeted as transfers. \$3,000,000 is budgeted as additional Contingency to mitigate possible enrollment/revenue swings. Most expenditures have been reduced for 2022-23 as Covid relief funds have been spent down.

PROPERTY TAX LEVIES

	Rate or Amount Imposed	Rate or Amount Imposed	Rate or Amount Approved
Permanent Rate Levy (Rate Limit 4.9092 per \$1,000)	4.9092	4.9092	4.9092
Levy For General Obligation Bonds	\$6,545,952	\$5,897,322	\$5,869,650

STATEMENT OF INDEBTEDNESS

	Estimated Debt Outstanding on July 1	Estimated Debt Authorized, But Not Incurred on July 1
General Obligation Bonds	\$25,410,000	
Other Bonds	\$26,130,000	
Total	\$51,540,000	

JN03 (64-03)

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
April 25, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, and Bill Branigan.

Planning Commissioners Absent: Jim Hanselman (*excused*)

PC Citizens Advisory Committee Members Absent: Greg Sutton, and Dustin Capri.

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

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

2. **New Business.**

A. **Draft Request for Proposals to Redevelop the 2.3 Acres Property at 35th & US 101.** Tokos reviewed the request for proposals. Berman noted that the proposal needed to be corrected to state that it was Southeast 35th Streets. Tokos would change this. He noted they were looking to redevelop the property in 2024 and this gave the South Beach Church ample time to find another location. Berman asked when the demolition of the building would happen. Tokos explained that once the church and the Oregon Coast Community Forest Association was out, the agency would demolish existing structures. A discussion ensued regarding the redevelopment on Option C. These properties would only be in play if the owners chose to participate. If they didn't, the agency wouldn't do anything in this location.

Tokos reviewed the introductions of the proposals and the site context. Berman pointed out the map didn't show the city limits on it. He also noted that in the second paragraph of the site context page, "Newport Aquarium" needed to be changed to "Oregon Coast Aquarium", and "Hatfield Center" should be "Hatfield Marine Science Center."

Tokos reviewed the development considerations next. He noted the City Council would determine the date for properties to be vacated and expected it to happen around 2023 after the construction season. He noted that there would most likely be no System Development Charges (SDCs) to develop on the property because of credits from prior uses in the last 10 years. Berman asked if the credits would be just from the two buildings standing on the property. Tokos explained they would come from them and there were also credits for the old Flashbacks restaurant and a drive thru coffee stand that were previously on the property. He didn't see there being any SDCs charged for this property. A discussion ensued regarding how SDC credits worked and how there were more credits for the property than anything that would be payable. Patrick asked when the clock ran out for the credits. Tokos explained it would be 10 years from when the improvements were removed, and noted the credits wouldn't run out before 2024. Patrick thought they should add an expiration date for the credits to help developers to move faster. Berman asked how the construction excise taxes would apply. Tokos explained these would apply to the project and they were included in the document.

Gary East entered the meeting at 6:20 p.m.

Tokos reviewed the zoning considerations, the gateway, and public/private partnerships. Berman noted that the caption on the two photos for Gateway was bold and shouldn't be there. He also thought the "public rest area" wording should be changed. Tokos suggested they use the term "stopping point."

Tokos reviewed the public outreach next. Berman asked what the mechanism for public outreach would be. Tokos noted the public vetting would start happening after the award was done and the design was further refined. Berman thought the wording needed to be reworked. He also noted a comma was missing on the third line of the paragraph.

Tokos reviewed the example concepts. Berman noted the third line had a comma that shouldn't be there. He thought that under Alternative B that "South Beach Market" wasn't correct because it was a business name. This needed to be changed to either the South Beach "environment, area, or neighborhood."

Tokos reviewed the submission and evaluation next. Berman noted the number of hard copies required for when the proposals were submitted needed to be noted.

Tokos asked if the scheduled seemed reasonable. Berman thought it did depended on the outreach. No other comments were heard.

- B. Transportation System Plan Part I - Comprehensive Plan Changes.** Tokos reported the Transportation System Plan (TSP) needed to be adopted into the city's Comprehensive Plan. To do this they would take the full copy of the February 20, 2022 TSP document and relative information out of the executive summary from March 2022, and work them into the Comprehensive Plan ordinance. He explained that the Commission would be reviewing the TSP summary, and the goals and policies documents of the Comprehensive Plan at this current meeting. They would then review a copy of the code changes at the next meeting.

Tokos reviewed the TSP edits to the Comprehensive Plan. He pointed out that the street standards would be included in the Municipal Code, not the Comprehensive Plan. Branigan questioned how correct the Figure 1, North Map was. He noted that a lot of people on NE 71st Street went down Avery Street to 73rd Street because it was easy to take a left turn onto US 101 from it instead of 71st Street. Branigan thought this needed to be a green line on the map. Tokos suggested this be a neighborhood collector. Branigan agreed. Tokos thought they could add it and note that they were keeping a tracking sheet. Patrick agreed that it should be a neighborhood collector. Berman pointed out that Figure 6 was not downtown. Patrick asked why the area by Szabos and Yaquina Head wasn't a neighborhood collector. He thought it should be one. Tokos noted this was Lucky Gap Road and suggested not doing anything with Lighthouse Drive. Patrick thought it should be Lucky Gap Road up to the entrance of Longview Hills mobile home community.

Patrick asked if the City had any intention to finish 7th Street. Tokos said they didn't. Patrick noted it was still shown on the maps. Tokos would take it off the maps. Patrick asked why Harney Street that deadened at 7th Street was a freight route. Tokos explained part of it was because Road and Driveway was up to 3rd Street. They also had the County and City shops further up Harney Street and why it was designated for freight. Tokos noted that the project advisory committee had discussed freight routes. They also discussed whether or not the route on Bay Boulevard to Naterlin made more sense compared to the route up Bay Street to 13th Street to the hospital. They had talked to the operators on

the Bayfront and this wasn't a direction freight generally went at all because they utilized Moore Drive. If they made future improvements they needed to keep freight routes in mind because they would then to make the travel routes wider to accommodate larger vehicles. Tokos also didn't think they would want to route trucks up to 13th Street because Naterlin Drive could accommodate them better.

Tokos reviewed the multimodal network design and projects next. He noted that they updated the project website for the city which included interactive maps. Berman reported that he had been having problems using the maps on the project website. Tokos showed the Commission where to find the maps on the City's website and how they worked. Berman noted that the annexation for the UGB expansion wasn't included. Tokos would look to add this. Berman questioned if the Nye Street extension would be two options. Tokos confirmed they were and noted they were included on the tracking sheet. Patrick pointed out that on page 234 they still had some the projects listed as "financially constrained" instead of "aspirational." Tokos would update this.

Tokos reviewed the goals and policies for the public facilities element next. He explained that Goal 5, Policy 5 was the section of the plan where they would possibly have a discussion whether or not to do a couplet. He asked the Commission if they wanted to use this process to sort this out, or if they wanted to go with the language in the plan that left the door open to either option. They were going to be doing the City Center revitalization project and looking at the private side standards for the downtown area. They already had SERA Architects and DKS look at the options, and did public outreach that proved to be limited during the pandemic. Tokos explained there were people who wanted to see it stay as it was and others that liked the couplets, but he was unsure if they understood what the options were. The question to the Commission was if it should be framed as a policy option for them to pick one now, or leave it on the document to say both options were on the table. Then, when they did the downtown revitalization it would be the forum to select from the two options. Patrick thought they should leave it as it was. He didn't think they were able to get good public consensus on this due to the pandemic. Tokos thought they could run it through one more process and then have another consulting firm that could take a look at it in conjunction with the downtown revitalization process. He stated he would keep Goal 5, Policy 5 the same. The Commission was in general agreement to do this.

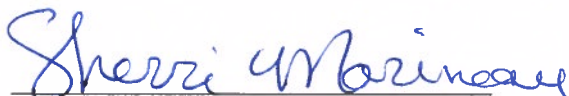
Berman asked at what point the tracking sheet would be incorporated into the document. Tokos explained it would be done between the hearing with the Planning Commission and the City Council.

Tokos acknowledged the public comments that were submitted to the Commission by Jeff Bertuleit and Wendy Engler. Berman asked if there was a list of the people who asked to stay informed on the TSP process. Tokos reported they had a list established that they could email and send notices to.

3. **Unfinished Business.** None were heard.

4. **Adjourn.** The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 9, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, Jim Hanselman, and Bill Branigan.

PC Citizens Advisory Committee Members Absent: Greg Sutton, and Dustin Capri (*excused*).

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

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

2. **Unfinished Business.**

A. **Transportation System Plan Part II— Land Use Regulations (Partial).** Tokos reviewed the changes to the Municipal Code related to the Transportation System Plan (TSP). He acknowledged the public comment received from Nyla Jebousek.

Tokos reviewed the changes to Chapter 14.03, zoning district standards. He discussed the transportation facilities additions to the tables. Hanselman asked if these were mandated code changes. Tokos explained they were recommended code changes from the Project Advisory Committee and noted that early on they had looked at some of the State mandated code changes as well. The City only had to do some of these changes. Not all of the changes were mandated. Escobar asked to have the changes that were mandated pointed out for the Commission. Tokos would try to point them out during the discussion but would have this done when they met on May 23rd.

Tokos reviewed the changes to Chapter 14.45, traffic impact analysis. Berman noted that "PM" peak hours was incorrect and should be "p.m." Tokos would change this. Tokos reviewed the changes to the way phase developments needed to look at all phases when doing a traffic impact analysis (TIA). Berman asked if this was done for the Wilder subdivision. Tokos explained that in their case there was a Urban Growth Boundary amendment and annexation that had rules that said they had to assess it. This resulted in a trip hard cap originally. This was lifted later in favor of the transportation analysis zones in South Beach, and a further allocation of trips as part of that process. Escobar asked what it would cost to prepare a TIA. Tokos explained it varied based on how detailed that analysis needed to be, how big the project was, the scale of the project, and how many intersections they needed to look at. He gave an example of the TIA to analyze if 36th Street would be signalized. The cost was around \$5,000.

Tokos reviewed the changes to Chapter 14.44, transportation standards. He reported that he would bring in the neighborhood traffic management changes to review later. Tokos would also give the Commission a copy of Tech Memo 14 to compare this to. Tokos reviewed the transient improvements, street standards, sidewalks standards, and the cul-de-sac standards next. He noted that the Fire Chief would give testimony on the standards during the hearings process. Tokos reported that the Fire Chief was comfortable with keeping the 400 maximum foot length.

Gary East joined the meeting at 6:29 p.m.

Tokos reviewed changes to Chapter 14.01, purpose and definitions; Chapter 14.14, parking loading and access requirements; and Chapter 14.19, landscaping requirements. Berman asked if the changes to the landscaping and screening requirements for parking applied to parking lots. Tokos thought that it applied to any parking lot that was constructed. He pointed out that there was a threshold for surfacing and they could key it off of that.

Tokos reviewed the changes to Chapter 14.33, adjustments and variances. He would go through the planned development standards to match up with these changes.

Tokos reviewed Chapter 14.46, tsunami hazards overlay zone next. Berman asked what the recourse was for when the design for approaches was done wrong, such as the Dutch Bros coffee drive thru. Tokos explained there wasn't much the city could do after the fact to say they had to redesign the driveway because it was fully permitted. If they came in to do a modification the city may be able to revisit it.

Tokos reviewed Chapter 14.47, a new chapter for pedestrian access next, and Chapter 14.48, land divisions. He noted he would like to change the requirement to have a deferred improvement agreement for sidewalks when the city could add a stipulation for occupancy that they put in sidewalks. A discussion ensued regarding the cost of construction of sidewalks for Public Works at the time of building compared to years in the future. Patrick thought they should refine it so there weren't separate lots scattered in a subdivision without sidewalks. East asked if rolled curbs were allowed. Tokos said they weren't generally. Berman asked that when the Commission saw the revised document they show the sections of text that had been moved from different chapters be different than text that was added. He suggested they show that they were accepted changes. Tokos thought they could also note what was carried over. Patrick asked if they would be picking up the district standards for the overlay signs. Tokos explained it wouldn't impact the overlays but he would talk to Public Works about it.

Tokos reviewed Chapter 14.49, property line adjustments; and Chapter 14.52, procedural changes next. A discussion ensued regard the pre-application conferences for different types of applications. Escobar thought that for the enforcement considerations they lower the maximum jail term to 30 days to be consistent with the \$1,000 fine.

3. **New Business.** None were heard.
4. **Adjourn.** The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
May 23, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Gary East, Jim Hanselman, and Bill Branigan (by telephone).

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 Patrick called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Review Results of Newport Housing Needs Projection Report.** Tokos reviewed a PowerPoint presentation of the Newport Housing Needs Projection Report with the Commission. He first reviewed the building permits issued between 2012 to 2021; the population growth; the factors that affected housing demand; and the aging population. Patrick noted that the projection from years before was behind what they estimated. Tokos confirmed this was just a guess and was to show that a large number of the population that was moving to Newport was the older population.

Tokos reviewed the population forecast by age. Capri asked if they came up with the numbers through the census. Tokos explained the census was part of it and they did intermediate surveys to form their projections and track over time.

Tokos reviewed household size; household income; the share of Latino households; commuting flows for 2019; median house sales price; and monthly asking rent costs for Newport. He noted this was the aggregate for all bedrooms. Tokos covered the cost burden; the cost burden by tenure; financially attainable housing; existing households by income level in Newport; and housing affordability by income levels.

Tokos reviewed the preliminary housing population forecast, Newport UGB. He noted they weren't bound by the projections but they had to meet the Portland State projections under State law. Tokos noted that they planned to have ECONorthwest provide a couple of alternate forecasts that they thought were more realistic. Berman pointed out that the forecast showed a rise but then it declined. He thought that at some point they should use the top of the rise to decide what housing they needed because they couldn't wait for the population to decrease. Berman noted that these numbers were off from the Transportation System Plan (TSP) discussion, which were almost 10 times as much. He questioned if it was the intent of the particular activity to maximize it on the TSP. He thought it was weird to use two such different numbers when they were both referencing Portland State. He felt it was a problem. If they were going to forecast they should all use the same forecast. Tokos noted this forecast was within the UGB. He noted with respect to the TSP he didn't think the population growth

estimates were particularly aggressive and thought this was a reasonable estimate. When you compound this with background traffic, the State minimized background growth on US 101 and US 20. The city had to reflect housing in their study but they didn't have to base their policies on assumptions that they were only going to have 248 new residents. Portland State philosophy in terms of what they were looking at were what the city's trends were in terms of growth, and what the life expectancy they had over time. They anticipated that the population growth would go down but didn't take the other things into account. Tokos explained they would reflect Portland State's numbers in the report and there would be a couple of alternative estimates provided to get a better picture of where the city was at. Branigan didn't think Portland State factored in aging residents who were buying homes as part time residences, and were not renting them out and lived in them part of the year. He asked how this factored into the growth rates. Tokos didn't have the answer but they would have a figure that showed the percentage of the housing that was second housing.

Berman reported he had a list of changes for the document and asked how they should be reviewed. Tokos requested Berman send an email of the changes to him because this was a running draft document.

Tokos reviewed the implication for housing needs. Patrick asked what they wanted for a wider range of for demographic trends. Tokos explained thought they would see more demand for detached housing and for rentals for multi-family. He thought they should look more at the percentages of different types of housing. Patrick noted more would be factored in because of accessory dwelling units. (ADU). Hanselman asked if ADUs would have a housing boom in the city. Tokos didn't think they would and reported there wasn't a huge number of new ADUs coming in over the years. Capri thought ADUs would fill the gaps for housing. Tokos noted the city was considering standard plans for ADUs to share. He thought taking out the costs for plan review fees could help make them be more affordable. Tokos pointed out there wasn't a demand for stock plans for ADUs in Newport at that time. Berman asked why the document didn't reference cottage clusters. Tokos reported they fell in with the single family attached, duplexes, triplexes, or quadplexes, depending on what they were building. Escobar asked if there was a conflict between the types of housing projected to destruct over the next 20 years, and the income of the people who lived in Newport. The incomes levels showed there was a certain percentage that could afford houses, and others that wouldn't be able to afford to rent or purchase housing in Newport. Tokos agreed that the big challenge they had was meeting the needs of those who had the income to find single family housing but weren't able to find anything because there wasn't anything on the market. They would continue to see subsidized housing coming in under the Housing Authority who managed projects to build rentals units that were managed by the Housing Authority or others at 60 percent median area income or less. Tokos noted there would always be a demand for higher income housing.

Tokos reviewed the forecast of new housing. He noted the last Housing Needs Assessment came up with a need for about 850 dwelling units over the planning period which equaled to about 45 every year.

Tokos reviewed new dwelling units; the implications of housing needs; how housing needs often differed by group; the housing needs for people experiencing homelessness; ability to pay for housing by race and ethnicity; cost burden by race and ethnicity; and the housing need by race and ethnicity. Patrick asked if they were picking up the housing that was being sold outright in the counts. Tokos thought this was counted in one of the sections.

Tokos reviewed the people's ability to pay for housing who were aged 64 years and older; and housing needs for people 65 years or older. Berman asked if they were counting special housing such as nursing

homes and assisted living homes. Tokos confirmed they were and they would also pick up drug alcohol treatment facilities and group homes. The transitional housing for the parole office would be picked up as well.

Gary East joined the meeting at 6:39 pm.

Tokos reviewed the persons with disabilities next. Berman asked if 40 percent of the residents had disabilities. Patrick pointed out that it said nearly a quarter of the population. He noted they weren't picking up the people who were retired in advanced age who got older and needed better healthcare, which forced them to move to the valley. Tokos noted as long as employment was strong in Newport you wouldn't see a drop in population in Newport.

3. Unfinished Business.

- A. File No. 1-CP-17, Transportation System Plan Part I and II – Final Review.** Tokos suggested the Commission spend a few minutes on this discussion before they had to start the regular session meeting that night. Then, they could come back to the discussion after that meeting. He noted they would have a little time now and before the first public hearing on June 13th. The plan was to have the TSP code work passed along to Angela Planning for quality control review and to double check the administrative rule obligations on what they needed to meet for public facilities planning in the Comprehensive Plan. If Angela Planning had any changes he would highlight these so the Commission had a chance to take a look at them and then be able to give Tokos their edits, such as typos, through an email. If there were substantive changes the Commission should note it at this meeting.

Tokos reviewed the code changes since the last meeting starting with Chapter 14.01, purpose, applicability, and definitions. Branigan asked if under the “compliance required” they should add the word “demolished” to the list. Tokos noted this chapter didn't reference demolition of structures. Branigan thought that a demo to rebuild something was more than a reconstruction. A discussion ensued regarding what constituted a demolition versus reconstruction.

Tokos reviewed Chapter 14.01.020, definitions. Berman asked why the Community Development Director was defined but the City Engineer or City Manager wasn't. Tokos reported that the Community Development Director made the decisions and why they were included. Berman asked what sale or transfer was. Tokos explained this pertained to short-term rentals. Berman noted when referencing that "a license" was valid they should talk about which license this entailed. Tokos would note this and try to pick it up in the changes they did with the short-term rental ordinance amendments. Berman asked if there would be an effort to update the illustrations for the yards. He would volunteer to do this if needed. Tokos thought Berman could work on this.

The meeting was temporarily adjourned at 6:59 p.m. for the start of the regular session meeting and then reconvened at 7:05 p.m.

Tokos continued his review of the changes starting with Chapter 14.03, zoning districts. Berman noted that 14.03.030 referenced the zoning maps and thought the city's GIS technician could produce a full resolution city limits map for them. Tokos noted the new GIS technician was working to clean up the minor discrepancies on the GIS maps and Tokos would work with the technician on this.

Tokos reviewed Chapters 14.03.050 and 14.03.110 next. Berman thought 14.03.110 was a duplicate of 14.03.090. Tokos noted these were two different zoning areas and could possibly be consolidated.

Tokos reviewed Chapter 14.14.010, parking and loading requirements; and Chapter 14.14.060, compact spaces next. Berman asked if anyone got a ticket for parking a large truck in compact parking spaces. Tokos explained this section was for private properties and they would only be ticketed on public property.

Tokos covered Chapter 14.14.070, bicycle parking. Berman questioned if the parking spaces requirement chart was correct for the 1 to 4 spaces, and 5 to 25 spaces numbers. Tokos would clarify this. Berman asked if bicycle spaces needed to be signed. Tokos would take a look into this. He noted that under "E" it said it needed to be clearly marked.

Tokos reviewed Chapter 14.14.090, parking lot minimum standards table. Berman requested the images be high resolution. Tokos then covered the driveway standards.

Tokos reviewed Chapter 14.19, landscaping and screening for parking lots requirements. Berman noted that there was no mention of the Tree Plan to make sure they are planting the correct plants. Tokos would add this. Berman pointed out that under 14.19.060 it listed that the values should be based on year 2000 dollars and adjusted on July 1 of each year for inflation. He suggested putting in the 2021 numbers instead.

Tokos reviewed Chapter 14.33 adjustments, variances and transportation mitigation, starting with Chapter 14.33.070, transportation mitigation procedures. He acknowledged the memorandum the City Engineer submitted to the Commission. Tokos noted that 24 feet wasn't a city standard, the existing standards are much wider. He reported that the 20 feet of clearance was in the Fire Code and was why the Fire Chief wanted larger streets. Tokos noted that there would probably be testimony from the Fire Chief and City Engineer at the public hearings. The City Engineer wanted his memo included on the record. He understood there was a lot of work on the yield street items and that it had been vetted out with the committee. Tokos emphasized that they weren't doing anything they hadn't done before. The yield street standards were in line with what Portland adopted in terms of their yield street dimensions, and were aligned with recommendations they would see from other organizations that had yield and street recommendations. He reported they had vetted this with what they had on the ground to see what they were working with. They used examples of streets in Newport to know they could make it work. Escobar questioned if they looked at the Wilder Development streets widths. A discussion ensued regarding street widths and if the response time for fire trucks was considered. Patrick asked how the Fire Chief felt about roundabouts. Tokos noted he was clear about not wanting traffic calming measures that produced wear and tear on their vehicles.

Tokos reviewed Chapter 14.33.070, process for determining street cross-sections in constrained conditions; then Chapter 14.44.050 transit improvements. He noted with these standards would have required the hospital to do bus shelters when it was built. Tokos reported that the hospital had plans to build a shelter later because they received the budget to install it.

Tokos reviewed Chapter 14.44.060 street pathways accessways and trails; Chapter 14.45 traffic impact analysis; the fee in lieu option; Chapter 14.46, vehicle access and circulation; Chapter 14.47, pedestrian access; and Chapter 14.48, land divisions. He noted that he would talk to Angela Consultants about delayed sidewalk construction and a better way to do this. Berman asked if there was a construction cost index they used. Tokos reported they used the Engineer's News Record for a construction cost index. They also used this as a modifier for the city's System Development fees. Berman suggested saying 15 percent plus for the increase. Patrick asked if the city had done sidewalks after the fact. Tokos reported they did this in the small subdivision on Avery Street and 71st Street. They also did this on the Lincoln Lane where they were building one section of sidewalks at a time as

new houses were built. Patrick asked why the city didn't do rolled curbs. Tokos didn't have the information but would get back to the Commission on this.

Tokos reviewed Chapter 14.49, property line adjustments; Chapter 14.50, tsunami hazards overlay; Chapter 14.52, procedural requirements; and Chapter 14.52.140, expiration and extension of decision. Berman asked if A2 was missing the word "not" between "has" and "been." Tokos would add this.

Tokos reviewed Chapter 14.53, Council review; Chapter 14.54, penalty; and Chapter 14.57, fees next. He noted the goals and policy changes were to pick up some typos.

Berman asked how the list of the future summary of requested changes would be handled. He wanted to know if this list would be a part of the presentation during the hearing. Tokos confirmed it would be part of it. The public hearings gave people the opportunity to raise issues. Tokos noted they had the opportunity to have two public hearings. The first hearing would be on June 13th, and they could have an special alternate second hearing date in June if needed. He would have some dates available if the Commission wanted to do this. Berman asked if they weren't merging the document at that time because of the time and cost of the consultants. Tokos confirmed this was correct. They only had the budget to do one more revision. Berman noted that they needed to make it clear during the public hearing that these were things that were going to be put into the document.

4. Adjourn. The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Derrick Tokos

From: Derrick Tokos
Sent: Tuesday, January 18, 2022 3:34 PM
To: 'Steve Kennett'
Subject: RE: Transportation Comments

Hi Steve and Roseann,

Thank you for your comments, and concerns about the environmental impact and auto-oriented focus of a potential Harney Street bypass.

A bypass of that nature would relieve US 101 congestion, to a point, but would also open up a significant amount of land inside our urban growth boundary for much needed housing. The concept of a Harney Street bypass has been kicked around for decades, and we wanted to use this planning process to determine whether or not it is actually feasible to construct. It turned out the answer is no. The steep terrain and multiple stream crossings drove up the cost to the point that it would be very difficult to finance. And there would be some significant environmental impacts. The project will likely stay in the plan; however, it won't land on the "fiscally constrained" list that are likely to be funded over the next 20-years.

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

From: Steve Kennett
Sent: Tuesday, January 18, 2022 2:26 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: Transportation Comments

[WARNING] This message comes from an external organization. Be careful of embedded links.

Derrick Toros,
My wife and I retired three years ago and swiftly moved on down to Newport. We now live on NW Oceanview Drive. While we like the emphasis of the Transportation Plan on bike and pedestrian travel we are a bit taken aback by the Harney bypass, though I don't know you-all call it a bypass. It reminds us of many cities we have lived in or visited where the number of cars must be accommodated and new cement and asphalt tracks are made that slice and dice the landscape, forever carving up a place.

Why is it that we bow to the car and offer just a wave at - greenspace, openspace, neighborhoods, parks, trees and the natural setting of the place. Let's not lose the quality and character of this place. If a byway must be created, do it with the environment as a guide. The character and quality of life depends on it. Thanks.

Derrick Tokos

From: Derrick Tokos
Sent: Monday, January 24, 2022 1:05 PM
To:
Subject: RE: Newport TSP Website Comments - Richard Gutknecht

Hi Richard,

Thanks for sharing your thoughts regarding Big Creek Road as an ideal location for bicycle and pedestrian improvements. One of the projects included in the draft Transportation System Plan update would do just that by adding a bicycle/pedestrian shared use path next to a 12-foot wide, one-way vehicle travel lane. It is identified as a top tier project on what is described as the "financially constrained" list (i.e. projects likely to be funded within the planning period).

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

From: Richard Gutknecht
Sent: Tuesday, January 18, 2022 8:58 AM
To: JLA Tech Support <tech@jla.us.com>; info@newporttsp.org <info@newporttsp.org>
Subject: Re: Newport TSP Website Comments - Richard Gutknecht



Newport TSP Website Comments

Name	Richard Gutknecht
Organization	TSP
Comment or Question	<p>I believe that I read the TPS is looking for a bike dedicated bike path connecting north and south Newport.</p> <p>An ideal location for a dedicated bike and or walking path would be NE Big Creek Road. There are a number of positive reasons.</p> <p>1 Limited residential homes (traffic)</p> <p>2 connects two city parks (Wade-Big Creek)</p>

3 adjacent to Forest Park
4 connects to bay to ocean trail
5 already high bike & pedestrian usage
6 high health and safety issues as is with vehicle
speeds, vehicles ignoring one way signs, dust
pollution during non rain periods
There are probably additional items.
Thank you for your consideration.

Email

Phone Number

You can [edit this submission](#) and [view all your submissions](#) easily.

Derrick Tokos

From: Peggy Hawker
Sent: Sunday, January 23, 2022 3:34 PM
To: Derrick Tokos
Subject: Fwd: TSP

Sent from my iPad

Begin forwarded message:

From: Jeff Bertuleit
Date: January 23, 2022 at 2:44:47 PM PST
To: Peggy Hawker <P.Hawker@newportoregon.gov>
Subject: TSP

[WARNING] This message comes from an external organization. Be careful of embedded links.

Hi Peggy, I am leaving for a trip to Cuba and don't know when a hearing on this will happen. So here is a petition I had a little time to get signatures. Most everyone on the list were not aware of plans to turn 9th St into a one way State Hwy. I also included a picture of what should be done with a middle turn lane in three blocks. The current 101 parking is unnecessary as there is parking on 9th and 7th and side streets. Also keeping the multiple parking spots adjacent to City Hall.

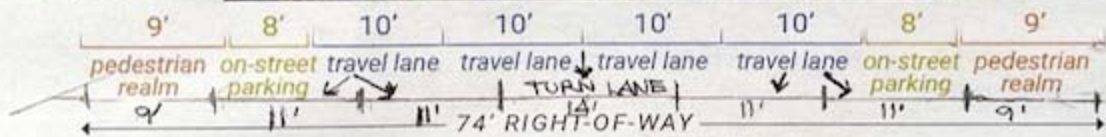
I would think an environmental review would also be needed to add pollution, noise, loss of business and safety concerns if a couplet happens. Not to mention the wasted millions. This area needs help and reorientation of entry to 9th St would work and on 7th the same.

This could have happened 30 years ago if the Glick Plan happened.

Sincerely,
Jeff Bertuleit

Hwy 101

EXISTING



- 10' lanes are substandard
- Narrow sidewalk widths
- Lack of any streetscape features
- Poor and infrequent crossing locations
- Congestion and turn-movement backups

- UPDATE TO 11' LANES
- ADD 14' TURN LANE
- KEEP SIDEWALKS — NO PARKING

MINOR IMPROVEMENT OPTION: FOUR LANE WITH PARKING

- Update to 11' lanes
- Retain on-street parking
- Sidewalks narrowed to 7' wide
- **Not recommended**

January 15, 2022

We the undersigned do not support the proposal for a potential Eleven Million Dollar cost couplet as proposed in the Transportation Plan as a One Way Highway on Ninth Street.

Name

City or Address

Jeff Bertineant

354 SE 2nd St Newport, OR

Kathryn J. Brown

645 SE 3rd St. Newport OR

Kathryn P.

315 SW 4th St. Newport, OR

Ken H.

9560 NW KIMBERLY WAY
SEASIDE, OR

Eileen Obteshta

722 NW 1st St, Newport, OR 97365

Terry Obteshta

722 NW 1st St Newport OR

Martha Krupp / Martha J. Krupp

721 NW 1st St., Newport, OR 97365

Patricia Patrick

Jiling P.O. Box 7, Newport, OR 97365 541-272-1990

Patricia L. 306 SW P 1st St 541 265-8225

Michael W. Meyer 612 SW 9th Street, 541-265-8501

Scott Laiselle, 10780 NE STEENSON RD. 541-220-7027

Amanda Tillotson Toledo, OR 541-961-1884

Anne Meyer, 235 4th St OTTER ROCK 961-0980

Mandy Laiselle 612 SW 9th Street 541-270-4546

Chontel Shroyer Selety, OR 901-262-6403

Wendy Engler Newport OR

Jon Brusselback

Newport OR

Greg R. New

209 S.E. 35th St South Beach 541 961 5067

Sent from my iPhone

Sherri Marineau

From: Aaron Bretz <abretz@portofnewport.com>
Sent: Thursday, February 24, 2022 10:59 AM
To: Public comment
Cc: Paula Miranda
Subject: Port of Newport Comments on Transportation Plan

[WARNING] This message comes from an external organization. Be careful of embedded links.

Good morning, the Port of Newport has reviewed the draft Transportation Plan, and we would like to commend the City of Newport for the extensive visionary effort to make fundamental changes to our City's infrastructure and position the community to continue to grow for decades to come.

We support the plans and the planning effort, and look forward to working with the City of Newport as the plan evolves and matures through interaction with the public. As we continue to move forward, the Port recommends that we continue to look at the access to the Port's South Beach properties, which include the South Beach Marina and R/V Park, NOAA MOC-P, the Hatfield Marine Science Center and ODFW South Beach Annex, as well as parts of the Oregon Coast Aquarium complex. In particular, we would like to work with the City and ODOT to improve the traffic capacity south of the Yaquina Bay Bridge and the routing of traffic accessing Port assets in South Beach going to and coming from Marine Science Drive.

Additionally, we recommend that any consideration of PRO 4 (Yaquina Bay Ferry Service) would only proceed with consultation with the Port regarding upland access and operational plans.

Thank you again for undertaking this noteworthy effort, and we are happy to help however we can.

Aaron T. Bretz
Director of Operations
Port of Newport
600 SE Bay Blvd.
Newport, OR 97365
(541) 406-0217
(541) 961-3904 cell

Sherri Marineau

From: R and T Capri
Sent: Thursday, February 24, 2022 10:44 AM
To: Public comment
Subject: TSP Advisory Committee Meeting 2/24/22

[WARNING] This message comes from an external organization. Be careful of embedded links.

Dear Advisory Committee,

I would like to ask that you strongly consider improvements to NW Nye Street in Newport as the most logical N/S bypass to North Coast Hwy 101. This street could use improvements for pedestrians, bicyclists, and vehicles. Nye St. is a better choice for a bypass than Coast St./Spring St./Oceanview Dr. because Nye Beach District gets heavy visitor traffic which it is not designed for.

We are lifelong residents of Newport and would greatly appreciate improvements that benefit locals as well as visitors.

Respectfully,
Rex and Theresa Capri

Sherri Marineau

From: Martin Desmond
Sent: Thursday, February 24, 2022 9:54 AM
To: Sherri Marineau
Subject: Re: Notice: Transportation System Plan Project Advisory Committee Final Meeting Being Held Tomorrow, Thursday, February 24, 2022

[WARNING] This message comes from an external organization. Be careful of embedded links.

Hi Sherri,

I have another meeting to attend at 6:00 pm tonight. I have sent the following attachments to the Mayor, City Councilors, and Spencer about federal grants for transportation. There is a Notice of Funding Opportunity for transportation grants right now that I have attached. It would be nice if the word could be passed about this grant.

Martin

On Wed, Feb 23, 2022 at 5:10 PM Sherri Marineau <S.Marineau@newportoregon.gov> wrote:

Good Afternoon,

You are receiving this email because you indicated that you would like to be kept informed about the City of Newport's progress in updating its Transportation System Plan (TSP). The project consultants have prepared an adoption draft copy of the updated TSP for the Project Advisory Committee's review. The document is included with the Committee's February 24, 2022 packet materials, which are available on the City website. Here is a link:

<https://www.newportoregon.gov/citygov/comm/tsp.asp>.

The Project Advisory Committee (PAC) will be holding their final meeting tomorrow, **Thursday, February 24, 2022** starting at **6 p.m.** This meeting will be held by video-conference. Please contact me at least 4-hours before the session starts if you would like to attend and I'll send you a meeting link.

Regards,

Sherri Marineau

City of Newport

Community Development Department
169 SW Coast Highway
Newport, OR 97365
s.marineau@newportoregon.gov



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DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

Notice of Funding Opportunity for the Department of Transportation’s National Infrastructure Investments (i.e., the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program) under the Infrastructure Investment and Jobs Act (“Bipartisan Infrastructure Law”)

AGENCY: Office of the Secretary of Transportation, DOT

ACTION: Notice of Funding Opportunity

SUMMARY: The purpose of this notice is to solicit applications for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants. Funds for the FY 2022 RAISE grant program are to be awarded on a competitive basis for surface transportation infrastructure projects that will have a significant local or regional impact. This program is referred to as the Local and Regional Project Assistance Program in the Infrastructure Investment and Jobs Act (“Bipartisan Infrastructure Law”).

DATES: Applications must be submitted by 5:00 PM Eastern on April 14, 2022.

ADDRESSES: Applications must be submitted through Grants.gov.

FOR FURTHER INFORMATION CONTACT: For further information concerning this notice, please contact the RAISE grant program staff via e-mail at RAISEgrants@dot.gov, or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications as well as information about webinars for further guidance on DOT’s website at www.transportation.gov/RAISEgrants.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for these RAISE grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

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A. Program Description

1. Overview

The Infrastructure Investment and Jobs Act (Pub. L. 117-58, November 15, 2021, “Bipartisan Infrastructure Law,” or “BIL”) authorized and appropriated \$1.5 billion to be awarded by the Department of Transportation (“DOT”) for FY 2022 for Local and Regional Project Assistance Program Grants under National Infrastructure Investments. This Notice of Funding Opportunity (NOFO) solicits applications for projects to be funded under the Local and Regional Project Assistance Program, known as the RAISE Grants program, including any additional funding appropriated for the RAISE Grants program under the FY 2022 Appropriations Act. If the FY 2022 Appropriations Act significantly alters requirements for the RAISE Grant program, the Department will amend this Notice with guidance on additional requirements.

RAISE Grants are for capital investments in surface transportation that will have a significant local or regional impact. Per the BIL, in addition to capital awards, DOT will award at least \$75 million for eligible planning, preparation or design of projects eligible for RAISE Grants that do not result in construction with FY2022 RAISE funding. In addition, DOT will award at least \$15 million for projects located in areas of persistent poverty or historically disadvantaged communities. If either of these amounts are changed by the FY 2022 Appropriations Act, DOT will amend this Notice.

Since 2009, \$9.9 billion has been awarded under National Infrastructure Investments for capital investments in surface transportation infrastructure over 13 rounds of competitive grants. Throughout the program, these discretionary grant awards have supported projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with DOT's strategic goals.¹ FY 2022 RAISE grants continue to align with these strategic goals. The FY 2022 RAISE round will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, *Implementation of the Infrastructure Investments and Jobs Act* (86 FR 64355), which are to invest efficiently and equitably, promote the competitiveness of the U.S. economy, improve job opportunities by focusing on high labor standards, strengthen infrastructure resilience to all hazards including climate change, and to effectively coordinate with State, local, Tribal, and territorial government partners.

The Department seeks to fund projects under the RAISE Program that reduce greenhouse gas emissions and are designed with specific elements to address climate change impacts. Specifically, the Department is looking to award projects that align with the President's

¹ See U.S. Department of Transportation Strategic Framework FY 2022–2026 (Dec. 2021) at <https://www.transportation.gov/administrations/office-policy/fy2022-2026-strategic-framework>

greenhouse gas reduction goals, promote energy efficiency, support fiscally responsible land use and transportation efficient design, increase use of lower-carbon travel modes such as transit and active transportation, incorporate electrification or zero emission vehicle infrastructure, increase climate resilience, support domestic manufacturing, incorporate lower-carbon pavement and construction materials, reduce pollution, and recycle or redevelop brownfield sites.

The Department also seeks to award projects under the RAISE Program that address environmental justice, particularly for communities that disproportionately experience climate change-related consequences. Environmental justice, as defined by the Environmental Protection Agency, is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. As part of the Department's implementation of Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619), the Department seeks to fund projects that, to the extent possible, target at least 40 percent of resources and benefits towards low-income communities, disadvantaged communities, communities underserved by affordable transportation, or overburdened² communities. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to before receiving funds for construction. See Section F.2 of this NOFO for program requirements.

The Department also seeks to award projects under the RAISE Program that proactively address racial equity and barriers to opportunity, including automobile dependence as a form of

² Overburdened Community: Minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks. This disproportionality can be as a result of greater vulnerability to environmental hazards, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations or places. The term describes situations where multiple factors, including both environmental and socio-economic stressors, may act cumulatively to affect health and the environment and contribute to persistent environmental health disparities.

barrier, or redress prior inequities and barriers to opportunity. Section E describes racial equity considerations that an applicant can undertake and the Department will consider during the review of applications. Projects that have not sufficiently considered racial equity in their planning, as determined by the Department, will be required to do so before receiving funds for construction. See Section F.2 of this NOFO for program requirements.

In addition to prioritizing projects that address climate change, proactively address racial equity, and reduce barriers to opportunity, the Department intends to use the RAISE program to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships and Local Hire agreements, in project planning stages. Projects that incorporate such planning considerations are expected to support a strong economy and labor market. Section E describes job creation and labor considerations an applicant can undertake and the Department will consider during the review of applications. Projects that have not sufficiently considered job creation and labor considerations in their planning, as determined by the Department, will be required to do so to the full extent possible under the law before receiving funds for construction. See Section F.2 of this NOFO for program requirements

Section E of this NOFO, which outlines FY 2022 RAISE grant selection criteria, describes the process for selecting projects that further these goals. Section F.3 describes progress and performance reporting requirements for selected projects, including the relationship between that reporting and the program's selection criteria.

2. Additional Information

The RAISE grant program is described in the Federal Assistance Listings under the assistance listing program title "National Infrastructure Investments" and assistance listing number 20.933.

3. Changes from the FY 2021 NOFO

The Local and Regional Project Assistance Program was authorized in the BIL and is known as the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grants program (formerly TIGER and BUILD Transportation Grants).³ This FY 2022 RAISE Notice updates the FY 2021 RAISE NOFO based on provisions specified in the BIL. For example, the BIL revised the list of eligible applicants to specify that the District of Columbia, Tribal governments, US Territories, units of local government, and public agencies or publicly chartered authorities established by one or more States are eligible applicants (Section C.1 of this NOFO). The BIL also expanded the eligible project list to include the surface transportation components of an airport project eligible for assistance under part B of subtitle VII title 49, United States Code, and projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program (Section C.3 of this NOFO).

DOT will evaluate applications based on statutory primary selection criteria: safety, environmental sustainability, quality of life, economic competitiveness and opportunity, state of good repair, and mobility and community connectivity. Statutory additional considerations include partnership and collaboration, innovation, demonstrated project readiness, and cost effectiveness. The Department evaluates safety, environmental sustainability, quality of life, mobility and community connectivity, economic competitiveness and opportunity, state of good repair, partnership and collaboration, innovation as “merit criteria.” The Department evaluates “project readiness” in three areas: technical assessment, environmental risk, and

³ Section 21202 of the BIL codified this program at 49 U.S.C. 6702 as the Local and Regional Project Assistance Program, referred to in this NOFO as RAISE.

financial completeness. The Department evaluates “cost effectiveness” through the economic benefit-cost analysis.

The RAISE FY 2022 review and selection process has been revised from prior rounds and is described in detail in Section E. The merit criteria review will now include ratings for each merit criterion that, in the aggregate, will determine which projects are reviewed by the Senior Review Team and advance to the Secretary for potential selection. Please see the merit criteria rating rubric in Section E.1.i. for more details. The safety, environmental sustainability, mobility and community connectivity, and quality of life merit criteria have greater priority in the process to advance projects for further analysis. Section E.2 of this Notice also provides more detail on the way selection criteria ratings will be used in the decision-making process to advance projects to the Secretary for potential selection.

The BIL directs that at least 5 percent of available funding, or \$75 million, to be awarded for the planning, preparation or design of projects eligible for RAISE Grants. The BIL also directs that at least 1 percent of available funding, or \$15 million, be awarded to projects located in historically disadvantaged communities or areas of persistent poverty. Areas of persistent poverty and historically disadvantaged communities are defined in Section C.3.iii.

Unlike FY 2021, all projects, including planning projects, have minimum award amounts; the minimum award for urban projects is \$5 million and the minimum award for rural projects is \$1 million (see Section B.2).

The BIL prohibits more than 15 percent of the available funds, or \$225 million, from being awarded to eligible projects in a single State in FY 2022.

Applicants who are planning to re-apply using materials prepared for prior competitions should ensure that their FY 2022 application fully addresses the criteria and considerations described in this Notice and that all relevant information is up to date.

B. Federal Award Information

1. Amount Available

The BIL authorized and appropriated \$1.5 billion to be awarded by DOT for RAISE grants under the Local and Regional Project Assistance Program for FY 2022. This Notice will be amended if additional amounts become available for this program under the FY 2022 Appropriations Act. FY 2022 RAISE grants are for capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant local or regional impact and improve transportation infrastructure. DOT will award at least 5 percent of available funds, or \$75 million (of the \$1.5 billion) for the planning, preparation or design of eligible projects. DOT refers to awards for the planning, preparation or design of eligible projects that do not result in construction with RAISE FY 2022 funding as planning grants. DOT will award at least 1 percent of available funds, or \$15 million, for projects located in historically disadvantaged communities or areas of persistent poverty. The BIL allows DOT to retain up to 2 percent, or \$30 million, of the \$1.5 billion for oversight and administration of grants and credit assistance made under the program.

The Department does not anticipate awarding additional funding from prior rounds; however, if unobligated program funds are made available from prior rounds, they may be awarded under this solicitation to projects that can be obligated before the obligation deadline associated with the respective prior year funds. If this solicitation does not result in the award and obligation of all available funds, DOT may publish additional solicitations.

The BIL allows up to 20 percent of available funds (or \$300 million) to be used by DOT to pay the subsidy and administrative costs of a project receiving credit assistance under the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA) or Railroad Rehabilitation and Improvement Financing (RRIF) programs.

2. Award Size

The BIL specifies that the minimum RAISE grant award is \$5 million, except that for projects located in rural areas (as defined in Section C.3.ii) the minimum award size is \$1 million. Grants may not be greater than \$25 million. Under the RAISE FY 2022 program, minimum and maximum award sizes are the same for capital and planning projects. Applicants are strongly encouraged to submit applications only for eligible award amounts.

3. Restrictions on Funding

Pursuant to the BIL, no more than 15 percent of the funds made available for RAISE grants (or \$225 million) may be awarded to projects in a single State. The BIL also directs that not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to rural projects (as defined in section C.3.ii) and directs that not more than 50 percent of the funds provided for RAISE grants (or \$750 million) shall be awarded to urban projects (as defined in section C.3.ii). If these amounts are changed by the FY 2022 Appropriations Act, DOT will amend this Notice. Further, DOT must consider geographical and modal diversity.

4. Availability of Funds

The BIL requires that FY 2022 RAISE grant funds are available for obligation only through September 30, 2026. Obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements, including transportation planning and environmental review requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2022 RAISE awards, any costs incurred prior to DOT's obligation of funds for a project ("pre-award costs") are ineligible for reimbursement.⁴

⁴ Pre-award costs are only costs incurred directly pursuant to the negotiation and anticipation of the RAISE award where such costs are necessary for efficient and timely performance of the scope of work, as determined by DOT. Costs incurred under an advance construction (23 U.S.C. 115) authorization before the DOT announces that a project is selected for a FY 2022 RAISE award cannot be charged to FY 2022 RAISE funds. Likewise, costs

All FY 2022 RAISE funds must be expended (the grant obligation must be liquidated or paid out to the grant recipient) by September 30, 2031. After this date, unliquidated funds are no longer available to the project. As part of the review and selection process described in Section E.2., DOT will consider a project's likelihood of being ready to proceed with an obligation of RAISE grant funds within the statutory timeline. No waiver is possible for these deadlines.

5. Previous RAISE/BUILD/TIGER Awards

Recipients of RAISE/BUILD/TIGER grants may apply for funding to support additional phases of a project previously awarded funds in the RAISE/BUILD/TIGER program. However, to be competitive, the applicant should demonstrate the extent to which the previously funded project phase has met estimated project schedules and budget, as well as the ability to realize the benefits expected for the project. A previous RAISE/BUILD/TIGER award, or application, does not affect competitiveness under the FY 2022 RAISE competition.

C. Eligibility Information

To be selected for a RAISE grant, an applicant must be an Eligible Applicant and the project must be an Eligible Project.

1. Eligible Applicants

Eligible Applicants for RAISE grants are: States and the District of Columbia; any territory or possession of the United States; a unit of local government; a public agency or publicly chartered authority established by one or more States; a special purpose district or public authority with a transportation function, including a port authority; a federally recognized Indian Tribe or a consortium of such Indian Tribes; a transit agency; and a multi-State or

incurred under an FTA Letter of No Prejudice under Chapter 53 of title 49 U.S.C. before the DOT announces that a project is selected for a FY 2022 RAISE award, cannot be charged to FY 2022 RAISE funds.

multijurisdictional group of entities that are separately eligible. Federal agencies are not eligible applicants for the RAISE FY 2022 program.

Multiple States or jurisdictions may submit a joint application and should identify a lead applicant as the primary point of contact and also identify the primary recipient of the award. Joint applications should include a description of the roles and responsibilities of each applicant.

DOT expects that the eligible applicant that submits the application will administer and deliver the project. If the applicant seeks a transfer of the award to another agency, that intention should be made clear in the application and a letter of support from the otherwise eligible, designated entity should be included in the application.

2. Cost Sharing or Matching

Per the BIL, the Federal share of project costs for which an expenditure is made under the RAISE grant program may not exceed 80 percent unless the project is located in a rural area, a historically disadvantaged community, or an area of persistent poverty.⁵ Urban area and rural area are defined in Section C.3.ii of this notice. Historically Disadvantaged Communities and Areas of persistent poverty are defined in Section C.3.iii.

Non-Federal sources include State funds originating from programs funded by State revenue, local funds originating from State or local revenue-funded programs, or private funds. The BIL also allows for the following Federal funds to be considered “non-Federal” for the purpose of the RAISE program: (A) tribal transportation program funds under section 202 of title 23; (B) Federal lands transportation program funds under section 203 of title 23; (C) TIFIA program funds (as defined in section 601(a) of title 23); and (D) Railroad Rehabilitation and Improvement Financing Program under chapter 224. Toll credits under 23 U.S.C. 120(i) are considered a

⁵ To meet match requirements, the minimum total project cost for a project located in an urban area must be \$6.25 million.

Federal source under the RAISE program and, therefore, cannot be used to satisfy the statutory cost sharing requirement of a RAISE award. Unless otherwise authorized by statute, non-Federal cost-share may not be counted as the non-Federal share for both the RAISE grant and another Federal grant program. DOT will not consider previously incurred costs or previously expended or encumbered funds towards the matching requirement for any project. Matching funds are subject to the same Federal requirements described in Section F.2. as awarded funds. If repaid from non-Federal sources, Federal credit assistance is considered non-Federal share.

See Section D.2.iii for information about documenting cost sharing in the application.

For each project that receives a RAISE grant award, the terms of the award will require the recipient to complete the project using at least the level of non-Federal funding that was specified in the application. If the actual costs of the project are greater than the costs estimated in the application, the recipient will be responsible for increasing the non-Federal contribution. If the actual costs of the project are less than the costs estimated in the application, DOT will generally reduce the Federal contribution.

3. Other

i. Eligible Projects

(a) Capital Projects

Eligible projects for RAISE grants are surface transportation capital projects within the United States or any territory or possession of the United States that are: (1) highway, bridge, or other road projects eligible under title 23, United States Code; (2) public transportation projects eligible under chapter 53 of title 49, United States Code; (3) passenger and freight rail transportation projects; (4) port infrastructure investments (including inland port infrastructure and land ports of entry); (5) the surface transportation components of an airport project eligible

for assistance under part B of subtitle VII of title 49, United States Code;⁶ (6) intermodal projects; (7) projects to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species while advancing the goals of the RAISE program; (8) projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government; and (9) any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goals of the program.⁷

The Secretary considers the following projects necessary to advance the goals of the program, and therefore eligible: public road and non-motorized projects that are not otherwise eligible under title 23, United States Code, and intermodal projects. Research, demonstration, or pilot projects are eligible only if they will result in long-term, permanent surface transportation infrastructure that has independent utility as defined in Section C.3.iv. The following projects are not considered necessary to advance the goals of the program, and, therefore, they are ineligible: school bus electrification and broadband deployment as a standalone project. Improvements to Federally owned facilities are ineligible under the FY 2022 RAISE program, unless they are projects investing in surface transportation facilities that are located on Tribal land and for which title or maintenance responsibility is vested in the Federal Government. If a project type is not described as explicitly eligible or ineligible above, then applicants should explain in their application why the project is necessary to advance the goals of the program, and the Department will determine eligibility on a case-by-case basis.

⁶ Eligible surface transportation components of eligible airport projects are those projects listed in “Appendix P: Road and Surface Transportation Projects” of the Airport Improvement Program (AIP) handbook, available at https://www.faa.gov/airports/aip/aip_handbook/?Chapter=Appendix#PP00. For more details on airport project eligibility, please see the Frequently Asked Questions at <https://www.transportation.gov/RAISEgrants>.

⁷ Please note that DOT may award a RAISE grant to pay for the surface transportation components of a broader project that has non-surface transportation components, and applicants are encouraged to apply for RAISE grants to pay for the surface transportation components of these projects.

(b) Planning Projects

Activities eligible for funding under RAISE planning grants are related to the planning, preparation, or design— for example environmental analysis, equity analysis, community engagement, feasibility studies, and other pre-construction activities—of eligible surface transportation capital projects described in Section C.3.i.(a) and may not result in construction with RAISE FY 2022 funding.

Under the RAISE FY 2022 program, if an application includes right-of-way acquisition, the project will be considered a capital project. Projects that include right-of-way acquisition should include a timeline for construction.

In addition, activities eligible for RAISE planning grants include those related to multidisciplinary projects or regional planning, such as: (1) development of master plans, comprehensive plans, integrated land use and transportation plans, or corridor plans; (2) planning activities related to the development of a multimodal freight corridor, including those that seek to reduce conflicts with residential areas and with passenger and non-motorized traffic; (3) development of port and regional port planning grants, including State-wide or multi-port planning within a single jurisdiction or region; or (4) risk assessments and planning to identify vulnerabilities and address the transportation system's ability to withstand probable occurrence or recurrence of an emergency or major disaster.

ii. Rural/Urban Definition

For purposes of this notice, a project is designated as urban if it is located within (or on the boundary of) a Census-designated urbanized area⁸ that had a population greater than 200,000 in

⁸ Lists of 2010 UAs as defined by the Census Bureau are available on the Census Bureau website at <https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>.

the 2010 Census.⁹ If a project is located outside a Census-designated urbanized area with a population greater than 200,000, it is designated as a rural project. Rural and urban definitions differ in some other DOT programs, including TIFIA.

A project located in both an urban and a rural area will be designated as *urban* if the majority of the project's costs will be spent in urban areas. Conversely, a project located in both an urban area and a rural area will be designated as *rural* if the majority of the project's costs will be spent in rural areas. For RAISE planning grants, the location of the project being planned, prepared, or designed will be used for the urban or rural designation.

This definition affects four aspects of the program: (1) not more than 50 percent (or \$750 million) of the funds provided for RAISE grants are to be used for projects in rural areas; (2) not more than 50 percent (or \$750 million) of the funds provided for RAISE grants are to be used for projects in urban areas; (3) for a project in a rural area, the minimum award is \$1 million, while the minimum award for urban areas is \$5 million; and (4) the Secretary may increase the Federal share above 80 percent to pay for the eligible costs of a project in a rural area.

iii. Areas of Persistent Poverty and Historically Disadvantaged Communities

The Secretary may increase the Federal cost share above 80 percent for projects located in an Area of Persistent Poverty or a Historically Disadvantaged Community. Additionally, DOT must award at least one percent of available funds, or \$15 million, for projects located in historically disadvantaged communities or areas of persistent poverty.

(a) Areas of Persistent Poverty means: (1) any county that has consistently had greater than or equal to 20 percent of the population living in poverty during the 30-year period

⁹ For the purpose of this NOFO, the definition of urban and rural is based on the 2010 Census-designated urbanized areas. The Department is required by the BIL to use the most recent decennial census information; however urbanized areas have not been designated for the 2020 Census at the time of this NOFO publication. See www.transportation.gov/RAISEBUILDgrants for a list of 2010 Census-designated UAs.

preceding November 15, 2021, as measured by the 1990 and 2000¹⁰ decennial census and the most recent annual Small Area Income Poverty Estimates as estimated by the Bureau of the census¹¹; (2) any census tract with a poverty rate of at least 20 percent as measured by the 2014-2018 5-year data series available from the American Community Survey of the Bureau of the Census¹²; or (3) any territory or possession of the United States. A county satisfies this definition only if 20 percent of its population was living in poverty in all three of the listed datasets: (a) the 1990 decennial census; (b) the 2000 decennial census; and (c) the 2020 Small Area Income Poverty Estimates. DOT will list all counties and census tracts that meet this definition for Areas of Persistent Poverty on the RAISE website at www.transportation.gov/RAISEgrants/raise-app-hdc.

(b) Historically Disadvantaged Communities – DOT has been developing a definition of Historically Disadvantaged Communities as part of its implementation of the Justice40 Initiative and will use that definition for the purpose of this Notice of Funding Opportunity. Consistent with OMB’s Interim Guidance for the Justice40 Initiative¹³, Historically Disadvantaged Communities include (a) certain qualifying census tracts, (b) any Tribal land, or (c) any territory or possession of the United States. DOT is providing a list of census tracts that meet the definition of Historically Disadvantaged Communities, as well as a mapping tool to assist applicants in identifying whether a project is located in a Historically Disadvantaged Community, available at www.transportation.gov/RAISEgrants/raise-app-hdc.

¹⁰ See <https://www.census.gov/data/tables/time-series/dec/census-poverty.html> for county dataset.

¹¹ See <https://www.census.gov/data/datasets/2020/demo/saie/2020-state-and-county.html> for December 2020 Small Area Income Poverty Dataset

¹² See <https://data.census.gov/cedsci/table?q=ACSST1Y2018.S1701&tid=ACSST5Y2018.S1701&hidePreview=false> for 2014-2018 five year data series from the American Community Survey

¹³ <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>

iv. Project Components

An application may describe a project that contains more than one component, and may describe components that may be carried out by parties other than the applicant. DOT expects, and will impose requirements on fund recipients to ensure, that all components included in an application will be delivered as part of the RAISE project, regardless of whether a component includes Federal funding. The status of each component should be clearly described (for example, in the project schedule). DOT may award funds for a component, instead of the larger project, if that component: (1) independently meets minimum award amounts described in [Section B](#) and all eligibility requirements described in [Section C](#); (2) independently aligns well with the selection criteria specified in Section E.1; and (3) meets National Environmental Policy Act (NEPA) requirements with respect to independent utility. Independent utility means that the component will represent a transportation improvement that is usable and represents a reasonable expenditure of DOT funds even if no other improvements are made in the area, and will be ready for intended use upon completion of that component's construction. All project components that are presented together in a single application must demonstrate a relationship or connection between them. See Section D.2. for Required Approvals.

Applicants should be aware that, depending upon the relationship between project components and applicable Federal law, DOT funding of only some project components may make other project components subject to Federal requirements as described in Section F.2.

DOT strongly encourages applicants to identify in their applications the project components that have independent utility and separately detail costs and requested RAISE grant funding for those components. If the application identifies one or more independent project components, the application should clearly identify how each independent component addresses

selection criteria and produces benefits on its own, in addition to describing how the full proposal of which the independent component is a part addresses selection criteria.

v. Application Limit

Each lead applicant may submit no more than three applications. Unrelated project components should not be bundled in a single application for the purpose of adhering to the limit. If a lead applicant submits more than three applications as the lead applicant, only the first three received will be considered.

D. Application and Submission Information

1. Address to Request Application Package

Instructions for submitting applications can be found at www.transportation.gov/RAISEgrants along with specific instructions for the forms and attachments required for submission.

2. Content and Form of Application Submission

The application must include the Standard Form 424 (Application for Federal Assistance), cover page, and the Project Narrative. Applicants are encouraged to complete the SF-424C and attach to their application the “RAISE 2022 Project Information Form” available at www.transportation.gov/RAISEgrants/raise-info

DOT recommends that the project narrative follow the basic outline below to address the program requirements and assist evaluators in locating relevant information.

I. Project Description	See D.2.i
II. Project Location	See D.2.ii
III. Grant Funds, Sources and Uses of all Project Funding	See D.2.iii
IV. Merit Criteria	See D.2. iv. and E.1
V. Project Readiness: Environmental Risk	See D.2. v. and E.1.ii
VI. Benefit Cost Analysis	See D.2.vi. and E.1. iii.

The project narrative should include the information necessary for DOT to determine that the project satisfies project requirements described in Sections B and C and to assess the selection criteria specified in Section E.1. To the extent practicable, applicants should provide supporting data and documentation in a form that is directly verifiable by DOT. DOT expects applications to be complete upon submission and will evaluate the application based on information submitted. DOT may ask any applicant to supplement data in its application but is not required to do so. Lack of supporting information provided with the application negatively affects competitiveness of the application, as described in Section E.2.

In addition to a detailed statement of work, detailed project schedule, and detailed project budget, the project narrative should include a table of contents, maps and graphics, as appropriate, to make the information easier to review. DOT recommends that the project narrative be prepared with standard formatting preferences (a single-spaced document, using a standard 12-point font such as Times New Roman, with 1-inch margins). The project narrative may not exceed 30 pages in length, excluding cover pages and table of contents. The only substantive portions that may exceed the 30-page limit are documents supporting assertions or conclusions made in the 30-page project narrative, but evaluators are not required to review supporting documents as part of the merit review described in Section E. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly reference these in the respective section of the project narrative. DOT recommends using appropriately descriptive file names (e.g., “Project Narrative,” “Maps,” “Memoranda of Understanding and Letters of Support,”) for all attachments. DOT recommends applications include the following sections:

i. Project Description

The first section of the application should provide a description of the project, the transportation challenges that it is intended to address, and how it will address those challenges. This section should discuss the project's history, including a description of any previously completed components. The applicant may use this section to place the project into a broader context of other transportation infrastructure investments being pursued by the project sponsor. Applicants should include a detailed statement of work that focuses on the technical and engineering aspects of the project, the current design status of the project, and describes in detail the project to be constructed.

ii. Project Location

This section of the application should describe the project location, including a detailed geographical description of the proposed project, a map of the project's location, and description of connections to existing transportation infrastructure. The application should also identify:

- (a) whether the project is located in an Area of Persistent Poverty, including the relevant County and/or census tract(s);
- (b) whether the project is located in a historically disadvantaged community, including the relevant census tract(s);
- (c) the Census-designated urbanized area in which the project is located, if relevant; and
- (d) whether the project is located in one of four Federally designated community development zones (Opportunity Zones, Empowerment Zones, Promise Zones, or Choice Neighborhoods)

Information under (d) may be used for internal data tracking.

iii. Grant Funds, Sources and Uses of Project Funds

This section of the application should describe the budget for the RAISE project (i.e. the project scope that includes RAISE funding) including information about the degree of design completion on which the cost was estimated. This budget should **not** include any previously incurred expenses. The budget should show how each source of funds will be spent. The budget should also show how each funding source will share in each major construction activity, and present that data in dollars and percentages. If applicable, the budget should identify Federal funds that have been previously authorized by a Federal agency. Funding sources should be grouped into three categories: non-Federal, RAISE, and other Federal with specific amounts from each funding source. If the project contains individual components, the budget should separate the costs of each project component. If the project will be completed in phases, the budget should separate the costs of each phase. The budget should clearly identify any expenses expected to be incurred between time of award and obligation because these expenses are not eligible for reimbursement, as described in Section B.4, or for cost sharing, as described in Section C.2. The budget details should sufficiently demonstrate that the project satisfies the statutory cost-sharing requirements described in Section C.2. At a minimum, the project budget should include:

- (a) Costs for the FY 2022 RAISE project;
- (b) For all funds to be used for eligible project costs, the source and amount of those funds;
- (c) For non-Federal funds to be used for eligible project costs, documentation of funding commitments. Documentation should also be included as an appendix to the application. If the applicant is not a State DOT and matching contributions from a State DOT are included as non-Federal match, a supporting letter from the

State indicating the source of the funds; and

- (d) For Federal funds to be used for eligible project costs, the amount, nature, and source of any required non-Federal match for those funds.

In addition to the information enumerated above, this section should provide complete information on how all project funds may be used. For example, if a particular source of funds is available only after a condition is satisfied, the application should identify that condition and describe the applicant's control over whether it is satisfied. Similarly, if a particular source of funds is available for expenditure only during a fixed time period, the application should describe that restriction. Complete information about project funds will ensure that DOT's expectations for award execution align with any funding restrictions unrelated to DOT, even if an award differs from the applicant's request.

iv. Merit Criteria

This section of the application should demonstrate how the project aligns with the criteria described in Section E.1 of this notice. DOT encourages applicants to address each criterion. Insufficient information to assess any criterion will negatively impact the project rating. Applicants are not required to follow a specific format, but the outline suggested addresses each criterion separately and promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, DOT encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application. The guidance in this section is about how the applicant should organize their application. Guidance describing how DOT will evaluate projects against the Selection Criteria is in Section E.1 of this notice. Applicants also should review that section before considering how to organize their application.

(a) Safety

This section of the application should describe the anticipated outcomes of the project that support the Safety criterion (described in Section E.1.i.(a) of this notice). The applicant should include information on, and to the extent possible, quantify, how the project will target known, documented safety problems within the project area or wider transportation network, and demonstrate how the project will protect motorized and non-motorized travelers or communities from health and safety risks. The application should provide evidence to support the claimed level of effectiveness of the project in protecting motorized and non-motorized travelers from health and safety risks, such as the number or rate of reduced crashes, serious injuries, and/or fatalities.

(b) Environmental Sustainability

This section of the application should describe how the project addresses the Environmental Sustainability criterion (described in Section E.1.i.(b) of this notice). Applicants are encouraged to include information demonstrating how the project will reduce air pollution and greenhouse gas emissions from transportation, increase use of lower-carbon travel modes such as transit active transportation, improve resiliency of at-risk infrastructure,¹⁴ be constructed consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. Additional information for how this criterion will be evaluated is in Section E.1.i. of this notice.

(c) Quality of Life

¹⁴ For the RAISE program, at-risk infrastructure is defined as infrastructure that is subject to, or faces increased long-term future risks of, a weather event, a natural disaster, or changing conditions, such as coastal flooding, coastal erosion, wave action, storm surge, or sea level rise, in order to improve transportation and public safety and to reduce costs by avoiding larger future maintenance or rebuilding costs.

This section should describe how the project improves quality of life by increasing equity and accessibility for travelers, reducing transportation and housing cost burdens, including by facilitating greater public and private investments in commercial and mixed-income residential development near public transportation, along rural main streets or other walkable neighborhoods, removing physical barriers for individuals and communities; proactively addressing racial equity and barriers to opportunity, including automobile dependence as a form of barrier, or redress prior inequities and barriers to opportunity; or enhancing the unique characteristics of the community (described in Section E.1.i.(c) of this notice).

(d) Improves Mobility and Community Connectivity

This section of the application should describe how the project will increase mobility and expand connectivity for all users of a project, particularly non-motorized travelers (those walking, cycling, rolling, or using transit). The application should include details on how the project encourages individuals and communities to move around freely with or without a car, and create neighborhoods where people can live, work, and play. If applicable, this section should describe how the project will meet Americans with Disabilities Act requirements and be accessible to people with disabilities, including individuals who use wheelchairs. Projects that increase mobility for freight movement and improve supply chains should describe the details and impacts of those outcomes. Additional information for how this criterion will be evaluated is in Section E.1.i. of this notice.

(e) Economic Competitiveness and Opportunity

This section of the application should describe how the project will support the Economic Competitiveness and Opportunity criterion (described in Section E.1.i.(d) of this notice). The applicant should include information about expected improvements to system operations to increase travel time reliability and manage travel demand for goods movement, especially for

supply chain bottle necks, thereby increasing velocity and improving local and regional freight connectivity to the national and global economy. The application should include information on how the project increases affordable transportation options and system connectivity to revitalize communities, increase access to location-efficient affordable housing, reduces burdens of commuting, increases tourism opportunities, or improves overall well-being. Applicants should also describe whether and how project delivery and implementation create good-paying jobs with the free and fair choice to join a union to the greatest extent possible, the use of demonstrated strong labor standards, practices and policies (including for direct employees, contractors, and sub-contractors); use of project labor agreements, and distribution of workplace rights notices; the use of Local Hire provisions;¹⁵ registered apprenticeships; or other similar standards or practices. Applicants should describe how planned methods of project delivery and implementation (for example, use of Project Labor Agreements and/or Local Hire provisions,¹⁶ training and placement programs for underrepresented workers) provides opportunities for all workers, including workers underrepresented in construction jobs to be trained and placed in good-paying jobs directly related to the project. The applicant should describe the extent to which the project and local and regional policies related to the project will contribute to the functioning and growth of the economy, including the extent to which the project addresses congestion or freight connectivity, bridges service gaps in rural areas, or promotes greater public and private investments in land-use productivity, including rural main street revitalization or locally-driven density decisions that support equitable commercial and mixed-income residential development.

¹⁵ IJIA div. B § 25019 provides authority to use geographical and economic hiring preferences, including local hire, for construction jobs, subject to any applicable State and local laws, policies, and procedures.

¹⁶ Project labor agreement should be consistent with the definition and standards outlined in Executive Order 13502.

(f) State of Good Repair

This section of the application should describe how the project will contribute to a state of good repair by restoring and modernizing core infrastructure assets, and/or addressing current or projected system vulnerabilities (described in Section E.1.i.(e) of this notice). The application should include information on the current condition of all assets that will be affected by the project, how the proposed project will improve asset condition, plans to ensure the ongoing state of good repair of new assets constructed as part of the project, and any estimates of impacts on long-term cost structures or overall life-cycle costs.

(g) Partnership and Collaboration

This section of the application should include information to assess the partnership criterion (described in Section E.1.ii.(a) of this notice) including how the project has or will engage communities affected by the project, and demonstrates that equity considerations for disadvantaged communities are meaningfully integrated into planning, development, and implementation of transportation investments, particularly Disadvantaged Business Enterprises (DBEs). The application should describe any public involvement plan or targeted outreach, demonstrating engagement of diverse input during project planning. This section should note if the applicant is participating in a non-DOT Federal capacity-building program for the area served by the project. The application should include a list of all project parties and details about the proposed grant recipient and other public and private parties who are involved in delivering the project. If applicable, this section should describe a right-of-way acquisition plan that minimally disrupts communities and maintains community cohesion.

Applications for projects involving other Federal agencies, or requiring action from other Federal agencies, should demonstrate commitment and involvement of those agencies. For

example, relevant port projects should demonstrate alignment with U.S. Army Corps of Engineers investment strategies.

(h) Innovation

This section of the application should describe innovative strategies used and the anticipated benefits of using those strategies, including those corresponding to three categories (described in Section E.1.ii.(b) of this notice): (i) Innovative Technologies, (ii) Innovative Project Delivery, and (iii) Innovative Financing.

(i) Innovative Technologies

If an applicant is proposing to adopt innovative technology or other innovative practices, the application should demonstrate the applicant's capacity to implement those innovations, the applicant's understanding of applicable Federal requirements and whether the innovations may require extraordinary permitting, approvals, exemptions, waivers, or other procedural actions, and the effects of those innovations on the project delivery timeline. The applicant should describe how the technologies or practices drive safety, equity, climate and resilience, or economic outcomes, and will be incorporated into the project and broader supply chains to enhance data collection, digital connectivity, and augment workers.

If an applicant is proposing to deploy autonomous vehicles or other innovative motor vehicle technology, the application should demonstrate that all vehicles will comply with applicable safety requirements, including those administered by the National Highway Traffic Safety Administration (NHTSA) and Federal Motor Carrier Safety Administration (FMCSA). Specifically, the application should show that vehicles acquired for the proposed project will comply with applicable Federal Motor Vehicle Safety Standards (FMVSS) and Federal Motor Carrier Safety Regulations (FMCSR). If the vehicles may not comply, the application should either (1) show that the vehicles and their proposed operations are within the scope of an

exemption or waiver that has already been granted by NHTSA, FMCSA, or both agencies or (2) directly address whether the project will require exemptions or waivers from the FMVSS, FMCSR, or any other regulation and, if the project will require exemptions or waivers, present a plan for obtaining them.

(ii) Innovative Project Delivery

If an applicant plans to use innovative approaches to project delivery, such as a public-private partnership, applicants should describe those project delivery methods and how they are expected to improve the efficiency of the project development or expedite project delivery.

(iii) Innovative Financing

If an applicant plans to incorporate innovative funding or financing, the applicant should describe the funding or financing approach, including a description of all activities undertaken to pursue private funding or financing for the project and the outcomes of those activities.

v. Project Readiness

Project Readiness will be assessed based on a Technical Assessment, Financial Completeness Assessment, and Environmental Risk Assessment. The application should contain a section that explicitly addresses Environmental Risk. The Technical Assessment and Financial Completeness Assessment will be based on information contained throughout the application.

a. Environmental Risk

This section of the application should include sufficient information for DOT to evaluate whether the project is reasonably expected to begin construction in a timely manner consistent with all applicable local, State, and Federal requirements. To assist DOT's project environmental risk review, the applicant should provide the information requested on project schedule, required approvals and permits, NEPA class of action and status, public involvement, right-of-way acquisition plans, risk and mitigation strategies, each of which is described in

greater detail in the following sections. Applicants are not required to follow the specific format described here, but this organization, which addresses each relevant aspect of environmental risk, promotes a clear discussion that assists project evaluators. To minimize redundant information in the application, DOT encourages applicants to cross-reference from this section of their application to relevant substantive information in other sections of the application.

The guidance here is about what information applicants should provide and how the applicant should organize their application. Guidance describing how DOT will evaluate environmental risk is described in Section E.1.ii of this notice. Applicants should review that section when considering how to organize their application.

(a) Project Schedule

The applicant should include a detailed project schedule that identifies all major project milestones. Examples of such milestones include State and local planning approvals (e.g., programming on the Statewide Transportation Improvement Program); start and completion of NEPA and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications and estimates; procurement; State and local approvals; public involvement; project partnership and implementation agreements, including agreements with railroads; and construction. The project schedule should be sufficiently detailed to demonstrate that:

- 1) all necessary activities will be complete to allow RAISE grant funds to be obligated sufficiently in advance of the statutory deadline (June 30, 2026),¹⁷ and

¹⁷ The statutory obligation deadline is September 30, 2026. The Department assesses risk against an earlier deadline of June 30, 2026 to allow time to complete administrative processing and address challenges before the statutory deadline.

that any unexpected delays will not put the funds at risk of expiring before they are obligated;

- 2) the project can begin construction upon obligation of grant funds and that those funds will be spent expeditiously once construction starts, with all funds expended by September 30, 2031; and
- 3) all real property and right-of-way acquisition will be completed in a timely manner in accordance with 49 CFR part 24, 23 CFR part 710, and other applicable legal requirements or a statement that no right-of-way acquisition is necessary.
- 4) the applicant has meaningfully sought community input through public involvement, particularly engaging environmental justice communities or disadvantaged communities that may be affected by the project where applicable.

(b) Required Approvals

1. Environmental Permits and Reviews. The application should demonstrate receipt (or reasonably anticipated receipt) of all environmental approvals and permits necessary for the project to proceed to construction on the timeline specified in the project schedule and necessary to meet the statutory obligation deadline, including satisfaction of all Federal, State and local requirements and completion of the NEPA process. Specifically, the application should include:
 - i. Information about the NEPA status of the project. If the NEPA process is complete, an applicant should indicate the date of completion, and provide a website link or other reference to the final Categorical Exclusion, Finding of No Significant Impact, Record of Decision, and any other NEPA documents prepared. If the NEPA process is underway, but not complete, the

application should detail the type of NEPA review underway, where the project is in the process, and indicate the anticipated date of completion of all milestones and of the final NEPA determination. If the last agency action with respect to NEPA documents occurred more than three years before the application date, the applicant should describe why the project has been delayed and include a proposed approach for verifying and, if necessary, updating this material in accordance with applicable NEPA requirements.

- ii.** Information on reviews, approvals, and permits by other agencies. An application should indicate whether the proposed project requires reviews or approval actions by other agencies,¹⁸ indicate the status of such actions, and provide detailed information about the status of those reviews or approvals and should demonstrate compliance with any other applicable Federal, State or local requirements, and when such approvals are expected. Applicants should provide a website link or other reference to copies of any reviews, approvals, and permits prepared.
- iii.** Environmental studies or other documents, preferably through a website link, that describe in detail known project impacts, and possible mitigation for those impacts.
- iv.** A description of discussions with the appropriate DOT operating administration field or headquarters office regarding the project's compliance with NEPA and other applicable Federal environmental reviews and approvals.

¹⁸ Projects that may impact protected resources such as wetlands, species habitat, cultural or historic resources require review and approval by Federal and State agencies with jurisdiction over those resources.

- v. If applicable, right-of-way acquisition plans, with detailed schedule and compensation plan.
 - vi. A description of public engagement about the project that has occurred, proactively inclusive of historically disadvantaged communities, including details on compliance with environmental justice requirements and the degree to which public comments and commitments have been integrated into project development and design. Right-of-Way acquisition plans should be provided if applicable.
2. State and Local Approvals. The applicant should demonstrate receipt of State and local approvals on which the project depends, such as State and local environmental and planning approvals and Statewide Transportation Improvement Program (STIP) or Transportation Improvement Program (TIP) funding. For projects acquiring State DOT-owned right of way, applicants should demonstrate they have coordinated the project with the State DOT or transportation facility owner. Additional support from relevant State and local officials is not required; however, an applicant should demonstrate that the project has broad public support.
3. Federal Transportation Requirements Affecting State and Local Planning. The planning requirements applicable to the relevant operating administration apply to

all RAISE grant projects,¹⁹ including projects located at airport facilities.²⁰

Applicants should demonstrate that a project that is required to be included in the relevant State, metropolitan, and local planning documents has been or will be included in such documents. If the project is not included in a relevant planning document at the time the application is submitted, the applicant should submit a statement from the appropriate planning agency that actions are underway to include the project in the relevant planning document. To the extent possible, freight projects should be included in a State Freight Plan and supported by a State Freight Advisory Committee (49 U.S.C. 70201, 70202), if these exist. Applicants should provide links or other documentation supporting this consideration such as letters of support from the State DOT if the project is

¹⁹ Under 23 U.S.C. 134 and 135, all projects requiring an action by FHWA must be in the applicable plan and programming documents (e.g., metropolitan transportation plan, transportation improvement program (TIP) and statewide transportation improvement program (STIP)). Further, in air quality non-attainment and maintenance areas, all regionally significant projects, regardless of the funding source, must be included in the conforming metropolitan transportation plan and TIP. Inclusion in the STIP is required under certain circumstances. To the extent a project is required to be on a metropolitan transportation plan, TIP, and/or STIP, it will not receive a RAISE grant until it is included in such plans. Plans that do not currently include the awarded RAISE project can be amended by the State and MPO. Projects that are not required to be in long range transportation plans, STIPs, and TIPs will not need to be included in such plans to receive a RAISE grant. Port, freight rail, and intermodal projects are not required to be on the State Rail Plans called for in the Passenger Rail Investment and Improvement Act of 2008, or in a State Freight Plan (unless National Highway Freight Program funding is identified as a source of other federal funding – States may modify their Freight Investment Plan of a State Freight Plan after award of discretionary grant funding; non-State applicants would need a letter from the State indicating intent to add to State Freight Plan for use of NHFP funding pursuant to selection). However, applicants seeking funding for freight projects are encouraged to demonstrate that they have done sufficient planning to ensure that projects fit into a prioritized list of capital needs and are consistent with long-range goals. Means of demonstrating this consistency would include whether the project is in a TIP or a State Freight Plan that conforms to the requirements 49 U.S.C. 70202 prior to the start of construction. The Port Planning and Investment Took Kit is available at <https://aapa.cms-plus.com/files/PDFs/Toolkit/Final%20toolkit.pdf>

²⁰ Projects at or near airports must be compatible with any FAA-approved Airport Layout Plan for each associated airport, applicable airport safety and airspace standards, including aeronautical surfaces associated with the landing and takeoff of aircraft at the airport, 14 CFR Part 77, and compatible land-use. Additionally, projects at an airport: must be consistent with established Sponsor Grant Assurances, including (but not limited to) requirements for non exclusive-use aeronautical facilities, consultation with users, consistency with local plans including development of the area surrounding the airport, and consideration of the interest of nearby communities, among others; and must not adversely affect the continued and unhindered access of passengers to the terminal.

intended to be included in the State Freight Plan, or results from application of the FHWA Freight Mobility Tool

(https://ops.fhwa.dot.gov/freight/freight_analysis/mobility_trends/index.htm).

Because projects have different schedules, the construction start date for each RAISE grant must be specified in the project-specific agreements signed by relevant operating administration and the grant recipients, based on critical path items that applicants identify in the application and will be consistent with relevant State and local plans.

(c) Assessment of Project Risks and Mitigation Strategies

Project risks, such as procurement delays, environmental uncertainties, increases in real estate acquisition costs, uncommitted local match, unavailability of vehicles that either comply with Federal Motor Vehicle Safety Standards or are exempt from Federal Motor Vehicle Safety Standards in a manner that allows for their legal acquisition and deployment, unavailability of domestically manufactured equipment, or lack of legislative approval, affect the likelihood of successful project start and completion. The applicant should provide a public involvement plan demonstrating meaningful engagement of the community affected by the project, to include environmental justice communities or disadvantaged communities, where applicable. The applicant should identify all material risks to the project and the strategies that the lead applicant and any project partners have undertaken or will undertake to mitigate those risks. The applicant should assess the greatest risks to the project and identify how the project parties will mitigate those risks.

If an applicant anticipates pursuing a waiver for relevant domestic preference laws, the applicant should describe steps that have been or will be taken to maximize the use of domestic goods, products, and materials in constructing its project.

To the extent the applicant is unfamiliar with the Federal program, the applicant should contact the appropriate DOT operating administration field or headquarters offices, as found in contact information at www.transportation.gov/RAISEgrants, for information on the pre-requisite steps to obligate Federal funds in order to ensure that their project schedule is reasonable and that there are no risks of delays in satisfying Federal requirements.

RAISE planning grant applicants should describe their capacity to successfully implement the proposed activities in a timely manner.

vi. Benefit Cost Analysis

This section describes the recommended approach for the completion and submission of a benefit-cost analysis (BCA) as an appendix to the Project Narrative. The purpose of the BCA is to enable DOT to evaluate the project's cost-effectiveness by comparing its expected benefits to its expected costs. The results of the analysis should be summarized in the Project Narrative directly, as described in Section D.2. Applicants should also provide all relevant files used for their BCA, including any spreadsheet files and technical memos describing the analysis (whether created in-house or by a contractor). The spreadsheets and technical memos should present the calculations in sufficient detail and transparency to allow the analysis to be reproduced by DOT evaluators.

The BCA should carefully document the assumptions and methodology used to produce the analysis, including a description of the baseline, the sources of data used to project the outcomes of the project, and the values of key input parameters. The analysis should provide present value estimates of a project's benefits and costs relative to a no-build baseline. To calculate present values, applicants should apply a real discount rate of 7 percent per year to the project's streams of benefits and costs, which should be stated in constant-dollar terms. The costs and benefits that are compared in the BCA must cover the same project scope.

Any benefits claimed for the project, both quantified and unquantified, should be clearly tied to the expected outcomes of the project. Projected benefits may accrue to both users of the facility and those who are affected by its use (such as through changes in emissions of greenhouse gases and other pollutants or availability of more affordable transportation choices). Usage forecasts applied in estimating future benefits should account for any additional demand induced by the improvements to the facility. While benefits should be quantified wherever possible, applicants may also describe other categories of benefits in the BCA that are more difficult to quantify and/or value in economic terms.

The BCA should include the full costs of developing, constructing, operating, and maintaining the proposed project, as well as the expected timing or schedule for costs in each of these categories. The BCA may also consider the present discounted value of any remaining service life of the asset at the end of the analysis period.

Detailed guidance from DOT on estimating benefits and costs, together with recommended economic values for converting them to dollar terms and discounting to their present values, is available on the RAISE grant program website (see www.transportation.gov/RAISEgrants/additional-guidance).

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant must: 1) be registered in SAM before submitting its application; 2) provide a valid unique entity identifier in its application; and 3) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. DOT may not make a RAISE grant to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make a RAISE grant, DOT may determine that the applicant is not qualified to receive a RAISE grant and use that determination as a basis for making a RAISE grant to another applicant.

4. Submission Dates and Times

Applications must be submitted by 5:00 PM Eastern on April 14, 2022. To submit an application through Grants.gov, applicants must:

- (1) Obtain a Unique Entity Identifier (UEI) number;²¹
- (2) Register with the System for Award Management (SAM) at www.SAM.gov;
- (3) Create a Grants.gov username and password; and
- (4) The E-Business Point of Contact (POC) at the applicant's organization must respond to the registration email from Grants.gov and login at Grants.gov to authorize the applicant as the Authorized Organization

²¹ On April 4, 2022 the Federal government will stop using the Data Universal Numbering System (DUNS) number to uniquely identify entities. At that point, entities doing business with the Federal government will use a Unique Entity Identifier (UEI) created in SAM.gov. If your entity is currently registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations.

Representative (AOR). Please note that there can be more than one AOR for an organization.

Please note that the Grants.gov registration process usually takes 2-4 weeks to complete and that DOT will not consider late applications that are the result of failure to register or comply with Grants.gov applicant requirements in a timely manner. For information and instruction on each of these processes, please see instructions at <http://www.grants.gov/web/grants/applicants/applicant-faqs.html>. If applicants experience difficulties at any point during the registration or application process, please call the Grants.gov Customer Service Support Hotline at 1(800) 518-4726.

5. Other Submission Requirements

(a) Submission Location

Applications must be submitted to Grants.gov.

(b) Consideration of Applications:

Only applicants who comply with all submission deadlines described in this notice and electronically submit valid applications through Grants.gov will be eligible for award. Applicants are strongly encouraged to make submissions in advance of the deadline.

(c) Late Applications

Applicants experiencing technical issues with Grants.gov that are beyond the applicant's control must contact RAISEgrants@dot.gov prior to the application deadline with the user name of the registrant and details of the technical issue experienced. The applicant must provide:

- (1) Details of the technical issue experienced;
- (2) Screen capture(s) of the technical issues experienced along with corresponding Grants.gov "Grant tracking number;"

- (3) The “Legal Business Name” for the applicant that was provided in the SF-424;
- (4) The AOR name submitted in the SF-424;
- (5) The UEI number associated with the application; and
- (6) The Grants.gov Help Desk Tracking Number.

To ensure a fair competition of limited discretionary funds, the following conditions are not valid reasons to permit late submissions: (1) failure to complete the registration process before the deadline; (2) failure to follow Grants.gov instructions on how to register and apply as posted on its website; (3) failure to follow all instructions in this notice of funding opportunity; and (4) technical issues experienced with the applicant’s computer or information technology environment. After DOT reviews all information submitted and contacts the Grants.gov Help Desk to validate reported technical issues, DOT staff will contact late applicants to approve or deny a request to submit a late application through Grants.gov. DOT will not accept appeals of DOT’s decision to approve or deny a request for a late application. If the reported technical issues cannot be validated, late applications will be rejected as untimely.

(d) Compliance with Section 508 of the Rehabilitation Act of 1973

The Department encourages applicants to submit documents that are compliant with Section 508 of the Rehabilitation Act of 1973. Section 508 guidelines are available at <https://www.access-board.gov/ict/>.

E. Application Review Information

1. Criteria

(a) Capital Projects

This section specifies the criteria that DOT will use to evaluate and award applications for RAISE grants. The criteria incorporate the statutory eligibility requirements for this program,

which are specified in this notice. The Department will review merit criteria for all applications and will review project readiness and benefit-cost analyses for a subset of projects based on the merit criteria. Section E.2 describes the review and selection process.

i. Merit Criteria

For each merit criterion, the Department will consider whether the benefits are clear, direct, data-driven, and significant, which will result in a rating of “high,” “medium,” “low,” or “non-responsive.” As further described in the rubric below, to receive a “high” criterion rating, the criterion must be addressed as a primary project purpose (not an ancillary or incidental consideration), significant benefits in the criterion must accrue to and the benefits must represent more than standard, common practice. To receive a “medium” criterion rating, the criterion must be addressed as a primary project purpose (rather than ancillary or incidental) with clear and direct benefits *aligned with common practice* for the project type. To receive a “low” criterion rating, the criterion benefits may be ancillary or incidental (rather than a primary project purpose) or there may be limited information to assess the benefits. Projects that negatively affect the criterion or for which the application does not contain sufficient information to assess the criterion will receive a “non-responsive” criterion rating. Specific considerations for each merit criterion are described in the rating rubric and following sections (a) through (h). Section E.2 describes how these ratings are used in the review and selection process.

The criterion ratings will inform the following overall Merit Rating in accordance with this rubric below:

- Highly Recommended if five of the eight merit criteria ratings are “high” and none of the merit criteria ratings are “non-responsive.”

- Recommended if at least one, but no more than four, of the merit criteria ratings are “high”, no more than three of the merit criteria ratings are “low”, and none are “non-responsive.”
- Acceptable if (1) there are no “high” ratings and no more than two “non-responsive” ratings, or (2) there are “high” ratings, but four or more “low” ratings, and no more than two “non-responsive” ratings
- Unacceptable if there are three or more “non-responsive” ratings.

Selection Criteria:	Non-Responsive	Low	Medium	High
Safety	Application contains insufficient information to assess safety benefit OR project negatively affects safety	Project may protect travelers or communities from health and safety risks as an ancillary benefit, but safety is not a primary project purpose OR application contains limited information to assess safety benefit.	Project has clear and direct benefits with common practices for planning, designing, or building infrastructure intended to: <ul style="list-style-type: none"> • Protect non-motorized travelers or communities from health and safety risks; or • Reduce fatalities and/or serious injuries; or • Mitigate systemic safety issues 	Project has clear, direct, data-driven, and <u>significant</u> benefits beyond common practice for planning, designing, or building infrastructure that targets a known, documented safety problem by: <ul style="list-style-type: none"> • Protecting non-motorized travelers and communities from health and safety risks; or • Reducing fatalities and/or serious injuries for underserved, overburdened, or disadvantaged communities; or • Mitigating systemic safety issues
Environmental Sustainability	Application contains insufficient information to assess environmental sustainability benefits OR project	Project may improve resiliency and reduce emissions as an ancillary benefit but environmental sustainability is not a primary	Project has clear and direct benefits with common practices for planning, designing, or building infrastructure to: <ul style="list-style-type: none"> • Reduce air pollution and greenhouse gas 	Environmental sustainability is an explicit project purpose AND the project has clear, direct, data-driven, and <u>significant</u> benefits beyond common practice for planning, designing, or

Selection Criteria:	Non-Responsive	Low	Medium	High
	negatively affects environmental sustainability	project purpose OR application contains limited information to assess environmental sustainability benefits	<p>emissions from transportation; or</p> <ul style="list-style-type: none"> • Improve the resilience of at-risk infrastructure; or • Reduce vehicle miles traveled; or • Promote energy efficiencies; or • Support fiscally responsible land use and transportation efficient design; or • Incorporate electrification or zero emission vehicle infrastructure; or • Recycle or redevelop brownfield sites 	<p>building infrastructure to:</p> <ul style="list-style-type: none"> • Reduce transportation-related air pollution and greenhouse gas emissions from uncoordinated land-use decisions; or • Reduce vehicle miles traveled, or • Promote energy efficiencies; or • Support fiscally responsible land use and transportation efficient design; or • Incorporate electrification or zero emission vehicle infrastructure; or • Improve the resilience of at-risk infrastructure; or • Recycle or redevelop brownfield sites; or • Address the disproportionate negative environmental impacts of transportation on underserved, overburdened, or disadvantaged communities
Quality of Life	Application contains insufficient information to assess quality of life benefits OR negatively affects quality of life	Quality of life is an ancillary benefit but not a primary project purpose OR the application contains limited information to assess quality of life benefits	<p>Project has clear and direct benefits for planning, designing, or building infrastructure to:</p> <ul style="list-style-type: none"> • Increase accessibility for travelers; or • Proactively address racial 	<p>Quality of life is an explicit project purpose AND the project has clear, direct, data-driven, and <i>significant</i> benefits beyond common practice for planning, designing, or building infrastructure to:</p>

Selection Criteria:	Non-Responsive	Low	Medium	High
			<p>equity or other disparities; or</p> <ul style="list-style-type: none"> Remove barriers for individuals and communities to transportation, jobs, and business, opportunities; or Enhance the unique characteristics of the community 	<ul style="list-style-type: none"> Increase accessibility for travelers specifically for underserved, overburdened, or disadvantaged communities; or Reduce transportation and housing cost burdens, including through commercial and mixed-income residential development near public transportation, along rural main streets, or other walkable neighborhoods; or Remove barriers for individuals and communities to transportation, jobs, and business, opportunities; or Proactively address racial equity or other disparities; or Enhance the unique characteristics of the community for underserved, overburdened, or disadvantaged communities
Mobility and Community Connectivity	Application contains insufficient information to assess mobility and community connectivity benefits OR project negatively affects mobility	Mobility and community connectivity is an ancillary benefit but not a primary project purpose OR the application contains limited information to assesses mobility	<p>Project has clear and direct benefits with common practices for planning, designing, or building infrastructure to:</p> <ul style="list-style-type: none"> Increase affordable transportation choices; or 	<p>Mobility and community connectivity is an explicit project purpose AND the project has clear, direct, data-driven, and <u>significant</u> benefits, beyond common practice for planning, designing, or building infrastructure to:</p>

Selection Criteria:	Non-Responsive	Low	Medium	High
	and connectivity	and community connectivity benefits	<ul style="list-style-type: none"> Proactively incorporate Universal Design; or Increase multimodal freight movement and the movement of supply chains 	<ul style="list-style-type: none"> Increase affordable transportation choices for underserved, overburdened, or disadvantaged communities; or Increase the accessibility for all users of a project, particularly non-motorized travelers (those walking, cycling, rolling, or using transit; or Encourage thriving communities for individuals to work, live, and play by creating transportation choices for individuals to move freely with or without a car; or Proactively incorporate Universal Design; or Increase multimodal freight movement and the movement of supply chains
Economic Competitiveness and Opportunity	Application contains insufficient information to assess mobility and community connectivity benefits OR project negatively affects economic competitiveness	Economic Competitiveness and Opportunity is an ancillary benefit but not a primary project purpose OR the application contains limited information to assess economic competitiveness and opportunity benefits	<p>Project has clear and direct benefits with common practices for planning, designing, or building infrastructure to:</p> <ul style="list-style-type: none"> Improve system operations to increase travel time reliability, velocity of goods movement, and multimodal freight mobility, especially for 	<p>Economic competitiveness is an explicit project purpose AND the project has clear, direct, data-driven, and <i>significant</i> benefits beyond common practice for planning, designing, or building infrastructure to:</p> <ul style="list-style-type: none"> Improve system operations to increase travel time reliability, velocity of goods movement,

Selection Criteria:	Non-Responsive	Low	Medium	High
			<p>supply chain bottlenecks; or</p> <ul style="list-style-type: none"> • Offer significant regional and national improvements in economic strength and opportunity by increasing the economic productivity of land, capital, or labor; creating or expanding high-quality, good-paying jobs; and improving the economic strength of regions and cities • Increase transportation options and system connectivity to revitalize communities, increase access to location-efficient affordable housing, or facilitate tourism opportunities; or • Implement local hire agreements or the use of registered apprenticeship 	<p>and multimodal freight mobility, especially for supply chain bottlenecks; or</p> <ul style="list-style-type: none"> • Offer significant regional and national improvements in economic strength and opportunity by increasing the economic productivity of land, capital, or labor; creating or expanding high-quality, good-paying jobs; and improving the economic strength of regions and cities • Increase transportation options and system connectivity to revitalize underserved, overburdened, or disadvantaged communities, increase access to jobs and location-efficient affordable housing, or facilitate tourism opportunities; or • Implement local hire agreements or the use of registered apprenticeship

Selection Criteria:	Non-Responsive	Low	Medium	High
State of Good Repair	Application contains insufficient information to assess state of good repair benefits OR project negatively affects state of good repair	State of good repair is an ancillary benefit (to include routine or deferred maintenance) but not a primary project purpose OR the application contains limited information to assess state of good repair benefits	Project has clear and direct benefits with common practices for planning, designing, or building infrastructure to: <ul style="list-style-type: none"> • Restore and modernize core infrastructure assets; or • Address current or projected system vulnerabilities; or • Maintain assets in a state of good repair 	State of good repair is an explicit project purpose AND the project has clear, direct, data-driven, and <i>significant</i> benefits beyond common practice for planning, designing, or building infrastructure to: <ul style="list-style-type: none"> • Restore and modernize core infrastructure assets; or • Address current or projected system vulnerabilities for underserved, overburdened, or disadvantaged communities; or • Maintain assets in a state of good repair
Partnership and Collaboration	Application contains insufficient to assess the partnership and collaboration aspects of project; OR project negatively affects partners or community members (e.g. negative impacts from ROW acquisition)	Partnership and Collaboration is not a primary project purpose OR the application contains limited information to assess partnership and collaboration benefits	Project has, or will, support and engage diverse people and communities by: <ul style="list-style-type: none"> • Collaborating with other public and private entities • Supporting the expansion of high-quality, good paying jobs through workforce development programs and incorporating workforce strategy into project development; or • Incorporating private sector entities in transportation infrastructure 	Project has, or will, support and engage diverse people and communities beyond common practice by: <ul style="list-style-type: none"> • Collaborating with other public and private entities; or • Ensuring that equity considerations for underserved, overburdened, or disadvantaged communities are meaningfully integrated into planning, development, and implementation of transportation investment; or • Supporting the creation or expansion of high-quality, good-paying jobs through

Selection Criteria:	Non-Responsive	Low	Medium	High
			planning, designing, or building	<p>workforce development programs that incorporate worker representatives and incorporating workforce strategy into project development; or</p> <ul style="list-style-type: none"> • Incorporating private sector entities, particularly DBEs, in transportation infrastructure planning, designing, or building
Innovation	Application contains insufficient information to assess innovation benefits	Innovation is not a primary project purpose OR the application contains limited information to assess innovation benefits	<p>Project has clear and direct benefits with common practices for planning, designing, or building infrastructure for:</p> <ul style="list-style-type: none"> • Deploying innovative technologies that drive safety, equity, climate and resilience, or economic outcomes or augment workers; or • Using innovative practices that facilitate improved project delivery; or • Incorporating innovative funding and financing 	<p>Innovation is an explicit project purpose AND the project has clear, direct, data-driven, and <u>significant</u> benefits beyond common practice for planning, designing, or building infrastructure for:</p> <ul style="list-style-type: none"> • Deploying technologies and other practices that drive safety, equity, climate and resilience, or economic outcomes for underserved, overburdened, or disadvantaged communities or augment workers; • Using practices that facilitate improved project delivery; or • Incorporating innovative funding and financing

(a) Safety

DOT will assess how the project targets a known safety problem and seeks to protect motorized and non-motorized travelers and communities from health and safety risks. DOT will consider the project's estimated impacts on the number, rate, and consequences of crashes, fatalities and serious injuries among transportation users; the degree to which the project addresses vulnerable roadway users; and the degree to which the project addresses inequities in crash victims; the project's incorporation of roadway design and technology that is proven to improve safety. Applicants are encouraged to support actions and activities identified in the Supports actions and activities identified in the National Roadway Safety Strategy.²²

(b) Environmental Sustainability

DOT will consider the extent to which the project incorporates considerations of climate change and environmental justice in the planning stage and in project delivery, such as through incorporation of specific design elements that address climate change impacts. DOT will evaluate the degree to which the project is expected to reduce transportation-related pollution such as air pollution and greenhouse gas emissions, increase use of lower-carbon travel modes such as transit and active transportation, improve the resiliency of at-risk infrastructure, incorporate lower-carbon pavement and construction materials, or address the disproportionate negative environmental impacts of transportation on disadvantaged communities. DOT will also consider whether the project will promote energy efficiencies, support fiscally responsible land use and transportation efficient design, incorporate electrification or zero emission vehicle infrastructure, increases resiliency, and recycle or redevelop brownfield sites, particularly in communities that disproportionately experience climate-change-related consequences. DOT will

²² www.transportation.gov/NRSS

consider whether projects in floodplains are upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, *Climate-Related Financial Risk* (86 FR 27967) and 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input* (80 FR 6425.) DOT will assess whether the project has addressed environmental sustainability, including but not limited to consideration of the following examples:

(1) The project results in significant greenhouse gas emissions reductions relative to a no-action baseline;

(2) A Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions has been prepared and the project directly supports that Climate Action Plan;

(3) The regional transportation improvement program (TIP) or statewide transportation improvement program (STIP) does not dedicate a significant share of funding (inclusive of all sources) to highway expansion;

(4) A Local/Regional/State Equitable Development Plan has been prepared and the project directly supports that Equitable Development Plan;

(5) The project sponsor has used environmental justice tools such as the EJSCREEN to minimize adverse impacts to environmental justice communities

(<https://ejscreen.epa.gov/mapper/>);

(6) A Local/Regional/State Energy Baseline Study has been prepared and the project directly supports that study;

(7) The project supports a modal shift in freight or passenger movement to reduce emissions, or reduce induced travel demand. The project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions;

- (8) The project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both;
- (9) The project supports the installation of electric vehicle charging stations;
- (10) The project promotes energy efficiency;
- (11) The project serves the renewable energy supply chains;
- (12) The project improves disaster preparedness and resiliency;
- (13) The project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity;
- (14) The project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm (e.g. brownfield redevelopment);
- (15) The project supports or incorporates the construction of energy- and location-efficient buildings; or
- (16) The project proposes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both.

(c) Quality of Life

DOT will consider the extent to which the project improves quality of life in rural areas or urbanized areas. This may include projects that: (i) increase affordable and accessible transportation choices and equity for individuals; (ii) reduce transportation and housing cost burdens, including through public and private investments to support greater commercial and mixed-income residential development near public transportation, along rural main streets or in walkable neighborhoods (iii) enhance the unique characteristics of the community; or (iv)

proactively address racial equity²³ or other disparities and barriers to opportunity, through the planning process or through incorporation of design elements. DOT will assess whether the project proactively addresses racial equity and barriers to opportunity, including but not limited to the following examples:

- (1) Equity impact analysis completed for the project;
 - (2) The project sponsor has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall project delivery and implementation;
 - (3) The project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation; or
 - (4) The project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities.
- (d) Mobility and Community Connectivity

DOT will consider the extent to which the applicant describes how the project will increase mobility and expand connectivity for motorized and non-motorized travelers or underserved communities to transportation, jobs, and business opportunities by removing barriers for individuals and communities. DOT will consider how the project increases the walkability and accessibility for pedestrians and encourages thriving communities for individuals to work, live, and play by creating transportation choices for individuals to move freely with or

²³ Definitions for “racial equity” and “underserved communities” are found in Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Sections 2 (a) and (b).

without a car. DOT will consider whether the project includes new or improved walking, biking, and access for people with disabilities and proactively incorporates Universal Design. DOT will also consider the extent to which projects increase mobility for freight and the movement of goods through supply chains.

(e) Economic Competitiveness and Opportunity

DOT will assess the degree to which the project will:

(1) improve system operations to increase travel time reliability and manage travel demand for goods movement, especially for supply chain bottle necks, thereby reducing the cost of doing business and improving local and regional freight connectivity to the national and global economy;

(2) decrease transportation costs and improve access, through reliable and timely access, to employment centers and job opportunities;

(3) offer significant regional and national improvements in economic strength by increasing the economic productivity of land, capital, or labor, and improving the economic strength of regions and cities;

(4) increase opportunities for tourism;

(5) result in long-term job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union, such as through the use of project labor agreements, registered apprenticeships, and local hiring provisions, or other targeted preferential hiring requirements, or other similar standards or protections;

(6) help the United States compete in a global economy by encouraging the location of important industries and future innovations and technology in the U.S., and facilitating efficient and reliable freight movement.

(f) State of Good Repair

DOT will assess whether and to what extent the project (1) is consistent with relevant plans to maintain transportation facilities or systems in a state of good repair, including DOT-required asset management; and (2) addresses current and projected vulnerabilities that, if left unimproved, will threaten future transportation network efficiency, mobility of goods or accessibility and mobility of people, or economic growth. DOT will also consider whether the project includes a plan to maintain the transportation infrastructure built with grant funds in a state of good repair. DOT will prioritize projects that ensure the good condition of transportation infrastructure, including rural transportation infrastructure, and support commerce and economic growth. Projects that represent routine or deferred maintenance will be less competitive in this criterion. Per FHWA's published *Policy on Using Bipartisan Infrastructure Law Resources to Build a Better America*²⁴, the Department encourages applicants to improve the condition and safety of existing state and locally-owned transportation infrastructure within the right-of-way before proposing projects that add new general purpose travel lanes serving single occupancy vehicles.

(g) Partnership and Collaboration

DOT will consider the extent to which the projects have or will engage diverse people and communities and demonstrate that equity considerations and community input and ownership, particularly among disadvantaged communities, are meaningfully integrated into planning, development, and implementation of transportation investments. Competitive applications should demonstrate strong collaboration and support among a broad range of stakeholders, including community-based organizations, other public or private entities and labor

²⁴ https://www.fhwa.dot.gov/bipartisan-infrastructure-law/docs/building_a_better_america-policy_framework.pdf

unions. Projects with strong partnership typically involve multiple partners in project development and funding, such as State and local governments, other public entities, and private or nonprofit entities, particularly minority business enterprises. DOT will consider applicants that partner with State, local, community-based, and private entities for the completion and operation of transportation infrastructure to have strong partnership. DOT will consider whether the project supports the expansion of high-quality, good paying jobs through workforce development programs, including labor-management programs, and incorporating workforce strategy into project development. Whenever people or businesses, including those from disadvantaged communities, are forced to be relocated due to the project, DOT will consider whether applicants are providing adequate compensation and mitigation to maintain community cohesion.

DOT will also assess the extent to which the project application demonstrates collaboration among neighboring or regional jurisdictions to achieve local or regional benefits, especially equity-focused community outreach and public engagement in the project's planning in underserved communities.

DOT will also consider the extent to which projects include partnerships that bring together diverse transportation agencies or are supported, financially or otherwise, by other public and private stakeholders that are pursuing similar objectives. For example, DOT will consider the extent to which transportation projects are coordinated with greater economic development such as commercial and mixed-income residential development near public transportation, along rural main streets or other walkable neighborhoods projects, water and waste infrastructure, power and electric infrastructure, broadband and land plans and policies, or other community development efforts.

(h) Innovation

Consistent with DOT's Innovation Principles to support workers, allow for experimentation and learn from failure, provide opportunities to collaborate, and be flexible and adapt as technology changes, DOT will assess the extent to which the applicant uses innovative strategies, including: (1) innovative technologies; (2) innovative project delivery; or (3) innovative financing.

1. Innovative Technologies

Consistent with overarching goals to support good-paying jobs with the choice of a union and strong labor standards, DOT will assess innovative technological approaches to transportation, particularly in relation to automated, connected, and electric vehicles and the detection, mitigation, and documentation of safety risks. When making RAISE grant award decisions, DOT will consider any innovative technological approaches proposed by the applicant, particularly projects that incorporate innovative technological design solutions, enhance the environment for connected, electric, and automated vehicles, or use technology to improve the detection, mitigation, and documentation of safety risks. Innovative technological approaches may include, but are not limited to:

- Conflict detection and mitigation technologies (e.g., intersection alerts and signal prioritization);
- Dynamic signaling, smart traffic signals, or pricing systems to reduce congestion;
- Traveler information systems, to include work zone data exchanges;
- Signage and design features that facilitate autonomous or semi-autonomous vehicle technologies;

- Applications to automatically capture and report safety-related issues (e.g., identifying and documenting near-miss incidents);
- Vehicle-to-Everything V2X Technologies (e.g. technology that facilitates passing of information between a vehicle and any entity that may affect the vehicle);
- Vehicle-to-Infrastructure (V2I) Technologies (e.g., digital, physical, coordination, and other infrastructure technologies and systems that allow vehicles to interact with transportation infrastructure in ways that improve their mutual performance);
- Vehicle-to-Grid Technologies (e.g., technologies and infrastructure that encourage electric vehicle charging, and broader sustainability of the power grid);
- Cybersecurity elements to protect safety-critical systems;
- Broadband deployment and the installation of high-speed networks concurrent with the transportation project construction;
- Technology at land and seaports of entry that reduces congestion, wait times, and delays, while maintaining or enhancing the integrity of our border;
- Work Zone data exchanges or related data exchanges; or
- Other Intelligent Transportation Systems (ITS) that directly benefit the project's users as well as workers.

For innovative safety proposals, DOT will evaluate safety benefits that those approaches could produce and the broader applicability of the potential results. DOT will also assess the extent to which the project uses innovative technology that supports surface transportation to

significantly enhance the operational performance of the transportation system. Please note that all innovative technology must be in compliance with 2 CFR § 200.216.²⁵

2. Innovative Project Delivery

DOT will consider the extent to which the project utilizes innovative practices in contracting (such as public-private partnerships and single contractor design-build arrangements), congestion management, asset management, or long-term operations and maintenance.

DOT also seeks projects that employ innovative approaches to improve the efficiency and effectiveness of the environmental permitting and review to accelerate project delivery and achieve improved outcomes for communities and the environment. DOT's objective is to achieve timely and consistent environmental review and permit decisions. Participation in innovative project delivery approaches will not remove any statutory requirements affecting project delivery.

3. Innovative Financing

DOT will assess the extent to which the project incorporates innovations in transportation funding and finance through both traditional and innovative means, including by using private sector funding or financing or using congestion pricing or other demand management strategies to address congestion in major urban areas.

ii. Demonstrated Project Readiness

For capital projects that receive second-tier analysis, during application evaluation,²⁶ DOT will consider project readiness to assess the likelihood of a successful project. In that project readiness analysis, DOT will consider three evaluation ratings: Environmental Risk,

²⁵ <https://ecfr.federalregister.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.216>

²⁶ The process for determining which applications receive second-tier analysis is described in Section E.2 of this notice.

Technical Assessment, and Financial Completeness Assessment. The application should contain a section that explicitly addresses Environmental Risk, but the Technical Assessment and Financial Completeness Assessment will be based on information contained throughout the application. Environmental Risk assessment analyzes the project's environmental approvals and likelihood of the necessary approval affecting project obligation, and results in a rating of "high risk," "moderate risk," or "low risk." The Technical Assessment will be reviewed for all eligible applications and will assess the applicant's capacity to successfully deliver the project in compliance with applicable Federal requirements based on factors including the recipient's experience working with Federal agencies, civil rights compliance, previous experience with DOT discretionary grant awards and the technical experience and resources dedicated to the project. Technical Assessment ratings will be one of the following: "certain," "somewhat certain," "uncertain," or "unknown." Lack of previous project delivery according to Federal requirements is not sufficient justification for a rating of "uncertain," but may result in a rating of "unknown." The Financial Completeness Assessment reviews the availability of matching funds and whether the applicant presented a complete funding package, and will receive a rating of "complete," "partially complete," or "incomplete." For projects that receive a rating of "complete" and include funding estimates that are based on early stages of design (e.g. less than 30 percent design) or outdated cost estimates, without specified contingency, evaluators may add a comment to note the potential for uncertainty in the estimated project costs. All applicants, including those requesting 100 percent grant funding, should describe a plan to address potential cost overruns. Low ratings in any of these readiness areas do not disqualify projects from award, but competitive applications clearly and directly describe achievable risk mitigation strategies. A project with mitigated risks or with a risk mitigation plan is more competitive than a comparable project with unaddressed risks.

iii. Economic Analysis of Project Costs and Benefits

For capital projects that receive second-tier analysis, DOT will consider the costs and benefits of projects seeking RAISE grant funding in determining whether a project is cost effective. To the extent possible, DOT will rely on quantitative, evidenced-based and data-supported analysis to assess how well a project addresses this criterion, including an assessment of the project's estimated benefit-cost ratio (BCR) based on the applicant-supplied BCA described in Section D.2.vi.

To evaluate the costs and benefits of a proposed project, DOT will assign the project as either negative (costs exceed benefits) or positive (benefits exceed costs.) Projects with negative ratings will not be selected for an award, unless the project demonstrates clear outcomes, as identified by the SRT, for overburdened, underserved, or historically disadvantaged communities.

(b) Planning Grants

Planning grant applications will be evaluated against the same merit criteria as capital grants. The Department will consider how the plan, once implemented, will ultimately further the merit criteria. The only readiness reviews for planning grants are the Technical Assessment and the Financial Completeness Assessment. DOT will not evaluate the benefits and costs (as expressed in a benefit-cost analysis) or environmental risks of projects that do not include construction.

(c) Additional Considerations

The BIL requires DOT to consider geographical and modal diversity when selecting RAISE grant awards.

2. Review and Selection Process

This section explicitly addresses the BIL requirement to describe the methodology for evaluation in the NOFO. The RAISE grant program review and selection process consists of Merit Criteria Review; Project Readiness Review (consisting of Technical Assessment, Environmental Risk Review, Financial Completeness Review); Economic Analysis; and Senior Review. The Secretary makes final project selections.

Teams comprising Department and contractor staff review all eligible applications received by the deadline for a Merit Review and assign ratings as described in Section E.1.i.

Projects that receive “High” ratings in five or more criteria and no “Non-responsive” ratings will be designated “Highly Recommended” and automatically advance for second-tier analysis. Projects that receive a “High” in any selection criterion, no more than three “Low” ratings, and no “Non-responsive” ratings will be designated as “Recommended.” The Senior Review Team (SRT) reviews all “Recommended” projects to determine if the benefits of a particular criterion are so significant that the project merits advancing for second-tier analysis. The SRT can advance a “Recommended” project only if (1) the project received a “high” in the priority criteria of safety, environmental sustainability, mobility and community connectivity, or quality of life merit criteria, and the benefits are exceptional or (2) if the SRT provides additional information to demonstrate that a criterion has benefits that are aligned with a “high” rating (whether or not the Merit Review Team assigned a “high” rating) and would be exceptional. Senior Operating Administration staff and OST staff may make recommendations to the SRT for which projects should advance based on the benefits of a particular criterion.

Second-tier analysis for capital projects consists of: (1) an Economic Analysis; (2) an Environmental Risk Assessment; and (3) a Financial Completeness Assessment. Second-tier analysis for planning projects consists only of a Financial Completeness Assessment. The

Economic Analysis assesses the proposed project's estimated benefit-cost ratio. The Environmental Risk assessment analyzes the project's environmental approvals and the likelihood of the necessary approvals affecting the project's timely obligation of funds. The Financial Completeness Assessment reviews the availability of matching funds and ability to address cost overruns.

Following completion of second-tier analysis, the SRT determines which projects with second-tier analysis are designated as Highly Rated. The SRT may advise the Secretary on projects with the greatest local and regional impact based on selection criteria described in Section E.1 of this Notice. The Secretary selects projects from the Highly Rated List for award, consistent with the selection criteria and statutory requirements for geographic and modal diversity.

The BIL mandated RAISE grant awards by August 12, 2022.

Consistent with past practice, the Department offers debriefs to applicants not selected for award to receive information about the RAISE project's evaluation. Due to overwhelming demand, the Department is unable to provide a RAISE award to every competitive project that applies. The Department will identify "Projects of Merit" with the aim of encouraging sponsors with competitive projects that do not receive a RAISE 2022 award to consider applying in future rounds of funding. Projects for which a RAISE application is advanced by the SRT on the Highly Rated List, but that are not awarded, are automatically designated as "Projects of Merit." This is a novel designation that provides the sponsors of these projects the opportunity to receive additional technical assistance that encourages sponsors with competitive projects to apply in the future.

3. Additional Information

Prior to award, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. DOT must review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS), the designated integrity and performance system accessible through SAM. An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. DOT will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

F. Federal Award Administration Information

1. Federal Award Notice

Following the evaluation outlined in Section E, the Secretary will announce awarded projects by posting a list of selected projects at www.transportation.gov/RAISEgrants. Notice of selection is not authorization to begin performance or to incur costs for the proposed project. Following that announcement, the relevant operating administration will contact the point of contact listed in the SF-424 to initiate negotiation of the grant agreement for authorization.

Recipients of RAISE Grant awards will not receive lump-sum cash disbursements at the time of award announcement or obligation of funds. Instead, RAISE funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted.

Unless authorized by DOT in writing after DOT's announcement of FY 2022 RAISE awards, any costs that a recipient incurs before DOT executes a grant agreement for that recipient's project are ineligible for reimbursement, and are ineligible match for cost share requirements.

2. Administrative and National Policy Requirements

(a) Administrative Requirements

Please visit <https://www.transportation.gov/policy-initiatives/build/grant-agreements> for the General Terms and Conditions for BUILD FY 2020 awards. The RAISE FY 2022 Terms and Conditions will be similar to the BUILD FY 2020 Terms and Conditions, but it will include relevant updates consistent with this notice.

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 C.F.R part 200, as adopted by DOT at 2 C.F.R part 1201. Federal wage rate requirements included in subchapter IV of chapter 31 of title 40, U.S.C., apply to all projects receiving funds under this program, and apply to all parts of the project, whether funded with RAISE Grant funds, other Federal funds, or non-Federal funds.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, non-discrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If DOT determines that a recipient has failed to comply with applicable Federal requirements, DOT may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

Additionally, applicable Federal laws, rules and regulations of the relevant operating administration administering the project will apply to the projects that receive RAISE grant awards, including planning requirements, Service Outcome Agreements, Stakeholder Agreements, Buy America compliance, and other requirements under DOT's other highway, transit, rail, and port grant programs. For projects that are eligible under RAISE but are not eligible under DOT's other programs or projects that are eligible under multiple DOT programs, the RAISE program will determine the appropriate requirements to ensure the project is delivered consistent with program and Department goals. In particular, Executive Order 14005 directs the Executive Branch Departments and agencies to maximize the use of goods, products, and materials produced in, and services offered in, the United States through the terms and conditions of Federal financial assistance awards. If selected for an award, grant recipients must be prepared to demonstrate how they will maximize the use of domestic goods, products, and materials in constructing their project. RAISE grant projects involving vehicle acquisition must involve only vehicles that comply with applicable Federal Motor Vehicle Safety Standards and Federal Motor Carriers Safety Regulations, or vehicles that are exempt from Federal Motor Vehicle Safety Standards or Federal Motor Carrier Safety Regulations in a manner that allows for the legal acquisition and deployment of the vehicle or vehicles.

For projects administered by FHWA, applicable Federal laws, rules, and regulations set forth in Title 23 U.S.C. and Title 23 C.F.R generally apply, including the 23 U.S.C. 129 restrictions on the use of toll revenues, and Section 4(f) preservation of parklands and historic properties requirements under 23 U.S.C. 138. For an illustrative list of the other applicable laws, rules, regulations, executive orders, polices, guidelines, and requirements as they relate to a RAISE grant project administered by the FHWA, please see

<https://www.transportation.gov/sites/dot.gov/files/2020-11/build-fy2020-fhwa-exhibits-20201105.pdf>.

For RAISE projects administered by the Federal Transit Administration and partially funded with Federal transit assistance, all relevant requirements under chapter 53 of title 49 U.S.C. apply. For transit projects funded exclusively with RAISE grant funds, some requirements of chapter 53 of title 49 U.S.C. and chapter VI of title 49 C.F.R. apply.

For projects administered by the Federal Railroad Administration, FRA requirements described in 49 U.S.C. Subtitle V, Part C apply.

(b) Program Requirements

a. Climate Change and Environmental Justice Impact Consideration

Each applicant selected for RAISE grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* (86 FR 7619). In the grant agreement, applicants will be required to certify that they have taken one or more of the activities numbered in Section E.1.a.i.b, or will be required to propose a new activity to be completed prior to obligation of construction funds that addresses climate change and environmental justice.

b. Racial Equity and Barriers to Opportunity

Each applicant selected for RAISE grant funding must demonstrate effort to improve racial equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds for construction, consistent

with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* (86 FR 7009). In the grant agreement, applicants will be required to certify that they have taken one or more of the activities listed in Section E.1.a.i.c, or will be required to propose a new activity to be completed prior to obligation of construction funds that addresses racial equity and barriers to opportunity.

c. Labor and Work

Each applicant selected for RAISE grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of strong labor standards as described in Section A. Projects that have not sufficiently considered job quality and labor rights, standards, and protections in their planning, as determined by the Department, will be required to do so, to the full extent possible under the law, before receiving funds for construction, consistent with Executive Order 14025, *Worker Organizing and Empowerment* (86 FR 22829), and Executive Order 14052, *Implementation of the Infrastructure Investment and Jobs Act* (86 FR 64335). RAISE funds may not be used to support or oppose union organizing.

3. Reporting

(a) Progress Reporting on Grant Activities

Each applicant selected for RAISE grant funding must submit quarterly progress reports and Federal Financial Reports (SF-425) to monitor project progress and ensure accountability and financial transparency in the RAISE grant program.

(b) System Performance Reporting

Each applicant selected for RAISE grant funding must collect and report to the DOT information on the project's performance based on performance indicators DOT identifies related to program goals (e.g. travel time savings, greenhouse gas emissions, passenger counts,

level of service, etc.) and other information as requested by DOT. Performance indicators should include measurable goals or targets that DOT will use internally to determine whether the project meets program goals, and grant funds achieve the intended long-term outcomes of the RAISE Grant Program. To the extent possible, performance indicators used in the reporting should align with the measures included in the application and should relate to at least one of the selection criteria defined in Section E.1. Performance reporting continues for several years after project construction is completed, and DOT does not provide RAISE grant funding specifically for performance reporting.

(c) Reporting of Matters Related to Recipient Integrity and Performance

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported to the SAM that is made available in FAPIIS about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

G. Federal Awarding Agency Contacts

For further information concerning this notice please contact the RAISE grant program staff via e-mail at RAISEgrants@dot.gov, or call Howard Hill at 202-366-0301. A TDD is available for individuals who are deaf or hard of hearing at 202-366-3993. In addition, DOT will post answers to questions and requests for clarifications on DOT's website at

www.transportation.gov/RAISEgrants. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact DOT directly, rather than through intermediaries or third parties, with questions. DOT staff may also conduct briefings on the RAISE grant selection and award process upon request.

H. Other information

1. Protection of Confidential Business Information

All information submitted as part of or in support of any application shall use publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the applicant submits information that the applicant considers to be a trade secret or confidential commercial or financial information, the applicant must provide that information in a separate document, which the applicant may cross-reference from the application narrative or other portions of the application. For the separate document containing confidential information, the applicant must do the following: (1) state on the cover of that document that it “Contains Confidential Business Information (CBI)”; (2) mark each page that contains confidential information with “CBI”; (3) highlight or otherwise denote the confidential content on each page; and (4) at the end of the document, explain how disclosure of the confidential information would cause substantial competitive harm. DOT will protect confidential information complying with these requirements to the extent required under applicable law. If DOT receives a Freedom of Information Act (FOIA) request for the information that the applicant has marked in accordance with this section, DOT will follow the procedures described in its FOIA regulations at 49 C.F.R. § 7.29. Only information that is in the separate document, marked in accordance with this section, and ultimately determined to be confidential under § 7.29 will be exempt from disclosure under FOIA.

2. Publication/Sharing of Application Information

Following the completion of the selection process and announcement of awards, DOT intends to publish a list of all applications received along with the names of the applicant organizations and funding amounts requested. Except for the information properly marked as described in Section H.1., DOT may make application narratives publicly available or share application information within DOT or with other Federal agencies if DOT determines that sharing is relevant to the respective program's objectives.

Issued in Washington D.C. on January 27, 2022:



Peter Paul Montgomery Buttigieg
Secretary of Transportation

Sherri Marineau

From: Jan Kaplan
Sent: Thursday, February 24, 2022 1:57 PM
To: Public comment
Subject: TSP PAC meeting 2-24-22

[WARNING] This message comes from an external organization. Be careful of embedded links.

Please accept my comments below. I am unable to attend and would appreciate having them read into the record. Thank you.

My name is Jan Kaplan. I live at 35 NW High St. in Newport and am writing to express my personal opinion. I note that I am not writing as a City Councilor or representing the Nye Neighborhood Association of which I am a board member. After review of the TSP draft, I have several concerns:

1. The document notes the need for the plan to address future needs to the extent that they can be envisioned. The description of Nye Beach on page 8 does not seem to recognize the looming transportation issues for the neighborhood. There is significant planning and development of workforce housing in Nye. I am very supportive of this development but need to point out that workforce housing is intended to bring working professionals (teachers, medical workers, etc.) to the area and provide them the ability to commute to work. These developments are intended to significantly increase density- the projects thus far place multiple units in what were previously single-family lots. It's therefore predictable that the majority of these units will bring at least one and probably more than one vehicle into the traffic and parking arenas.
2. There is real discussion going on about the possibility of seeking formal recognition as a Cultural District for Nye Beach. It is easy to foresee increased capacity and use at the PAC, increases in galleries and music venues, restaurants, nearby hotels and utilization of vacation rentals. All of these will generate interest in Nye Beach as well as Newport in general. The TSP should what the additional traffic and parking issues will be over the next two decades.
3. I am concerned that public outreach was severely hampered by the pandemic despite real efforts by the Planning group. Documents available online were very technical and dense.

I am registering my concerns in the hope that 1) the traffic and parking issues in Nye Beach will receive additional consideration, and 2) additional effort will be brought into educating the citizens of Newport on the Plan and sensitivity will be utilized in seeking public participation. Even though it is late in the process, getting it right is more important than getting it finished.

Sherri Marineau

From: Carla Perry
Sent: Friday, March 11, 2022 3:58 PM
To: Public comment
Subject: Public Comment re Transportation System Plan

[WARNING] This message comes from an external organization. Be careful of embedded links.

March 11, 2022

To: Planning Commission - for **March 14 Planning Commission Meeting**
Re: Public Hearings for Transportation System Plan Updates

If the Transportation System Plan Policy Advisory Committee meets again, I would like these comments to be included for that meeting as well.

Please read the following public comment aloud, into the record, at the March 14 Planning Committee meeting. It pertains to the continuing review of Newport's Draft Transportation System Plan.

Thank you,
Carla Perry
Newport
=====

To: Planning Commissioners (and Transportation System Plan Policy Advisory Committee members):

Thank you for taking time to review the current draft (February 2022) of the Newport Transportation System Plan and to continue fine-tuning workable transportation solutions for the City of Newport. I provided comments last year via the website survey, but I also note that public comment is still being accepted even though it is not an agenda item at the March 14 Planning Commission meeting.

It is clear that traffic congestion at the center of Newport is horrendous and getting worse, especially during peak visitor seasons (which have begun overlapping). I've read the numerous draft iterations of the City's Transportation Plan as they've become available, but the versions posted on the City's Community Development page provides the plans as they stood in early 2021. Please replace those files with the most recent draft to make it easier for the public to be aware of where thinking is now. The information contained in the Plan is complicated to decipher with improvements divided into intersection improvements, roadway extensions, roadway improvements, trail/shared use, etc., which means location names reappear in multiple sections of the plan with competing solutions.

Here are my specific comments pertaining to the Transportation System Plan:

1. I am emphatically against a couplet on Highway 101. Historically, implementing one-way streets in a city's downtown core destroys the small businesses that line main street and the side streets, as faster traffic flow deters stopping and parking. The internet is full of numerous instances of cities that had reconfigured -- at great expense -- to one-ways streets, but are now converting back to two-ways in order to encourage the return of small businesses and to improve increasingly unsafe conditions for pedestrians when crossing those speedy one-way streets that move at the pace set by street lights.

The transportation plan for Highway 101 in the City Center area is critically tied into City Center revitalization and terms

for the Transportation Growth Management plan are still being worked out. I believe a revitalization plan for City Center is imperative BEFORE something as dramatic as a couplet is imposed so that it does not limit revitalization possibilities. And certainly the City's Housing Capacity Analysis / Housing Production Strategy project could affect how City Center is rebuilt. Hopefully there will be an effort to redevelop the downtown core with abundant apartments above new small business fronts lining the streets along Highway 101. If it is possible to use a street set-back when rebuilding City Center, that might provide additional alternatives for traffic amenities. Local transit, bicycle, and pedestrian-friendly routes could be shifted to the proposed couplet streets without impacting businesses, through traffic, and property lines.

2. I am against roundabouts on Highway 20 and Highway 101. Middle school and high school students need to cross Highway 20 at Harney and a roundabout would impact their safety to a high degree. A roundabout on Highway 101 would cause chaos at that intersection as people, unfamiliar with using roundabouts, stop to ponder what to do. That intersection is also the major pedestrian crossing point for Highway 101. A roundabout at that location would make an already unsafe situation for pedestrians even more hazardous.

3. Regarding Nye Street and Overview Drive: I am in favor of clearing out the underbrush on what had been a pedestrian pathway on Nye Street from 17th Street going north, so that it reconnects with Overview Drive before Agate Beach and provides an alternative for pedestrians and bicycles. I am for keeping Oceanview Drive two-way, with the addition of traffic calming enhancements. For some reason, vehicles rarely stop for pedestrians attempting to cross Oceanview Drive (even at street corners). There are no sidewalks or marked crosswalks on Oceanview between Nye Beach and Agate Beach, so perhaps a low-cost solution to improve safety would be to install marked crossings (striping on the street) every few blocks, and install signs that say, "Yield to Pedestrians in Crosswalks" (or similar verbiage).

Thank you,
-Carla Perry

To: City Council and Planning Commission

April 8 2022

I am presenting a list of names that have indicated that a One Way Couplet on Ninth St. is not something that should be considered.

This proposal would have serious and damaging consequences to the safety, business uses, environmental, and have damaging financial impacts. Just the taxpayer cost alone should be reason enough, upwards of twelve million dollars wasted.

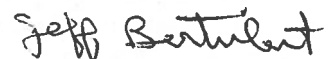
Carla Perry also submitted written reasons that also indicate that this proposal is ill planned and should not be used.

Please remove or indicate that this option is not worth further consideration.

I request that if this option is in for consideration or recommended that the record be held open for thirty days in order to protest and add further documentation to submit against the proposal.

Please note there are seven former Council members, one former City Engineer, and not listed former Mayor that do not agree with this couplet idea. Also many business owners, and people that would be directly and adversely affected by such a proposal.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Bertuleit".

Jeff Bertuleit

1.

January 15, 2022

We the undersigned do not support the proposal for a potential Eleven Million Dollar cost couplet as proposed in the Transportation Plan as a One Way Highway on Ninth Street.

Name.

City or Address

Jeff Bertineit
~~John R. Smith~~
 (Kathleen Brown)
 Katina R.

354 SE 2ND St Newport, OR
 645 SE 3rd St. Newport OR
 315 SW 9th St. Newport, OR

Ken Hise

4560 NW KUMBERLY WAY
 SEASIDE ROCK, OR

Eileen Obteshka / Eileen Obteshka / 722 NW 1st St. Newport, OR 97365
 Terry Obteshka / ~~Lea R. Obteshka~~ to 722 NW 1st St Newport OR

Martha Krupp / Martha J. Krupp 721 NW 1st St., Newport, OR 97365
 Patricia Patrick - Jling P.O. Box 7, Newport, OR 97365 541-272-1990

Patricia Krupp 308 SW 14th St 541 265-8225

Michael W. Meyer 612 SW 9th Street, 541-265-8501

Scott Loisel, 780 NE STEENSON RD. 541-220-7027

Amonda Tillotson Toledo, OR 541-961-1884

Anne Meyer, 235 4TH ST OTTER ROCK 541-961-0980

Mandy Loisel 612 SW 9th Street 541-270-4546

Chontel Shroyer Selety, OR 901-262-6403

Wendy Engler Newport OR

Tom Brusselback Newport OR

Proy R. Neas

209 S.E. 35th St South Beach 541 961 5067

1.

February 12, 2022

We the undersigned do not support the proposal for a potential Eleven Million Dollar cost couplet as proposed in the Transportation Plan as a One Way Highway on Ninth Street.

Name.

City or Address

Jill Burtleit

354 SE 2nd St Newport OR

Brian Petersen

301 other Crest Ln other Rock, Or.

Eric Toennis

5944 S River Ln Lincoln City, OR

Lorraine Beaulieu

177^{SE} 30 Dr. South Beach OR

Nicholas Gade

3875 E Alsea Hwy Waldport

Chawahn Gade

3875 E Alsea Hwy Waldport

Cecily Wechler

665 NE Newport Highway Dr.
Newport, OR

Rhonda Harman

2505 NE Douglas, Npt. OR

Bill Posner

245 NE 4th St. Newport, OR.

Deila Gonzalez

PO 1144 Waldport

Cassy Blancarte-perez

2090 SE Alsea way Waldport OR 97394

Emily Meredith

118 E Little Albany Loop Tidewater, OR

Michael Ara

145 NW Kerber St Waldport OR 97390

Linda Cline

658 SW 6th St. Newport OR 97365 97364

Susan Cole

1101 NW Bay Street Dr Waldport OR 97394
Waldport, Ore.

Linda Coleman

2830 NE Big Creek Rd Newport 97365

Lucy Gibson

2830 NE Big Creek Rd Newport 97365

Kent Gibson

727 NW Lee St. Newport, OR 97365

Lee Ritzman

1059 S.E. 1st Newport OR 97365

Peggy Saberskas

3438 SE Chestnut St. Newport OR 97365

Chuck Fainack

1105 NE 7th Drive Newport OR 97365

Michael Schultz

Sherri Marineau

From: Derrick Tokos
Sent: Friday, April 22, 2022 1:13 PM
To: Sherri Marineau
Subject: FW: Newport's TSP Update & Neff Way

Sherri... please include Wendy's comments in the Planning Commission Packet.

Derrick

From: Wendy Engler
Sent: Monday, April 18, 2022 1:07 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>; carl.springer@dksassociates.com; roland@seashorehomesrealty.com; Dean Sawyer <D.Sawyer@NewportOregon.gov>
Subject: Newport's TSP Update & Neff Way

[WARNING] This message comes from an external organization. Be careful of embedded links.

Hello TSP Update Team Members,

This email is a request to re-evaluate the classification of Neff Way in the proposed TSP Update.

In conversations with Carl Springer about Neff Way earlier this month, it came to light that TSP documents classify Neff Way as a local street despite its use as a bypass to Highway 101. Neff Way is signed on Highway 101 as a gateway to Nye Beach with a dedicated left turn lane off the Highway. It is frequently used as a short-cut to and from areas west of Highway 101, bypassing 101 traffic lights and traffic. It is also the only access to our Mombetsu Sister City Park. (See attached photos.)

The integrity of our TSP Update depends on accurate data. The location and use of Neff Way indicate it is more than a local street. This is a request to evaluate Neff Way with DKS consultants in order to review the street classification as well as the options for bike and pedestrian access along the route.

Thank you in advance for your attention to this important TSP Update matter,
Wendy Engler







> Sent from my iPhone

At the last meeting of the TSP Advisory Committee, language to include the intersection of US Hy 101 and San Bay-O Circle was specifically written to be included in the TSP. Now that language has been modified to:

The Revised Draft Newport TSP #5. Add project to "Coordinate with ODOT to develop signage and/or pavement marking solutions where appropriate to limit side street blockage by stopped vehicles".

This project must be specifically named, as was discussed and agreed to at the last meeting of the TSP Advisory Committee, and must become a tier 1 financially constrained project that needs immediate attention. San Bay-O Circle must be specifically named because it is the only intersection in town, specifically discussed, with its unique and singular configuration. It needs the specific attention and construction discussed at the TSP Advisory Committee meeting, including a signal. The TSP consultant initially committed to putting it on the list. Fortunately for us, Bob Berman raised the issue at the last TSP meeting after my repeated public comment at prior meetings. I have a petition in support of a traffic control signal at our corner signed by 100 residents and persons who work near and are affected by this intersection, as evidence that I am not the only one who is concerned and cares about this issue.

I learned a lot in gathering the signatures. I was told about waiting 20 minutes to be able to exit our street onto US Hy 101. I was shown a picture of a severe car crash proximate to our intersection and was told about others. People thanked me for gathering signatures. There are 62 dwelling units in our neighborhood and multiple businesses also use our intersection.

Former public works director Tim Gross described this area as "traffic chaos". The TSP consultant admitted this area has the highest number of accidents in Newport. A prior neighbor was hit pulling out of our intersection as he was finally moving away. The park survey identified our area of town as having the largest number of children. School buses use our street. In the summer pulling up to our stop sign is pulling up to the side of cars, which are backed up from 20th to at least McDonalds. If persons stop and allow us an exit, we are pulling into a center turn lane, that competes with left turn cars going to Subway, which also uses our street for its drive-up window. We then come to a complete stop because of the pedestrian lane ODOT installed, forcing us to merge into 35 mph traffic from a

dead stop. No one consulted with us regarding the pedestrian lane, which makes this exponentially worse. We are the only street with this configuration in Newport, with no other exit for our neighborhood. It's been suggested we use private property to drive to Fred Meyer parking lot then turn onto 20th Street to a traffic light. The manager of Sea Town told me this is a trespass. Driving over 8 blocks out of our way is inconsistent with Goal 6 and is not a legitimate public policy solution. ODOT and former Sen. Roblan's office repeatedly advised me to work with the TSP to deal with this issue. I have been trying to solve this problem since Fred Meyer arrived and ODOT added the 20th St signal to our neighborhood. I didn't move to this problem; it came to me. We were passed over during this development. The goals of the TSP are to address public safety problems. We deserve safety at our intersection. We were entitled to a stop light under ODOT's rules for decades. In 2020 the system for calculating it was finally disclosed to me because the estimate for the 2020 US Census was over 10,000 population which disqualified us from the signal we were entitled to for years. This problem is becoming increasingly more dangerous as tourism increases, with our populations quadrupling last summer despite Covid.

We want to keep our stop sign and want a left turn sensor at our corner. The ODOT pedestrian lane already has flashing yellow signals for stopping 101 traffic for pedestrians. We want red lights at the pedestrian lane to stop traffic for us and a cross walk north of our intersection to create an ingress/egress zone at our intersection. This is a modest request and a critical safety issue for a complete neighborhood population and business area. Again, this project must be a tier 1 financially constrained project that needs immediate attention. With the Federal infrastructure dollars coming to Oregon there has never been a better time to solve this problem. Please amend the TSP to include this language about our intersection.



ENGINEERING STAFF MEMO

TO: Newport Planning Commission
Newport City Council

FROM: Aaron Collett/Newport City Engineer

CC: Spencer Nebel/Newport City Manager
Derrick Tokos/Newport Community Development Director
David Powell/Newport Public Works Director
Rob Murphy/Newport Fire Chief

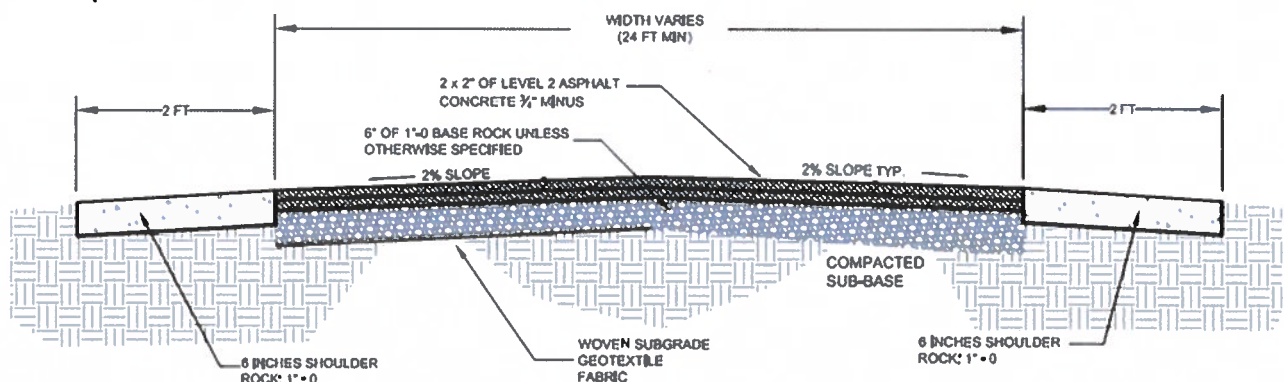
DATE: May 20, 2022

RE: Transportation System Plan - Narrow Street Issue

Background:

The City of Newport Transportation System Plan (TSP) is currently under development. A draft version of the document was routed for review in November 2021. Among the review comments provided by the Engineering Department, one specific area of concern was the proposed “narrow-street” concept cross sections. This concern was echoed by other City departments at that time. The City standard road width is 24-feet (see example below) which provides sufficient space for Emergency Vehicle and Public Works equipment access. Cross sections presented in TSP Figures 34 and 35 (Pages 64-65) are much narrower than the minimum standard width. While we understand that narrower roads can be beneficial, we have significant concerns regarding widths narrower than 20-feet for 2-way travel (two 10-foot lanes). The proposed sections indicate 2-way traffic on 14’ and 16’ throughways.

Example Standard Road Section:



STANDARD PAVED STREET WITH GRAVEL SHOULDERS

Discussion:

The TSP has developed some criteria for the narrow streets, however, actual examples of streets narrower than 20-foot are difficult to find, even in “skinny street” documentation. Engineering recognizes benefits of narrower streets, such as less runoff from impervious surface and generally lower cost of maintenance. However, the safety of the public and ability to provide services must be weighed against such goals.

“Oregon’s Land Conservation and Development Commission recognized the values associated with narrow street widths when it adopted the Transportation Planning Rule. The rule requires local governments to establish standards for local streets and accessways that minimize pavement width and right-of-way. The rule requires that the standards provide for the operational needs of streets, including pedestrian and bicycle circulation and emergency vehicle access.”¹

Street widths impact the ability of emergency and service vehicles to quickly reach an emergency. There is a general expectation that neighborhood streets provide adequate space to support prompt access and space to use equipment. Fire equipment specifically is large and the option to “downsize” is not fully discretionary as smaller vehicles cannot carry adequate supplies for many typical emergency events.

Fire apparatus are in part impacted by federal Occupational Health and Safety Administration (OSHA) regulations that require the vehicles to carry considerable equipment and firefighters ride within the vehicle. Additionally, the Fire code calls for a 20-foot wide clear passage.

Response time for emergency vehicles also raises liability concerns regarding access. A West Linn, OR lawsuit determined that an eight-minute response time was inadequate. Fire departments have been sued for not having the proper equipment at the scene of an accident. That further impacts the size of vehicles. Narrow roads that assume a queuing approach to 2-way traffic may not adequately accommodate larger emergency vehicles in all cases.

In addition to emergency vehicles, the public expects services to be provided in their neighborhoods. The City owns large, expensive vehicles such as Vector trucks that provide service for sewers. These vehicles also require a significant amount of space to access buried infrastructure. The large trucks provided required power to perform necessary duties. Smaller units exist, but would be an additional expense, not a replacement for the functionality of the larger versions.

Recommendation:

Our recommendation is to remove the narrow street sections (Figures 34-35) from the TSP and adopt the document with standard widths for 2-way traffic of not less than 20-feet. (or at minimum roads less than 20-feet wide should be a one-way option only).

¹ “NEIGHBORHOOD STREET DESIGN GUIDELINES An Oregon Guide for Reducing Street Widths”
https://www.oregon.gov/lcd/Publications/NeighborhoodStreetDesign_2000.pdf

Further study should be conducted (with input from key stakeholders such as the Fire and Public Works departments) and if accepted, narrower cross sections be adopted in a future amendment to the TSP.

In addition, a small-scale local pilot study could be conducted to offer tangible information regarding the functionality of narrower streets for Newport and allow analysis of actual field impacts for emergency vehicles and other equipment required to provide services to the public.

At this time, without further study and information, sections narrower than 20-feet are not recommended by Engineering.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Aaron Collett', with a long horizontal flourish extending to the right.

Aaron Collett, P.E.
City Engineer

Meeting Dates: Planning Commission 05-23-22
 City Council June, 2022



Memorandum

Monday, June 6, 2022

To: City Council, City Planning Commission

CC: Aaron Collett, Newport City Engineer
Derrick Tokos, Community Development Director
Spencer Nebel, City Manager
David Powell, Public Works Director

From: Rob Murphy, Fire Chief

Re: Transportation System Plan, Narrow Street Issue

In the proposed Transportation System Plan (TSP) there are provisions allowing road widths of 16 or even 14 widths. As noted in City Engineer Aaron Collett's memo dated May 20, 2022, allowing 2-way traffic on street widths narrower than 20 feet brings up several concerns. The primary reason for requiring a minimum 20 width is to allow for 2-way traffic. Modern fire engines are well over 8 feet wide. Our first-out engine is 9 feet/6 inches wide (mirror to mirror). If we are traveling on a roadway less than 20 feet wide, it is likely opposing traffic must yield and move out of the way to allow us to pass. If there is no shoulder for the opposing vehicle to yield, our response to an emergency will be delayed or even prevented. The design of our apparatus is based on national standards (NFPA 1910). Their size is an industry standard and not likely to get smaller.

Our second concerns about narrower street widths is how it would hamper local evacuations in the event of a major disaster. Much of our City falls within either a tsunami evacuation zone, or a wildland/urban interface zone. Both of these scenarios require rapid evacuation of local residents, often while emergency vehicles are trying to access these same areas. Keeping a minimum 20-foot road width would help ensure rapid evacuation of vulnerable neighborhoods.

Our third concern is the limited ability for future development to be able to loop or grid roads. With Newport's challenging topography and limited buildable land inventory within the Urban Growth Boundary, future development has limited options. While we understand this limited space is also driving the desire for restricting road widths, it hampers the ability to use a looped or grid road system due to terrain constraints. Exactly while the Oregon Fire Code (D103.1) put those exemptions along with equipping all one- and two-family dwellings with an approved fire

sprinkler system, as the only way to allow street widths narrower than 20 feet (26 feet on roadways equipped with a fire hydrant).

The Fire Department agrees with the Engineering Department that certain exceptions may be allowed in a case by case basis. These, however, should be the exception and not the rule. Only being allowed with sign off from the City Engineer, Public Works Director, Community Development Director, and the Fire Chief. Thank you for your consideration.

At this time, the Fire Department does not recommend road sections narrower than 20 feet without further study or information.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Bob Murphy", with a checkmark at the end.

Robert Murphy
Fire Chief



Nye Neighborhood Association

June 1, 2022

The Nye Neighborhood Association has adopted a position statement regarding traffic safety in the Historic Nye Beach Overlay District in regards to the Traffic System Plan for Newport. It reads as follows:

***“We are encouraged to see \$475,000 in city funds projected to be spent on neighborhood traffic calming management over the next ten years and strongly advocate that a portion of these funds be used to address dangerous conditions in Nye Neighborhood including on Coast St., on NW 3rd St. and on NW 6th St. The NNA Board of Directors recommends utilizing the streetscape previously designed for Coast St. as a foundation for this project.*”**

The existing dangerous traffic conditions in the Nye Neighborhood are highly likely to be exacerbated in the next 10 years due to higher density housing, possible hotel expansion, decreased on-street parking and increased cultural/entertainment/restaurant opportunities. We urge the city to set aside additional funds to address neighborhood traffic safety in the Nye Neighborhood and in other areas of the city.”

This statement was adopted by the Board of Directors on April 7, 2022 and affirmed at a membership meeting on May 5 following a press release and meeting announcement. The statement was then sent to survey the full mailing list. Overall, of 43 responses 33 agreed and 4 disagreed. From members residing and/or owning property or businesses within the District 30 agreed, 2 disagreed and 4 did not offer a vote but expressed opinions.

Comments included some dissatisfaction with curb extensions, desire for more specificity in the statement, concerns about lack of parking spaces and oversize vehicles, and concerns about speeding on additional streets.

NNA, as the official voice of the neighborhood, calls upon the city to work with us to address the significant concerns for vehicle, bicycle and pedestrian safety that currently exist and that can be predicted to worsen in the future without further action.

NNA Board of Directors:

Tom Briggs, Treasurer

Wendy Engler, Secretary

Robert Emond

Jan Kaplan, President

Veronica Lundell

GOALS AND POLICIES **PUBLIC FACILITIES ELEMENT**

TRANSPORTATION

GOALS AND POLICIES

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

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

Policy 1: Improve and maintain a transportation system that is consistent with the adopted 2022 TSP, as amended. The 2022 TSP may be updated with future refinement plans or other transportation studies. Such studies or plans shall be adopted by reference herein.

Goal 2: Safety. Improve the safety of all users of the system for all modes of travel.

Policy 1: Proactively improve areas where crash risk factors are present, with particular attention to high vehicle volume roadways such as US 101 and US 20.

Policy 2: Apply a comprehensive approach to improving transportation safety that considers engineering, education, enforcement, emergency medical services and evaluation.

Policy 3: Incorporate street and access spacing standards into the City's development codes as identified in the TSP.

Policy 4: Support development of a Neighborhood Traffic Management (NTM) program to identify a clear and objective process for collecting community input, assessing the prevailing concerns, and evaluating which, if any, NTM solution is appropriate to be installed.

Goal 3: Mobility and Accessibility. Promote efficient travel that provides access to goods, services, and employment to meet the daily needs of all users, as well as to local and regional major activity centers.

Policy 1: Support the expansion of the local and regional transit network and services consistent with the TSP considering funding limitations, topographic constraints, and existing development patterns.

Policy 2: Facilitate improvements that enhance mobility of US 101 and US 20.

Policy 3: Incorporate vehicle mobility standards for city streets into the City's development codes consistent with the TSP, and manage congestion according to the adopted standards.

Policy 4: Support transportation options and ease of use for people of all ages and abilities.

Policy 5: Strive to ensure safe, direct, and welcoming routes to provide access to schools, parks, and other activity centers for all members of the community, including visitors, children, people with disabilities, older adults, and people with limited means.

Policy 6: Provide an interconnected network of streets to allow for efficient travel.

Policy 7: Monitor the transportation impacts of development in South Beach through the South Beach Transportation Overlay Zone (SBTOZ) and associated Trip Budget Program.

Policy 8: Continue to engage ODOT in conversations regarding future project planning and funding that would lead to improvements to, and possibly replacement of, the Yaquina Bay Bridge.

Goal 4: Active Transportation. Complete safe, convenient, and comfortable networks of facilities that make walking, ~~and~~ biking, ~~and~~ transit ~~an~~ more attractive choices ~~by~~ for people of all ages and abilities.

Policy 1: Continuously improve existing transportation facilities to meet applicable City of Newport and Americans with Disabilities Act standards.

Policy 2: Provide walking facilities that are physically separated from auto traffic on all arterials and collectors, and on streets and paths linking key destinations such as employment centers, schools, shopping, and transit routes.

Policy 3: Provide safe street crossing opportunities on high-volume and/or high-speed streets.

Policy 4: Facilitate walking access to transit routes and major activity centers in the City.

Policy 5: Work to close gaps in the existing sidewalk network.

Policy 6: Provide biking facilities that are comfortable, convenient, safe, and attractive for users of all ages and abilities on or near all arterials and collectors, and streets and paths linking key destinations such as employment centers, schools, shopping, and transit routes.

Policy 7: Work with Lincoln County Transit to identify barriers to transit ridership, enhancements to service, and physical improvements that can promote transit use, such as signage, posted schedules, and bus stop shelters.

Policy 8: Explore opportunities with Lincoln County Transit to enhance shuttle service across the bay during the busy tourist season to help reduce traffic congestion subject to the availability of funding.

Goal 5: Grow the Economy. develop a transportation system that facilitates economic activity and draws business to the area.

Policy 1: Support improvements that make the City a safe and comfortable place to explore on foot.

Policy 2: Manage congestion along freight routes according to current mobility standards.

Policy 3: Provide safe, direct, and welcoming routes between major tourist destinations in Newport.

Policy 4: Consider the larger parcel impact that right-of-way acquisitions for transportation improvements have on area businesses, and provide fair market compensation for such impacts.

Policy 5: Implement transportation solutions in commercial core areas along US 101 and US 20 that promote economic revitalization of these areas in addition to addressing broader transportation needs of the community.

Goal 6: Environment. Minimize environmental impacts on natural resources and encourage lower-polluting transportation alternatives.

Policy 1: Support strategies that encourage a reduction in trips made by single-occupant vehicles.

Policy 2: Minimize negative impacts to natural resources and scenic areas, and restore or enhance, where feasible.

Policy 3: Support facility design and construction practices that have reduced impacts on the environment.

Goal 7: Support Healthy Living. Support options for exercise and healthy lifestyles to enhance the quality of life.

Policy 1: Develop a connected network of attractive walking and biking facilities, including off-street trails, which includes recreational routes as well as access to employment, schools, shopping, and transit routes.

Policy 2: Provide active transportation connections between neighborhoods and parks/open spaces.

Policy 3: Provide for multi-modal circulation on-site and externally to adjacent land uses and existing and planned multi-modal facilities.

Goal 8: Prepare for Change. Ensure that the choices being made today make sense at a time when Newport is growing, and the transportation industry is rapidly changing.

Policy 1: Anticipate the impacts and needs of connected and automated vehicles.

Policy 2: Promote emerging transportation technologies, where feasible, including the rollout of infrastructure for electric vehicles.

Policy 3: Seek to supplement traditional transportation options with more emphasis given to walking, biking, and transit and consideration for new alternatives such as car sharing, bike sharing, driverless vehicles, ride sourcing, and micro-mobility.

Policy 4: Explore opportunities to partner with state, regional, and private entities to provide innovative travel options.

Goal 9: Fiscal Responsibility. Sustain an economically viable transportation system.

Policy 1: Improve resiliency of the transportation system to seismic and tsunami hazards, extreme weather events, and other natural hazards, including the preparation of project specific geotechnical analysis in Agate Beach and other areas of known subsurface instability.

Policy 2: Identify and develop diverse and stable funding sources to implement transportation projects in a timely fashion and ensure sustained funding for transportation projects and maintenance.

Policy 3: Preserve and maintain existing transportation facilities to extend their useful life.

Policy 4: Seek to improve the efficiency of existing transportation facilities before adding capacity.

Policy 5: Ensure that development within Newport is consistent with, and contributes to, the City's planned transportation system.

Goal 10: Work with Regional Partners. Partner with other jurisdictions to plan and fund projects that better connect Newport with the region.

Policy 1: Coordinate projects, policy issues, and development actions with all affected government agencies in the area.

Policy 2: Build support with regional partners for the improvement of regional connections.

Staff: The above language will replace the goals and policies contained in the current TSP. They are tailored to align with the goals and objectives listed in the draft TSP and executive summary. Language in Goal 5, Policy 5 can be drafted in a more targeted manner to allow the Commission and Council to select one of the two recommended solutions for US 101. If that doesn't occur, then the two options would be considered as part of the TGM funded City Center Revitalization Project, and a recommendation would come out of that process. Changes since the Commission's last work session (highlighted) respond to comments by Angelo Planning Group, who assessed whether or not any of the existing TSP policies should be carried forward. Additional policies provide further direction regarding City/ODOT coordination on the future of the Yaquina Bay Bridge, enhancements to transit service, and monitoring traffic impacts in South Beach that are subject to an existing trip budget program.

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~strike through~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 14.01 PURPOSE, ~~APPLICABILITY~~, AND DEFINITIONS**

14.01.~~010005~~ Purpose

The several purposes of ~~this ordinance~~ Title XIV of the Newport Municipal Code, also referred to as the "ordinance," are: ~~to~~ To implement the Comprehensive Plan; to encourage the most appropriate use of the land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open spaces for light and air; to lessen the congestion on streets; to allow for orderly growth in the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks, and other public requirements; and, in general, to promote public health, safety, convenience, and general welfare. The standards and conditions contained herein have been reviewed and deemed consistent with Comprehensive Plan policies.

14.01.010 Applicability

The rules, requirements, and provisions of Title are in addition and not in lieu of any prior ordinance, resolution, rule, requirement, or procedure previously adopted by the City of Newport except as may have been expressly repealed, provided, however, that the provisions of this ordinance shall be controlling in cases where there may be conflicting provisions.

Staff: Moved from what is presently Chapter 14.54. Applicability language should be included at the beginning of the code chapter with the purpose section.

14.01.015 Compliance Required

No structure or lot shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.

Staff: Moved from what is presently Chapter 14.55. Compliance required language should be included at the beginning of Title XIV.

14.01.020 Definitions

As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Accessory Dwelling Unit. An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

Accessory Structure or Use. A structure or use incidental and subordinate to the primary use of the property and which is located on the same lot or parcel as the primary use or is on a contiguous lot or parcel under the same ownership. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

Accessway. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an accessway for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles.

Adult Recreation Facility. A facility or that portion of a facility that may have any uses allowed in family recreation facilities. In addition, card rooms, taverns, and bars are also adult recreation facilities. Social gambling, as defined by Oregon law and city ordinance, may occur. Alcoholic beverages may be sold and consumed.

Affordable Housing. Means residential property in which:

- A. 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. 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.

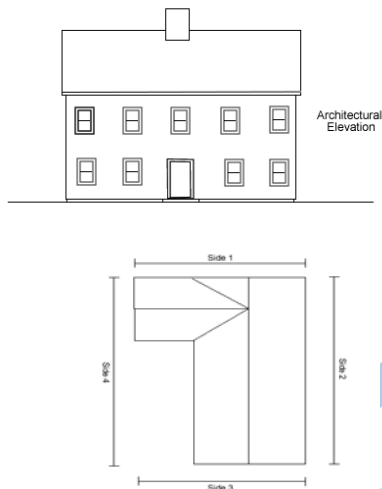
Affordability under either of the above metrics is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years.

Alley. A narrow street ~~25 feet or less~~ through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street. ~~Frontage on said alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.~~

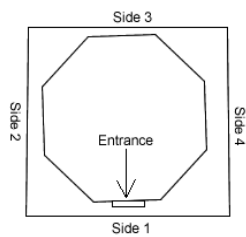
Apartment House. A residential structure having multiple residential living units where more than 50 percent of the units are rented for not less than 30 days at a time.

Applicant. A person who applies for a land use action or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Architectural Elevation.*** A scale drawing of the four sides of a building, one each for the front, two sides and rear, from grade to the highest point of the building. The four sides shall show the entire perimeter of the building and shall be centered on each side. The four sides shall be at 90 degrees to each adjacent side.



For a building with many sides or a non-rectangular shape, a rectangle shall be drawn around the outside of the building. Side 1 shall be centered on the entry to the building and each of the other three sides shall be 90 degrees to the adjacent side. Architectural elevations for use in the building height calculation shall be drawn for each side of the rectangle.



Assisted Living Facility. A facility licensed by or under the authority of the Department of Human Resources (DHR) per Oregon Administrative Rule 411-56-000, which provides or coordinates a range of services for elderly and disabled persons in a home-like environment. An assisted living facility is required to provide each resident with a separate living unit with a lockable door to guarantee their privacy, dignity, and independence.

Authorized Agent. A property management company or other entity or person who has been designated by the owner to act on their behalf. An authorized agent may or may not be the designated point of contact for complaints.

Automobile Service Station. A building or portion thereof and land used for dispensing automobile fuel, oil, and accessories. Automobile repairs may be made that do not produce an unreasonable or excessive amount of dust, odor, smoke, fumes, or noise. When the dispensing sale or offering for sale of motor fuels or oil is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Bed and Breakfast Facility. A short-term rental where the operator resides on the premises and meals are provided for a fee.

Bedroom. A habitable room that (a) is intended to be used primarily for sleeping purposes; (b) contains at least 70-square feet; and (c) is configured so as to take the need for a fire exit into account.

Boarding, Lodging, or Rooming House. A building or portion thereof containing a single dwelling unit where a group of four or more unrelated persons may live but not more than 20 unrelated persons. A boarding, lodging, or rooming house may be occupied and managed by a family in addition to the four to twenty unrelated persons. Where such a facility has a majority of the residents residing for 30 days or longer, it shall be considered a residential use and a boarding house. If the majority of such occupancy is for less than 30 continuous days, the facility shall be considered transient and the same as a hostel. Where such a facility is occupied by more than 20 unrelated persons, or where such a facility has more than one kitchen, it shall be considered a hotel or motel.

Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Child Care Center. means a child care facility, other than a family child care home, that is certified under ORS 329A.280.

Child Care Facility. means any facility that provides child care to children, including a day nursery, nursery school, child care center, certified or registered family child care home or similar unit operating under any name, but not including any:

- A. preschool recorded program.
- B. Facility providing care for school-age children that is primarily a single enrichment activity, for eight hours or less a week.
- C. Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- D. Facility operated by:
 - 1. A school district as defined in ORS 332.002;
 - 2. A political subdivision of this state; or
 - 3. A governmental agency.
- E. Residential facility licensed under ORS 443.400 to 443.455.
- F. Babysitters.
- G. Facility operated as a parent cooperative for no more than four hours a day.
- H. Facility providing care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.
- I. Facility operated as a school-age recorded program.

City. The City of Newport, Oregon.

Commission. The City Planning Commission of the City of Newport, Oregon.

Community Development Director. The City of Newport Community Development Director/Planning Director or ~~designated~~designee.

Conditional Use. A use that may be permitted depending upon the individual circumstances. A conditional use permit will not be issued or shall be so conditioned so that neither the public nor neighboring property owners are unduly affected in an adverse way.

Condominiums. A form of ownership where buildings are subdivided into individual units such that each owner only owns his own unit and the air space occupied by it. The portion of land upon which the building is situated, the surrounding grounds, party walls, corridors, and services other than those within independent units (such as electrical, water, gas, sewer, etc.) become joint responsibilities of all the owners as tenants in common.

Cottage cluster. means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."

Cottage cluster project. means a tract with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Court. An open, unoccupied space on the same lot with the building or buildings and which is bounded on two or more sides by such building or buildings. An open, unoccupied space bounded by one "L" shaped building, which is not a court but a yard.

Design Guidelines. The discretionary design oriented approval criteria with which a project is required to be in compliance. The design guidelines are applicable for applications that do not meet the design standards.

Design Review. The process of applying design guidelines and/or design standards

Design Standards. Clear and objective design oriented approval criteria with which a project must demonstrate compliance. If a project does not meet the design standards, then the project is reviewed under the design guidelines.

Dwelling, Cottage. means an individual dwelling unit that is part of a cottage cluster.

Dwelling, Duplex; or Dwelling, Two-Family. A building containing two attached dwelling units on one lot or parcel. In instances where a development can meet the definition of a duplex and also meets the definition of a primary dwelling unit with an Accessory Dwelling Unit (ADU), the applicant shall specify at the time of application review whether the development is considered a duplex or a primary dwelling unit with an ADU.

Dwelling, Multi-Family. A building containing three or more attached dwelling units on one lot or parcel.

Dwelling, Single-Family. A detached building containing one dwelling unit.

Dwelling, Townhouse. means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on a single lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," or "common-wall house."

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Family Child Care Home. means a child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.

Family or Household. An individual or two or more persons living together in a dwelling unit.

Family Recreation Facility. A facility designed for active indoor recreation, including a billiard parlor, dance hall, bowling alley, skating rink, teen club or youth center, arcade, indoor swimming pool, indoor tennis court, miniature golf course, and similar uses. No alcoholic beverages may be consumed or sold, nor may gambling occur in a family recreation facility. A supervisory employee must be present at all times, and public restrooms must be provided.

Footprint. The total square footage of the area within the perimeter of the building as measured around the foundation of a building.

Garage, Private. An accessory building detached or part of the main building including a carport which is intended for and used for storing the privately owned motor vehicles, boats, and trailers of the persons resident upon the premises and in which no business, service, or industry related to motor vehicles is carried on.

Garage, Public. A "public or commercial garage" is a building or part of a building or space used for business or commercial purposes used principally for the repair, equipping, and care of motor vehicles and where such vehicles may be parked or stored.

Geologic Hazards. A geologic condition that is a potential danger to life and property which includes but is not limited to earthquakes, landslides, erosion, expansive soils, fault displacement, and subsidence.

Grade. The average of the finished exterior ground level at the corners of each architectural elevation of the building. In case an architectural elevation is parallel to and within five feet of a sidewalk or on top of a retaining structure, the grade for that one architectural elevation shall be measured at the sidewalk or base of the retaining structure.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Height of Building. The vertical distance from the "grade" to the highest point of the roof.

Home share. A short-term rental, other than a bed and breakfast facility, where a portion of a dwelling unit is rented while the homeowner is present. For the purposes of this definition, “present” means the homeowner is staying in the dwelling overnight for the duration of the rental.

Home Occupation. An accessory use of a dwelling unit for gainful employment involving provision or sale of goods and/or services and the creation of handicrafts and artwork and is incidental to the primary use of the building or residence.

Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and nursing service on a continuous basis.

Hostel. A single building containing a single dwelling unit where four or more (but not more than 20) unrelated individuals may live for not more than 30 continuous days. A hostel may be occupied and managed by a family in addition to the 4-20 persons renting facilities. If there are more than 20 persons at maximum occupancy, such a facility shall be considered a hotel or motel for the purposes of this ordinance except for parking requirements. Hostels shall meet the requirements of the Uniform Building Code for maximum occupancy.

Hotel (transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), with or without cooking facilities, and where 50 percent or more of the lodging rooms are for rent to guests for a continuous period of less than 30 days. Short-term rental use of a single family dwelling or individual dwelling unit is not a hotel use.*

Hotel (non-transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), where cooking facilities are provided within individual lodging rooms, or for groups of lodging

rooms, and where 50 percent or more of the lodging rooms are offered for rent to guests for a continuous period of 30 days or longer. Short-term rental use of a single family dwelling or individual dwelling unit is not a hotel use.*

Junk Yard. Any property used by a business that deals in buying and selling old motor vehicles, old motor vehicle parts, abandoned automobiles, or machinery or parts thereof, or appliances or parts thereof, or iron, paper, or waste of discarded material.

Kennel. A lot or building in which four or more dogs, cats, or animals at least four months of age are kept. Any building containing more than one dwelling unit shall be considered a lot or building for the purposes of this item.

Land Division. A subdivision or partition.

Land Use Action. The procedure by which the City of Newport makes a land use decision.

Land Use Decision. In general, a final decision or determination that concerns the adoption, amendment, or application of the statewide planning goals, a comprehensive plan provision, or a land use regulation. Specifically, a city decision as defined by ORS 197.015(10).

Laundromat. An establishment providing washing, drying, or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Loading Space. An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading

Lot. A lawfully established unit of land. In the context of a land division, a lot is a unit of land created by a subdivision of land.

Lot Area. The total horizontal area within the lot lines of a lot.

Lot Corner. A lot ~~with~~ at least two adjacent sides ~~of which~~ ~~but that about~~ streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

Lot, Corner, Reversed. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear where the lot to the rear is of the prevailing yard pattern.

Lot Frontage. The front of a lot is the portion nearest the street. In no case shall the frontage (or front lot line) be less than 25 feet.

Lot, Interior. A lot other than a corner lot.

Lot, Through. A lot having frontage on two parallel or approximate parallel streets other than alleys.

Lot Line. The property line abounding a lot. Where the lot line extends below ordinary high tide, ORS 390.615 shall apply. Where the lot line extends below ordinary high water, ORS 274.025 shall apply.

Lot Line, Front. In the case of an interior lot, a straight line joining the foremost points of the side lot lines. The foremost points of the side lot, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding, and, in the case of a corner lot, all sides of a lot adjacent to streets other than alleys shall be considered frontage.

Lot Line, Rear. In the case of an interior lot, a straight line joining the rearmost points of the side lot lines, and in the case of an irregular, triangular, or other shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line, and in the case of through lots, there will be no rear lot line. All corner lots shall have at least a 10 foot rear yard.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot Measurements.

- A. **Depth** of a lot is the mean horizontal distance between the front lot line and rear lot line of a lot. In the case of a corner lot, the lot depth is the greater of the mean horizontal distances between front lot lines and the respective lot lines opposite each other.
- B. **Width** of a lot is the mean horizontal distance between side lot lines (of side and front lot lines for corner lots) perpendicular to the lot depth.

Lumber and Other Building Materials Dealer. Establishment engaged in selling lumber and a general line of building materials to the general public (see State Industrial Code 5211).

Lumber Yard. A place of storage in connection with the wholesaling of lumber by a manufacturer such as a planing mill, a sawmill, or a producer of mill work (see S.I.C. 2411, 2421, 2426, 2429, and 2431).

Manufactured Dwelling. A manufactured home, mobile home, or residential trailer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located on a lot or parcel of land the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Manufactured Home. A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mini-Storage. Individual small warehouse units.

Ministerial Action. A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a

ministerial action requires no notice to any party other than the applicant and agencies that the Community Development Director, or designee, determines may be affected by the decision. A ministerial action does not result in a land use decision, as defined in ORS 197.015(10).

Mobile Food Unit. Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

Mobile Food Unit Pod. Four or more mobile food units on the same lot, parcel, or tract.

Mobile Home. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law at the time of construction.

Motel (transient). A building or group of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, with or without cooking facilities, and where 50 percent or more of the lodging rooms are for rent to guests for a continuous period of less than 30 days. Short-term rental use of a single family dwelling or individual dwelling unit is not a motel use.*

Motel (non-transient). A building or group of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, offered for rent to guests for a continuous period of 30 days or longer. Short-term rental use of a single family dwelling or individual dwelling unit is not a motel use.*

Nonconforming Lot. A lot legally existing on the effective date of this Ordinance that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Structure or Use. A legally established structure or use in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the regulations of the zoning district in which it is located. A use approved under criteria that have been modified or are no longer in effect is considered nonconforming.

Nursing Home. A nursing home provides 24 hour direct medical, nursing, and other health services. Registered nurses, licensed practical nurses, and nurses' aides provide services prescribed by resident(s) physician(s). A nursing home is for those persons who need health supervision but not hospitalization. The emphasis of this use is on nursing care, but convalescent, restorative physical, occupational, speech, and respiratory therapies are also provided. The level of care may also include specialized nursing services such as specialized nutrition, rehabilitation services and monitoring of unstable conditions. The term nursing home is also synonymous with the terms nursing facility and skilled nursing facility.

Open Porch. A roofed, open structure projecting from the outside wall of a building without window sash or any other form of permanent enclosure.

Owner. Means the natural person(s) or legal entity that owns and holds legal or equitable title to the property.

Parcel. Same as definition of "lot." In the context of a land division, a parcel is a unit of land that is created by a partitioning of land.

Parking Lot, Public. An open, off-street area used for the temporary parking of more than three automobiles and available for public use, with or without charge, or as an accommodation for clients and customers.

Partition. To divide land into not more than three parcels of land within a calendar year, but does not include:

A. .A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;

B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable ordinance; or

C. A sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes, provided that such road or right-of-way complies with the applicable comprehensive plan and state law. However, any property divided by the sale or grant of property for state highway, county road, city street, or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.

Pedestrian Trail. Pedestrian trails are typically located in parks or natural areas and provide opportunities for both pedestrian circulation and recreation.

Person. ~~Every natural person, firm, partnership, association, or corporation.~~ An individual or entity.

Planned Development. The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, or required open space to the regulations otherwise required by the ordinance.

Plat. The final map or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

Prefabricated Structure. A building or subassembly, other than a manufactured dwelling or small home, that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site, is relocatable, more than eight and one-half feet wide, and designed for use as a single family dwelling.

Primary Structure or Use. A structure or use of chief importance or function on a site. A site may have more than one primary structure or use.

Public Facilities. Sanitary sewer, water, streets (including sidewalks), storm water, and electricity.

Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

Recreational Vehicle (RV). A vehicle with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of not more than 400 square feet in the setup mode.

Recreational Vehicle Park. A place where two or more recreational vehicles are located on a lot or parcel of land, the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Recreational Vehicle Storage. Storage for more than two recreational vehicles. No occupancy allowed.

Replat. The act of platting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision. A replat shall not serve to vacate any public street or road.

Replat. Minor. A replat that involves five or fewer lots or any number of lots or parcels totally contained within a city block in the original configuration and that does not involve any public street rights-of-way. A minor replat shall not serve to vacate any public street or road

Residential Care Home. A residential facility, as defined in ORS 443.400, which provides residential care and/or treatment to five or fewer individuals, excluding caregivers, with mental or other developmental disabilities; mental, emotional, or behavioral

disturbances; or alcohol or drug dependence. This definition includes the state definitions of “residential training home” and “residential treatment home.”

Residential Facility. A facility licensed by or under the authority of the Department of Human Services (DHS) as defined in ORS 443.400, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Required staff persons shall not be counted in the number of facility residents. This definition includes the state definitions of “residential care facility,” “residential training facility,” and “residential treatment facility.”

Residential Trailer. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962.

Residential Unit. See definition of Dwelling Unit.

Roadway. The portion of a street right-of-way developed for vehicular traffic.

Sale or Transfer. Means any change of ownership during the period of time that a license is valid, whether or not there is consideration, except:

- 1A.** A change of ownership in real property where title is transferred pursuant to a declaration of right of survivorship as recognized in ORS 93.180.
- 2B.** A transfer of ownership in real property to a trust, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity so long as the conveyance does not result in any new individuals possessing titled or equitable interest in the property.
- 3C.** A transfer of ownership between titled interest holders.

- 4D. A transfer of ownership between, or to include, spouses, domestic partners, or children.
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Examples: The following scenarios serve as examples of some, but not all, of the types of transactions that will or will not constitute a sale or transfer as defined in this chapter:

- Title is held by a married couple or domestic partnership at the time the license is obtained. Partner dies and survivor retains license~~2.~~3. This would not constitute a sale or transfer (Exception 1).
- An individual owns a parcel subject to a declaration of right-of-survivorship to their children at the time a license is obtained. The individual dies and title is transferred pursuant to that provision~~2.~~3. This would not constitute a sale or transfer (Exception 1).
- Married couple possesses title to property at time license is obtained. They later elect to convey property into an irrevocable trust and retain a life estate in the deed~~2.~~3. This would not constitute a sale or transfer (Exception 2).
- A corporation consisting of three shareholders owns a parcel at the time a license is obtained. They later convert the corporation to a limited liability company controlled by two of the original three shareholders~~2.~~3. This would not constitute a sale or transfer (Exceptions 2. and 3).
- A limited liability company is formed with four individuals possessing ownership interest at the time a license is obtained. A fifth person later obtains an ownership interest in the company~~2.~~3. This would constitute a sale or transfer.
- Four tenants in common own a parcel at time license is obtained. An owner sells their 1/4 interest to one of the other existing owners~~2.~~3. This would not constitute a sale or transfer (Exception 3.) Alternatively, what if they sell their 1/4 interest

to a new person? That would constitute a sale or transfer.

- Title is held by a married couple at time license is obtained. They later acquire a home equity line of credit to repair the home, which lender secures with a deed of trust. Lender subsequently forecloses after a default under the term(s) of the security agreement². The instrument the lender uses to obtain possessory interest is a sale or transfer.
- Two married couples possess ownership interest in an LLC at the time a license is obtained. One of the couple's divorces and one of the partners drops off the title. Remaining partner remarries and the new spouse is added to the LLC². This is not a sale or transfer (Exception 4).
- Property is held by an individual at time license is obtained. The individual dies and children inherit property (no right of survivorship)². This would not constitute a sale or transfer (Exception 4).
- An individual possesses title to the property at the time a license is obtained. He/she later adds their domestic partner to the title to the property². This would not constitute a sale or transfer (Exception 4).

Setback. The minimum distance required between a specified object, such as a building and another point. Typically, a setback refers to the minimum distance from a building to a specified property line to provide a required yard.

Shared Use Path. Shared use paths provide off-roadway facilities for walking and biking travel. Depending on their location, they can serve both recreational and citywide circulation needs. Shared use path designs vary in surface types and widths.

Short-Term Rental. A dwelling unit, or portion thereof, that is rented to any person for a period of less than thirty (30) consecutive nights.

Small Home. A dwelling that is not more than 400 square feet in size and, if equipped with wheels and tongue or hitch, has had those components removed.

Small ~~wireless~~ Wireless facility Facility means a facility that meets each of the following conditions per 47 C.F.R § 1.6002(l), as may be amended or superseded:

A. The facilities (i) are mounted on structures 50 feet or less in height as measured from adjacent finished ground elevation, including the antennas, or (ii) are mounted on structures no more than 10 percent taller than other adjacent structures, or (iii) do not extend existing structures on which they are located to a height of more than 50 feet above the finished ground elevation or by more than 10 percent, whichever is greater; and

B. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume; and

C. All other wireless equipment associated with the structure, including wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume; and

D. The facilities do not result in human exposure to radio frequency in excess of the applicable safety standards specified in 47 C.F.R. § 1.1307(b).***

Street. ~~The term is defined in Section 13.05.005(J) of the Newport Subdivision Ordinance. A public or private way that is created to provide ingress or egress for vehicles to one or more lots, parcels, areas, or tracts of land. The City of Newport Transportation System Plan establishes four functional classifications of streets: Arterial, Major Collector, Neighborhood Collector, and Local Streets. Those classifications, and other street related terms, are defined as follows:~~

A. Arterial. ~~Arterial streets are primarily intended to serve regional and citywide traffic movement. Arterials provide the primary connection to collector streets. The Arterial streets in Newport are US 101 and US 20.~~

B. Half-street. Partial improvement of an existing street, or a portion of the width of a right of way, usually along the edge of a subdivision or partition, where the remaining portion of the street could be provided in another subdivision or partition, and consisting of at least a sidewalk and curb on one side and at least two travel lanes.

C. Local. All streets not classified as Arterial, Major Collector, or Neighborhood Collector streets are classified as Local Streets. Local Streets provide local access and circulation for traffic, connect neighborhoods, and often function as through routes for pedestrians and bicyclists. Local Streets typically maintain slow vehicle operating speeds to accommodate safe use by all modes.

D. Major Collector. Major Collectors are intended to distribute traffic from Arterials to streets of the same or lower classification.

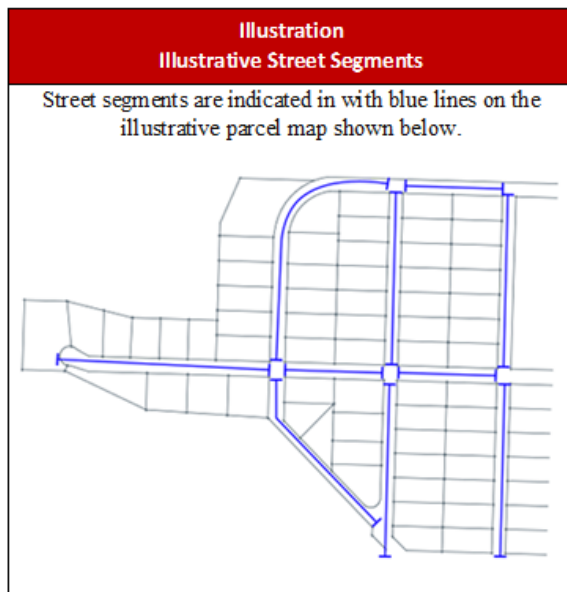
E. Neighborhood Collector. Neighborhood Collectors distribute traffic from Arterial or Major Collector streets to Local Streets. They are distinguishable from Major Collectors in that they principally serve residential areas. Neighborhood Collector streets typically maintain slow vehicle operating speeds to accommodate safe use by all modes.

F. Private Street. Private Streets are a special type of Local Streets that are used to facilitate access to specific properties or neighborhoods. The City of Newport is not responsible for maintenance on private streets.

G. Private Driveway. A private street that begins at a public right-of-way that is proposed to serve not more than four individual lots/parcels cumulative as the primary vehicular access to those individual lots/parcels.

H. Shared Street. A shared street is a local street that carries fewer than 500 vehicles per day. Shared streets have a single travel lane where all modes of travel share the paved roadway.

I. Street Segment. A portion of a local or collector street which is located between two intersections, or between an intersection and the end of a cul-de-sac or dead-end. *See Illustration: Illustrative Street Segments, below.*



Structural Alteration. Any change to the supporting members of a building including foundation, bearing walls or partitions, columns, beams or girders, or any structural change in the roof.

Structure. That which is built or constructed. An edifice or building or any kind of any piece of work artificially built up or composed of parts joined together in some manner and which require location on the ground or which is attached to something having a location on the ground.

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- A. before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either of the following:
 - 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or
 - 2. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

Temporary Structures. Trailers, mobile food units, prefabricated buildings, or other structures that can readily be moved or which are not attached in a permanent manner to a permanent foundation and are used for residential or business purposes.

Terrace. An open porch without a permanent roof and not over 30 inches in height (not requiring a railing according to the Uniform Building Code).

~~Town-Hhouse~~. Buildings that are subdivided into individual units such that each owner owns his own unit and also has entitlement to the parcel of land upon which his unit is located.

Townhouse ~~project~~Project. means one or more townhouse structures constructed, or proposed to be constructed, together with the lot, parcel, or tract where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and the commonly owned property, if any.

Tourist. A person or group of people who are traveling for pleasure or are of a transient nature.

Tract. Two or more contiguous lots or parcels under common ownership.

Transportation Facility. A street, pedestrian pathway, bicycle facility, shared use path, or other improvement for the conveyance of people or goods, as identified in the adopted Transportation System Plan.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

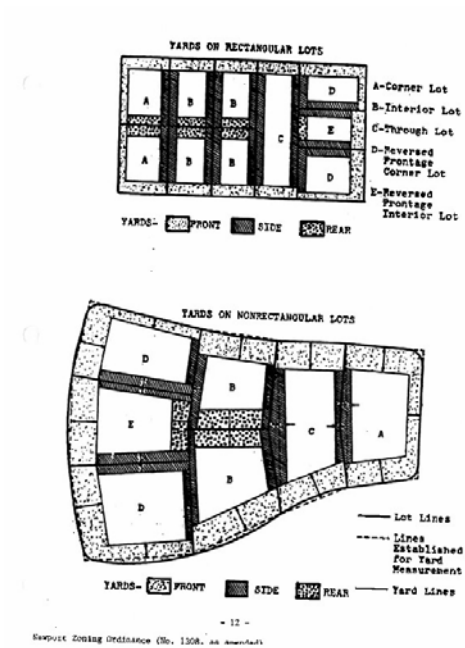
Vacation Rental. A short term rental where the entire dwelling unit is rented.

Walkway. A pedestrian way, including but not limited to a sidewalk, path or accessway, providing access within public right-of-way or on private property.

Wetlands. Wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Yard. An open space on a lot which is unobstructed by any building from the ground upward, except as otherwise provided in this ordinance. Yard depth is always measured horizontally and perpendicular to the respective lot line.

Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lots. In the case of corner lots, front yards shall be required as shown in Illustration A and in Table A.



Yard, Rear. A yard extending across the width of the lot between the inner side yard lines, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. In the case of through lots and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the lesser depth second front yard.

Yard, Side. A yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the normal front yard and lesser depth second front yard have been established shall be considered to be side yards. The accompanying Illustration A indicates the location of yards on rectangular and non-rectangular lots.

Staff: Definitions from Title XIII, Land Divisions, have been added to this section since the land division regulations are being consolidated into Title XIV to streamline the regulations and eliminate duplicative procedural requirements. Those definitions include "Land Division," "Lot," "Parcel," "Partition," "Person," "Plat," "Replat," "Replat (Minor)," "Roadway," "Street," "Subdivide Land," and "Subdivision." Definitions for "Alley" and "Street" are revised, and "Accessway," "Pedestrian Trail," "Shared Use Path," "Reasonably Direct," "Roadway," "Transportation Facility," and "Walkway" have been added, to implement the updated Transportation System Plan, as recommended in Reference 14, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

CHAPTER 14.03 ZONING DISTRICTS

14.03.010 Purpose.

It is the intent and purpose of this section to establish zoning districts for the City of Newport and delineate uses for each district. Each zoning district is intended to service a general land use category that has common location, development, and use characteristics. The quantity and availability of lands within each zoning district shall be based on the community's need as determined by the Comprehensive Plan. Establishing the zoning districts also implements the General Land Use Plan Map as set forth in the Comprehensive Plan.

14.03.020 Establishment of Zoning Districts.

This section separates the City of Newport into four (4) basic classifications and thirteen (13) use districts as follows:

A. Districts zoned for residential use(s).

1. R-1 Low Density Single-Family Residential.
2. R-2 Medium Density Single-Family Residential.
3. R-3 Medium Density Multi-Family Residential.
4. R-4 High Density Multi-Family Residential.

B. Districts zoned for commercial use(s).

1. C-1 Retail and Service Commercial.
2. C-2 Tourist Commercial.
3. C-3 Heavy Commercial.

C. Districts zoned for industrial use(s).

1. I-1 Light Industrial.
2. I-2 Medium Industrial.
3. I-3 Heavy Industrial.
4. W-1 Water Dependent.

5. W-2 Water Related.

D. Districts zoned for public use(s).

1. P-1 Public Structures.
2. P-2 Public Parks.
3. P-3 Public Open Space.

14.03.030 City of Newport Zoning Map.

The zoning districts established by this section are officially identified on the map entitled "City of Newport Zoning Map," by reference incorporated herein. Zoning district boundaries, as shown on the official map, shall be construed as follows:

- A. City limit lines;
- B. Platted lot lines or other property lines as shown on the Lincoln County Assessor's plat maps;
- C. The centerline of streets, railroad tracks, or other public transportation routes;
- D. The centerline of streams or other watercourses as measured at Mean Low Water. In the event of a natural change in location of the centerline of such watercourse, then the zoning district boundary shall be construed to moving with the channel centerline; and
- E. The Mean Higher High Tide Line.

14.03.040 Intent of Zoning Districts.

Each zoning district is intended to serve a general land use category that has common locations, development, and service characteristics. The following sections specify the intent of each zoning district:

R-1/"Low Density Single-Family Residential." The intent of the R-1 district is to provide for large lot residential development. This district should also be applied where

environmental constraints such as topography, soils, geology, or flooding restrict the development potential of the land.

R-2/"Medium Density Single-Family Residential." The intent of this district is to provide for low density, smaller lot size residential development. It is also the ambition of this district to serve as a transitional area between the low density residential district and higher density residential districts.

R-3/"Medium Density Multi-Family Residential." This district is intended for medium density multi-family residential development. It is planned for areas that are able to accommodate the development of apartments. New R-3 zones should be near major streets, on relatively flat land, and near community or neighborhood activity centers.

R-4/"High Density Multi-Family Residential." This district is intended to provide for high density multi-family residential and some limited commercial development. New R-4 zones should be on major streets, on relatively flat land, and near commercial centers.

C-1/"Retail and Service Commercial." The intent of the C-1 district is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Manufacturing, processing, repair, storage, or warehousing is prohibited unless such activity is clearly incidental to the business and occupies less than 50% of the floor area.

C-2/"Tourist Commercial." The intent of this zone is to provide for tourist needs, as well as for the entertainment needs of permanent residents.

C-3/"Heavy Commercial." The intent of this zone is to provide for commercial uses that are frequently incompatible with retail and service commercial uses. This zone is also intended to provide uses that utilize more than 50% of the floor area for storage, repair, or compounding of products but do not constitute a nuisance because of noise, dust, vibration or fumes.

I-1/"Light Industrial." The intent of this zone is to provide for commercial and industrial uses that can be located near residential or commercial zones. Uses that are associated with excessive noise, dust, vibration, or fumes shall be prohibited.

I-2/"Medium Industrial." The intent of this zone is to provide areas suitable for industrial activities, including manufacturing, fabricating, processing, packing, storage, repairing, and wholesaling. This classification should be applied to industrial areas having good access to transportation facilities and not near residential zones.

I-3/"Heavy Industrial." The intent of this zone is to provide for industrial uses that involve production and processing activities generating noise, vibration, dust, and fumes. Typically, this zone requires good access to transportation, large lots, and segregation from other uses due to nuisances.

W-1/"Water-Dependent." The intent of the W-1 district is to protect areas of the Yaquina Bay Shorelands, as identified in the Newport Comprehensive Plan, for water-dependent uses. For purposes of this section, a water-dependent use is one which needs contact with or use of the water for water-borne transportation, recreation, energy production, or water supply. All uses in a W-1 district shall comply with the following standards:

- A. Existing water-dependent uses or future water-dependent uses anticipated by the Comprehensive Plan shall not be preempted or restricted by non-water-dependent uses. In determining whether or not a use preempts or restricts a water-dependent use, the following shall be considered:
 - 1. Water-related uses accessory to and in conjunction with water-dependent uses.
 - 2. Temporary or mobile uses such as parking lots or temporary storage areas.

- 3. Incidental and accessory non-water-dependent uses sharing an existing structure with a water-dependent use.
- B. Applicable policies in the Yaquina Bay Estuary and Yaquina Bay Shoreland sections of the Comprehensive Plan shall be followed.
- C. In determining whether a conditional use should be allowed, consideration shall be given to whether the site or portion thereof is within an area designated as especially suited for water-dependent or water-related uses in the Comprehensive Plan. If the property is within that area, then the site shall be protected for water-dependent and water-related recreational, commercial, and industrial uses.

W-2/"Water-Related." The intent of the W-2 district is to provide areas within and adjacent to the Yaquina Bay Shorelands for water-dependent, water-related, and other uses that are compatible or in conjunction with water-dependent and water-related uses. In determining whether or not a use is water-related, the following shall be uses:

- A. The proposed use is directly associated with a water-dependent use by supplying materials or services, or by using projects of water-dependent uses; and
- B. Location away from the water would result in a public loss in the quality of goods or services after considering economic, social, environmental, and energy effects.

All conditional uses in a W-2 district shall also comply with the following standard:

In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality.

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted

uses in the City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of [Section 14.25](#).

"P" = Permitted uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

		R-1	R-2	R-3	R-4
A.	Residential				
	1. Single-Family	P	P	P	P
	2. Two-family	P	P	P	P
	3. Townhouse	X	P	P	P
	4. Cottage Cluster	X	X	P	P
	5. Multi-family	X	X	P	P
	6. Manufactured Homes ¹	P	P	P	P
	7. Manufactured Dwelling Park	X	P	P	P
B.	Accessory Dwelling Units	P	P	P	P
	(B. was added on the adoption of Ordinance No 2055 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)				
C.	Accessory Uses	P	P	P	P
D.	Home Occupations	P	P	P	P
E.	Community Services				
	1. Parks	P	P	P	P
	2. Publicly Owned Recreation Facilities	C	C	C	C
	3. Libraries	C	C	C	C
	4. Utility Substations	C	C	C	C
	5. Public or Private Schools	C	C	C	P
	6. Family Child Care Home	P	P	P	P
	7. Child Care Center	C	C	C	C
	8. Religious Institutions/Places of Worship	C	C	C	C
F.	Residential Care Homes	P	P	P	P
G.	Nursing Homes	X	X	C	P
H.	Motels and Hotels ³	X	X	X	C
I.	Professional Offices	X	X	X	C
J.	Rooming and Boarding Houses	X	X	C	P
K.	Beauty and Barber Shops	X	X	X	C
L.	Colleges and Universities	C	C	C	C
M.	Hospitals	X	X	X	P
N.	Membership Organizations	X	X	X	P
O.	Museums	X	X	X	P
P.	Condominiums ²	X	P	P	P
Q.	Hostels	X	X	X	C
R.	Golf Courses	C	C	C	X
S.	Recreational Vehicle Parks	X	X	X	C
T.	Necessary Public Utilities and Public Service	C	C	C	C

	Uses or Structures				
U.	Residential Facility*	X	X	P	P
V.	Movies Theaters**	X	X	X	C
W.	Assisted Living Facilities***	X	C	P	P
X.	Bicycle Shop****	X	X	X	C
Y.	Short-Term Rentals (subject to requirements of Chapter 14.25)	P	P	P	P
<u>Z.</u>	<u>Transportation Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

¹ Manufactured homes may be located on lots, parcels or tracts outside of a manufactured dwelling park subject to the provisions listed in NMC 14.06.020.

² Condominiums are a form of ownership allowed in all zones within dwelling types otherwise permitted pursuant to subsection (A).

³ Hotels/motel units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone described in NMC Chapter 14.4650.

Staff: Adds transportation facilities as an outright use in the City's residential zones and picks up chapter renumbering. Transportation facilities had been previously interpreted as accessory uses. This change implements the updated Transportation System Plan, as recommended in Reference 1, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

14.03.060 Commercial and Industrial Districts.

The uses allowed within each commercial and industrial zoning district are classified into use categories on the basis of common functional, product, or physical characteristics.

A. Application of Use Categories. Uses are to be assigned to the category whose "Characteristics" most closely describe the nature of the primary use. Developments may have more than one primary use. "Use Examples" are provided for each use category. The names of uses on the list are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description on the Retail Sales and Service category.

B. Interpretation. When a use's category is not clearly identifiable, the Community Development Director shall determine the applicable use category under a Type I decision-making process as provided by [Section 14.52](#). The following factors are to be considered to determine what use category the use is in, and whether or not the activities constitute a primary use.

1. The description of the activity(ies) in relationship the characteristics of each use category;
2. The relative amount of site or floor space and equipment devoted to the activity;
3. Relative amount of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees for each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity would function independently of other activities on the site;

C. Commercial Use Categories

1. Office
 - a. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government,

professional, medical, or financial services. Traffic is primarily from employees with limited customer interactions.

- b. Examples. Examples include financial businesses such as lenders, brokerage houses, bank headquarters; data processing; headquarters for professional service firms (lawyers, accountants, engineers, architects, etc.), sales offices; government offices; public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.
- c. Exceptions.
 - i. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
 - ii. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

2. Retail Sales and Service

- a. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- b. Examples. Examples include uses from the four subgroups listed below:
 - i. Sales-oriented, general retail: Stores selling, leasing, or renting consumer, home, and business goods including art,

art supplies, bicycles, books, clothing, dry goods, electronic equipment, fabric, fuel, gifts, groceries, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales. Sales oriented general retail includes the service but not repair of vehicles.

- ii. Sales-oriented, bulk retail: Stores selling large consumer home and business goods, including appliances, furniture, hardware, home improvements, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
- iii. Personal service-oriented: Branch banks; urgency medical care; Laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels (non-transient); motels (non-transient); taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming.
- iv. Entertainment-oriented: Restaurants (sit-down and drive through); cafes; delicatessens; taverns and bars; hotels (transient), motels (transient), recreational vehicles, and other temporary lodging with an average length of stay less than 30 days; athletic, exercise and health clubs or gyms; bowling alleys, skating rinks, game arcades; pool halls; dance halls, studios, and schools; theaters; indoor firing ranges, miniature golf facilities, golf courses, and driving ranges.

v. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

c. Exceptions.

i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

ii. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.

iii. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

iv. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

v. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.

vi. Camping for a charge or fee or to secure the trade or patronage of a person is limited to Recreation Vehicle Parks or public zoned property where identified in a city or state parks master plan.

vii. Recreational Vehicle Parks are subject to the standards set forth in Section 14.06.060.

viii. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as a Recreational Vehicle Park.

3. Major Event Entertainment

- a. Characteristics. Major Event Entertainment uses are characterized by spectator or participatory entertainment and recreational activities, either indoors or outdoors, that draw large numbers of people to specific events or shows.
- b. Examples. Examples include fairgrounds, sports complexes, ball fields, exhibition and meeting areas, coliseums or stadiums, equestrian centers and animal arenas, outdoor amphitheaters and theme or water parks.
- c. Exceptions.
 - i. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Sales Oriented Retail Sales or Service.
 - ii. Banquet halls that are part of hotels or restaurants are accessory to those uses.

4. Self-Service Storage

- a. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- b. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- c. Exceptions. A transfer and storage business where there are no individual storage areas or

where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

5. Vehicle Repair

- a. Characteristics. Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- b. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- c. Exceptions.
 - i. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

6. Parking Facility

- a. Characteristics. Parking facilities provide parking for vehicles as the primary use. The Parking Facility use category does not include parking that is required for a primary use. A fee may or may not be charged to park at a facility.
- b. Examples. Short and long term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and park-and-ride lots.
- c. Exceptions.
 - i. Required parking that is accessory to a use is not considered a Parking Facility.

D. Industrial Use Categories

1. Contractors and Industrial Service

- a. Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- b. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- c. Exceptions.
 - i. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.
 - ii. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

2. Manufacturing and Production

- a. Characteristics. Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. Manufacturing and production activities within heavy commercial or light industrial areas are those that do not produce excessive noise, dust, vibration, or fumes.
- b. Examples. Examples include uses from the two subgroups listed below:
 - i. Light Manufacturing: Industrial uses that do not generate excessive noise, dust, vibration or fumes, such that they can be located near residential and commercial zones without creating nuisance impacts. Uses include processing of food and related products where the materials and processing activities are wholly contained within a structure, such as bakery products, canned and preserved fruits and vegetables, sugar and confectionary products, and beverages; catering establishments; breweries, distilleries, and wineries; manufacture of apparel or other fabricated products made from textiles, leather or similar materials; woodworking, including furniture and cabinet making; fabrication of metal products and fixtures; manufacture or assembly of machinery, equipment, or instruments, including industrial, commercial, and transportation equipment, household items, precision

items, photographic, medical and optical goods, artwork, jewelry, and toys; manufacture of glass, glassware, and pressed or blown glass; pottery and related products; printing, publishing and lithography production; sign making; and movie production facilities.

- ii. Heavy Manufacturing: Industrial uses that should not be located near residential areas due to noise, dust, vibration or fumes that may be generated by the activities. Uses include processing of food and related products where some portion of the materials are stored or processed outdoors, such as dairies, slaughter houses, or feed lots; leather tanning and finishing; weaving or production of textiles; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemicals, rubber, structural clay, concrete, gypsum, plaster, bone, plastic, or stone products; primary metal industries including blast furnaces, foundries, smelting, and rolling and finishing of metal products; production and refinement of fossil fuels; concrete batching; and asphalt mixing; and manufacturing of prefabricated structures, including mobile homes.

c. Exceptions.

- i. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
- ii. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

3. Warehouse, Freight Movement, and Distribution

- a. Characteristics. Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves

or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

- b. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

- c. Exceptions.

- i. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste and Recycling Related uses.
- ii. Mini-warehouses are classified as Self-Service Storage uses.

5. Waste and Recycling Related

- a. Characteristics. Uses that receive solid or liquid wastes from others for disposal on the site or transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the decomposition of organic material. Waste related uses also include uses that receive hazardous wastes from others.
- b. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.
- c. Exceptions.

- i. Disposal of clean fill, as defined in OAR 340-093-0030, is considered fill, not a Waste and Recycling Related use.
- ii. Sewer pipes that serve a development are considered a Basic Utility.

6. Wholesale Sales

- a. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- b. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- c. Exceptions.
 - i. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
 - ii. Firms that engage in sales on a membership basis are classified as consideration of characteristics of the use.
 - iii. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

1. Mining

- a. Characteristics. Include mining or extraction of mineral or aggregate resources from the ground for off-site use.
 - b. Examples. Examples include sand and gravel extraction, excavation of rock, and mining of non-metallic minerals.
 - c. Exceptions.
 - i. All other forms of mining or extraction of earth materials are prohibited.
- E. Institutional and Civic Use Categories
- 1. Basic Utilities ~~and Roads~~
 - a. Characteristics. Basic utilities ~~and Roads~~ are infrastructure services which need to be located in or near the area where the service is provided. Basic ~~Utility and Road~~utility uses generally do not have regular employees at the site. Services may be public or privately provided.
 - b. Examples. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control devices. Water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; and suspended cable transportation systems; ~~bus stops or turnarounds; local, collector and arterial roadways; and highway maintenance.~~
 - c. Exceptions.
 - i. Services where people are generally present, ~~other than bus stops or turnarounds,~~ are classified as Community Services or Offices.

ii. Utility offices where employees or customers are generally present are classified as Offices.

~~iii. Bus barns are classified as Warehouse and freight movement.~~

~~iv.iii.~~ Public or private passageways, including easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Utility Corridors.

2. Utility, ~~Road and Transit~~ Corridors

a. Characteristics. Utility, ~~Road and Transit~~ Corridors include public or private passageways, including easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or similar services on a regional level. ~~This category includes new or expanded regional roadways, and tracks and lines for the movement of trains.~~

b. Examples. Examples include ~~highways, rail trunk and feeder lines;~~ regional electrical transmission lines; and regional gas and oil pipelines.

c. Exceptions.

i. ~~Highways, rail lines and u~~Utility corridors that are located within motor vehicle rights-of-way are not included.

3. Community Services

a. Characteristics. Public, non-profit or charitable organizations that provide local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. Services are

ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join. Uses may include shelter or housing for periods of less than one month when operated by a public or non-profit agency. Uses may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

- b. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, religious institutions/places of worship, fire and ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, soup kitchens, and surplus food distribution centers.

- c. Exceptions.

- i. Private lodges, clubs, and private commercial athletic or health clubs are classified as Entertainment and Recreation. Commercial museums (such as a wax museum) are in Retail Sales and Service.

4. Child Care Center

- a. Characteristics. Child Care Center use is a child care facility, other than a family child care home, that is certified under ORS 329A.280. Such facilities provide day or evening care to children under the age of 13 outside of the children's homes, with or without compensation. Child Care Centers may also provide care to children under 18 years of age who have special needs or disabilities and require a level of care that is above normal for the child's age.
- b. Examples. Pre-schools, nursery schools, latch key programs, and residential facilities.

c. Exceptions.

- i. Child Care Center use does not include care given by a “Family Child Care Home” that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330. Family Child Care Homes are located in a dwelling and are permitted on residential and commercial property developed with a dwelling.

5. Educational Institutions

- a. Characteristics. Educational Institutions provide educational instruction to students. This category includes schools, colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree, and public and private schools at the primary, elementary, middle, junior, high, or high school level that provide state-mandated basic education. This category also includes trade schools and vocational schools that provide on-site training of trade skills.
- b. Examples. Types of uses include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, public and private daytime schools, boarding schools, military academies, and trade/vocational schools.
- c. Exceptions.
 - i. Preschools are classified as Daycare facilities.

6. Hospitals

- a. Characteristics. Hospitals provide medical and surgical diagnosis and care to patients and offer overnight care. Hospitals tend to be on multiple blocks or in campus settings.

b. Examples. Examples include hospitals and medical complexes that include hospitals or emergency care facilities.

c. Exceptions.

i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are "Residential Facilities" and permitted in R-3 and R-4 zoning districts.

ii. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

7. Courts, Jails, and Detention Facilities

a. Characteristics. Includes facilities designed to try, detain or incarcerate persons while being processed for arrest or detention by law enforcement. Inmates or detainees are under 24-hour supervision by sworn officers.

b. Examples. Examples include courts, prisons, jails, probation centers, juvenile detention homes.

c. Exceptions.

i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are "Residential Facilities" and permitted in R-3 and R-4 zoning districts.

ii. Programs that provide transitional living experience for former offenders, such as halfway houses, where sworn officers do not supervise residents, are also "Residential Facilities" and permitted in R-3 and R-4 zoning districts.

8. Communication Facilities

- a. Characteristics. Includes facilities designed to provide signals or messages through the use of electronic and telephone devices. Includes all equipment, machinery, structures (e.g. towers) or supporting elements necessary to produce signals.
- b. Examples. Examples include broadcast towers, communication/cell towers, and point to point microwave towers.
- c. Exceptions.
 - i. Receive only antennae are not included in this category.
 - ii. Radio and television studios are classified in the Office category.
 - iii. Radio Frequency Transmission Facilities that are public safety facilities and small wireless facilities are classified as Basic Utilities. Small wireless facilities shall be subject to design standards as adopted by resolution of the City Council.

9. Transportation Facilities

- a. Characteristics. Includes facilities designed to convey, or facilitate the conveyance of, people or goods from one location to another.
- b. Examples. Examples include streets, pedestrian pathways, bicycle facilities, shared use paths, trails, transit stops and rail lines.

Staff: This section defines use categories for commercial and industrial zone districts. Subcategories for "Basic Utilities and Roads" and "Utility, Road and Transit Corridors," under Institutional and Civic Use categories treated transportation facilities and utilities in a similar manner. The subsections are being amended to remove references to transportation facilities, and a new transportation facilities subsection is being created. This will allow the City to regulate transportation facilities separate from utility uses.

1. Basic Utilities and Roads

14.03.070 Commercial and Industrial Uses.

The following list sets forth the uses allowed within the commercial and industrial land use categories.

"P" = Permitted uses.

"C" = Conditional uses; allowed only after the issuance of a conditional use permit.

"X" = Not allowed.

		C-1	C-2 ¹	C-3	I-1	I-2	I-3
1.	Office	P	X	P	P	P	X
2.	Retails Sales and Service						
	a. Sales-oriented, general retail	P	P	P	P	P	C
	b. Sales-oriented, bulk retail	C	X	P	P	P	C
	c. Personal Services	P	C	P	P	C	X
	d. Entertainment	P	P ²	P	P	C	X
	e. Repair-oriented	P	X	P	P	P	X
3.	Major Event Entertainment	C	C	P	P	C	X
4.	Vehicle Repair	X	X	P	P	P	X
5.	Self-Service Storage	X	X	P	P	P	X
6.	Parking Facility	P	P	P	P	P	P
7.	Contractors and Industrial Service	X	X	P	P	P	P
8.	Manufacturing and Production						
	a. Light Manufacturing	X	X	C	P	P	P
	b. Heavy Manufacturing	X	X	X	X	C	P
9.	Warehouse, Freight Movement, & Distribution	X	X	P	P	P	P
10.	Wholesale Sales	X	X	P	P	P	P
11.	Waste and Recycling Related	C	C	C	C	C	C
12.	Basic Utilities and Roads ³	P	P	P	P	P	P
13.	Utility, Road and Transit Corridors	C	C	C	C	C	C
14.	Community Service	P	C	P	P	C	X
15.	Family Child Care Home	P	P	P	X	X	X
16.	Child Care Center	P	P	P	P	P	X
17.	Educational Institutions						
	a. Elementary & Secondary Schools	C	C	C	X	X	X
	b. College & Universities	P	X	P	X	X	X
	c. Trade/Vocational Schools/Other	P	X	P	P	P	P

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18.	Hospitals	C	C	C	X	X	X
19.	Courts, Jails, and Detention Facilities	X	X	P	C	X	X
20.	Mining						
	a. Sand & Gravel	X	X	X	X	C	P
	b. Crushed Rock	X	X	X	X	X	P
	c. Non-Metallic Minerals	X	X	X	X	C	P
	d. All Others	X	X	X	X	X	X
21.	Communication Facilities ⁴	P	X	P	P	P	P
22.	Residences on Floors Other than Street Grade	P	P	P	X	X	X
23.	Affordable Housing ⁵	P	P	P	P	X	X
<u>24.</u>	<u>Transportation Facilities</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

1. Any new or expanded outright permitted commercial use in the C-2 zone district that exceeds 2,000 square feet of gross floor area. New or expanded uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Chapter 14.34, Conditional Uses. Residential uses within the C-2 zone are subject to special zoning standards as set forth in Section 14.30.100.

2. Recreational Vehicle Parks are prohibited on C-2 zoned property within the Historic Nye Beach Design Review District.

3. Small wireless facilities shall be subject to design standards as adopted by City Council resolution.

4. Communication facilities located on historic buildings or sites, as defined in Section 14.23, shall be subject to conditional use review for compliance with criteria outlined in Sections 14.23 and 14.34.

5. Permitted as outlined in Chapter 14.15 or, in the case of hotels/motels, the units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone defined in NMC Chapter 14.4650.

Staff: Added transportation facilities as an outright use in the City's commercial zones and addressed chapter renumbering. Required distinguishing transportation facilities from basic utilities and utility corridors. Transportation facilities had been previously interpreted as accessory uses. This change implements the updated Transportation System Plan, as recommended in Reference 1, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

14.03.080 Water-dependent and Water-related Uses.

The following list sets forth the uses allowed with the water-dependent and water-related land use classifications. Uses not identified herein are not allowed.

"P" = Permitted uses.

"C" = Conditional uses permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

		W-1	W-2
1.	Aquaculture	P	P
2.	Boat Rentals, Sport Fishing and Charter Boat Services	P	P
3.	Docks, Wharves, Piers	P	P
4.	Dry Dock, Boat Repair, Marine Service, and Marine Railway Facilities	P	P
5.	Fuel Facilities for Boats or Ships	P	P
6.	Marinas and Port Facilities	P	P
7.	Seafood Processing and Packaging Plants	P	P
8.	Terminal Facilities for Loading and Unloading Ships and Barges	P	P
9.	Marine Research and Education Facilities of Observation, Sampling, Recording, or Experimentation on or Near the Water	P	P
10.	Ice Production and Sales, Refrigeration Repair, and Cold Storage to Serve the Seafood Industry	C	P
11.	Boat Building and Marine Equipment Manufacture	C	P
12.	Parking Lots	C	P
13.	Warehouses	C	P
14.	Uses Allowed in the Adjacent Estuarine Management Unit	C	P
15.	Water-dependent Uses That Meet the Intent of the W-1 District	C	P
16.	Bait, Tackle, and Sporting Goods Stores Specializing in Water-related Merchandise	X	P
17.	Seafood Markets	X	P
18.	Uses Permitted Outright in a C-2 District	X	C
19.	Manufacturing in Conjunction with Uses X C Permitted Outright in a C-2 District	X	C
20.	Offices Not On the Ground Floor of an Existing Building	X	C
21.	Residences on Floors Other than Street Grade	X	C
22.	Transportation Facilities	P	P

Staff: Added transportation facilities as an outright use in the City's water-dependent and water-related zones. Transportation facilities had been previously interpreted as accessory uses. Change recommended in Reference 1, of Tech Memo #12, prepared by Angelo Planning Group, and dated 12/8/21.

14.03.090 Uses in State Park Master Plans.

* Where the W-1 and/or W-2 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design standards in the master plan and with other applicable standards.

14.03.100 Public Uses

. The following list sets forth the uses allowed within the public land use classification. Uses not identified herein are not allowed.

"P" = Permitted Uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

		P-1	P2	P-3
1.	Public Parks	P	P	P
2.	Public Open Space	P	P	P
3.	Public Schools, Colleges, or Universities	P	X	X
4.	Any Building or Structure Erected by a Governmental Entity	P	X	X
5.	Community Buildings	P	X	X
6.	Fairgrounds	P	X	X
7.	Public Cemeteries	P	P	X
8.	Water & Wastewater Treatment Plants	P	X	X
9.	Performing Arts Centers	P	X	X
10.	Visual Arts Centers	P	X	X
11.	Senior Centers	P	X	X
12.	Airport and Accessory Structures	P	X	X
13.	Public Golf Courses	P	P	X
14.	City Halls	P	X	X
15.	County Courthouses	P	X	X
16.	Jails and Juvenile Detention Facilities	P	X	X
17.	City or County Maintenance Facilities	P	X	X
18.	Publicly Owned Recreational Vehicle Parks	C	C	X

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19.	Public Museums	P	X	X
20.	Public Restrooms	P	P	X
21.	Recreation Equipment	P	P	X
22.	Post Office	P	X	X
23.	Parking Lots	P	P	X
24.	Public Hospitals	P	X	X
25.	Trails, paths, bike paths, walkways, etc. Transportation Facilities	P	P	P
26.	Water Storage Facilities	P	X	X
27.	Public Libraries	P	X	X
28.	Fire Stations	P	X	X
29.	Police Stations	P	X	X
30.	Accessory Structures for Any of the Above	P	P	P

Staff: Added transportation facilities as an outright use in the City's public zones. Trails, paths and bike paths are described as types of transportation facilities. Transportation facilities had been previously interpreted as accessory uses. Change recommended in Reference 1, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.03.110 Uses in State Park Master Plans.

Where the P-1, P-2, and/or P-3 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design standards in the master plan and with other applicable standards.

CHAPTER 14.14 PARKING, ~~AND~~ LOADING, ~~AND~~ ACCESS REQUIREMENTS

14.14.010 Purpose

The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

14.14.020 Definitions

For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

14.14.030 Number of Parking Spaces Required

A. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking

spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of [Section 14.14.050](#), Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

1.	General Office	1 space/600 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf
4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump
9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf
12.	Waterport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of

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		terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence	2 spaces/dwelling
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Townhouse	1.5 spaces/unit
24.	Cottage Cluster	1 space/unit
25.	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
26.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
27.	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses Shall be calculated separately
28.	Park	2 spaces/acre
29.	Athletic Field	20 spaces/acre
30.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
31.	Marina	1 space/5 slips or berths
32.	Golf Course	4 spaces/hole
33.	Theater	1 space/4 seats
34.	Bowling alley	4 spaces/alley
35.	Elementary/Middle School	1.6 spaces/classroom
36.	High School	4.5 spaces/classroom
37.	Community College	10 spaces/classroom
38.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
39.	Day Care Facility	1 space/4 persons of license occupancy
40.	Hospital	1 space/bed
41.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified

14.14.040 Parking Requirements for Uses Not Specified

The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in [Section 14.14.030](#) or a separate parking demand analysis prepared by the applicant and subject to a Type I decision making procedure as provided in [Section 14.52](#), Procedural Requirements.

14.14.050 Accessible and Electric Vehicle Parking

Parking areas shall meet all applicable accessible parking and electric vehicle charging infrastructure requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons, and sufficient electric vehicle parking infrastructure for future users.

Staff: Unlike other parking standards, accessible and electric vehicle requirements are regulated in the State of Oregon Structural Specialty Code (OSSC). Electric vehicle standards are new, being added with HB 2180 (2021). The City adopts the OSSC by reference, and it is amended every couple of years. This cross-reference is helpful in informing applicants of the requirements.

14.14.060 Compact Spaces

For parking lots of four-five vehicles or more, 40% of the spaces may be compact spaces, as defined in Section 14.14.090(A) measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compacts" in letters that are at least six inches high.

Staff: Revised per Reference 8, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Compact measurement no longer addressed in NMC 14.14.090(A). The 40% allowance works for five parking spaces not four.

14.14.070 Bicycle Parking

Bicycle parking facilities shall be provided as part of new multi-family residential developments of four-five units or more; and new retail, office, and institutional developments; and park-and-ride lots and transit transfer stations.

A. The required minimum number of bicycle parking spaces is as follows: rounding up to the nearest whole number:

Parking Spaces Required	Bike Spaces Required
1 to 4 <u>a</u>	<u>01</u>

5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/ 50 25

~~A. Residential developments less than 5 units are exempt from bicycle parking requirements.~~

- B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.
- C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.
- E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

Staff: Expands requirement for bike parking to commercial and institutional projects that generate a demand for more than 5 new parking spaces. Added per Reference 5, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.14.080 Shared Parking

The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

14.14.090 Parking Lot Standards

Parking lots shall comply with the following:

A. Parking Lot Minimum Standards. Parking lots shall be designed pursuant to the minimum dimensions provided in Table 14.14.090-A and Figure 14.14.090-A. Size of Spaces. Standard parking spaces shall be nine (9) feet in width by 18 feet in length. Compact spaces may be 7.5 feet wide by 15 feet long. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking space(s) shall be not less than eight (8) feet wide and 22 feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

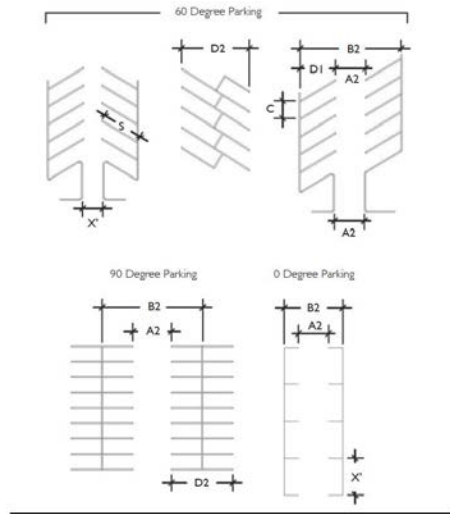
B. Aisle Widths. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

Parking Angle	0°	30°	45°	60°	90°
Aisle Width					
One-way traffic	13	11	13	18	24
Two-way traffic	19	20	21	23	24

Table 14.14.090-A. Parking Lot Minimum Dimensions for Standard Space

PARKING ANGLE ≤ °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
		SINGLE	DOUBLE	ONE	TWO	ONE	TWO	
		D1	D2	WAY A1	WAY A2	WAY B1	WAY B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Figure 14.14.090-A. Parking Lot Minimum Dimensions



C. Surfacing.

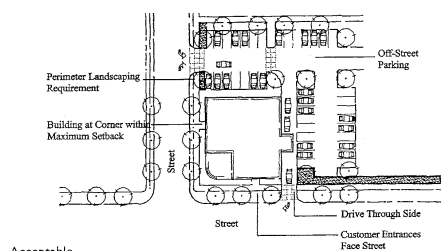
1. All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and dust may be approved by the City Engineer if an equivalent level of stability is achieved.
2. Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.

3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings.
- D. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.
- E. Satellite Parking.
 1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.
 2. All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.
 3. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.
 4. Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.
- F. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

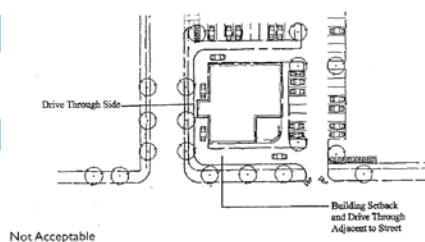
G. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

1. The drive-up/drive through facility shall orient to an alley, driveway, or interior parking area, and not a street; and
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

Figure 1 – Drive-Up and Drive-Through Facilities



Acceptable



Not Acceptable

H. Driveway Standards. Driveways shall conform to the requirements of Chapter 14.46.

I. Landscaping and Screening. Parking lot landscaping and screening standards must comply with Section 14.19.050.

J. Preferential Carpool/Vanpool Parking. Parking areas that have designated employee parking and more than 20 vehicle parking spaces shall provide at least 10% of the employee parking spaces, as preferential

carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA accessible parking spaces.

Staff: Updates parking lot standards to include additional information for dimensions required to implement various parking lot configurations. Cross-references to new driveway standards and revised landscaping requirements. Revisions per References 8 and 11, Tech Memo #12, by Angelo Planning Group, dated 12/8/21

14.14.100 Special Area Parking Requirements

These special areas are defined as follows:

- A. Nye Beach. That area bounded by SW 2nd Street, NW 12th Street, NW and SW Hurbert Street, and the Pacific Ocean.
- B. Bayfront. That area bounded by Yaquina Bay and the following streets: SE Moore Drive, SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.
- C. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, SW 10th Street, SW Angle Street, SW 11th Street, SW Hurbert Street, and SW 10th Street.

Uses within a special area are not required to provide the parking required in this section if a parking district authorized by the City Council is formed in all or part of the special area. In such circumstances, off-street parking shall be provided as specified by the parking district.

14.14.110 Loading and Unloading Areas

Off-street loading and unloading areas shall be provided per this section.

- A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-

street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.

- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table 14.14.110-A. Required Loading Spaces

Square footage of Building	Number of Loading Spaces
0-19,999	0
20,000 – 79,999	1
80,000 – 119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the Planning Commission may waive the requirements of this section.
- F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and

unloading facility shall be screened per [Section 14.18](#).

~~14.14.120~~ — Access

- ~~A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.~~
- ~~B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.~~
- ~~C. All accesses shall be approved by the City Engineer or designate.~~
- ~~D. Driveway accesses onto Arterial streets shall be spaced a distance of 500 feet where practical, as measured from the center of driveway to center of driveway.~~
- ~~E. Each parcel or lot shall be limited to one driveway onto an Arterial street unless the spacing standard in (D) can be satisfied.~~
- ~~F. Access Consolidation. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.~~

Staff: NMC 14.14.120 is being replaced with new Chapter 14.46, per Reference 6, Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.14.130 ~~120~~ Variances

Variances to this section may be approved in accordance with provisions of [Section 14.33](#), Adjustments and Variances, and a Type III Land Use Action decision process consistent with [Section 14.52](#), Procedural Requirements.*

CHAPTER 14.19 LANDSCAPING REQUIREMENT

14.19.010 Purpose

The purpose of this section is to provide for the installation, long-term maintenance and protection of trees, vegetation and other landscape elements within the City of Newport recognizing however, that development often times requires the removal of trees and other plant material. When removal is done, the purpose of this section is to require replacement that is attractive, well placed and enhances the overall appearance of the property and the City as a whole. It is further the purpose of this section to:

- A. Aid in air purification and storm water runoff retardation;
- B. Aid in the reduction of noise and glare;
- C. Provide visual buffers;
- D. Enhance the beauty of the city;
- E. Improve property values;
- F. Reduce erosion; and
- G. To protect and enhance the natural beauty, environment and greenspace within the City of Newport to advance economic development, attract residents and promote tourism.

14.19.020 Definitions

For purposes of this section, the following definitions shall apply. Where no definition is given, the common usage of the word shall be used. If there is a conflict between the definitions contained in this section and the more general definitions contained in the definitions section of this Ordinance, this section shall apply.

- A. Addition. An increase in the gross floor area.
- B. Bayfront. The area of the city defined in the Bayfront Plan section of the City's Comprehensive Plan.

- C. Buffer. The use of landscaping, or the use of landscaping along with berms or fences, that obscure the sight from an abutting property and uses, that at least partially and periodically obstructs view and noise. For purposes of this Section, the buffer does not count toward the required landscaping.
- D. City Center. The area of the city defined in Section 14.14.100(C) of this Code.
- E. Development. That which is done on a tax lot or parcel of property under one ownership pursuant to any permit issued by the City of Newport Department of Planning and Community Development.
- F. Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- G. Hanging Basket. A basket of flowers or other plant material that is over a public right-of-way or private property and attached to a building, pole, wall, tree or other attachment. In no case shall a hanging basket be less than eight feet above a sidewalk or other pedestrian way or within two feet of a street or driveway.
- H. Landscaped Area. That area within the boundaries of a given lot or other area authorized for landscaping purposes which is devoted to and consists of landscaping.
- I. Landscaping. Material placed in a landscaped area including but not limited to grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features, provided, however that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic plant material. Landscaping does not include sidewalks, fences, walls, benches or other manufactured materials unless same is incidental to the total area of the landscaped area.

- J. Landscaping Plan. A drawing to scale showing the location, types and density of landscaping.
- K. Maintain or Maintenance. Any activity such as pruning, mulching, mowing, fertilizing, removal and replacement of dead vegetation and other similar acts that promote the life, growth, health or beauty of the landscape vegetation.
- L. Nye Beach. The area of the City defined in the Historic Nye Beach Overlay District section of this Ordinance.
- M. Planter. A decorative container for flowers, bushes, trees and other plant materials including but not limited to window boxes, planter boxes, flower pots and other containers.
- N. Sight obscuring. Landscaping, berms, fences, walls or a combination of all those elements that completely blocks the ability to see through it.
- O. Window or Planter Box. A decorative box, pot, or other container that contains flowers and other plant material that is placed immediately below a window, along a walkway or other location. In no case shall a window or planter box extend more than two feet or 20% of the distance from the building to the street curb into the public right-of-way, whichever is less.

14.19.030 Applicability

The provisions of this ordinance shall apply to all new commercial, industrial, public/institutional, and multi-family development, including additions to existing development or remodels.

14.19.040 General Requirements

The objective of this section is to encourage the planting and retention of existing trees and other vegetation to improve the appearance of off-street parking areas, yard areas and other vehicular use areas; to protect and preserve the appearance, character, and value of surrounding properties, and thereby promote the general

welfare, safety and aesthetic quality of the City of Newport; to establish buffer strips between properties of different land uses in order to reduce the effects of sight and sound and other incompatibilities between abutting land uses; to insure that noise, glare and other distractions within one area does not adversely affect activity within the other area. Prior to the issuance of a building permit, landscaping plans showing compliance with this section are required.

- A. No landscape plan submitted pursuant to this section shall be approved unless it conforms to the requirements of this ordinance.
- B. Landscape plans shall be submitted for all development. Said plans shall include dimensions and distances and clearly delineate the existing and proposed building, parking space, vehicular access and the location, size and description of all landscape areas and materials.
- C. Landscaping shall not obstruct the view at the intersection of two or more streets or alleys; or at the intersection of a street and a driveway.
- D. A guarantee of performance bond or escrow agreement shall be required in an amount to be determined by the Planning Director and approved by the City Attorney as to form to insure satisfactory completion of the landscaping plan as approved if the required landscaping is not installed prior to certificate of occupancy as required by the Building Code.

14.19.050 Landscaping Required for New Development, Exceptions

All new development, except for one and two family residences, shall be required to install landscaping per this section. For purposes of this section, new development shall mean construction upon a vacant lot or a lot that becomes vacant by virtue of the demolition of an existing building. Landscaping shall be provided as follows:

- A. Area. Landscaping shall be ten percent of the total square footage of a lot or parcel.

- B. Location. Landscaping shall be located along a street frontage or frontages.
- C. Exceptions. The right-of-way between a curb and a property line, not counting any sidewalk, driveway or other hard surfaces, may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for future street expansion. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer. A window or planter box may also be used to meet landscaping requirements at a ratio of 1 to 1. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping.
- D. Landscaping and Screening for Parking Lots. The purpose of this subsection is to break up large expanses of parking lots with landscaping. Therefore, all parking areas or each parking bay where a development contains multiple parking areas not abutting a landscaping area with 20 or more parking stalls shall comply with the following provisions:
1. Five percent of the parking area shall be dedicated to a landscaped area and areas. A minimum of 10 percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. This 10 percent landscaping requirement includes landscaping around the perimeter of parking areas as well as landscaped islands within parking areas. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. At a minimum, one tree per 12 parking spaces on average shall be planted over and around the parking area.

2. In no cases shall a landscaped area required under this subsection be larger than 300 square feet. If more landscaping is required than the 300 square feet it shall be provided in separate landscaping areas. All parking areas with more than 20 spaces shall provide landscape islands with trees that break up the parking area into rows of not more than 12 contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than 48 square feet of area and no dimension of less than 6 feet, to ensure adequate soil, water, and space for healthy plant growth.
3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within 2 years of planting, not less than 50 percent of that area is covered with living plants; and
4. Wheel stops, curbs, bollards or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than 2 feet from any such barrier.
5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.
6. The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between 3 feet and 4 feet.
7. The provisions of this subsection do not apply to areas for the storage and/or display of vehicles.

Staff: Increases parking lot landscaping requirement from five to 10 percent. Requires at least one tree for every 12 spaces, specifies minimum dimensions for

landscape islands to ensure sufficient space for plantings, outlines landscaping expectations, includes wheel stop requirements, and adds a standards for landscape screening to ensure headlights do not shine into residential yards or rights-of-way. Changes implement recommendations listed in Reference 8, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.19.060 Landscaping Requirements for Additions and Remodels

For purposes of this section, addition means any development that increases the floor area of a building. Remodel is any work requiring a building permit. For additions and remodels, landscaping shall be provided as follows:

- A. Area. If the subject development after completion complies with the requirements for new development, no additional landscaping is required. If the subject development does not comply with the requirement for new development, landscaping shall be installed so as follows:
1. For projects with a value of \$50,000 or less, no additional landscaping is required.
 2. For projects with a value of \$50,001 to \$100,000, the amount of landscaping shall be no less than 25% of that required for new development.
 3. For projects with a value of \$100,001 to \$175,000, the amount of landscaping shall be no less than 50% of that required for new development.
 4. For projects with a value of \$175,001 to \$300,000, the amount of landscaping shall be no less than 75% of that required for new development.
 5. For projects with a value greater than \$300,000, the amount of landscaping shall be 100% of that required for new development.

Values shall be based on year 2000 dollars and adjusted on July 1 of each year for inflation. The adjustment shall

be based on the latest available Portland, Oregon Consumer Price Index.

For purposes of this section, the value shall be based on the amount placed on the application for a building permit. If the Building Official determines that the value is below the actual value as calculated by the formulas developed by the State of Oregon Building Codes Division, the value on the permit shall be as determined by the Building Official. If there is a dispute as to the value, the matter shall be referred to the Planning Commission for resolution. The procedure used shall be the same as for a Type I variance contained in [Section 14.33](#) of this Ordinance.

In the case where a second addition or remodel is commenced within one year of the first addition or remodel, the two projects shall be counted as one with regard to determining the above landscaping requirements.

B. Location. Landscaping shall be located along a street frontage or frontages.

C. Exceptions. The right-of-way between a sidewalk and a property line may be used and counted toward the required landscaping as long as it has been determined by the Planning Director that the right-of-way is not needed for future street expansion. If the developer chooses to exercise this option, he or she shall enter into an agreement that the landscaping in the right-of-way is to be maintained as landscaping. In addition, window boxes may be substituted for surface landscaping. The calculation shall be one square foot of window box accounts for three square feet of surface landscaping as required in Subsection A of this Section. A developer may also plant a street tree within the sidewalk and it shall count toward meeting landscaping requirements subject to approval by the Planning Director and the City Engineer.

14.19.070 Nye Beach*

Development in the Historic Nye Beach Design Review District shall follow the same landscaping requirements

as [Subsection 14.19.080](#) (City Center and Bayfront) of Section 14.19 if landscaping requirements are not specified elsewhere. If landscaping is required under a permit issued under the design review design guidelines or design standards, then the permit requirements shall be the applicable landscaping requirements. If the permit requirements specify landscaping requirements that are to be implemented in conjunction with, or in addition to, the landscape requirements of this section, then the landscaping requirements of the permit shall be implemented in conjunction with, or in addition to, the requirements of landscaping specified in [Subsection 14.19.080](#) (City Center and Bayfront) of Section 14.19.

14.19.080 City Center and Bayfront

Because the City Center and Bayfront areas were platted and built on very small lots and many of the existing buildings are located on or near the property lines, a strict area landscaping requirement is difficult to obtain and places an undue burden on the property owner. Those areas shall therefore be subject to this section rather than [Sections 14.19.050](#) and [14.19.060](#) of this ordinance.

- A. New Development. The requirement for new development, defined as building on a vacant lot, shall be 10% of the lot area. In lieu of the 10%, hanging baskets or window/planter boxes may be substituted for surface landscaping, or any combination thereof. The calculation for square footage may be up to one square foot of hanging basket, planter box or window box for every three feet of otherwise required landscaping.
- B. Additions. Landscaping shall be required at a rate of 10% of the area of the addition. In lieu of the 10%, hanging baskets or window/planter boxes may be substituted for surface landscaping, or any combination thereof. The calculation for square footage may be up to one square foot of hanging basket, planter box or window box for every three feet of otherwise required landscaping.
- C. Remodels. Landscaping shall be required per [Section 14.19.060](#) except that in lieu of providing

surface landscaping, window/planter boxes or hanging baskets may be substituted at a rate of one square foot of window/planter box or hanging basket for every ten square feet otherwise required.

14.19.090 Maintenance of Required Landscaping

Landscaping required by this section, whether existing prior to January 1, 1999 or not, shall be reasonably maintained based on the time of year and kept free of weeds and garbage. Failure to maintain required landscaping may be found to be a violation and subject to penalties contained in [Section 14.54](#) of this Code.

14.19.100 Variances

Variances to the requirements of this section shall be subject to the processes and criteria contained in [Section 14.33](#), Adjustments and Variances, and [Section 14.52](#), Procedural Requirements.* As a condition of approval, the Planning Commission may require a bond to assure satisfactory completion of the required landscaping. The Planning Commission may also approve, in lieu of providing a strict landscaping area, window or planter boxes in numbers and size to comply with the intent of this section or a reduction of up to 25% of the required landscaping when the Commission finds that the architectural character of the building is of such quality to justify the reduction. The Commission may also waive up to 25% of the area requirement if the developer puts in an automatic sprinkling system to water the landscaping. The required parking may be reduced up to 10% of the number ordinarily required by this Code if the parking spaces lost is put into landscaping. The site plan prepared by a registered surveyor as required by [Sections 14.33.040](#) is not required for a variance under this Section. If there is a neighborhood design review process, that process supersedes the requirements in this section and, if the design review committee finds that the landscaping is consistent with their review, supersedes the need for a variance otherwise required by this Section.

CHAPTER 14.33 ADJUSTMENTS, AND VARIANCES, AND TRANSPORTATION MITIGATION PROCEDURE

14.33.010 Purpose

The purpose of this section is to provide flexibility to numerical development standards in recognition of the wide variation in property size, configuration, and topography within the City of Newport and to allow reasonable and economically practical development of a property.

14.33.020 General Provisions

- A. Application for an Adjustment or Variance from a numerical standard including, but not limited to, size, height, or setback distance may be processed and authorized under a Type I or Type III decision-making procedure as provided by [Section 14.52](#), Procedural Requirements, in addition to the provisions of this section.
- B. No Adjustment or Variance from a numerical standard shall be allowed that would result in a use that is not allowed in the zoning district in which the property is located, or to increase densities in any residential zone.
- C. In granting an Adjustment or Variance, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

14.33.030 Approval Authority

Upon receipt of an application, the Community Development Director or designate shall determine if the request is to be processed as an Adjustment or as a Variance based on the standards established in this subsection. There shall be no appeal of the Director's determination as to the type of application and decision-making process, but the issue may be raised in any appeal from the final decision on the application.

- A. A deviation of less than or equal to 10% of a numerical standard shall satisfy criteria for an Adjustment as determined by the Community Development Director using a Type I decision-making procedure.
- B. A deviation of greater than 10%, but less than or equal to 40%, of a numerical standard shall satisfy criteria for an Adjustment as determined by the Planning Commission using a Type III decision-making procedure.
- C. Deviations of greater than 40% from a numerical standard shall satisfy criteria for a Variance as determined by the Planning Commission using a Type III decision-making procedure.

14.33.040 Application Submittal Requirements

In addition to a land use application form with the information required in [Section 14.52.080](#), the petition shall include a site plan prepared by a registered surveyor that is drawn to scale and illustrates proposed development on the subject property.

- A. For requests to deviate from required setbacks, the site plan shall also show survey monuments along the property line subject to the Adjustment or Variance.
- B. For requests to deviate from building height limitations, the application shall include exterior architectural elevations, drawn to scale, illustrating the proposed structure and adjoining finished ground elevations.

14.33.050 Criteria for Approval of an Adjustment

The approval authority may grant an Adjustment using a Type I or Type III decision-making process when it finds that the application complies with the following criteria:

- A. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

- B. Any impacts resulting from the Adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and
- C. The Adjustment will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access; and
- D. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zoning district.

14.33.060 Criteria for Approval of a Variance

The approval authority may grant a Variance using a Type III decision-making process when it finds that the application complies with the following criteria:

- A. A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:
 - 1. The size, shape, natural features, and topography of the property, or
 - 2. The location or size of existing physical improvements on the site, or
 - 3. The nature of the use compared to surrounding uses, or
 - 4. The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or zoning district, or

5. A circumstance or condition that was not anticipated at the time the Code requirement was adopted.
 6. The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.
- B. The circumstance or condition in "A" above is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.
 - C. There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.
 - D. Authorization of the Variance will not result in substantial adverse physical impacts to property in the vicinity or zoning district in which the property is located, or adversely affect the appropriate development of adjoining properties. Adverse physical impacts may include, but are not limited to, traffic beyond the carrying capacity of the street, unreasonable noise, dust, or loss of air quality. Geology is not a consideration because the Code contains a separate section addressing geologic limitations.
 - E. The Variance will not interfere with the provision of or access to appropriate utilities, including sewer, water, storm drainage, streets, electricity, natural gas, telephone, or cable services, nor will it hinder fire access.
 - F. Any impacts resulting from the Variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

14.33.070 Transportation Mitigation Procedure

A. Purpose. The purpose of this procedure is to allow modifications to transportation standards where meeting the roadway cross-section requirements of Section 14.44.060 is not possible due to existing site constraints.

Commented [DT1]: Darci/Andrew: Just cross-sections, or shouldn't this apply to all standards in Section 14.44.060?

B. When Standards Apply. The standards of this section apply to new development or redevelopment for which a building permit is required and that place demands on public or private transportation facilities or city utilities. This procedure may be used in cases where full street improvements, half street improvements, and frontage improvements are required.

Commented [DR2R1]: As written, A. only applies to "the roadway cross-section requirements" (D. Approval Criteria text also only applies to cross-sections). To make this unambiguous, you could modify A. to include what is applicable in 14.44.060. For example, "where meeting the roadway cross-section requirements of Subsections 14.44.060(A) or (B).

C. Approval Process.

1. Pre-application Conference. The applicant shall participate in a pre-application conference pursuant to Section 14.52.045 prior to submitting an application requesting a Transportation Mitigation Procedure. The Community Development Director, City Engineer, and other appropriate city officials will participate in the pre-application conference. The meeting will be coordinated with ODOT when an approach road to US-101 or US-20 serves the property so that the application addresses both city and ODOT requirements.
2. The applicable review process will be the same as that accorded to the underlying land use proposal. If not requested as part of a land use proposal, this procedure shall be subject to a Type I process as defined in Section 14.52.020 (A).

D. Approval Criteria.

1. A cross-section other than that identified in the adopted Transportation System Plan (TSP) for the functional classification of the roadway may be approved if one or more of the following conditions apply to the subject property and result

in site conditions that prohibit the minimum roadway cross-section from being constructed.

a. Slopes over 25%

b. Mapped landslide areas

c. Mapped wetlands (National Wetland Inventory, City Wetlands Areas, or site specific survey)

d. Existing structures

e. Historical resources

f. Insufficient right-of-way

2. The steps to determine an acceptable alternate roadway design must be documented and follow the Process for Determining Street Cross-Sections in Constrained Conditions, as detailed in Table 14.33.070-A.

3. The proposal shall identify which conditions in Subsection 1 above apply to the subject property and show how conditions prevent the minimum cross-section from being constructed.

4. The proposal shall include documentation in the form of a written agreement from the Community Development Director, or designee, in consultation with the City Engineer and other city officials, as appropriate, that the proposed cross-section is consistent with the Process for Determining Street Cross-Sections in Constrained Conditions outlined in Table 14.33.070-A.

Table 14.33.070-A. Process for Determining Street Cross-Sections in Constrained Conditions

ANY NON- ARTERIAL ¹ STREET FUNCTIONAL CLASSIFICATION WITH:	STEPS TO REDUCE LOWER PRIORITY STREET COMPONENTS ⁵			
	STEP 1	STEP 2	STEP 3	STEP 4
EQUAL PEDESTRIAN AND BICYCLE CORRIDORS ²		Reduce sidewalk frontage zone to acceptable width	Choose acceptable bike facility	Reduce the furnishings/ landscape zone or pedestrian throughway to acceptable width
HIGHER PEDESTRIAN VS. BICYCLE CORRIDORS ³	Eliminate on- street parking on one or both sides	Implement acceptable bike facility	Reduce sidewalk frontage zone to acceptable width	
HIGHER BICYCLE VS. PEDESTRIAN CORRIDORS ⁴		Reduce sidewalk frontage zone to acceptable width	Reduce the furnishings/ landscape zone or pedestrian throughway to acceptable width	Implement acceptable bike facility

Notes:

1. The street cross-section for ODOT facilities depends on the urban context and are subject to review and approval by ODOT. Additional detail is provided in the BUD.
2. Includes Major Pedestrian vs. Major Bicycle corridor, Neighborhood Pedestrian vs. Neighborhood Bicycle corridor, or Local Pedestrian vs. Local Bicycle corridor.
3. Includes Major Pedestrian vs. Neighborhood or Local Bicycle corridor, or Neighborhood Pedestrian vs. Local Bicycle corridor.
4. Includes Major Bicycle vs. Neighborhood or Local Pedestrian corridor, or Neighborhood Bicycle vs. Local Pedestrian corridor
5. Local Streets that carry less than 500 vehicles per day are candidates for shared street treatments in lieu of this process

D. Conditions of Approval. The city may deny, approve, or approve a development proposal with conditions needed to meet operations, structural, and safety standards and provide the necessary right-of-way and improvements to ensure consistency with the city's Transportation System Plan. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

E. Fee in Lieu. The city may require the applicant to pay a fee in lieu of constructing required frontage

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improvements, consistent with Section 14.44.70 - Fee in Lieu Option.

Staff: Subsection added per Reference 12, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Creates an appealable land use process for permitting deviations to minimum street cross-sections adopted in the Transportation System Plan.

DRAFT

CHAPTER 14.44 TRANSPORTATION STANDARDS

14.44.010 Purpose

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

14.44.020 When Standards Apply

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

14.44.030 Engineering Design Criteria, Standard Specifications and Details

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

14.44.040 Conditions of Development Approval

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

Commented [DT3]: Darci/Andrew: This chapter does not address circumstances where private streets are acceptable and if there is a need for supplemental requirements to ensure that a mechanism exists to ensure private streets are maintained. Would appreciate your thoughts on what could be done in that regard.

Commented [DR4R3]: Derrick, I don't recall ever developing standards/requirements for private streets, but Corvallis' seem reasonable (Improvements Required with Development, LDC Chapter 4.0).

Private streets, though discouraged in conjunction with Land Divisions, may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
2. The development site remains in one ownership, or adequate mechanisms are established, such as a homeowners' association with the authority to enforce payment, to ensure that a private street installed with a Land Division will be adequately maintained;
3. Where a private street is installed in conjunction with a Land Division, development standards, including paving standards, consistent with City standards for public streets shall be used to protect the interests of future homeowners; and
4. The private street is located within a separate tract.

the required improvements are directly related and roughly proportional to the impact.

14.44.050 Transportation Standards

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

1. All new lots created, consolidated, or modified through a land division, partition, ~~lot property~~ line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street.
2. Streets within or adjacent to a development subject to [Chapter 13.0514.48](#), ~~Subdivision and Partition and Divisions~~, shall be improved in accordance with ~~the Transportation System Plan~~, the provisions of this Chapter, ~~and the street standards in Section 13.05.015~~.
3. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved ~~in accordance~~ [Chapter 13.05](#) ~~in accordance with the provisions of this Chapter~~, and public streets shall be dedicated to the applicable road authority;
4. Substandard streets adjacent to existing lots and parcels shall be brought into conformance with the ~~standards provisions~~ of ~~this Chapter~~ [Chapter 13.05](#).
5. Neighborhood Traffic Management such as speed tables, curb bulb outs, traffic circles, and other solutions may be identified as required on-site or off-site improvements along Neighborhood Collector or Local Streets.

Staff: Added per Reference 14, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Introduces neighborhood traffic management concept for neighborhood collector and local streets.

Commented [DT5]: Darci/Andrew: This section reads as a blend of the applicability of these standards, also covered under NMC 14.44.020 and actual standards. Do you have thoughts on how it could be improved?

Commented [DR6R5]: You could simply eliminate text under A. and renumber/letter 1. through 5. As currently written, A. either reiterates applicability defined in 14.44.020 (or, confusingly, modifies it because the standards need to be met for "new" development, not redevelopment).

- B. Guarantee. The city may accept a future improvement guarantee in the form of a cash deposit, surety bond, letter of credit or non-remonstrance agreement, in lieu of street improvements, if it determines that one or more of the following conditions exist:
1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 3. The improvement would be in conflict with anis funded and programmed for construction in an adopted capital improvement plan; or
 4. The improvement is associated with an approved land partition or minor replat and the proposed land partition does not create any new streets.
- C. Creation of Rights-of-Way for Streets and Related Purposes. Streets may be created through the approval and recording of a final subdivision or partition plat pursuant to Chapter 13.05; by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Transportation System Plan and the deeded right-of-way conforms to the standards of this Code; or other means as provided by state law.
- D. Creation of Access Easements. The city may approve an access easement when the easement is necessary to provide viable access to a developable lot or parcel and there is not sufficient room for public right-of-way due to topography, lot configuration, or placement of existing buildings. Access easements shall be created and maintained in accordance with the Uniform Oregon Fire Code.

Commented [DT7]: Darci/Andrew: What do you think about this change? The previous language, added in 2012, didn't make a great deal of sense. We have run into circumstances where an individual has been asked to construct a small segment of a project that the City has a budgeted capital project to address in a more comprehensive manner. If we have a capital project funded to address an issue, then it presents an equity issue to require that a developer on an infill project construct a small portion of it when other users get the benefit of the project for free.

Commented [DR8R7]: Given your explanation, the edits to 3. make sense. In essence, this allows the City to let a developer "off the hook" and not require payment for an improvement addressing the impact of the proposal, if that needed improvement is already part of a programmed City project. However, as written, 3. covers a scenario where an identified needed improvement adequately covers the expected impact of the proposed development, but the project is at odds with a (presumably larger) City project that resolves issues beyond the site-/project-level. In other words, the proposed transportation fix to mitigate development impacts is not the right type of improvement or not in the right location, as compared to the project in the CIP.

E. Street Location, Width, and Grade. The location, width and grade of all streets shall conform to the Transportation System Plan, subdivision plat, or street plan, as applicable and are to be constructed in a manner consistent with adopted City of Newport Engineering Design Criteria, Standard Specifications and Details. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets, pursuant to the requirements ~~in~~ Chapter 13.05 of this Chapter.

F. Transit improvements. Developments that are proposed on the same site as, or adjacent to, an existing or planned transit stop, as designated in the Lincoln County Transit District's 2018 Transit Development Plan, shall provide the following transit access and supportive improvements in coordination with the transit service provider:

1. Reasonably direct pedestrian and bicycle connections between the transit stop and primary entrances of the buildings on site, consistent with the definition of "reasonably direct" in Section 14.01.020.
2. The primary entrance of the building closest to the street where the transit stop is located shall be oriented to that street.
3. A transit passenger landing pad.
4. A passenger shelter or bench if such an improvement is identified in an adopted transportation or transit plan or if the transit stop is estimated by the Lincoln County Transit District to have at least 10 boardings per day.
5. Lighting at the transit stop.
6. Other improvements identified in an adopted transportation or transit plan, provided that the improvements are roughly proportional to the impact of the develop

Staff: Added per Reference 5, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Establishes

requirements for transit related improvements, where appropriate, in conjunction with new development.

14.44.060 Streets, Pathways, Accessways, and Trails

A. Street Width and Cross Sections. Right-of-way and roadway widths shall conform to the Minimum Street Cross-Sections in the Transportation System Plan and the standards in Table 14.44.060-A.

Table 14.44.060-A. Minimum Right of Way and Roadway Widths

<u>Functional Classification</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Roadway Width</u>
<u>Major Collector</u>	<u>70-ft</u>	<u>48-ft</u>
<u>Neighborhood Collector</u>	<u>50-ft</u>	<u>36-ft</u>
<u>Local</u>	<u>50-ft</u>	<u>36-ft</u>
<u>Yield Street</u>	<u>40-ft</u>	<u>24-ft</u>
<u>Shared Street</u>	<u>30-ft</u>	<u>16-ft.¹</u>

¹ A 12-ft width may apply to local streets that carry fewer than 150 vehicles per day.

B. Travel Lane and On-Street Parking. Travel lanes and on-street parking areas shall be sized in accordance with the standards in Table 14.44.060-B

Table 14.44.060-B. Minimum On-Street Parking and Roadway Widths

<u>Roadway Classification</u>	<u>Arterial Street¹</u>	<u>Major Collector</u>	<u>Neighborhood Collector</u>	<u>Local Street</u>	<u>Yield Street²</u>
<u>Through Lanes</u>	<u>2 to 4</u>	<u>2</u>	<u>2</u>	<u>2</u>	<u>1</u>
<u>Min. Lane Width</u>	<u>11-12 ft.³</u>	<u>10 ft.⁴</u>	<u>10 ft.⁴</u>	<u>10 ft.</u>	<u>12 – 16 ft.</u>
<u>Median/Center Turn Lane</u>	<u>11-14 ft.⁴</u>	<u>11 ft.²</u>	<u>11 ft.²</u>	<u>None</u>	<u>None</u>
<u>Min. On-Street Parking Width</u>	<u>Context Dependent, 7-8 ft.</u>	<u>8 ft.</u>	<u>8 ft.</u>	<u>7-8 ft.⁵</u>	<u>7-ft one side⁵</u>

¹ Although guidance is provided for arterial streets, these are under State jurisdiction. Values presented in this table are consistent with the Blueprint for Urban Design (BUD). For detailed design recommendations on US 101 and US 20, the identified urban contexts for Newport are provided in the appendix and the BUD is publicly available.

² For use along low volume local streets in residential areas only. Requires intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities. For blocks of no more than 300 ft. in length, and

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with fire access roads at both ends, a 16 ft. width may apply to local streets that carry fewer than 500 vehicles per day, or a 12 ft. width may apply to local streets that carry fewer than 150 vehicles per day. For blocks longer than 300 feet, this also requires 30 ft. long pullouts/no parking zones every 150 ft. to allow for 20 ft. wide clear areas (excluding drainage swales) or 26 ft. wide clear areas near fire hydrants.

^{3.} 11 ft. travel lanes are preferred for most urban contexts within Newport. 11 ft. travel lanes are standard for central business district areas in the BUD. Adjustments may be required for freight reduction review routes. Final lane width recommendations are subject to review and approval by ODOT.

^{4.} Travel lanes widths of 11-12 ft. are required along designated local truck routes.

^{5.} A minimum 8-ft.-wide pedestrian refuge should be provided at marked crossings. Otherwise, a median can be reduced to a minimum of 4 ft. at midblock locations that are more than 150 ft. from an arterial (i.e., US 101 and US 20), before widening at intersections for left-turn lanes (where required or needed).

^{6.} The BUD recommends a 14 ft. lane for speeds above 40 mph. Final lane width recommendations are subject to review and approval by ODOT.

^{7.} Center turn lane required at and within 150 ft. of intersections with arterials (i.e., US 101 and US 20). Otherwise, it is optional and should be used to facilitate turning movements and/or street crossings; minimum 8-ft.-wide median required where refuge is needed for pedestrian/bicycle street crossings.

^{8.} On-street parking is preferred along all City streets where block spacing and system connectivity standards are met. An 8 ft. width is required in most areas, with a 7 ft. width only allowed along local streets in residential areas. Local yield/shared streets require intermittent on-street parking on at least one side to allow for vehicle queuing and passing opportunities, with an 8 ft. width required when on only one side, and 7 ft. width allowed when on both sides. Shoulders totaling 8 ft. in collective width may also be provided in lieu of parking.

C. If the required cross-section is wider than the available right-of-way, coordination with the City of Newport is required to determine whether right-of-way dedication is necessary or design elements can be narrowed or removed. Any modifications to the minimum street cross-section require approval pursuant to the requirements of Section 14.33.100 - Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.

D. Reserve Strips. Reserve strips giving a private property owner control of access to streets are not allowed.

E. Alignment. Streets shall be in alignment with existing streets by continuations of their center lines. Staggered street alignment resulting in "T" intersections shall leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. If not practical to do so because of topography or other conditions, this requirement may be modified by the approving authority.

Commented [DT9]: Darci/Andrew: Could you take a look at this language and let me know if you think it can be improved?

Commented [DR10R9]: You could consider replacing with language we worked on with Corvallis staff when they adopted the most recent TSP:

As far as practicable, Arterial, Collector, and Neighborhood Collector Streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in T intersections are unavoidable, they shall leave a minimum of 200 ft. between the nearest edges of the two rights-of-way.

Basically that text is saying the same thing as Newport's, but is a little more straightforward.

That Corvallis subsection was preceded by general guidance on "location, grades, alignment and widths," which included: *Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected.*

Again, this text is a little tighter than Newport's. I think it is appropriate to drop "or other conditions."

F. Future Extensions of Streets. Proposed streets within a land division shall be extended to the boundary of the land division. A turnaround if required by the Oregon Fire Code will be required to be provided. If the approval authority determines that it is not necessary to extend the streets to allow the future division of adjoining land in accordance with this chapter, then this requirement may be modified such that a proposed street does not have to be extended to the boundary.

G. Intersection Angles.

1. Streets shall be laid out to intersect at right angles.
2. An arterial intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection.
3. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection.
4. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line.
5. No more than two streets may intersect at any one point.
6. If it is impractical due to topography or other conditions that require a lesser angle, the requirements of this section may be modified by the approval authority. In no case shall the acute angle in Subsection G.(1.) be less than 80 degrees unless there is a special intersection design.

H. Half Street. Half streets are not allowed. Modifications to this requirement may be made by the approving authority to allow half streets only where essential to the reasonable development of the property, when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is divided or developed.

I. Sidewalks. Sidewalks in conformance with the city's adopted sidewalk design standards are required as outlined in the adopted Transportations System Plan and Table 14.44.060(C) below. Any modifications to the sidewalk standards require approval pursuant to the requirements of Section 14.33.100 - Transportation Mitigation Procedure. Requests for modifications involving ODOT facilities will require review and approval by ODOT.

Table 14.44.060-C. Minimum On-Street Parking and Roadway Widths

<u>Roadway Classification</u>	<u>Arterial Street ¹</u>	<u>Major Collector (Commercial)</u>	<u>Major Collector (Non-Commercial)</u>	<u>Neighborhood Collector</u>	<u>Local/Yield Street ³</u>
<u>Edge</u>	<u>1-4 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>	<u>0 ft.</u>
<u>Pedestrian Throughway</u>	<u>5-10 ft.</u>	<u>8 ft. ⁴</u>	<u>6 ft.</u>	<u>6 ft.</u>	<u>5 ft.</u>
<u>Furnishings/Landscape (including curb)</u>	<u>5.5-6.5 ft.</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>0.5 ft.</u>	<u>0.5 ft.</u>
<u>Min. Walkway Width</u>	<u>Variable ⁵</u>	<u>11 ft.</u>	<u>9 ft.</u>	<u>6.5 ft.</u>	<u>5.5 ft.</u>
<u>Minimum Buffer (Pedestrian Throughway to Vehicle Travel Way) ²</u>	<u>Variable ⁵</u>	<u>3 ft.</u>	<u>3 ft.</u>	<u>0.5 ft.</u>	<u>0.5 ft.</u>

¹—Minimum widths may be expanded in areas with enhanced pedestrian activity, or when identified as a project in the TSP or subsequently adopted refinement plan. For instance, the edge zone may need to be expanded to accommodate outdoor seating for the adjacent land use.

². Includes width of on-street parking, bike facilities, and furnishing/landscape zone.

³. Local streets that are also constructed as shared/yield streets do not require curbs and may include a 5 ft. shoulder walkway at street level, with the travel lanes and shoulders satisfying pedestrian needs. In constrained cases, the shoulder walkway may be provided on only one side, or eliminated.

⁴. In highly constrained locations, the landscape buffer may be eliminated to meet the required 8 ft. pedestrian throughway with approval from the City Engineer, City Engineer's designee or Community Development Director.

⁵. Desired walkway and buffer width for ODOT facilities depends on the urban context and are subject to review and approval by ODOT.

J. Cul-de-sac. A cul-de-sac shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a circular turn-around meeting minimum Oregon Fire Code requirements. Modifications to this requirement may be made by the approving authority. A pedestrian or bicycle

accessway may be required by easement or dedication by the approving authority to connect from a cul-de-sac to a nearby or abutting street, park, school, or trail system to allow for efficient pedestrian and bicycle connectivity between areas if a modification is approved and the requested easement or dedication has a rational nexus to the proposed development and is roughly proportional to the impacts created by the proposed land division or development.

K. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city, as evident in the physical landscape and described in City of Newport Ordinance No. 665, as amended.

L. Alleys. Alleys shall be provided in commercial and industrial districts. If other permanent provisions for access to off-street parking and loading facilities are provided, the approving authority is authorized to modify this provision if a determination is made that the other permanent provisions for access to off-street parking and loading facilities are adequate to assure such access. The corners of alley intersections shall have a radius of not less than 12 feet.

M. Street Trees. Trees and other plantings may be installed within proposed or existing rights-of-ways provided they conform to the City's approved Tree Manual.

N. Accessways. Accessways must be on public easements or rights-of-way and have a minimum paved surface of 8 feet, with a 2-foot shoulder on each side, within a 12-foot right-of-way.

O. Shared Use Paths. A shared use path must be a minimum of 10 feet wide within 14 feet of right-of-way. In areas with significant walking or biking demand, as identified in the Newport Transportation System Plan (e.g., Nye Beach Area, Oregon Coast Bike Route) or on ODOT facilities, the path must be 12 feet wide within a right-of-way of 16 feet (see Figure 14.44.060-A). A shared use path may be narrowed to 8 feet over short

distances to address environmental or right-of-way constraints.

Figure 14.44.060-A, Pedestrian Trail, Accessway, & Shared Use Paths



¹For short segments, a low use shared use path can be as narrow as 8-feet wide, with a 1-foot shoulder on each side and a total right-of-way of 10 feet.

²A shared use path width of 12 feet is required parallel to ODOT facilities and may be applied in other areas with significant walking or biking demand (e.g. Nye Beach, Oregon Coast Bike Route).

P. Pedestrian Trail. Pedestrian trails are typically located in parks or natural areas and provide opportunities for both pedestrian circulation and recreation. They may be constructed as a hard or soft surface facility. The City of Newport Parks System Master Plan identifies requirements for specific trail improvements.

Q. Accessway. Accessways must be on public easements or rights-of-way and have minimum paved surface of 8 feet, with a 2-foot shoulder on each side, and 12 feet of right-of-way.

Staff: Added per Reference 14, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Land division street standards have been folded into this section with a cross reference in Section 14.48.015. Marginal Street standard that would allow local streets to parallel arterials in cases where a residential subdivision is adjacent to an arterial has been removed. Tables and Figure are pulled from the February 2022 draft TSP. Sidewalk table added since the Commission's May 9, 2022 work session.

Commented [DT11]: James: I am not certain that 12-feet is feasible given our terrain. Do you have a problem with language that indicates, "unless otherwise authorized by ODOT, the path must be 12-feet wide within a right-of-way of 16-feet? A similar change would need to be made to Footnote 2, Page 67 of the draft TSP.

14.44.070 Fee in Lieu Option

The city may require the applicant to pay a fee in lieu of constructing required frontage improvements.

A. A fee in lieu may be required by the city under the following circumstances:

1. There is no existing road network in the area.
2. There is a planned roadway in the vicinity of the site, or an existing roadway stubbing into the site, that would provide better access and local street connectivity.
3. When required improvements are inconsistent with the phasing of transportation improvements in the vicinity and would be more efficiently or effectively built subsequent to or in conjunction with other needed improvements in area.

B. The fee shall be calculated as a fixed amount per linear foot of needed transportation facility improvements. The rate shall be set at the current rate of construction per square foot or square yard of roadway built to adopted city or ODOT standards at the time of application. Such rate shall be determined by the city, based upon available and appropriate bid price information, including but not limited to surveys of local construction bid prices, and ODOT bid prices. This amount shall be established by resolution of the City Council upon the recommendation of the City Engineer and reviewed periodically. The amount of monies deposited with the city shall be at least 125 percent of the estimated cost of the required street improvements, inclusive of associated storm drainage improvements, or such other percentage to account for inflation, as established by City Council resolution. The fee shall be paid prior to final plat recording for land division applications or issuance of a building permit for land development applications.

C. All fees collected under the provisions of Section 14.44.070 shall be used for construction of like type

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roadway improvements within City of Newport's Urban Growth Boundary, consistent with the Transportation System Plan. Fees assessed to the proposed development shall be roughly proportional to the benefits the proposed development will obtain from improvements constructed with the paid fee.

Staff: Moved from Chapter 14.45 to this location per Reference 3, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

DRAFT

CHAPTER 14.45 TRAFFIC IMPACT ANALYSIS

14.45.010 Applicability

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

- A. To determine whether a significant effect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation, as specified in OAR 660-012-0060.
- B. ODOT requires a TIA in conjunction with a requested approach road permit, as specified in OAR 734-051-3030(4).
- C. The proposal may generate 500 or more average daily trips or 100-50 PM peak-hour trips or more onto city streets or county roads.
- D. The proposal may increase use of any adjacent street by 10 vehicles or more per day that exceeds 26,000 pound gross vehicle weight.
- E. The proposal includes a request to use Trip Reserve Fund trips to meet the requirements of [Chapter 14.43](#), South Beach Transportation Overlay Zone.
- F. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or the location of an existing or proposed access driveway does not meet minimum access spacing or sight distance requirements.
- G. For phased development on a lot, parcel or tract, the number of vehicle trips shall be the cumulative number of vehicle trips generated for all phases until such time as traffic impact analysis is required pursuant to this section.

14.45.020 Traffic Impact Analysis Requirements

- A. Pre-application Conference. The applicant shall meet with the City Engineer prior to submitting an application that requires a Traffic Impact Analysis (TIA). This meeting will be coordinated with ODOT when an approach road to US-101 or US-20 serves the property so that the completed TIA meets both City and ODOT requirements.
- B. Preparation. The submitted TIA shall be prepared by an Oregon Registered Professional Engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.
- C. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE) shall be used to gauge PM peak hour vehicle trips, unless a specific trip generation study that is approved by the City Engineer indicates an alternative trip generation rate is appropriate. An applicant may choose, but is not required, to use a trip generation study as a reference to determine trip generation for a specific land use which is not well represented in the ITE Trip Generation Manual and for which similar facilities are available to count.
- D. Intersection-level Analysis. Intersection-level analysis shall occur at every intersection where 50 or more peak hour vehicle trips can be expected as a result of the proposal.
- E. Transportation Planning Rule Compliance. The TIA shall comply with the requirements of OAR 660-012-0060.
- F. Structural conditions. The TIA shall address the condition of the impacted roadways and identify structural deficiencies or reduction in the useful life of existing facilities related to the proposed development.
- G. Heavy vehicle routes. If the proposal includes an increase in 10 or more of the vehicles described in [Section 14.45.010.D](#), the TIA shall address the

provisions of [Section 14.45.020.F](#) for the routes used to reach US-101 or US-20.

H. Phased Development. If the land use application is part of a phased development, the TIA shall analyze the ultimate build-out of all phases of the project.

14.45.030 Study Area

The following facilities shall be included in the study area for all TIAs:

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

14.45.040 Approval Process

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

14.45.050 Approval Criteria

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

- A. The analysis complies with the requirements of [14.45.020](#);
- B. The TIA demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve the traffic safety problems in a manner that is satisfactory to the City Engineer and, when state highway facilities are affected, to ODOT; and
- C. Where a proposed amendment to the Newport Comprehensive Plan or land use regulation would significantly affect an existing or planned transportation facility, the TIA must demonstrate that solutions have been developed that are consistent with the provisions of OAR 660-012-0060; and
- D. For affected non-highway facilities, the TIA establishes that city Level of Service (LOS) and volume to capacity (v/c) standards, known collectively as city's vehicle mobility standards, have been met as outlined in Table 14.45.050-A; and any Level of Service standards adopted by the city have been met, and development will not cause excessive queuing or delays at affected intersections, as determined in the City Engineer's sole discretion; and

Table 14.45.050-A. Vehicle Mobility Standard for City Streets from the Newport Transportation System Plan

<u>Intersection Type</u>	<u>Proposed Mobility Standard</u>	<u>Reporting Measure</u>
<u>Signalized</u>	<u>LOS D and v/c</u> <u>≤0.90</u>	<u>Intersection</u>
<u>All-way stop or roundabouts</u>	<u>LOS D and v/c</u> <u>≤0.90</u>	<u>Worst Approach</u>
<u>Two-way stop</u> ¹	<u>LOS E and v/c</u> <u>≤0.95</u>	<u>Worst Major Approach/Worst Minor Approach</u>

¹ Applies to approaches that serve more than 20 vehicles; there is no standard for approaches serving lower volumes.

- E. Proposed public improvements are designed and will be constructed to the standards specified in [Chapter 14.44 Transportation Standards](#) ~~or Chapter 13.05, Subdivision and Partition, as applicable.~~

14.45.060 Conditions of Approval

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

~~14.45.070 Fee in lieu Option~~

~~The city may require the applicant to pay a fee in lieu of constructing required frontage improvements.~~

~~A. A fee in lieu may be required by the city under the following circumstances:~~

- ~~1. There is no existing road network in the area.~~
- ~~2. There is a planned roadway in the vicinity of the site, or an existing roadway stubbing into the site, that would provide better access and local street connectivity.~~
- ~~3. When required improvements are inconsistent with the phasing of transportation improvements in the vicinity and would be more efficiently or effectively built subsequent to or in conjunction with other needed improvements in area.~~
- ~~4. For any other reason which would result in rendering construction of otherwise required improvements impractical at the time of development.~~

~~B. The fee shall be calculated as a fixed amount per linear foot of needed transportation facility improvements. The rate shall be set at the current rate of construction per square foot or square yard of roadway built to adopted city or ODOT standards at the time of application. Such rate shall be determined by the city, based upon available and appropriate bid price information, including but not limited to surveys of local construction bid prices, and ODOT bid prices. This amount shall be established by resolution of the City Council upon the recommendation of the City Engineer and reviewed periodically. The fee shall be~~

~~paid prior to final plat recording for land division applications or issuance of a building permit for land development applications.~~

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

Staff: Revisions reflect changes recommended Staff: Added per Reference 10, Tech Memo #12, by Angelo Planning Group, dated 12/8/21. . Changes address phased development, and add Level of Service and volume to capacity standards for intersections. 14.45.010(G) has been updated since the May 9, 2022 work session. Fee in lieu option moved to Chapter 14.44.

CHAPTER 14.46 VEHICULAR ACCESS AND CIRCULATION

14.46.010 Purpose

Chapter 14.46 implements the street access policies of the City of Newport Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.

14.46.020 Permit Required

Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires a right-of-way permit, pursuant to NMC Chapter 9.10. In addition, approval by Lincoln County is required for connections to county roads within the city limits, and authorization from the Oregon Department of Transportation is required for connections onto US 101 or US 20.

14.46.030 Approach and Driveway Development Standards

Approaches and driveways shall conform to all of the following applicable development standards:

- A. Access to parking lots shall be from a public street or alley. Access to loading and unloading areas shall be from a public street, an alley, or a parking lot.
- B. Access to nonresidential parking lots or loading and unloading areas shall not be through areas that are zoned residential.
- C. All accesses shall be approved by the City Engineer or designate.
- D. Accesses shall be consolidated unless demonstrated to be unfeasible as determined by the City Engineer.
- E. Access shall be taken from lower classification streets (e.g. local and neighborhood collector streets)

when it can be accomplished in conformance with these standards.

F. New approaches shall conform to the spacing standards listed in Table 14.46.020-A, and shall conform to minimum sight distance and channelization standards of the city, county or ODOT, as appropriate.

Table 14.46.020-A. Access Spacing Standards¹

	<u>Arterials²</u>	<u>Major Collectors</u>	<u>Neighborhood Collector</u>	<u>Local Street</u>
<u>Minimum Driveway Spacing (Driveway to Driveway)</u>	<u>See Table 14.46.020-B</u>	<u>100 ft.</u>	<u>75 ft.</u>	<u>n/a</u>
<u>Minimum Intersection Setback (Full Access Driveways Only)</u>	<u>See Table 14.46.020-B</u>	<u>150 ft.</u>	<u>75 ft.</u>	<u>25 ft.</u>
<u>Minimum Intersection Setback (Right-In/Right-Out Driveways)</u>	<u>See Table 14.46.020-B</u>	<u>75 ft.</u>	<u>50 ft.</u>	<u>25 ft.</u>
<u>Maximum Length Between Pedestrian/Bicycle Connections</u>	<u>See Table 14.46.020-B</u>	<u>300 ft.</u>	<u>300 ft.</u>	<u>300 ft.</u>

¹-All distances measured from edge of adjacent approaches.

²-All Arterial streets are under ODOT jurisdiction. ODOT facilities are subject to access spacing guidelines in the Oregon Highway Plan, Appendix C Table 14, and the Blueprint for Urban Design. Blueprint for Urban Design Guidelines in Table 14.46.020-B are based on posted speed and urban context.

Table 14.46.020-B. Blueprint for Urban Design Guidelines for Arterial Access Spacing

<u>Urban Context (Posted Speed)</u>	<u>Target Spacing Range (Feet)</u>
<u>Traditional Downtown/CBD (20-25 mph)</u>	<u>250 - 550</u>
<u>Urban Mix (25-30 mph)</u>	<u>250 - v550</u>
<u>Commercial Corridor (30-35 mph)</u>	<u>500 - 1,000</u>
<u>Residential Corridor (30-35 mph)</u>	<u>500 - 1,000</u>
<u>Suburban Fringe (35-40 mph)</u>	<u>750 - 1,500</u>
<u>Rural Community (25-35 mph)</u>	<u>250 - 750</u>

Source: ODOT Blueprint for Urban Design, Tables 3-9 and 3-10

G. Existing approaches shall be upgraded as specified in an approved Traffic Impact Analysis.

H. With the exception of Private Driveways as defined in Section 14.01.020, all approaches and driveways serving more than five parking spaces shall be paved and meet applicable construction standards.

I. The city may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the city, county, or ODOT requires mitigation to alleviate safety or traffic operations concerns.

J. Where city, county, or ODOT spacing standards limit the number or location of connections to a street or highway, the city may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The city may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).

K. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus.

L. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.

M. Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.

N. Driveways shall be designed so that vehicle areas, including, but not limited to, vehicle storage and service areas, do not obstruct any public right-of-way.

O. Drive-up/drive-in/drive-through uses and facilities shall meet the standards in Section 14.14.090(G).

- P. Approaches and driveways shall be a minimum of twelve (12) feet for a one-way drive and twenty (20) feet for a two-way drives. Approaches and driveways shall not be greater than 150% of the minimum, with the exception of those that serve industrial uses and heavy commercial uses which may be up to 35 feet.
- Q. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided, except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
- R. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
- S. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge.
- T. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
- U. The city may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
- V. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The city may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the city will work cooperatively with the applicant and ODOT to avoid unnecessary delays.

W. Where a proposed driveway crosses a culvert or drainage ditch, the city may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable engineering and stormwater design standards.

X. Temporary driveways providing access to a construction site, staging area, or special event shall be paved, graveled, or treated in an alternative manner as approved by the City Engineer, to prevent tracking of mud onto adjacent paved streets.

14.46.040 Exceptions and Adjustments

The city may approve deviations from the spacing standards in Table 14.46.020-A through a Type I procedure, when one of the following criteria can be met.

A. An existing connection to a city street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance; or

B. Mitigation measures, such as consolidated access, joint use driveways, directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation actions can be shown to mitigate all traffic operations and safety concerns.

14.46.050 Joint Use Access Easement and Maintenance Agreement

Joint Use Access Easement and Maintenance Agreement. Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records.

May 23, 2022, Amendments Implementing 2022 Newport Transportation System Plan Update

Staff: Added vehicle access and circulation standards per Reference 6, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Process for Section 14.46.040, Exceptions and Adjustments, change to a Type I review to align with the transportation mitigation process in 14.33.070.

DRAFT

CHAPTER 14.47 PEDESTRIAN ACCESS

14.47.010 Purpose

This Chapter implements the pedestrian access and connectivity policies of City of Newport Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

14.47.020 Applicability

The provisions of this chapter shall apply to all new or substantial improvements to commercial, industrial, public/institutional, and multifamily development as defined in 14.01.020. Where the provisions of this chapter conflict with facilities identified in the Newport Parks and Recreation Master Plan, the Newport Parks and Recreation Master Plan shall govern.

14.47.030 Standards

Developments shall conform to all of the following standards for pedestrian access and circulation:

- A. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any.
- B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on all of the following criteria:
 1. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel;
 2. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.

3. The walkway network connects to all primary building entrances in a manner consistent with the Oregon Structural Specialty Code.

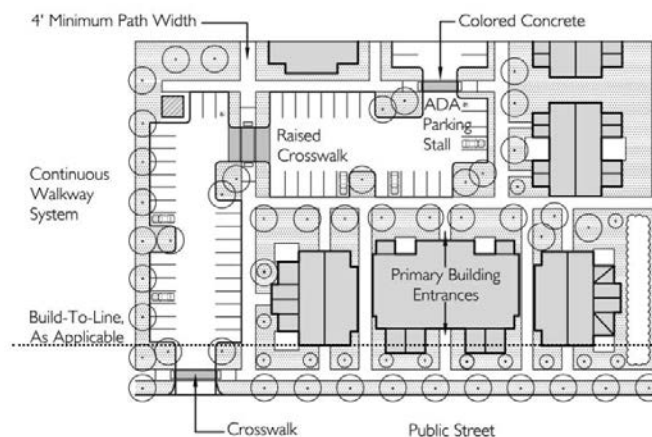
C. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly identified with pavement markings or contrasting paving materials (e.g., pavers, light color concrete inlay between asphalt, or similar contrast). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

D. Walkway Surface. Walkway surfaces may be concrete, asphalt, brick/masonry pavers, or other city-approved durable surface meeting Americans With Disabilities Act requirements.

E. Walkway Width. Walkways shall be not less than 4 feet in width, except that concrete walkways a minimum of 6 feet in width are required in commercial developments and where access ways are required.

F. Pedestrian Trail, Accessway, and Shared Use Path. Standards for trails, accessways, and shared use paths are found in Section 14.44.60.

Figure 14.47.030-A. Pedestrian Access and Circulation Standards Illustration



Staff: Added pedestrian access standards internal to a property in line with Reference 10, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

CHAPTER 14.48 LAND DIVISIONS

14.48.005 Purpose

This chapter provides uniform standards for the division of land and the installation of related improvements within the corporate limits of the city for the purposes of protecting property values, and furthering the health, safety and general welfare of the citizens of Newport. The provisions of this chapter implement Statewide Planning Goals as addressed in the Newport Comprehensive Plan along with the applicable portions of Chapters 92 and 227 of the Oregon Revised Statutes.

14.48.010 Application Requirements

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

1. A completed city application form signed by the owner of the property or an authorized agent. If the application form is signed by an authorized agent, it must be accompanied by a document signed by the property owner authorizing the agent to act for the owner in the land division process.
2. A tentative plan containing the information identified in Section 14.48.010(C).
3. A narrative listing each applicable approval criterion or standard and an explanation as to how the criterion or standard is met.
4. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities will be extended to connect to existing streets and utilities and may be connected to future streets and utilities.

5. Proposed deed restrictions, if any, in outline form.
 6. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
 7. A plan for domestic water supply lines and related water service facilities.
 8. Proposals for sewage disposal, storm water drainage, and flood control, including profiles of proposed drainage ways.
 9. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
 10. Where geologic hazards are known to exist on part or all of the property in question based on adopted maps of the City of Newport, a geologic hazard report is required and shall be provided in accordance with the requirements of Chapter 14.21. The report must clearly state what measures will be taken to safeguard against existing hazards.
 11. Written letters from public facilities (water, sewer, storm water, and streets) and utilities (electric and phone) identifying requirements for providing service to the land division.
 12. An application fee in an amount set by City Council resolution.
 13. A Trip Assessment Letter, if required by Chapter 14.43.
 14. A Traffic Impact Analysis, if required by Chapter 14.45.
 15. Other materials that the applicant believes relevant or that may be required by the city.
- B. The tentative plan of a land division shall be drawn such that the dimensions can be verified with the standard tick marks depicted on an Engineer's or Architects scale.

C. The following general information shall be shown on the tentative plan of the land division:

1. If a subdivision, the proposed name of the subdivision. This name shall not duplicate or resemble the name of another subdivision in the county and shall be approved by the Planning Commission.
2. Date, northpoint, and scale of the drawing.
3. Appropriate identification of the drawing as a tentative plan.
4. Location of the property being divided sufficient to define its location and boundaries, and a legal description of the entire property being divided.
5. Names and addresses of the owner, the applicant if different from the owner, and the engineer and/or surveyor.
6. The following existing conditions shall be shown on the tentative plan:
 - a. The location, widths, and names of existing streets and undeveloped rights of way within or adjacent to the tract, any existing easements, and other important features such as section lines, section corners, city boundary lines, and monuments.
 - b. Contour lines related to some established bench mark or other datum approved by the city and having minimum intervals as follows:
 - i. For slopes of less than 5 percent: show the direction of slope by means of arrows or other suitable symbols, together with not less than four (4) spot elevations per acre, evenly distributed.
 - ii. For slopes of 5 percent to 15 percent: five (5) feet.
 - iii. For slopes of 15 percent to 20 percent: 10 feet.
 - iv. For slopes of over 20 percent: 20 feet.

- c. The location and direction of water courses and the location of areas subject to flooding.
- d. Natural features such as wetlands, tidelands, marshes, or any natural resource identified as a protected Statewide Land Use Planning Goal 5 or Goal 17 resource on maps adopted by the city shall be identified. Other features, such as rock outcroppings, wooded areas, and isolated trees that serve as the basis of any requested modifications to the land division standards shall also be identified.
- e. Existing uses of the property and location of existing structures to remain on the property after platting.
- f. The location within the land division and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and utility lines.
- 7. The following information shall be included on the tentative plan of a subdivision.
 - a. The location, width, names, approximate grades, and radii of curves of proposed streets and the relationship of proposed streets to streets shown in the Transportation System Plan. Streets in existing adjacent developments and approved subdivisions and partitions shall also be shown, as well as potential street connections to adjoining undeveloped property.
 - b. The location, width, and purpose of proposed easements.
 - c. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
 - d. Proposed sites, if any, allocated for purposes other than single-family dwellings.
- D. If the land division proposal pertains to only part of the property owned or controlled by the owner or

applicant, the city may require a sketch of a tentative layout for streets in the undivided portion.

14.48.015 Streets

Streets created with a subdivision or partition shall meet the requirements of Section 14.44.060.

14.48.020 Blocks

A. Blocks created in land divisions shall be consistent with the standards in Table 14.48.020-A. Modifications to the standards may be made by the approving authority pursuant to the standards in Chapter 14.33 if the street is adjacent to an arterial street, the location of adjoining streets, or other constraints identified in Section 14.33.100 justify the modification.

B. Mid-block pedestrian and bicycle connections must be provided when the block length exceeds 300 feet to ensure convenient access for all users. Mid-block pedestrian and bicycle connections must be provided on a public easement or right-of-way every 300 feet, unless the connection is impractical due to topography, inadequate sight distance, high vehicle travel speeds, lack of supporting land use, or other factors that may prevent safe crossing; or a rational nexus to the proposed development is not established and the connection is not roughly proportional to the impacts created by the proposed land division.

Table 14.48.020-A. Block Length ¹

	<u>Arterials ²</u>	<u>Major Collectors</u>	<u>Neighborhood Collector</u>	<u>Local Street</u>
<u>Maximum Block Length (Public Street to Public Street)</u>	<u>550 ft.</u>	<u>1,000 ft.</u>	<u>1,000 ft.</u>	<u>1,000 ft.</u>
<u>Minimum Block Length (Public Street to Public Street)</u>	<u>220 - 550 ft.</u>	<u>200 ft.</u>	<u>150 ft.</u>	<u>125 ft.</u>
<u>Maximum Length Between Pedestrian/Bicycle Connections (Public Street to Public Street, Public Street to Connection, or</u>	<u>220 - 550 ft.</u>	<u>300 ft.</u>	<u>300 ft.</u>	<u>300 ft.</u>

<u>Connection to Connection</u> ²				
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¹-All distances measured from edge of adjacent approaches.

²-See Section 14.48.020(B).

³-All Arterial streets are under ODOT jurisdiction. ODOT facilities are subject to access spacing guidelines in the Oregon Highway and the Blueprint for Urban Design which vary based on posted speed and urban context.

Staff: Revised per Reference 7, Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

14.48.020 Easements

A. Utility Lines. Easements for sewers and water mains shall be dedicated to the city wherever a utility is proposed outside of a public right-of-way. Such easements must be in a form acceptable to the city. Easements for electrical lines, or other public utilities outside of the public right-of-way shall be dedicated when requested by the utility provider. The easements shall be at least 12 feet wide and centered on lot or parcel lines, except for utility pole tieback easements, which may be reduced to six (6) feet in width.

B. Utility Infrastructure. Utilities may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

C. Water Course. If a tract is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage rightof-way conforming substantially to the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

14.48.025 Lots and Parcels

A. Size. The size (including minimum area and width) of lots and parcels shall be consistent with the applicable lot size provisions of the Zoning Ordinance, with the following exception: Where property is zoned and planned for business or industrial use, other widths and areas may be

permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

B. Street Frontage. Each lot and parcel shall possess at least 25 feet of frontage along a street other than an alley.

C. Through Lots and Parcels. Through lots and parcels are not allowed. Modifications may be made by the approving authority where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. The approving authority may require a planting screen easement at least 10 feet wide and across which there shall be no right of access. Such easement may be required along the line of building sites abutting a traffic artery or other incompatible use.

D. Lot and Parcel Side Lines. The side lines of lots and parcels shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve. Modifications to this requirement may be made by the approving authority where it is impractical to do so due to topography or other conditions or when the efficient layout of the land division has the lines running as close to right angles (or radial) as practical.

E. Special Setback Lines. All special building setback lines, such as those proposed by the applicant or that are required by a geological report, which are to be established in a land division, shall be shown on the plat, or if temporary in nature, shall be included in the deed restrictions.

F. Maximum lot and parcel size. Proposed lots and parcels shall not contain square footage of more than 175% of the required minimum lot size for the applicable zone. Modifications to this requirement may be made by the approving authority to allow

greater square footage where topography or other conditions restrict further development potential or where the layout of the land division is designed and includes restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division into lots or parcels of appropriate size for the applicable zone designation.

G. Development Constraints. No lot or parcel shall be created with more than 50 % of its land area containing wetlands or lands where the city restricts development to protect significant Statewide Land Use Planning Goal 5 or Goal 17 resources, except that areas designated as open space within a land division may contain up to 100% of a protected resource. Modifications to this requirement may be made by the approval authority if the approval authority determines that the proposed lot or parcel contains sufficient land area to allow for construction on the lot or parcel without impacting the Newport Municipal Code Index Page 508 resource or that a variance or other permit has been obtained to allow for impacts on the identified resource.

H. Lots and Parcels within Geologic Hazard Areas. Each new undeveloped lot or parcel shall include a minimum 1000 square foot building footprint within which a structure could be constructed and which is located outside of active and high hazard zones and active landslide areas (See NMC Chapter 14.21 for an explanation of hazard zones). New public infrastructure serving a lot or parcel shall similarly be located outside of active and high hazard zones and active landslide areas.

14.48.030 Public Improvement Requirements

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

1. Streets. All streets, including alleys, within the land division, streets adjacent but only partially

within the land divisions, and the extension of land division streets to the intersecting paving line of existing streets with which the land division streets intersect, shall be constructed in accordance with the standards set forth in Chapter 14.44. Street width standards may be adjusted subject to the provisions of Section 14.33.070.

Staff: Subsection amended per Reference 14, Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

2. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage within the land division shall consider the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to allow extension of the system to serve such areas.
3. Sanitary Sewers. Sanitary sewers shall be installed to serve each lot or parcel in accordance with standards adopted by the city, and sewer mains shall be installed in streets as necessary to connect each lot or parcel to the city's sewer system.
4. Water. Water mains shall be installed to allow service to each lot or parcel and to allow for connection to the city system, and service lines or stubs to each lot shall be provided. Fire hydrants shall be installed as required by the Uniform Fire Code. The city may require that mains be extended to the boundary of the land division to provide for future extension or looping.
5. Sidewalks. Required sidewalks shall be constructed in conjunction with the street improvements except as specified below:

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

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

c. Notwithstanding the above, a developer may guarantee installation of required sidewalks in an Improvement Agreement as provided in Section 14.48.060.

B. Public Improvement Procedures. In addition to other requirements, public improvements installed by a developer that is dividing land, whether required or voluntarily provided, shall comply with this chapter, and with any public improvement standards or specifications adopted by the city. The following procedure shall be followed:

1. Improvement work, including excavation in the excess of 100 cubic yards, shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the

plans shall be required before approval of the tentative plan of a subdivision or partition.

2. Improvement work shall not commence until after the city is notified, and, if work is discontinued for any reason, it shall not be resumed until after the city is notified.
3. Public improvements shall be constructed under the inspection and to the satisfaction of the city engineer. The city may require change in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
4. Underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connection for underground utilities and sanitary sewers shall be placed to allow future connections without disturbing the street improvements.
5. A map showing public improvements as built shall be filed with the city upon completion of the improvements.
6. Public improvements shall not be commenced until any appeals of the subdivision approval are resolved.

14.48.035 Adequacy of Public Facilities and Utilities

- A. Tentative plans for land divisions shall be approved only if public facilities and utilities (electric and phone) can be provided to adequately service the land division as demonstrated by a written letter from the public facility provider or utility provider stating the requirements for the provision of public facilities or utilities (electric and phone) to the proposed land division.
- B. For public facilities of sewer, water, storm water, and streets, the letter must identify the:

1. Water main sizes and locations, and pumps needed, if any, to serve the land division.
2. Sewer mains sizes and locations, and pumping facilities needed, if any, to serve the land division.
3. Storm drainage facilities needed, if any, to handle any increased flow or concentration of surface drainage from the land division, or detention or retention facilities that could be used to eliminate need for additional conveyance capacity, without increasing erosion or flooding.
4. Street improvements outside of the proposed development that may be needed to adequately handle traffic generated from the proposed development.

14.48.040 Underground Utilities and Service Facilities

- A. Undergrounding. All utility lines within the boundary of the proposed land divisions, including, but not limited to, those required for electric, telephone, lighting, and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground service.
- B. Non-City-Owned Utilities. As part of the application for tentative land division approval, the applicant shall submit a copy of the preliminary plat to all non-city-owned utilities that will serve the proposed subdivision. The subdivider shall secure from the non-city-owned utilities, including but not limited to

electrical, telephone, cable television, and natural gas utilities, a written statement that will set forth their extension policy to serve the proposed land division with underground facilities. The written statements from each utility shall be submitted to the city prior to the final approval of the plat for recording.

14.48.045 Minor Replats and Partitions

A. Approval Criteria. The criteria for approval are as follows:

1. The tentative plan complies with the definition of a replat or partition, as appropriate.

2. All lots or parcels within the tentative plan meet the requirements of Section 14.48.025. Alternatively, if the original lots or parcels were nonconforming, the resultant lots or parcels may be allowed without a variance if they are less nonconforming.

3. Approval of the tentative plan does not interfere with the provision of key public facilities.

4. The applicant has agreed to sign a consent to participate in sewer, water, or street local improvement districts that the subject lots or parcels would be part of once those districts are formed. The consent shall be a separate document recorded upon the lots or parcels subject to the partition. The document shall be recorded prior to final plat approval.

5. Public facilities serving the minor replat or partition are adequate under Section 14.48.035. Proposed streets within the minor replat or partition comply with the standards under Section 14.48.015, including any allowed modification, or a variance has been obtained.

6. All required public improvements will be provided.

7. Any required submitted geological hazard report concludes that the property can be developed in the manner proposed, in accordance with any recommendations contained in the report.

B. Compliance with Criteria. If the tentative plan complies with the criteria, the plan shall be approved. Conditions of approval, including requirements to provide public improvements necessary to allow development, may be imposed. If the tentative plan does not comply with the criteria or cannot be made to comply through reasonable conditions of approval, the plan shall be denied and the applicant shall be notified in writing why the tentative plan was denied and what items need to be corrected before the tentative plan can be approved.

C. Geological Hazards Reports. Approval of the minor replat or partition pursuant to a submitted geological hazard report includes approval of the geological report recommendations. Based on the report, the community development director shall establish when compliance with the geological report recommendations must be demonstrated. This shall be in the form of a written certification prepared by an engineering geologist or other equivalent certified professional, establishing that the report requirements have been satisfied, and should be noted as a condition of approval.

D. Final Plat Approval. Within twenty-four (24) months of the tentative plan approval, the applicant shall submit to the city a final plat for the replat or partition that is consistent with the tentative plan and state law. A signature block for the Community Development Director, the Lincoln County Surveyor, the Lincoln County Tax Collector, and the Lincoln County Tax Assessor shall be on the final plat. The

Community Development Director shall approve the final plat if it is consistent with the tentative plan and all conditions have been satisfied, including the provision and acceptance of any required public improvements. The city shall forward approved plats to Lincoln County for review and recordation. The applicant shall submit one paper copy of the recorded final plat within 90 days to the community development department.

E. Procedure for Approval of Replat Other than a Minor Replat. The procedure and criteria for tentative and final approval of replats other than minor replats shall be the same as for subdivisions or partitions, depending on whether the replat is of a subdivision or partition.

14.48.050 Miscellaneous

A. Street Lights. Street lights are required in all land divisions where a street is proposed. The city may adopt street light standards. In the absence of adopted standards, street lights shall be place in new land divisions to assure adequate lighting of streets and sidewalks within and adjacent to the land division.

B. Street Signs. Street name signs, traffic control signs and parking control signs shall be furnished and installed by the city.

C. Monuments. Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines.

D. Exceptions for Planned Developments. The standards and requirements of this Chapter

may be modified without an adjustment or variance for planned developments.

E. Adjustment or Variances. Adjustments or variances to this chapter not otherwise allowed by modification within this chapter are subject to the standards and procedures for set forth in Chapter 14.33. Notice of the adjustment or variance request may be included in the legal notice for the hearing on the tentative plan for a subdivision or may be provided separately.

F. Standards in Effect after Subdivision Approval
The land use standards in effect at the time of a subdivision approval apply to all applications for land use approval within the subdivision filed within 180 days of the subdivision approval. After that time, the land use standards in effect at the time the land use application is deemed complete shall apply to the land use application.

14.48.055 Cemeteries

A. Minimum Requirements for the Platting and Subdivision of Land for Cemetery Purposes.
The following are the minimum requirements for lot sizes, walkways, streets, and street improvement widths applicable to cemeteries:

1. Lot Sizes:

a. Width - not less than four feet.

b. Length - not less than 10 feet.

2. Walkways:

a. Width - not less than six (6) feet.

b. Location - each individual grave to be served.

3. Street Right-of-Way Widths:

a. Within the plat - not less than 32 feet.

b. Entrance roads - to conform to present city subdivision regulations.

4. Street Improvement Widths:

a. Within the plat - not less than 24 feet.

b. Entrance roads - to conform to present city subdivision regulations.

5. Dead end Roads (Within the Plat):

a. Right-of-way - not less than 42 feet.

b. Improvement width - not less than 36 feet.

c. Cul-de-sac - not less than a 45 foot radius.

B. Buffer Strips. Buffer strips shall be established that are at least 100 feet in width when a cemetery development is adjacent to a residentially zoned property; 75 feet when a cemetery development is adjacent to tourist commercial zoned property; and 50 feet in width when a cemetery development is adjacent to all other commercially zoned property. No lots shall be allowed within the buffer strips.

C. Buffer Strip Planting and Maintenance. All required buffer strips shall be planted at the time the adjacent land planted for cemetery lots is being offered for sale. The buffer strip shall have evergreen trees planted to such a density that they are an effective screen to adjoining property. The evergreen trees shall have an initial minimum planting height of four (4) feet and shall be of such species that they will reach a height of at least 20 feet at maturity. All remaining ground areas in the buffer strip shall be maintained as lawn area, shrubs, or flower beds, as are maintained by the management of the cemetery in all other areas of the cemetery plat that are presently being used.

D. Location of Cemeteries. No cemeteries shall be allowed to be placed within one mile of the high-water line of the Pacific Ocean and within one-half mile of the high-water line of the Yaquina Bay.

14.48.060 Final Plat Requirements

A. Final Plat Requirements for Land Divisions Other than Minor Replats or Partitions A. Submission of Final Plat. Within twenty-four (24) months after tentative plan approval, such other time established at the time of tentative plan approval, or extensions granted under this chapter, the owner and/or applicant (collectively referred to as the "developer") shall cause the land division to be surveyed and a final plat prepared. If the developer elects to develop the land division in phases, final plats for each phase shall be completed within the time required (e.g. Phase I completed within two years, Phase II completed within the next two years, etc.). The final plat shall be in conformance with the approved tentative plan, this chapter, ORS Chapter 92, and standards of the Lincoln County Surveyor.

Commented [DR12]: Derrick: This is part of the title, not sub A.

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

the city engineer. The developer shall warrant the materials and workmanship of all required public improvements for a period of one year from the date the city accepts the public improvements.

C. Improvement Agreements. If all the required improvements have not been satisfactorily completed before the final plat is submitted for approval, the city may, at its discretion, allow final approval of the plat if the developer enters into a written agreement with the city to provide the required improvements secured by a cash deposit, bond, or letter of credit. The agreement must provide for completion within one year of the approval of the final plat. The agreement shall be acceptable to the city attorney and include provisions that:

1. Authorize the city to complete the required improvements and recover their full cost and expense from the developer if the developer fails to complete the improvements as required.
2. Authorize the inspection of all improvements by the city engineer and provide for reimbursement to the city of all costs of inspection.
3. Indemnify of the city, its officials, employees and agents, from and against all claims of any nature arising or resulting from the failure of the developer to comply with any requirement of such agreement.
4. Ensure compliance with conditions required by the city in approving the final plat prior to completion of all required improvements.

D. Financial Assurances. A developer that enters into an improvement agreement shall provide financial assurances in the form of one or both of the following:

Commented [DR13]: With the addition of 3., a cashier's check or money order, this can't be "both." Recommend changing to "one or more" of the following.

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon and in a form satisfactory to the city attorney, or

2. An irrevocable letter of credit in a form satisfactory to the city attorney, or

3. A cashier's check or money order from a bank or similar lending institution.

E. Amount of Security. The financial assurances shall be in an amount equal to 150% of the amount determined by the city engineer as sufficient to cover the cost of the improvements, engineering, inspection, and incidental expenses. The financial assurances may provide for reduction of the amount in increments as improvements are completed and approved by the city engineer. However, the number of reductions or disbursements and the amount of retainage required shall be at the discretion of the city engineer.

F. Post Completion Financial Assurances. On acceptance of all improvements by the city, the amount of the security shall be reduced to 20% of the original sum and shall remain in effect until the expiration of the one year warranty period. All deficiencies in construction and maintenance discovered and brought to the attention of the developer and surety within one year of acceptance must be corrected to the satisfaction of the city engineer. The developer may substitute a new warranty bond rather than amending the original performance bond or letter of credit.

G. Acceptance of Improvements by City. Guarantee. The city will accept public improvements only if they have received final inspection approval by the city engineer and "as constructed" engineering plans have been received and accepted by the city engineer. The developer shall warrant all public

Commented [DT14]: Darci/Andrew: Are these options for providing a financial assurance adequate and is the language clear? Are there other options we should be considering?

Commented [DR15R14]: The language/options seem clear, but I am not familiar with this in practice. Corvallis' Performance Guarantee list provides more options (LDC 2.4.40.09 <https://www.corvallisoregon.gov/cd/page/land-development-code>):

2. In lieu of the surety bond, the applicant may:
 - a) Deposit with the City Treasurer money to be released only upon authorization of the City Engineer;
 - b) Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements, to be released only upon authorization of the City Engineer;
 - c) Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be released only upon authorization of the City Engineer;
 - d) Provide bonds in a form approved by the City Attorney;
 - e) Provide a lien on properties in a form approved by the City Attorney and of sufficient value as demonstrated by a professional appraisal; or
 - f) Provide other financial security as approved by the City Attorney.

Commented [DT16]: Darci/Andrew: How does 150% compare to other jurisdictions? We have had concerns raised that it is excessive given that required improvements must be constructed within one year.

Commented [DR17R16]: Based on some quick research, 150% seems excessive. The Model Code for Small Cities language codifies that the fee is "determined by the City Engineer as required to cover the costs of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs" and recommends it should "not be less than" 110% of the estimated improvement cost.

In a quick look at some other jurisdictions, I didn't find any that had a percentage "mark-up" of the estimated fee. Astoria's "amount of bond" (13.150 Subdivision, Final Plat - Performance Agreement) is a sum "approved by the Public Works Director sufficient to cover the cost of the improvements, engineering, inspection and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision and must be approved by the City Attorney as to form."

Tigard's code is "not greater than 100%." Eugene requires "an amount sufficient to assure the completion of all required public improvements." Corvallis requires a "sum determined by the City (...)

Commented [DT18]: Darci/Andrew: How are other jurisdictions handling warranty of public improvements? We require a hold back when there is an improvement agreement, but do not require a financial assurance in cases where the improvements are constructed and accepted before a plat is recorded. It seems that we should be consistent. Also, holding onto funds for an additional year is administratively burdensome for a small jurisdiction like Newport. Are there easier ways of having developer's warranty improvements?

Commented [DR19R18]: Derrick, this isn't my area of expertise, but in discussing with a colleague you could look at a maintenance bond. This would ensure that the city wouldn't be left holding the bag for shoddy work/bad contractors. See Washington County for an example: www.co.washington.or.us/lut/divisions/currentplanning/upload/assurances-brochure.pdf <https://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/Permits/facility-permit.cfm>

improvements and repairs for a period of one year after acceptance by the city.

H. Phased Developments. For a phased development, final plats may be submitted consistent with any phasing plan approved at the time of tentative plan approval.

I. Procedure and Standard for Approval of a Final Plat. On receipt of the final plat application, the Community Development Director shall have up to 30 days to review and determine if the application is complete. If the application is not complete, it shall be returned to the applicant with a written explanation of why the application is being returned. If complete, the application shall be accepted.

The Community Development Director shall forward the final plat to the City Engineer for comment. The City Engineer shall have 20 days to comment on the final plat. Comments shall be in writing. After the 20-day comment period, the Community Development Director shall decide whether the final plat complies with the following criteria:

1. The final plat is in substantial compliance with the tentative plan.
2. The required improvements have been completed.
3. The final plat complies with all conditions attached to the tentative plan.
4. Planned public facilities that were relied on to comply with Section 13.05.045 at the time of tentative plan approval have been completed and are available for use.

If the final plat is approved, the plat shall be forwarded to the Planning Commission chair for signature. If the final plat is denied, the applicant shall be notified in writing why the final plat was denied and what items need to

Commented [DT20]: I believe that this is dated language, and is not a process we follow. Could you provide a streamlined, and preferably ministerial, alternative?

Commented [DR21R20]: Moving Newport to a ministerial action is consistent with my understanding that many jurisdictions do not have a land use process for final plats. Final Plats are simply submitted for recordation (and not signed off on if not complete/sufficient). You could consider Eugene's code text (9.8570 Subdivision, Final Plat Recordation): *The city surveyor and planning director shall note their approval of the subdivision on the subdivision's final plat along with the effective date of approval, which constitutes the city's acceptance of any dedications to the public contained therein. After approval, the city shall forward the subdivision's final plat to Lane County for signatures and recording.*

Alternatively, the City could process as a "Type I" land use decision. Washington County has a Type 1 procedure and I noticed Newport's language is similar to Corvallis' (LDC 2.14.40.02 - but note that code states that within 14 days the Director will review for compliance and, if incomplete, will notify the applicant within 10 days re: what is needed).

be corrected before the final plat can be approved.

J. Recording of Final Plat. After final approval, the final plat shall be forwarded to Lincoln County for review and recording as required by law. Within 90 days of approval, the developer shall submit to the city a mylar copy and two paper copies of the recorded final plat.

Staff: Chapter 13.05, Land Divisions, consolidated as new Chapter 14.48. Duplicative procedural provisions have not been carried over, and have been consolidated into Chapter 14.52 where appropriate. Changes are generally consistent with Reference 15, of Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Added cashier's checks or money orders as acceptable financial guarantees under Subsection 14.48.060(D).

DRAFT

CHAPTER 14.49 PROPERTY LINE ADJUSTMENTS

14.49.010 Property Line Adjustment

The City of Newport hereby establishes a procedure for the adjustment of property lines. A procedure carried out pursuant to this chapter shall be known and referred to as a "property line adjustment."

14.49.020 Approval Criteria

A property line adjustment may be utilized, as an alternative to partition or replatting procedures, under the following circumstances:

A. The size, shape or configuration of two existing units (lots or parcels) of land, each of which is a legal lot or parcel, is to be modified by the relocation of a common boundary between the parcels; and

B. An additional unit of land is not created; and

C. If an existing unit of land is reduced in size by the adjustment, that unit of land will comply with the requirements of any applicable ordinance, and none of the units of land existing after the adjustment will be in nonconformity with any applicable zoning or other requirement of the City of Newport to a greater extent than prior to the adjustment.

14.49.030 City Approval Required

No property line adjustment shall be undertaken without the prior approval of the City of Newport. Any person desiring to carry out such a property line adjustment shall submit to the Planning Director of the City of Newport an application, together with such fee as the Common Council of the City of Newport may from time-to-time by resolution determine. The property line adjustment application shall be upon such form as shall be approved by the planning director, and shall include at least the following information:

A. A legal description (by lot and block or by metes and bounds) of the units of land as they exist prior to the proposed boundary line adjustment.

B. A map (a tax map, survey, or equivalent) depicting the configuration of the units of land as they exist prior to the adjustment.

C. A similar map showing the configuration of the lots, as they would exist after the proposed adjustment.

D. Legal description of the parcels as they would exist after the proposed adjustment.

14.49.040 Conveyance and Security

Following such approval, the property line adjustment may be carried out in the following manner.

A. The owners of the land involved in the property line adjustment shall prepare a conveyance or conveyances in accordance with ORS 92.190(4), containing the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement. The parties shall thereupon attach a certificate of the City of Newport setting forth its approval of the property line adjustment, in accordance with the provisions of this Chapter, and record the property line adjustment deed and such certificate and the survey, if any, required by ORS 92.060(7) with the Lincoln County Clerk, in the manner provided in ORS 92.190(3).

B. The parties shall obtain a survey of the adjusted property line, and the same shall be monumented, and the survey shall be filed with the county surveyor, as required by ORS 92.060(7), except as follows:

1. Such survey and monumentation shall not be required when both parcels affected are greater than 10 acres in size.
2. The requirements of such survey and monumentation shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary.

14.49.050 Responsibility

No property line adjustment shall be effective except upon compliance with the terms, provisions and requirements of this Chapter. The City of Newport does not hereby assume any responsibility to verify or ascertain the ownership of any property or the accuracy of any map, survey or legal description or other information or material submitted to it in connection with this procedure, or to ascertain the adequacy of the form of any property line adjustment deed or other document utilized by party pursuant to this procedure. Any approval granted under the terms and provisions of this Chapter shall be no greater than permitted under the provisions of ORS 92.190 and other applicable statutes, and all actions pursuant to this Chapter shall be subject to the authority and provisions of the laws of the State of Oregon.

Staff: Language was previously included in NMC Chapter 13.99. Moved to this location. No changes to language otherwise. Revision is consistent with Reference 15, Tech Memo #12, by Angelo Planning Group, dated 12/8/21.

CHAPTER 14.4650 TSUNAMI HAZARDS OVERLAY ZONE

14.4650.010 Purpose

The purpose of this section is to promote the public health, safety, and general welfare to minimize risks to essential facilities, and special occupancy structures serving high risk populations within a tsunami inundation area, consistent with Statewide Planning Goals 7 and 18, and the Natural Features Section of the Newport Comprehensive Plan.

14.4650.020 Definitions

As used in this chapter:

- A. Hazardous facility means structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released. Such facilities are subject to a high hazard (Group H) occupancy classification by the Oregon Structural Specialty Code.
- B. Tsunami inundation area means those portions of the City of Newport within the “XXL” tsunami inundation area boundary, as depicted on the maps titled “Local Source (Cascadia Subduction Zone) Tsunami Inundation Map Newport North, Oregon” and “Local Source (Cascadia Subduction Zone) Tsunami Inundation Map Newport South, Oregon” produced by the Oregon Department of Geology and Mineral Industries (DOGAMI), dated February 8, 2013.
- C. Vertical evacuation structure means a stand-alone structure, portion of a building or constructed earthen mound designed for vertical evacuation from a tsunami that is accessible to evacuees, has sufficient height to place evacuees above the design level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

14.4650.030 Overlay Zone Established

A Tsunami Hazards Overlay Zone District shall be indicated on the Zoning Map of the City of Newport with

the letters of THOZ, the boundaries of which encompass and conform to the tsunami inundation area.

14.4650.040 Relationship to Underlying Zone Districts

Except for the prohibited uses set forth in section [14.46.050](#), all uses permitted pursuant to the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this chapter.

14.4650.050 Prohibited Uses

A. Unless authorized in accordance with section [14.46.060](#), the following uses are prohibited in the Tsunami Hazard Overlay Zone:

1. Hospitals and other medical facilities having surgery and emergency treatment areas;
2. Fire and police stations;
3. Emergency vehicle shelters and garages;
4. Structures and equipment in emergency preparedness centers;
5. Standby power generating equipment for essential facilities;
6. Structures and equipment in government communication centers and other facilities required for emergency response;
7. Medical, assisted, and senior living facilities with resident incapacitated patients. This includes residential facilities, but not residential care homes, as defined in ORS 443.400;
8. Jails and detention facilities;
9. Day care facilities;
10. Hazardous facilities; and
11. Tanks or other structures used for fire suppression purposes to protect uses listed in this sub-section.

B. Unless authorized in accordance with section [14.46.060](#), the following uses are prohibited in the portions of the Tsunami Hazard Overlay Zone subject to inundation from a Small (S) or Medium (M) magnitude local source tsunami event:

1. Buildings with a capacity greater than 250 individuals for every public, private or parochial school through secondary level;
2. Child care facilities;
3. Buildings for colleges or adult education schools with a capacity greater than 500 persons; and
4. Tanks or other structures used for fire suppression purposes to protect uses listed in this sub-section.

C. The provisions of this section do not apply to water-dependent and water-related facilities, including but not limited to docks, wharves, piers and marinas.

[14.4650.060](#) Use Exceptions

A use listed in section [14.4650.050](#) may be permitted upon authorization of a Use Exception issued in accordance with a Type III decision-making procedure as outlined in Chapter 14.52, Procedural Requirements, provided the following requirements are satisfied:

- A. Public schools may be permitted upon findings that there is a need for the school to be within the boundaries of a school district and fulfilling that need cannot otherwise be accomplished.
- B. Fire or police stations may be permitted upon findings that there is a need for a strategic location.
- C. Uses otherwise prohibited, such as child or day care facilities, are allowed when accessory to a permitted use, provided a plan is submitted outlining the steps that will be taken to evacuate occupants to designated assembly areas.

D. Other uses prohibited section [14.4650.050](#) may be permitted upon the following findings:

1. There are no reasonable, lower-risk alternative sites available for the proposed use; and
2. Adequate evacuation measures will be provided such that life safety risk to building occupants is minimized; and
1. The structures will be designed and constructed in a manner to minimize the risk of structural failure during the design earthquake and tsunami event.

[14.4650.070](#) Vertical Evacuation Structures

All vertical evacuation structures, irrespective of their height, shall adhere to the provisions set forth in NMC 14.10.020(D)(1-4).

[14.4650.080](#) Evacuation Route Improvement Requirements

All new, or substantial improvements to, multifamily residential, commercial, industrial or institutional development on existing lots and parcels and land divisions in the Tsunami Hazard Overlay Zone shall:

- A. Provide all-weather pedestrian access from the building(s) to adjacent public rights-of-way or City designated evacuation routes; and
- B. Install wayfinding signage, in a format and location approved by the City, indicating the direction and location of the closest evacuation routes; and
- C. Post emergency evacuation information in public areas, meeting rooms, or common areas, alerting residents, visitors, and employees to the tsunami threat. Such information shall include a map indicating the direction and location of the closest evacuation route.

Staff: Chapter renumbered as a result of a reordering of the chapter. No substantive changes.

CHAPTER 14.52 PROCEDURAL REQUIREMENTS

14.52.010 Purpose

The purpose of this section is to designate and define the responsibilities of the approving authorities and to set forth the procedural requirements for land use actions requiring public notice before or after the decision.

14.52.020 Description of Land Use Actions/Decision-Making Procedures

The following is a description of four general types of land use actions/decision-making procedures utilized for land use and limited land use decisions within the City of Newport:

- A. Type I Land Use Actions. Type I decisions are generally made by the Community Development Director without public notice prior to the decision and without a public hearing. A notice of the decision and opportunity to appeal is provided. Type I decisions involve limited administrative discretion. An example of a Type I action is an estuarine review. An appeal of a Type I decision is heard by the Planning Commission.
- B. Type II Land Use Actions. Type II decisions are generally made by the Community Development Director with public notice and an opportunity to comment but without a public hearing. Type II decisions involve administrative discretion in the application of criteria but usually involve land use actions with limited impacts or involve limited land use decisions. Examples of Type II actions include Conditional Use Permits that generate less than 50 vehicle trips per day and involve property that is less than an acre in size, Property Line Adjustments, Minor Partitions, and Minor Replats. An appeal of a Type II decision by the Community Development Director is heard by the Planning Commission, and an appeal of a Type II decision by the Planning Commission is heard by the City Council.
- C. Type III Land Use Actions. Type III decisions are considered quasi-judicial land use actions and generally are made by the Planning Commission after public notice and a public hearing. Type III

decisions generally use discretionary criteria or involve land use actions with larger impacts than those reviewed under a Type I or Type II procedure. Examples of Type III actions include Conditional Use Permits that generate more than 50 trips per day, variances, preliminary and final planned development applications, interpretation requests, and tentative subdivision plat applications. An appeal of a Type III permit decision is heard by the City Council.

- D. Type IV Land Use Actions. Type IV decisions are made by the City Council as either quasi-judicial or legislative decisions involving land use action such as urban growth boundary amendments, Comprehensive Plan map/text amendments, Zoning map/text amendments, annexation requests, planned destination resorts conceptual master plans, and street/plat vacations for which an ordinance must be adopted by the City Council. Most Type IV decisions require a public hearing and recommendation by the Planning Commission prior to the City Council public hearing.

14.52.030 Approving Authorities

The approving authority for the various land use actions shall be as follows:

- A. City Council. A public hearing before the Council is required for all land use actions identified below. Items with an “*” require a public hearing and recommendation from the Planning Commission prior to a City Council hearing.
1. Annexations*.
 2. Comprehensive Plan amendments (text or map)*.
 3. Planned destination resorts--conceptual master plans*.
 4. Urban growth boundary amendments*.
 5. Vacations (plat or street)*.

6. Withdrawals of territory (public hearing required).

7. Zone Ordinance amendments (text or map)*.

8. Any other land use action defined in ordinance as a Type IV decision*.

9. Any land use action seeking to modify any action or conditions on actions above previously approved by the City Council where no other modification process is identified.

10. Appeals of a Planning Commission action.

B. Planning Commission. A public hearing before the Commission is required for all land use actions identified below. Items with an “*” are subject to Planning Commission review as defined in the section of the ordinance containing the standards for that particular type of land use action. Planning Commission decisions may be appealed to the City Council.

1. Conditional use permits*.

2. Nonconforming use changes or expansions*.

3. Planned destination resorts - preliminary and final development plans*.

4. Planned developments.

5. Subdivisions (tentative subdivision plat).

6. Variances.

7. Adjustments*.

8. Design review*.

9. Interpretations of provisions of the Comprehensive Plan or Zoning Ordinance that require factual, policy, or legal discretion.

10. Any land use action defined as a Type III decision.

11. Any land use action defined as a Type II decision for which the Planning Commission is the initial approving authority.

12. Any land use action seeking to modify any action or conditions on actions above previously approved by the Planning Commission where no other modification process is identified.

13. Appeal of the Community Development Director decision under a Type I or Type II decision.

C. Community Development Director. Land use actions decided by the Director are identified below. A public hearing is not required prior to a decision being rendered. Items with an “*” are subject to Director review as defined in the section of the ordinance containing the standards for that particular type of land use action. Decisions made by the Community Development Director may be appealed to the Planning Commission.

1. Conditional use permits*.
2. Partitions, minor.
3. Replats, minor.
4. Estuarine review.
5. Adjustments*.
6. Nonconforming use changes or expansions*.
7. Design review*.
8. Ocean shorelands review.

9. Any land use action defined as a Type I or Type II decision for which the Community Development Director is the initial approving authority.

10. Any land use action seeking to modify any action or conditions on actions above previously approved by the Community Development

Director where no other modification process is identified.

14.52.040 Application for a Land Use Action

All requests for land use actions shall be on forms prescribed by the city. The Community Development Department prepares the application forms and, from time to time, amends the forms as the need arises. At a minimum, the application shall require the following:

- A. Name and address of the applicant.
- B. Name and address of the property owner, if different and applicable.
- C. Legal description of the property, if applicable.
- D. A site plan drawn to scale, if applicable, which shows dimension, property lines, existing buildings, and/or the proposed development.
- E. A Lincoln County Assessor's map showing the subject property and the notification area, if applicable.
- F. Street address of the subject property, if applicable.
- G. Names and addresses of property owners within the notification area, if applicable, as shown in the records of the county assessor.
- H. Signature blocks for the applicant and property owner, if different and applicable.
- I. Comprehensive plan and zoning designation of the subject property, if applicable.
- J. Findings of fact and other information that support the request and address all the applicable criteria.
- K. A current list of the site addresses of any structure in the area proposed to be annexed, if applicable.
- L. Any other information as identified by ordinance for the applicable type of land use action.

14.52.045 Pre-Application Conferences

A. Purpose and Intent. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the Development Code and to identify issues likely to arise in processing an application. Pre-application conferences shall be conducted by the Community Development Director and/or his or her designee and shall include other city officials and public agency representatives as may be necessary for preliminary staff review of the proposal and to provide guidance to the applicant.

B. Applicability. A pre-application conference with the City of Newport is required for Type III, and Type IV applications and other permit types as specified, unless waived by the Community Development Director.

C. Pre-application Materials. The applicant is requested to provide the following materials prior to the pre-application conference.

1. Location and conceptual site plan of the proposed development.
2. List of questions for staff

Staff: Added per Reference 4, Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Proposed language includes Type I and II permits in only those cases where a pre-application meeting is called out as required for the specific permit type.

14.52.050 Submittal of Applications

A property owner, any person with the written approval of the property owner, or the city manager, may apply for a land use action. All documents or evidence in the file on an application shall be available to the public.

- A. Not later than 30 calendar days after receipt, the Community Development Director or designate shall determine whether or not the applicant is complete and notify the applicant in writing of what information is missing and allow the applicant to submit the missing information. If the Community Development

Director or designate does not make a determination of an incomplete application within 30 days after receipt, the application is deemed complete. Complete applications shall be accepted and processed. If an application is deemed incomplete, the application shall be deemed complete upon receipt by the Community Development Department of:

1. All of the missing information;
 2. Some of the missing information and written notice that no other information will be provided; or
 3. Written notice that none of the missing information will be provided.
- B. The completeness determination is not a review of the merit of the application and a positive completeness determination is not a conclusion that the application can be approved.
- C. On the 181st calendar day after first being submitted, the application shall be void if the applicant has been notified of the missing information as required under subsection A above and has not submitted:
1. All of the missing information;
 2. Some of the missing information and written notice that no other information will be provided; or
 3. Written notice that none of the missing information will be provided.
- D. For applications subject to ORS 227.178, if the application was complete when first submitted, or if the applicant submits the requested information within 180 calendar days of the date the application was first submitted, approval or denial of the application shall be based on the standards and criteria that were applicable at the time the application was first submitted.

- E. For applications subject to ORS 227.178, the 100 and 120 day rules as specified in ORS 227.178 shall be applicable.

14.52.060 Notice

The notification requirements in general for the various types of land use actions are identified below. The applicant shall provide city staff with the required names and addresses for notice. Notice of hearings to individual property owners is not required for Type IV legislative actions unless required by state law, such as ORS 227.186 (notice to owners whose property is rezoned). These notification requirements are in addition to any other notice requirements imposed by state law or city ordinance.

A. Information Required in all Notices of Actions and Hearings:

1. Name of applicant and property owner (if different), and file number.
2. Location of property (if applicable).
3. Date, time, and location for public hearing (for all hearings).
4. A brief summary of the nature and substance of the application or decision.
5. A list of applicable Newport Ordinance and/or Comprehensive Plan standards and where the applicable criteria may be found.
6. A statement that relevant information (decision, staff report, application or other materials) may be reviewed and providing information about where and when they can be reviewed, and a statement that copies are available at cost).
7. Staff contact information, including name, address, and phone number.
8. Date the notice is mailed.

B. Information Required in Specific Notices:

1. Date of decision (for Type I actions).
2. A statement describing the process and the deadline for filing comments (for Type II actions).
3. A statement that the failure to raise an issue with sufficient specificity to allow the decision maker an opportunity to respond to the issue precludes raising the issue on appeal, including an appeal to the Land Use Board of Appeals (for Type II and III and quasi-judicial Type IV actions).
4. Date, time, and location of the hearing (all hearing notices).
5. A statement that the staff report will be available for view at no cost and that copies will be available at a reasonable cost at least seven days before the hearing (Type III and Type IV quasi-judicial actions).
6. A general description of the hearing process, including the process for submitting written materials (Type III and IV decisions).
7. An explanation of the use or uses that could be authorized by the decision (Type IV decisions).

C. Mailing of Notice. Notices of hearings and actions shall be mailed by first class mail at least 14 days prior to the deadline for providing testimony for Type II decisions and at least 20 days prior to the public hearing for Type III and Type IV quasi-judicial actions. Notices shall be mailed to:

1. The applicant and property owner (if different).
2. Any affected public agency including ODOT and Lincoln County Transit, or public/private utility.
3. Any person who has requested notice of the hearing or action in writing.

4. Any officially recognized neighborhood association whose boundaries include the subject property.
5. Record owners of property (as specified in the most recent Lincoln County Assessor's property tax assessment roll):
 - a. Within 200 feet of the subject property (Type I, Type II, and Type III actions).
 - b. Within 300 feet of the subject property (Type IV quasi-judicial actions).

Staff: Added per Reference 4, Tech Memo #12, by Angelo Planning Group, dated 12/8/21. Proposed language does not include Type II actions.

D. Written Notice for Rezoning of Mobile Home or Manufactured Dwelling Park. If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park, written notice by first class mail shall be given to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days, but not more than 40 days, before the date of the first hearing on the application.

E. Written Notice to Airport Owners. Notice of a public hearing on a zone use application shall also be provided to the owner of an airport, defined by the Department of Transportation as a "public use airport," if:

1. The name and address of the airport owner has been provided by the Aeronautics Division of the Department of Transportation to the City Community (Planning) Department; and
2. The property subject to the zone use hearing is:
 - a. Within 5,000 feet of the side or end of a runway of an airport determined by the Department of Transportation to be a "visual airport," or
 - b. Within 10,000 feet of the side or end of the runway of an airport determined by the

Department of Transportation to be an "instrument airport."

3. Notice of a zone use hearing need not be provided if the permit or zone change would only allow a structure less than 35 feet in height, and the property is located outside of the runway "approach surface" as defined by the Department of Transportation.

- F. Published Notice. Notice of each Type III and Type IV hearing shall be published at least once in a newspaper of general circulation in the city at least 5 days, and no more than 14 days, prior to the date set for public hearing.

14.52.070 Staff Reports

Staff reports on any quasi-judicial land use action shall be available for public inspection at least seven (7) days prior to the date set for public hearing, and copies will be provided at the city's rate for photocopies.

14.52.080 Hearings Procedures (Quasi-Judicial/Limited Land Use)

This section shall govern the conduct of quasi-judicial/limited land use hearings. The following public hearing procedures are the minimum procedures for use in conduct of quasi-judicial and limited land use hearings and may be supplemented by any duly adopted rules of procedure.

- A. Nature and General Conduct of Hearing. The approving authority, in conducting a hearing involving a land use action, is acting in a quasi-judicial capacity, and all hearings shall be conducted accordingly. Parties to the hearing are entitled to an opportunity to be heard, to present and rebut evidence, and to have a decision based on evidence supported by findings of fact and supporting information. Testimony shall be made with sufficient specificity so as to afford the approving authority and other parties an adequate opportunity to respond to each issue.
- B. Disqualification, Ex Parte Contacts, Bias, Challenges to Participation. Proponents and opponents are

entitled to an impartial tribunal that judge land use actions. A proponent or opponent may, therefore, challenge the qualifications of a member of the approving authority to participate in the meeting or decision. A challenge must state with sufficient specificity the facts relied upon by the submitting party relating the person's bias, prejudgment, personal interest, or other facts from which the party has concluded that the member of the approving authority may be unable to participate and make a decision in an impartial manner. Challenges shall be incorporated into the record of the meeting.

1. Disqualification. No member of the approving authority shall participate in discussion of an application or vote on an application for any land use action when any of the following conditions exist:
 - a. Any of the following have a direct or substantial financial interest in the proposal: members of the approving authority or a member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, or household, or there is an actual conflict of interest under state law.
 - b. The land use action involves a business in which the member is directly associated or has served within the past two (2) years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.
 - c. The member owns property within the area entitled to receive notice of the action.
 - d. For any other reason, the member has determined that participation in the decision cannot be in an impartial manner.
2. Disclosure of Potential Conflict of Interest. Even if an approval authority member chooses to participate, the member shall disclose any potential conflict of interest as required by state law.

3. Ex parte Contacts. In quasi-judicial matters, approving authority members shall reveal any ex parte contacts, including site visits. Parties to a hearing shall have the right to rebut the substance of an ex parte contact.
4. Challenges. Any person may challenge the participation of a member of the approving authority in a decision-making process. A challenge must state with sufficient specificity the factual and legal basis of the reasons for the challenge.
5. Rights of Disqualified Members of the Approving Authority. An abstaining or disqualified member of the approving authority shall be counted if present for purposes of forming a quorum. A member who represents personal interest at a meeting may do so only by abstaining from voting on the proposal, vacating the seat on the approving authority, and physically joining the audience, and by making full disclosure of his or her status and position at the time of addressing the approving authority.
6. Requalification of Disqualified Members of the Approving Authority. If all members of the approving authority abstain or are disqualified, all members present, after stating their reasons for abstention or disqualification, shall by doing so be requalified unless prohibited by state law and proceed to hear the issues and make a decision.
7. Participation in Decision by Absent Member of Approving Authority. A member of the approving authority absent during the presentation of evidence in a land use action meeting may not participate in the deliberations or final decision regarding the matter of the meeting unless the member has reviewed all the evidence in the record to date, including audio tapes of prior meetings.
8. Failure to Achieve Meeting Quorum. In the event an approving authority is not able to achieve a quorum for a meeting at which there is scheduled a consideration of a land use action, the land use

action shall be automatically set over to the next regularly-scheduled approving authority meeting. In the event that an approving authority other than the City Council is unable to achieve quorum for two consecutive meetings, the land use action shall be scheduled for a public hearing before the next level of approving authority and shall be renoticed and a new public hearing held.

9. Failure to Make a Final Decision on a Quasi-Judicial Land Use Action, Limited Land Use Action, or on Appeal. In the event an approving authority other than the City Council is not able to make a final decision on a quasi-judicial land use action within three meetings after the hearing or record is closed, the land use action shall be scheduled for a public hearing before the next level of approving authority and shall be renoticed and a new public or appeal hearing held. In the event that an approving authority other than the City Council becomes deadlocked through an even split in the approving authority such that a decision cannot be made, the approving authority shall forward the land use action to the next higher review authority for a new public or appeal hearing.

C. Public Hearing. This subsection shall govern the conduct of all public hearings.

1. Nature of Hearing. All parties participating in a public hearing shall have an opportunity to be heard, to present and rebut evidence, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law. The presiding officer of the approving authority shall have authority to:
 - a. Regulate the course and decorum of the meeting.
 - b. Dispose of procedural requests and similar matters.
 - c. Impose reasonable limitations on the number of witnesses heard and set reasonable time

limits for oral presentation, questions, and rebuttal testimony.

- d. Question any person appearing, and allow other members to question any such person.
- e. Waive the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party substantial rights as provided herein or otherwise by law.
- f. Take such other action as authorized by the approving authority to appropriately conduct the hearing.

A ruling of the presiding officer may be challenged by any member of that approving authority present at the hearing. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the presiding officer's decision.

- 2. Conduct of Participants. Proceedings shall at all times be orderly and respectful. The presiding officer may refuse to recognize or may exclude from the hearing anyone who:
 - a. Is disorderly, abusive, or disruptive.
 - b. Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
 - c. Testifies without first receiving recognition from the presiding officer.
 - d. Presents irrelevant, immaterial, or repetitious evidence.
- 3. Order of Procedure. The hearing shall proceed in the following manner:
 - a. Open Public Hearing. The presiding officer shall open the public hearing and announce the nature and purpose of the hearing, identify

the applicant, describe the general nature of the proposal, and state (or defer to staff to state) the applicable substantive criteria by which the application is being judged. The presiding officer shall also state that testimony and evidence must be directed toward the applicable criteria. In addition, for quasi-judicial land use actions or limited land use actions, the presiding officer shall state that failure to raise an issue with sufficient specificity to afford the approving authority and the parties an opportunity to respond to the issue precludes an appeal based on that issue, including to the Land Use Board of Appeals.

- b. Call for Abstentions. The presiding officer shall call for any conflicts of interest, and, if applicable, ex parte contacts, or site visits by members of the approving authority.
- c. Call for Objections. The presiding officer shall call for any objections to the approving authority hearing the matter before it.
- d. Staff Report. Staff present a staff report and any recommendations.
- e. Proponents' Presentation. The presiding officer shall call for testimony from the applicant and from any person supporting the application.
- f. Opponents' Presentation. The presiding officer shall call for testimony from any person objecting to the application.
- g. Rebuttal by Applicant. The presiding officer shall call for rebuttal from the applicant in response to evidence or issues raised by the opponents.
- h. Continuance. Review authorities may continue a public hearing or leave a record open to allow for additional testimony. In a quasi-judicial or limited land use action, prior to the conclusion of the initial evidentiary

hearing, any participant may request an opportunity to present additional evidence, arguments, or testimony regarding the application. If the request is made prior to the conclusion of the initial evidentiary hearing, the review authority shall grant the request by either continuing the public hearing or leaving the record open in conformance with the requirements of ORS 197.763.

- i. Close Public Hearing. Unless there is a continuance, the presiding officer shall close the public hearing and state that no further testimony will be received by the approving authority.
- j. Deliberation by Approving Authority. The approving authority shall consider the testimony and evidence before it in open discussion. The approving authority may ask questions of staff. The approving authority may ask proponents or opponents for clarification on a matter; but if they choose to do so, others must be given opportunity to rebut.
- k. Decision. Following deliberation, the approving authority shall vote on the matter, including on any conditions of approval to be attached (or in the case of a review and recommendation, any recommended conditions of approval).
- l. Adoption of Findings of Fact. The approving authority shall adopt findings of fact that support their decision. If there are no findings available to support their decision, staff may prepare findings of fact to be presented at a future meeting. The approving authority may also call for the preparation of findings of fact by the proponent or opponent, or any combination, including staff, of each to be presented at a future meeting. The approving authority may also request that findings of fact be presented at a future meeting other than the next regularly-scheduled meeting. For hearings that are for a review and

recommendation only, no findings of fact are required.

- m. Final Decision. The decision of the approving authority is final when reduced to writing and signed by the presiding officer of the approving authority. Final decisions shall be by order unless an ordinance is required for the decision. Appeal periods shall begin from the date the final decision is signed. For hearings that are for a review and recommendation only, no final order is required.
- n. Notice of Decision. A notice of the decision (except for those made for the purpose of a review and recommendation only) made by the approving authority shall be given to:
 - i. Anyone who has made appearance of record (see [Section 14.39.045](#)); and
 - ii. Anyone who has filed a written request for notice of the approving authority's decision; and
 - iii. Anyone who has requested notice of any appeal hearing.

14.52.090 Public Hearings Procedures (Legislative)

This section shall govern the conduct of legislative land use hearings. The following public hearing procedures are the minimum procedures for use in conduct of legislative land use hearings and may be supplemented by any duly adopted rules of procedure.

- A. Nature and General Conduct of Hearing. The approving authority, in conducting a hearing involving a legislative land use action, is acting in a legislative capacity, and all hearings shall be conducted accordingly.
- B. Disqualification. No member of the approving authority shall participate in discussion of an application or vote on an application for any land use action when there exists an actual conflict of interest under state law. Potential conflicts of interest under

state law shall be disclosed by members of the approving authority. An abstaining or disqualified member of the approving authority shall be counted if present for purposes of forming a quorum.

- C. Failure to Achieve Meeting Quorum. In the event an approving authority is not able to achieve a quorum for a meeting at which there is scheduled a consideration of a land use action, the land use action shall be automatically set over to the next regularly-scheduled approving authority meeting. In the event that an approving authority other than the City Council is unable to achieve quorum for two consecutive meetings, the land use action shall be scheduled for a public hearing before the next level of approving authority and shall be renoticed and a new public hearing held.
- D. Public Hearing. The public hearing process identified above in [14.52.080\(C\)](#) for quasi-judicial/limited land use hearings shall be utilized with the following modifications noted for the legislative hearing process to the following subsections of [14.52.080\(C\)\(3\)](#):
 - 1. Final Decision. The decision of the approving authority is final when reduced to writing and signed by the presiding officer of the approving authority. Final decisions shall be by order unless an ordinance is required for the decision. Appeal periods shall begin from the date the final decision is signed. For hearings that are for a review and recommendation only, no final order is required. Unless required by law to do so, the approving authority is not obligated to adopt a final order or ordinance if the approving authority chooses not to adopt a legislative amendment.
 - 2. Notice of Decision. A notice of the decision (except for those made for the purpose of a review and recommendation only) made by the approving authority shall be given to:
 - a. Anyone who has made appearance of record (see [Section 14.52.080\(B\)](#)) and submitted a written request for a notice of decision; and

- b. Anyone who has filed a written request for notice of the approving authority's decision.
- c. The Department of Land Conservation and Development as required for a post acknowledgement plan amendment.

14.52.100 Appeals

Any person with standing may appeal a decision of the approving authority. No person shall have standing to appeal unless the person made an appearance of record in the initial proceeding prior to the close of the public comment period, public hearing, or close of the record. All appeals shall be made no later than 15 calendar days after the date the final order is signed. "Appearance of record" shall mean either appearance in person or in writing. City Council decisions may be appealed to the Oregon Land Use Board of Appeals as provided by state law.

- A. Appeal Document. All appeals shall be signed by the appellant or authorized agent and shall contain:
 - 1. An identification of the decision sought to be reviewed, including the date of the decision.
 - 2. A statement demonstrating that the appellant has standing to appeal.
 - 3. A statement of the specific grounds which the appellant relies on as the basis for the appeal. If the appellant contends that the findings of fact made by the approving authority are incorrect or incomplete, the application shall specify the factual matters omitted or disputed. If the appellant contends that the decision is contrary to city code, an ordinance statute, or other law, the appeal shall identify the city code, an ordinance, statute, or other legal provision, and state how the applicable provision has been violated. For appeals of a quasi-judicial or limited land use action, a statement demonstrating that the appeal issues were raised with sufficient specificity in the hearing below.

B. Scope of Review. Unless the appeal is heard de novo, the appeal of a decision by a person with standing shall be limited to the specific issues raised during the hearing from which the decision is being appealed. Approving authorities may hear appeals on the record of the initial hearing (if a previous hearing was held) or de novo. An appeal from a land use action that had a previous hearing shall be held on the record unless the approving authority determines that a de novo hearing is warranted.

1. When de novo hearing is warranted.

- a. Where a land use decision was made without a public hearing, the appeal shall be heard de novo.
- b. Where a land use decision was made following a public hearing, the approving authority may consider holding the appeal de novo for any of the following reasons:
 - i. (The appellant(s) have documented as part of a petition to appeal a significant procedural error that resulted in a substantive harm to their ability to participate in the initial hearing that could be cured by a subsequent de novo hearing.
 - ii. The appeal of the decision is part of a package of land use requests submitted by the applicant that include other land use requests that will be considered in a new public hearing before the review authority, and it would be more efficient to conduct the appeal de novo in conjunction with the hearings for the other land use requests.
 - iii. A significant number of appeals have been filed such that the efficiency of the appeal process would be better served through a de novo hearing.

2. Procedure for determining when de novo hearing is warranted on appeal from a land use decision made following a public hearing:

- a. Following the end of the appeal period for which an appeal has been filed with a request for a de novo hearing, the matter of the de novo appeal hearing request shall be scheduled at the next available approving authority meeting for consideration.
 - b. The appeal authority shall review the submitted request for de novo hearing along with any staff and applicant (if other than appellant) input on the matter and make a decision.
- C. Notice of Appeal. Notice of the appeal hearing shall be given to the applicant, the applicant's authorized agent (if any), and to interested persons. Interested persons are:
 1. Anyone who has made appearance of record.
 2. Anyone who has filed a written request for notice of the approving authority's decision; and
 3. Anyone who has requested notice of any appeal hearing.
- D. Appeal Hearings. The following is a minimum set of procedures supplemented by any duly adopted rules of procedure:
 1. Appeal hearings on the record shall be conducted as follows:
 - a. A record of hearing shall be prepared by the Community Development Department containing the written material involving the approval through the filing of the appeal. A transcript of the hearing shall be prepared and included with the record.
 - b. Following preparation of the record, a date for the on-the-record hearing shall be set by the Community Development Department, and notice of the date of the appeal hearing shall be given.

- c. The appellant(s) shall have seven calendar days from the date the record is available to supplement the petition for appeal by identifying items in the record in support of the appeal ("support brief").
 - d. The applicant(s) (if other than the appellant) and city staff shall have seven calendar days from the date the appellant support brief is due to respond ("response brief").
 - e. The appeal hearing will allow for comments by city staff, argument from appellant(s), applicant(s) (if other than appellant), rebuttal, and questions and deliberation by the approving authority.
- 2. De novo appeal hearings may be held by the appeals approving authority. In cases of a de novo hearing, the same procedure shall be used as was employed in the initial hearing.
- 3. Ability for City Council to deny appeal without hearing. The City Council may deny an appeal from a Planning Commission decision where the Planning Commission has held a de novo hearing following an appeal of a decision of the Community Development Director for land use actions subject to the 120-day rule in ORS 227.178. If the City Council votes to deny an appeal, the Council shall adopt the Planning Commission Final Order as the final decision of the City.
- E. Appeals Decision. Upon review of the appeal, the appeals approving authority may, by final order, affirm, reverse, or modify in whole or part the initial decision. When the appeals approving authority modifies or reverses a decision of the initial approving authority, the final order shall set forth findings and reasons for the change. The appeals approving authority may also remand the matter back to the initial approving authority for further consideration or clarification. A notice of the decision made by the approving authority shall be given to:

- 1. Anyone who has made appearance of record; and

2. Anyone who has filed a written request for notice of the approving authority's decision; and
3. Anyone who has requested notice of any appeal hearing.

F. Judicial Finality. No permit shall be issued, no permit or approval shall be considered valid, and no project may proceed, based on any land use decision of the City of Newport for a land use action processed under this section of the Ordinance, until such time as all rights of appeal from such decision have been exhausted and such decision is "judicially final." A decision shall be considered judicially final at such time as any applicable period for the appeal of such decision shall have expired without initiation of an appeal, or any properly initiated appeal shall have been exhausted, whichever is later. However, this shall not preclude the making of an application for, or the conduct of proceedings to consider, the issuance of a permit or approval based on such land use decision.

14.52.110 Decision Time

Once a complete application is received by the City of Newport, the city shall take final action, including resolution of all local appeals, on applications subject to ORS 227.178 within 100 or 120 days, as applicable, unless otherwise waived by the applicant in accordance with state requirements.

14.52.120 Conditions of Approval

All city decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be met.

14.52.130 Consolidated Procedure

Any applicant for a land use action may apply at one time for all related land use actions. Where different land use actions requiring different review authorities are submitted, decisions on applications made by a lower level review authority may be made contingent on the applicant receiving approval from the higher level review

authority. Alternatively, the higher level reviewing authority may take action on all of the related land use actions. Fees for land use actions that are consolidated are set forth as established by resolution of the City Council for land use fees.

14.52.140 Expiration and Extension of Decision

Expiration or extension of all land use decisions shall be as follows:

- A. All land use decisions shall be void if within ~~eighteen~~ twenty-four (1824) months of the date of the final decision:
 1. All necessary building permit(s) have not been issued, if required; or
 2. ~~In cases where building permit(s) are not required, the~~ authorized use has been established; ~~or~~
 3. In cases where a final plat is required, the final plat has not been signed by the City and referred for recording.
- B. Notwithstanding Subsection (A) of this section, the approval authority may set forth in the written decision specific instances or time periods when a permit expires.
- C. The Community Development Department may extend any approved decision for a period of ~~six~~ twelve (12) months; provided the permit holder
 1. Submits a written request for an extension of time prior to expiration of the approval period;
 2. ~~Has applied for all necessary additional approvals or permits required as a condition of the land use permit;~~
 3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

D. The Planning Commission may grant an additional twelve (12) month extension after public hearing. Notice shall be the same as the original tentative plan. The criteria for an extension are:

1. An unforeseen change in the economic condition has affected the real estate market for the project;
or

2. The weather has prevented the physical work; or

3. Other unanticipated hardship, such as change or turnover in engineering firms, contractors, or significant delays in obtaining required state or federal permits requires additional time to complete the project.

4. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

~~DE.~~ The granting of an extension pursuant to this section is an administrative action, is not a land use decision as described in ORS 197.015, and is not subject to appeal as a land use decision.

~~EE.~~ Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

~~FG.~~ If a permit decision is appealed beyond the jurisdiction of the city, the expiration period shall not begin until review before the Land Use Board of Appeals and the appellate courts has been completed, including any remand proceedings before the city. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

14.52.150 Revocation of Decisions

In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the city's approval, the city may institute a revocation proceeding under this section.

A. Type I, Type II, and Type III decisions may be revoked or modified if the Planning Commission determines a substantial likelihood that any of the following situations exists:

1. One or more conditions of the approval have not been implemented or have been violated; or
2. The activities of the use, or the use itself, are substantially different from what was approved or represented by the applicant.

B. A revocation shall be processed as a Type III decision. The Community Development Department or any private complaining party shall have the burden of proving, based on substantial evidence in the whole record, that the applicant or the applicant's successor has in some way violated the city's approval.

C. Effect of revocation. In the event that the permit approval is revoked, the use or development becomes illegal. The use or development shall be terminated within thirty days of the date the revocation final order is approved by the Planning Commission, unless the decision provides otherwise. In the event the Planning Commission's decision on a revocation request is appealed, the requirement to terminate the use shall be stayed pending a final, unappealed decision.

14.52.160 Applicability in the Event of Conflicts

The provisions of this section supersede all conflicting provisions in the Newport Zoning Ordinance.

~~Chapter 14.53 — Council Review~~

~~Chapter 14.54 — Applicability of the provisions of this ordinance~~

~~The rules, requirements, and provisions of this Ordinance are in addition and not in lieu of any prior ordinance, resolution, rule, requirement, or procedure previously adopted by the City of Newport except as may have been expressly repealed, provided, however, that the provisions of this Ordinance shall be controlling in cases where there may be conflicting provisions.~~

~~Chapter 14.55 — Compliance with ordinance provisions~~

~~No structure or lot shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this Ordinance.~~

~~Chapter 14.56~~ 53 ~~Enforcement~~ ENFORCEMENT

- A. The City Manager, ~~or designee~~, shall have the power and duty to enforce the provisions of this ~~Ordinance~~ Chapter. An appeal from a ruling of the City Manager, ~~or designee~~, shall be made to the City Planning Commission.
- B. Any use authorized under the provisions of this ~~ordinance~~ Chapter shall be open to inspection and review at reasonable times by code enforcement personnel for the purpose of verifying compliance with ~~ordinance approval~~ standards or conditions of approval.

~~Chapter 14.57~~ 54 ~~Penalty~~ PENALTY

~~Except as provided hereafter, a A violation hereof of the provisions of this Chapter shall be punishable as an a civil infraction pursuant to the provisions of Chapter 2.15 of the Newport Municipal Code, by a fine not to exceed \$500.00 for each violation. If a person has committed more than two violations of this Ordinance within the preceding 24 months, a subsequent violation shall be a misdemeanor, punishable by a fine not to exceed \$1,000.00, or by jail not to exceed 60 days, or both. A violation shall be deemed to occur on the date of the occurrence of the act constituting the violation and not on the date the court shall find the defendant guilty of such violation.~~

~~Each day during which a violation continues shall constitute a separate offense. Violation of more than one provision hereof shall constitute a separate offense with respect to each provision so violated.~~

Staff: Civil infractions are defined in Chapter 2.15 of the Newport Municipal Code. It also covers the process for adjudicating them. No need to duplicate the process.

Chapter 14.5855 ~~Interpretation~~ INTERPRETATION

The provisions of this ~~Ordinance Chapter~~ shall be held to be the minimum requirements for the promotion of the public safety, health, morals, or general welfare. It is not intended by this ~~Ordinance Chapter~~ to interfere with or abrogate or annul any easements, covenants, or other agreements between parties. Where this ~~Ordinance Chapter~~ imposes a greater restriction upon the use of buildings or premises, or upon the heights of buildings, or requires larger yards and open spaces than are required in other ordinances, codes, regulations, easements, covenants, or agreements, the provisions of this ~~Ordinance Chapter~~ shall govern.

Chapter 14.5956 ~~Severability~~ SEVERABILITY

The provisions of this ~~Ordinance Chapter~~ are hereby declared to be severable. If any section, sentence, clause, or phrase of this ~~Ordinance Chapter~~ is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ~~Ordinance Chapters~~.

Chapter 14.6057 ~~Fees~~ FEES

~~Zoning and planning fees~~ Fees for the review of land use actions outlined in this Chapter shall be fixed by the City Council by resolution and shall be reviewed annually. ~~Zoning and planning~~ Such fees shall be paid upon submission of an application ~~of or~~ petition and shall ~~not~~ be refundable only in those circumstances where the application or petition is withdrawn before the City incurs costs related to the review and/or processing of the request.

Staff: Revisions clarify language and circumstances where fees are refundable.

Sherri Marineau

From: Derrick Tokos
Sent: Monday, June 13, 2022 11:42 AM
To: Jennifer Ames; Sherri Marineau
Subject: Re: Traffic in Newport

Sherri... could you please share Jennifer's email with the Commission members?

Derrick

Sent from my iPhone

On Jun 13, 2022, at 11:29 AM, Jennifer Ames

wrote:

[WARNING] This message comes from an external organization. Be careful of embedded links.

You don't often get email from innergardens@hotmail.com. [Learn why this is important](#)

Hello Mr. Tokos,

I send this email with regards to a call for comments regarding the TSP plan for the city of Newport. I would like to ask for a strong consideration to add elements, such as suggested by StrongTowns USA, to slow and calm traffic thru the residential neighborhoods. I live on 3rd & Hurbert and we have seen an increase in commercial traffic using 3rd as a fast track to the Nye Beach businesses. Speed humps and signs reminding drivers of the max speed would be beneficial for both safety and noise abatement. We have a digital flashing sign notifying drivers of their current speed; however, it is only on 1 side of the street. Consequently, cars travelling East on 3rd are allowed to speed up the street unfettered. In the last 2 yrs there has been no follow up with regards to the data the sign has collected.

With regards to Newport's designation as a desirable tourist's town I suggest more signs for public parking with possible use of shuttles to and from said spots to places of interest. This alone could help relieve a lot of parking issues.

Thank you for your interest in public input.

Sincerely,

Jennifer Ames

Get [Outlook for Android](#)

Sherri Marineau

From: Beach Books
Sent: Saturday, June 11, 2022 3:32 PM
To: Public comment
Subject: Traffic Safety & Transportation System Plan

[WARNING] This message comes from an external organization. Be careful of embedded links.

Dear all,

As a Nye Beach business owner and resident, I would like to give some input in the areas of parking and of traffic noise:

Parking: When they were still enforced, I did quite like the current parking regulations (3 hrs. max. in my street) - except for giving parking passes to vacation rentals for their visitors. Just coming back from a similar coastal town in Germany, parking passes there are only given to long term residents and all visitors or employees have either time limited parking or metered parking or need to drive to parking garages /parking lots at the periphery of the downtown area. The vacation rental we stayed in, charged a daily parking fee for the parking garage that we used.

Noise: Again in Germany they use volume triggered surveillance cameras in areas of loud traffic. If something like this exists here, the corner of NW Coast and NW 3rd Street would be a great location for it to catch the license plate numbers of the unmuffled cars that have made it a sport to rev their already very loud engines up to the maximum noise when accelerating up the hill going South on NW Coast after the stop sign at Nana's.

I would like to see money and planning going in both of these areas.

Thank you for consideration,

Ulrike Bremer

727 NW 3rd St
Newport, OR 97365

Sherri Marineau

From: Laurie Sanders
Sent: Monday, June 13, 2022 2:51 PM
To: Public comment
Subject: Proposed Transportation System Plan / TSP

[WARNING] This message comes from an external organization. Be careful of embedded links.

Greetings Planning Commission of the City of Newport,

My name is Laurie Sanders, I am a Farmers Market board member and long time market supporter. I am writing today due to the proposed TSP and the impact that would have on the Newport Farmers Market. I understand the need to be forward thinking in regards to traffic flow and control in Newport. I would like to make you all aware that one of your proposals directly impacts the site of the Newport Farmers Market.

I realize this plan is in the beginning stages and the timeline is long in regards to when this project would actually begin. I encourage those with voting power to please consider the importance of the local market and work WITH US to find a viable solution that is workable for both parties.

I ask you to consider that food security is a very real issue in this time. The Farmers Market supports LOCAL farms and small growers, it is a very important solution not to be ignored or disregarded. Fresh local produce, eggs, meat, honey, baked goods all available on Saturdays. The market also supports many local artisans, herbalists, prepared food vendors and more.

The local Newport Farmers Market provides a place for community and visitors to shop, eat and gather together. It is an important element of a healthy community.

Thanks for your time and consideration.

Laurie Sanders
Newport Farmers Market Board Member

Sherri Marineau

From: Wendy Engler
Sent: Monday, June 13, 2022 2:30 PM
To: Public comment
Subject: Planning Commission Public Hearing on TSP Update 6/13/22

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Greetings Planning Commissioners,

My comments on the Draft TSP Update Plan are as follows:

- I support adoption of the “Critical Community Issues” as identified on page 2 of the Executive Summary, Attachment A. Addressing the transportation and development issues mentioned here will provide guidance for increased livability and economic development in Newport’s future.
- I ask you to recommend to the City Council that neighborhood traffic calming funds be used to address traffic concerns in the Nye Beach neighborhood as requested by the Nye Neighborhood Association.

Thank you,
Wendy Engler

PETITION for TRAFFIC CONTROL DEVICE SAN BAY-O CIRCLE and US HY 101

IWe, the undersigned, petition the City of Newport to install a traffic control device to allow egress from San Bay-O Circle when traffic on US HY 101 blocks our intersection.

HUGH FIORADAY 4/18/2022	327 NE SAN BAYO, NEWPORT
Rye Y. Cui 4-18-2022	327 NE SAN BAYO, NEWPORT
Rai Cui 4/18/22	329 NE San Bayo Newport
Christy Cui 4/18/22	3110 NE T. de AVE C.C. OR
Lindsay DeVries 4/18/22	304 NE San Bayo circle, Newport
Tigana Tucker 4/18/22	309 NE San Bayo circle, Newport
Mark Saclun	275 NE San Bayo Circle, Newport
Sarah Loster 4/17/22	254 NE San Bayo
Dr. K. Wagner	243 " "
G. MARTIN SMITH 4-17-22	237 " " NEWPORT OR 97365
Josh Gerly 4-17-22	726 " "
Felipe Vazquez 4-17-22	215 " " NEWPORT OR 97365
Adrian Botello	353 NE San Bay Circle
Zaidali Landa 4/17	" "
Layeta Jennings 4/17	207 NE San Bayo Circle
Molly Kirkpatrick	206 NE San Bayo Cir.
Melinda Dye	377 NE San Bayo Cir
Janet Hernandez	34 NE San Bayo Cir.
Maureen Morris	345 NE San Bayo Cir
David Botello 4-17-22	353 NE San Bayo Cir
Kelcee Lynn Johnson	338 NE San Bayo Cir
Bob Gibson	341 NE San Bayo Cir
Morgan Miller	343 NE San Bayo Cir
Nancy Murray	343 NE San Bayo Circle
2022	343 NE San Bayo Circle
Fate Warren	343 NE San Bayo Circle
Bob Warren	343 NE San Bayo Circle
Paul T. G.	322 NE San Bayo Circle
Marcelles Tari	" "
Nannah Salas 4-19	948 11th St SW, Newport OR

PETITION for TRAFFIC CONTROL DEVICE SAN BAY-O CIRCLE and US HY 101

We, the undersigned, petition the City of Newport to install a traffic control device to allow egress from San Bay-O Circle when traffic on US HY 101 blocks our intersection.

Tannah Richardson 541	265-8262
Amber Ferguson, 541-265-8262	owner, Newport Florist
Sylvia Pauly 4/19/22	employee, Newport Florist
Jessica Garrick 04/19/22	1660 N. Coast Hwy Newport 97365
Susan Vidal	1670 N. Coast Hwy Newport 97365
Beth Williams 4/19/22	1686 N Coast Hwy Newport OR 97365
Simon Khuman 4/19/22	1654 N Coast Hwy Newport OR 97365
Kim Olson 4/19/22	2060 NE Valley Ridge Rd
Marnie 4/19	Secil Polk OR
Judy Murphy	1646 N. Coast Hwy
Hidi Cortes 4/19/22	7002 NW OCEANVIEW DR.
KEITH MARLOW	Po Box 1897, Waldport, OR 97354
TERESA MORAN 4/19/22	PO Box 1624 Hwt 101 Newport OR 97365
Carrie Moore 4/19/22	70 BOX 2055 Newport OR 97365
Robert George 4/19/22	1602 N COAST Hwy
Robert George	1632 Coast Hwy Newport, OR 97365
Theron Chavez 4/19/22	Extreme Precision Cell Phone Repair
Justin R. King 4/19/22	1740 N Coast Hwy, Newport
Kate Arm. chel 4/19/22	1740 N Coast Hwy, Newport
Lisa McCormick 4/19/22	1740 N Coast Hwy, Newport
Sari Millott 4-24-22	1740 N Coast Hwy, Newport, OR, 97365
Jacki Gascho 4.24.22	755 NE Seaboard Cir Newport OR 97365
RIK GASCHO 4/24/22	249 NE San Bay O Cir. Newport
Ju Moll 4-24-22	249 NE SAN BAY O Circle Newport
Rosemary Davies 4-24-22	227 NE San Bay O Circle Npt
Kathely 4/24/22	231 NE San Bay-O Circle Npt
Jessica May 4/24/22	211 NE San Bay O Circle Newport
Hendi Martin 4-24-22	211 NE San Bayo Circle Newport
James O'Hanlon 4/24/22	130 NE San Bay O Circle Newport
	130 NE San Bay-O Circle Newport 97365
	#1

PETITION for TRAFFIC CONTROL DEVICE SAN BAY-O CIRCLE and US HY
101

We, the undersigned, petition the City of Newport to install a traffic control device to allow egress from San Bay-O Circle when traffic on US HY 101 blocks our intersection.

Michael Kilder 4/24/2022	130 NE San Bayo Ct. #3
David L. Culmsee 4-24-22	132 NE SAN BAYO CT #7
Nick Cravens 4/24	139 NE San Bayo
Sue Keesee 4-24-22	369 NE San Bayo
Tom Deery 4-24-22	369 NE San Bayo
Carlos Villaneda 4-24-22	356 NE SAN BAYO CIRCLE
Kristin Barth 4-24-22	351 NE San Bayo
Pat Miller 4-24-22	344 NE SAN BAYO CIRCLE
[Signature] 4-24-22	333 NE SAN BAYO CIRCLE
Kadde Workman 4-24-22	333 NE SAN BAYO CIRCLE
Elaina Siegfried 4/24/22	11005 N Coast Hwy Newport, OR 97365
Elio Stenberg 4/26/22	355 NW 55th St Newport, OR 97365
KIRBY LITMAN-HUNT 4/26/22	1597 N COAST HWY NEWPORT OR 97365
Sharrle LITMAN-HUNT 4/26/22	1522 N Coast Hwy Newport
Suzanne Egan 4/26/22	1522 N Coast Hwy, Newport
Kathleen McCall 4/26/22	2165 NE 36th St #4 Newport OR 97365
Ellen Franklin 4/26/22	1867 NE Crestview Pl. Npt OR 97365
Tarin Keesee	369 San Bayo Circle Newport
Glaire Wood 4/26/22	275 NE San Bayo Circle Npt 97365
Nellorah Nguyen 4/26/22	240 NE San Bayo Circle
Barb Mantha 4/28/22	1460 N. Coast Hwy Ste B Newport
Jennifer Chapman 4/28/22	1464 N Coast Hwy Newport 97365
Jane Colthron 4/28/22	P.O. Box 844 Newport, OR 97365
Leah Brown 4/28/22	2525 NE Douglas St. 97365
[Signature] 28 April 2022	12 ne 16th st Npt
Chloe Gonzalez	2123 NE Crestview Dr
Jerry Gibbs 4/28/22	420 N.W. 55th St.
Amrita K. Kosydar 4/28/22	129 NW 16th St.
William Dean 4/28/22	129 NW 16th St.
Brenda Martin 4-28-22	1886 NE Crestview Ct

We, the undersigned, petition the City of Newport to install a traffic control device to allow egress from San Bay-O Circle when traffic on US HY 101 blocks our intersection.

[illegible]

90 Kyle Ebonsek - all signatures before me by 5/20/22