



**PLANNING COMMISSION WORK SESSION AGENDA**  
**Monday, June 22, 2020 - 6:00 PM**  
**City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365**

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This meeting will be held electronically. The public can live-stream this meeting at [newportoregon.gov/citygov/comm/pc.asp](http://newportoregon.gov/citygov/comm/pc.asp). The meeting will also be broadcast on Charter Channel 190. Public comment may be made, via e-mail, up to two hours before the meeting start time at [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Additionally, anyone wishing to speak on any agenda item, or during public comment, should e-mail their telephone number, and the item they wish to address, up to two hours before the start of the meeting, to [s.marineau@newportoregon.gov](mailto:s.marineau@newportoregon.gov), and staff will telephone that person when that item is being discussed at the meeting.

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

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1. CALL TO ORDER
  
2. UNFINISHED BUSINESS
  - 2.A Update on the Implementation of Short-Term Rental Ordinance No. 2144.  
[Memorandum](#)  
[Draft Ordinance No 2168](#)  
[Mark-up Copy of NMC Chapter 4.25](#)
  - 2.B COVID 19 Small Business Assistance Grant Update.  
[Memorandum](#)
  - 2.C COVID Related Amendments to TSP Public Outreach Program and Schedule.  
[Memorandum](#)  
[Scope of Work With DKS Associates Dated 1-2-19](#)  
[Memo from JLA Public Involvement Dated 6-16-20](#)
  
3. NEW BUSINESS

3.A Planning Commission Work Program Forecasting.  
Memorandum  
PC Work Program - 6-22-20

4. ADJOURNMENT

# Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick I. Tokos, AICP, Community Development Director

Date: June 18, 2020

Re: Update on the Implementation of Short-Term Rental Ordinance No. 2144

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The Short-Term Rental Ordinance Implementation Work Group met for the fourth time on June 8, 2020. The Work Group identified two targeted changes that they would like to see in order ensure the efficient and effective application of the approval standards. One relates to the placement of 24/7 hotline signs and the other amends the 30-day proof of use requirement. The changes are contained in draft Ordinance No. 2168 and the rationale for the revisions is contained in a mark-up of the code, both of which are enclosed.

Since these changes relate to the business license renewal period, which starts on July 1, 2020, the City Council elected to set a hearing to consider the ordinance on June 29<sup>th</sup> and, if approved, the ordinance contains an emergency clause making it effective immediately upon adoption.

Because NMC Chapter 4.25 relates to licensing, as opposed to the land use standards in NMC Chapter 14.25, it is not necessary that a hearing be held by the Planning Commission; however, given the Commission's work on the last package of amendments (i.e. Ordinance No. 2144), I thought it important that you were aware of the proposed changes.

The Work Group also recommended that a planned CPI adjustment to the fees be postponed given the impact that the COVID-19 pandemic has had on the industry, including the government curtailment orders. This change was included in the draft budget presented to the Budget Committee and will be in the version of the budget that is presented for adoption on June 29<sup>th</sup>.

Another significant recommendation from the Work Group, is that they would like to meet for up to 12 additional months before providing recommendations to the City Council regarding the effectiveness of Ordinance No. 2144. They had expected to evaluate the regulatory program under normal peak summer conditions, which is simply not going to occur because of the pandemic. This will require action by the Council at an upcoming meeting.

#### Attachments

Draft Ordinance No. 2168

Mark-up Copy of NMC Chapter 4.25

CITY OF NEWPORT  
ORDINANCE NO. 2168

AN ORDINANCE AMENDING SECTION 4.25.030(C)  
OF THE NEWPORT MUNICIPAL CODE REGARDING  
SHORT-TERM RENTAL LICENSING REQUIREMENTS

WHEREAS, Chapter 4.25 of the Newport Municipal Code (NMC) sets out requirements for short-term rental business license endorsements, said Chapter having been created with the adoption of Ordinance No. 2144, effective May 7, 2019; and

WHEREAS, in the application of NMC Chapter 4.25 it has become evident that targeted revisions are needed to ensure the efficient and effective application of the business license endorsement and endorsement renewal approval standards; and

WHEREAS, the proposed revisions were reviewed by a Short-Term Rental Ordinance Implementation Work Group, created by Council Resolution No. 3857, and charged with collecting and evaluating information related to the implementation of Ordinance No. 2144; and

WHEREAS, at its June 8, 2020 meeting, the Short-Term Rental Ordinance Implementation Work Group recommended that the revisions contained herein be presented to the City Council for approval so that they may inform the short-term rental business license endorsement renewal period that begins July 1, 2020; and

WHEREAS, the continued peace, health, and safety of the citizens of the Newport is furthered by emergency adoption of this ordinance so that the changes are in effect at the beginning of said renewal period.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are hereby adopted as support for the amendments, below.

Section 2. Section 14.25.030(C)(3), Notice to Neighbors, which presently reads as follows:

“The owner or authorized agent shall post a non-illuminated sign on the premises, between 1 and 2 square feet in size, containing the owner and/or representatives contact information. Such sign shall be placed in a location clearly visible from the adjacent street. In the event the City establishes a 24/7 hotline for dispatching calls to operators of short-term rentals, then the contact information contained on the placard or sign shall be that of the firm providing the dispatch service.”

Is hereby amended to read:

“The owner or authorized agent of a vacation rental shall post a non-illuminated sign on the premises, between 1 and 2 square feet in size,

containing the owner and/or representatives contact information. Such sign shall be placed in a location clearly legible, from an adjacent street. In the event the City establishes a 24/7 hotline for dispatching calls to operators of short-term rentals, then the contact information contained on the placard or sign shall be that of the firm providing the dispatch service. For vacation rentals in condominiums, the number and placement of signs shall be as specified by the City.”

**Section 3.** Section 14.25.030(C)(7), Proof of Use, which presently reads as follows:

“For vacation rental renewals, room tax remittance records must show that the unit has been rented at least 30 days within the 12 month fiscal year.”

Is hereby amended to read:

“For vacation rental renewals, room tax remittance records must show that the unit has been rented at least 30 days within the 12 month fiscal year. The City Manager may reduce the required number of rental days, or set aside this provision entirely, in circumstances when a short-term rental, or group of rentals, cannot be rented for reasons beyond the control of the short-term rental owner.”

**Section 4.** Declaration of Emergency. It is hereby adjudged and declared that existing conditions are such that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Newport, and an emergency is hereby declared to exist and this Ordinance, and all provisions modifying the Ordinance referred to herein, shall take effect in full force and effect when signed by the Mayor.

Date adopted and read by title only: \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dean H. Sawyer, Mayor

ATTEST:

\_\_\_\_\_  
Margaret M. Hawker, City Recorder



(New language is shown in underline, and language to be deleted is shown in ~~strikethrough~~. Staff comments, shown in italics, are provided for context and are not a part of the proposed revisions.)

## CHAPTER 4.25 SHORT-TERM RENTAL BUSINESS LICENSE ENDORSEMENTS

### 4.25.005 Purpose

A short-term rental business license endorsement is a permission to operate a short-term rental on property within the City of Newport. This chapter provides an administrative framework for licensing the annual operation of a short-term rental, in order to ensure the safety and convenience of renters, owners, and neighboring property owners; protect the character of residential neighborhoods; protect the City's supply of needed housing; and address potential negative effects such as excessive noise, overcrowding, illegal parking, and nuisances (e.g. accumulation of refuse, light pollution, etc.).

It is the intent of these regulations to strike a reasonable balance between the need to limit short-term rental options within neighborhoods to ensure compatibility, while also recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing for tourists, employees of businesses, and others who are in need of housing for a limited duration.

### 4.25.010 Definitions

The following definitions apply in this chapter.

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

- D. 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.
- E. 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.
- F. Owner. Means the natural person(s) or legal entity that owns and holds legal or equitable title to the property.
- G. 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.
- H. 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:
1. 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.
  2. 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.
  3. A transfer of ownership between titled interest holders.
  4. 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? This would not constitute a sale or transfer (Exception H.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 H.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 H.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 H.2. and H.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 H.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 H.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 H.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 H.4).

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I. Vacation Rental. A short-term rental where the entire dwelling unit is rented.

4.25.015 Annual Short-Term Rental Business License Endorsement Required

No owner of property within the Newport city limits may advertise, offer, operate, rent or otherwise make available for occupancy or use a short-term rental without a business license with a short-term rental endorsement. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

4.25.020 Application Information and Filing Fee

A. Applications for short-term rental business license endorsements are to be on forms provided by the City, and shall include the following:

1. Owner Information. Owner's name, permanent residence address, telephone number, email address (if available) and short-term rental address and telephone number. In circumstances where the owner is a legal entity, a copy of the articles of organization or equivalent shall be provided identifying ownership interest holders in the short-term rental property.
2. Authorized Agent. The name, telephone number, mailing address and email of a property management company or other entity or person who has been designated by the owner to act on their behalf.

3. Representative Information. The name, telephone number, mailing address and email of a local representative who can be contacted concerning use of the property or complaints related to operation of the short-term rental. For the purposes of this requirement, local means the representative's address is within 30 minutes travel time of the subject property.
4. Liability Insurance. Letter of intent to insure (for new applications) or certificate of insurance (for renewals) establishing that the owner will have, or has, liability insurance which expressly covers the vacation rental operations on the subject property in the amount of \$1,000,000 combined single limit for bodily injury and property damage. Where letters of intent to insure are provided, certificate of insurance shall be submitted to the city prior to use of the unit as a short-term rental.
5. Land Use Authorization. A land use compatibility statement, signed by the Community Development Director or designee and that is current within 90-days, indicating that the short-term rental satisfies the land use standards for short-term rentals listed in NMC Chapter 14.25.
6. Occupancy. Occupancy limits and number of bedrooms (as specified in the Land Use Authorization).
7. Parking. Statement that required off-street parking spaces are available, with a photo(s), dated within the last 90 days, of interior and exterior parking spaces. A site plan including a parking diagram of the parking spaces shall also be provided.
8. Proof of Residential Use (for Home shares and Bed and Breakfast Facilities). At least two of the following items shall be submitted as evidence that the dwelling is the primary residence of the owner.
  - a. A copy of the voter registration
  - b. A copy of an Oregon Driver's License or Oregon Identification Card
  - c. A copy of federal income tax return from last tax year (page one only and financial data should be redacted)

9. Good Neighbor Guidelines. Written acknowledgement that a copy of the good neighbor guidelines has been reviewed and relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.
  10. Listing Number. For renewals, the listing numbers or website addresses of where the short-term rental advertises.
  11. Fire Safety. Completed checklist identifying that the unit complies with the fire safety standards listed in NMC 4.25.030(C)(5).
  12. Structural Safety. Completed checklist identifying that the unit complies with the Structural safety standards listed in NMC 4.25.030(C)(6).
  13. Waste Management. Proof of garbage service as required in NMC 4.25.030(D)(10).
  14. Other Requirements. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter.
- B. Incomplete Application. If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City will refund the application fee.
- C. License Fee. The fee for the application of a short-term rental business license endorsement, and any of its components requiring city action, shall be established by resolution of the City Council.

4.25.025 **Term of Annual Business License Endorsement and Transferability**

- A. Term. A short-term rental business license endorsement shall be issued for a period of 12-months, effective July 1st

of each year, and may be renewed annually by the owner provided all applicable standards of this chapter are met.

- B. Transferability. The business license endorsement shall be issued in the name of the owner(s) and is not transferable.

#### 4.25.030 Business License Endorsement and Endorsement Renewal

- A. Endorsement Must Be Obtained: An endorsement to a business license for a short-term rental shall be obtained and renewed as required in this section. The ability to operate a short-term rental in the City of Newport shall be discontinued for failure to obtain or renew an endorsement to operate as provided in this chapter.

- B. Application and Renewal Application Process: A person engaging in a short-term rental who has not yet obtained a business license endorsement, or who is required to renew an existing endorsement, shall do so as follows:

1. Time of Application.

- a. Existing Non-Conforming Short-Term Rentals. A business license endorsement renewal application completed in accordance with the provisions of NMC 4.25.020, is due on July 1st, 2019 and annually every year thereafter.

- b. New Short-Term Rentals. A business license endorsement for a short-term rental shall be obtained before beginning operations. Endorsement applications, completed in accordance with the provisions of NMC 4.25.020, may be submitted and issued at any time. The endorsement may be renewed annually thereafter on July 1st of each year.

2. Notice. On or about July 1st of each year, the City shall send notice to owners of property with short-term rental endorsements informing them that the endorsement must be renewed no later than August 15th of each year and that failure to do so will result in expiration of the endorsement. Notice shall be sent by first-class mail to the address the owner provided with the endorsement on file with the City.

3. Expiration of Endorsement. Failure of an owner to renew an endorsement by August 15th shall result in expiration of the endorsement, and the ability of the owner to operate shall be conclusively presumed to be discontinued with no further action by the City.

C. Approval Standards.

The owner or authorized agent has the burden of proof to demonstrate compliance with standards for the approval or renewal of an endorsement. The approval standards also serve as continuing code compliance obligations of the owner. To receive approval, an owner or authorized agent must demonstrate that the approval standards listed below have been satisfied:

1. Zoning. The property is in compliance with requirements of NMC Chapter 14.25.
2. Contact Information. The owner or authorized agent has provided information sufficient to verify a qualified person will be available to be contacted about use of the short-term rental during and after business hours. The qualified person shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. The qualified person must be able to reach the premises within 30 minutes. The individual identified as the "qualified person" may be changed from time to time throughout the term of a license. To do so, the license information shall be revised with the city at least 14-days prior to the date the change takes effect, except when the failure to do so is beyond the owner or authorized agent's control. In an emergency or absence, contact forwarding information to a qualified person should be provided by the owner or authorized agent. In the case of home shares, the contact person shall be the permanent resident who will be hosting the transient accommodations.
3. Notice to Neighbors. The owner or authorized agent of a vacation rental shall post a non-illuminated sign on the premises, between 1 and 2 square feet in size, containing the owner and/or representatives contact information. Such sign shall be placed in a location clearly visiblelegible, from ~~the-an~~ adjacent street. In the

event the City establishes a 24/7 hotline for dispatching calls to operators of short-term rentals, then the contact information contained on the placard or sign shall be that of the firm providing the dispatch service. For vacation rentals in condominiums, the number and placement of signs shall be as specified by the City.

*Staff: The STR Work Group discussed exempting B&Bs and home shares from the sign posting requirement since a permanent resident resides on the premises. With this revision, the sign posting requirement is specific to vacation rentals. Testimony was received from the public that signs, while visible, are not always legible, so that language change is being made as well. Lastly, the code is being revised to allow the City to determine the number and location of signs required for condominium projects, since the premises are not always visible from streets and a requirement of one sign per unit can be excessive.*

4. Electronic Availability. The City will make a database electronically accessible within which any person can enter in an address of a short-term rental and obtain the owner, authorized agent, and/or representative's name, telephone number, and email address.
5. Fire and Emergency Safety. A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, unobstructed exits, etc.) shall be required with each new endorsement and renewal. The owner or authorized agent shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City of Newport Fire Marshall shall be required prior to issuance of a new endorsement and may be required for renewals at the City Manager's discretion.
6. Structural Safety. A completed checklist, signed by the City of Newport Building Official, indicating that the short-term rental has been inspected and complies with the building safety standards listed below. Such checklist shall be completed prior to issuance of a new endorsement and may be required for renewals at the City Manager's discretion.
  - a. Bedrooms shall have an operable emergency escape window or exterior door with a minimum

- opening size of 5.7 sq. ft. (5.0 sq. ft. at grade floor), with minimum net clear dimensions of 20-inches in width and 24-inches in height and having a sill height not more than 44-inches above the finished floor.
- b. All stairs with 4 or more risers shall have a handrail on at least one side. Handrails shall be secure, continuous, and have returns at each end.
  - c. The open sides of stairs, decks, porches or other walking surfaces more than 30-inches above grade or the floor below shall have guardrails configured such that a 4-inch sphere cannot pass through.
  - d. Windows within a 24-inch arc of doors and glass within bathtub or shower enclosures shall be safety glazed, or have an equivalent means of protection.
  - e. Wood frame decks shall be structurally sound. In cases where a deck supports a hot tub or other features of a similar size and weight, engineering analysis of the supports may be required.
  - f. Electrical plug-ins and light switches shall have faceplates.
  - g. Electrical breaker boxes shall have all circuits labeled, and empty breakers spaces must be plugged.
  - h. GFCI (Ground Fault Circuit Interrupter) protection shall be provided for exterior outlets, kitchens, garages, laundry areas, and bathroom receptacles.
  - i. Functioning smoke detectors shall be installed in all bedrooms and outside each bedroom in hallways or other rooms providing access to bedrooms, and on each story including basements. Such alarms shall be installed in compliance with State Fire Marshal Rules and any applicable requirements of the State Building Code, and there shall be available in the premises a written notice containing instructions for testing the alarms.
  - j. Functioning carbon monoxide alarms shall be installed if the unit (a) contains a heater, fireplace,



- appliance or cooking source that uses coal, kerosene, petroleum products, wood or other fuels that emit carbon monoxide as a by-product of combustion; or (b) includes an attached garage with an opening that communicates directly with a living space. Such alarms shall be installed in compliance with State Fire Marshal Rules and any applicable requirements of the State Building Code, and there shall be available in the premises a written notice containing instructions for testing the alarms.
- k. Water heaters shall be strapped and secured in accordance with seismic protections standards, with a TEP (Temperature and Pressure Relief) line that is run to an approved location.
  - l. A 2A10BC fire extinguisher shall be provided on each floor.
  - m. Address numbers shall be posted and visible from the street.
  - n. Any violation of applicable codes that the Building Official determines to be hazardous shall be corrected prior to use of the dwelling as a vacation rental.
7. Proof of Use. For vacation rental renewals, room tax remittance records must show that the unit has been rented at least 30 days within the 12 month fiscal year. The City Manager may reduce the required number of rental days, or set aside this provision entirely, in circumstances when a short-term rental, or group of rentals, cannot be rented for reasons beyond the control of the short-term rental owner.

*Staff: At the last meeting, there was consensus amongst the STR Work Group that flexibility is needed for circumstances where short-term rentals cannot be rented for reasons beyond the control of the owner. An example is the ongoing rehabilitation of the Nye Sands Condominiums in Nye Beach, where the units have been unavailable for several months. Government issued COVID-19 curtailment orders would also qualify as a circumstance beyond the control of an owner.*

8. Room Tax Compliance. The unit shall be in compliance with room tax requirements of Chapter 3.05 of the Newport Municipal Code.
9. Violations. A short-term rental business license endorsement that is revoked shall not be renewed. An owner whose endorsement has been revoked shall not be eligible to reapply for a new endorsement for a period of two years.

D. Ongoing Operational Requirements

1. Complaints. The owner or representative shall respond to neighborhood complaints within one hour and shall maintain a written record of complaints, the dates they were received, and efforts taken to resolve issues that have been raised. The written record shall be provided to the City upon request.
2. Guest Registry. Owner or designee shall maintain a guest and vehicle register for each tenancy. The register shall include the name, home address, and phone number of the primary tenant; the total number of occupants; vehicle license plate numbers of all vehicles used by the tenants, and the date of the rental period. This information shall be provided to emergency responders, and city finance and code compliance personnel when requested for enforcement or audit purposes. Guest registry information is to be treated as confidential to the extent allowed by law.
3. Mandatory Postings. The short-term rental business license endorsement issued by the City shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The endorsement will contain the following information:
  - a. A number or other identifying mark unique to the short-term rental endorsement which indicates that it was issued by the City of Newport, with date of expiration.
  - b. The name of the owner and authorized agent and a telephone number where the owner and authorized agent may be contacted.

- c. The property address.
  - d. The number of approved parking spaces.
  - e. The maximum occupancy permitted for the short-term rental.
  - f. Any required information or conditions specific to the operating license.
  - g. The City of Newport official logo.
4. Emergency Information. Owner or designee shall provide information within the dwelling unit to inform and assist renters in the event of a natural disaster, power outage, or other emergency. Required information includes, but is not limited to:
- a. A tsunami evacuation map produced by Lincoln County Emergency Services, Oregon Department of Geology and Mineral Industries or other agency with similar authority.
  - b. Phone numbers and addresses for emergency responders and utility providers.
  - c. Other information as established by resolution of the City Council.
5. Noise. Noise levels shall conform to the requirements of Chapter 8.15 of the Newport Municipal Code.
6. Nuisance. The short-term rental shall not be used in a manner that creates a public nuisance as defined in Chapter 8.10 of the Newport Municipal Code.
7. Required Parking. Off-street parking spaces approved for short-term rental use shall be available and are to be used by tenants at all times that the unit is rented. A parking diagram illustrating the location of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.
8. Occupancy. Maximum occupancy shall be limited to that which is specified in the Land Use Authorization.

9. Landscaping. Where the Land Use Authorization indicates landscaping is such landscaping shall be maintained. Changes may be made to the type and location of required landscaping as long as 50% of the front yard, and 40% of the total lot area remains landscaped.
10. Solid Waste Management. Weekly solid waste disposal service shall be provided while the dwelling is occupied as a short-term rental. The owner or authorized agent shall provide for regular garbage removal from the premises, and trash receptacles shall be stored or screened out of plain view of the street. City may require that an owner or authorized agent utilize solid waste collection valet service in circumstances where there have been verified complaints that a short-term rental is not adhering to these requirements. For the purpose of this section, valet service means the collection driver retrieves the cart from where it is stored, rolls it out for service, and then places it back in its original location.
11. Liability Insurance. Liability insurance is required that expressly covers vacation rental operations on the subject property in the amount of \$1,000,000 combined single limit for bodily injury and property damage.
12. Group Events. Company retreats, weddings, rehearsal dinners, family reunions and similar gatherings are permitted on the premises of a short-term rental during periods of transient use provided the total number of individuals does not exceed occupancy limits at any time during the rental period.

4.25.035 **Inspections**

Dwelling units for which a short-term rental business license endorsement is being sought, or has been obtained, shall be subject to initial inspection, and periodic re-inspection, by the City to ensure compliance with the provisions of this chapter. The timeframe for such inspections is subject to the City's discretion and available resources.

4.25.040 **Appeals**

A decision on a new short-term rental business license endorsement application, renewal of an endorsement, or the

revocation of an endorsement may be appealed as provided in NMC 4.05.075.

#### 4.25.045 Violations

Penalties, as specified in section 4.25.050, shall be imposed for one or more of the following violations:

- A. Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental where the owner does not hold a valid endorsement issued pursuant to this section.
- B. Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental in a manner that does not comply with the endorsement requirements of NMC Chapter 4.25.
- C. Failure to comply with the endorsement standards and operational requirements of NMC Chapter 4.25.
- D. Failure by the owner to pay the transient room tax required by NMC Chapter 3.05.
- E. Failure of the owner or owner's representative to respond to tenant, citizen or City complaints or inquiries. "Failure to respond" occurs if City staff is unable to reach the owner or designated representative after three attempts within a 48-hour period, using the information that the owner or designee has on file with the City.


#### 4.25.050 Penalties

Penalties for a violation of subsection 4.25.045(A) shall be a civil infraction to be enforced pursuant to the provisions listed in NMC Chapter 2.15. Where the owner possesses a valid short-term rental endorsement, the penalties for violations of subsections 4.25.045(B-E) shall be as follows:

- A. For the first violation within a 12-month period, City shall issue a written warning to owner.
- B. For the second violation within a 12-month period, City shall suspend owner's short-term rental endorsement for 30 days.
- C. For the third violation within a 12-month period: 1) City shall revoke owner's short-term rental endorsement; and 2) where an endorsement includes a Conditional Use

- Permit, city shall also initiate the revocation procedure as outlined under section 14.52.150.

# Memorandum

To: Planning Commission / Commission Advisory Committee  
 From: Derrick I. Tokos, AICP, Community Development Director   
 Date: June 18, 2020  
 Re: COVID 19 Small Business Assistance Grant Update

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The City of Newport officially launched the grant program on Tuesday, May 19, 2020 and accepted grant applications until close of business on Friday, May 29, 2020. Over that period the City received 171 applications, requesting \$1,380,189 in assistance.

Between May 30th and June 10th, city staff worked with applicants that had attempted to submit the required documentation so their applications could be scored using the point system built into the grant program. Out of that effort, a total of 117 applications have been verified as potentially eligible for grant awards, with a total identified need of \$1,031,350.


The list of potentially eligible applicants was shared with the work group created by the Council to assist the City in evaluating the applications. The group met on Wednesday, June 10th to review the preliminary scoring and list of ineligible applications. The group also discussed whether awards should be prorated, and the method and amount of the proration, given that the requests exceed the \$900,000 in available funds.

Coming out of the meeting, there was general agreement that grant awards should be prorated so that all eligible applicants receive assistance. Priority is to be given to businesses that have not received other assistance (32% of the applicants) and awards will be scaled based upon how the applications scored. A small number of applicants requested funding in amounts that exceeded their March/April 2019 gross sales. Those awards will be reduced to align with the 2019 reported sales.

The list of potentially eligible grant applications has been reviewed by the Finance Department and County Assessor for pre-COVID-19 tax delinquencies, which is a grant eligibility requirement. Deferred utility payments and outstanding business license fees will also be deducted from awards. A final list of grant awards has been provided to the City Manager for his review and approval. That list will be shared with the work group, and the Finance Department will start issuing checks the week of June 22, 2020.

The City has reserved \$100,000 as part of a separate grant program that will be administered by Lincoln County. That program has leveraged \$120,000 in state funds from Business Oregon, which will be made available to businesses in Lincoln County, Lincoln City, Newport, and Yachats on a proportional basis. In other words, there will be at least \$130,000 available to Newport businesses under that grant program. Unfortunately, roll out of that program has slowed due to delays with the State getting its contractual agreements pulled together with the various participating communities, and we don't know exactly when it will open to applicants.

# Memorandum

To: Planning Commission / Commission Advisory Committee  
From: Derrick I. Tokos, AICP, Community Development Director   
Date: June 18, 2020  
Re: COVID Related Amendments to TSP Public Outreach Program and Schedule

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Due to the pandemic, we are faced with having to retool the public outreach component of the Transportation System Plan (TSP) update. Our original concept involved a series of interactive community workshops where the public would have an opportunity to inform the development of various transportation solutions. The details are outlined in Task 5 of the approved scope of work (attached). This will not be possible given the limitations on public gatherings attributed to the pandemic, so we are now looking at accomplishing the same objectives via a series of virtual events coupled with small group meetings, direct mailings and online surveys.

The consultant has put together a rough outline, which is enclosed. This is very much a working draft, and I am looking for your feedback as to whether the new Task 5 is going in the right direction and if there are any significant missing pieces that need to be addressed.

Additional urban renewal funds are available for outreach, and they are not reflected in the budget contained in the consultant's memo, so we have capacity to add some additional components. Please look the materials over and consider whether there are steps you believe we could take to effectively engage the public on these issues that are not reflected in the draft amendments.

#### Attachments

Scope of work with DKS Associates, dated 1/2/19  
Memo from JLA Public Involvement, dated June 16, 2020





Oregon Department of Transportation

FACSIMILE / EMAIL SIGNATURE CERTIFICATION

To: Megan Hodges, Procurement Specialist
ODOT Procurement Office

Phone: 503-986-2860

From: Carl Springer
DKS Associates

Phone: ( 503 ) 243- 3500 ext.

Fax: ( ) -

Date: January 2, 2019

Pages including this cover page: 2

Re: B33873W7

Project name: Newport TSP Update

I, [signatory's name (print)] \_\_ Carl Springer \_\_\_\_, [title] \_Principal\_\_\_\_\_,
received a complete copy of the above referenced ODOT contract document between the State of
Oregon acting by and through the Department of Transportation and [Contractor name] \_DKS
Associates\_\_\_\_\_. by email on [date] \_January 2nd, 2019\_\_\_\_\_. I have signed the printed
form of the above referenced electronically transmitted document without change. A copy of the
document's signature page containing my signature is included with this facsimile or email
transmission.

Carl Springer

Signature: \_\_\_\_\_ Date: 01-02-2019

**WORK ORDER CONTRACT # 7**

**PRICE AGREEMENT ("PA") # B33873**

**Project Name/Location: Newport Transportation System Plan Update**

This Work Order Contract ("WOC") is entered into by and between the State of Oregon, by and through its Oregon Department of Transportation ("Agency" or "ODOT"), and DKS Associates, Inc., a California, Corporation ("Consultant" or "Contractor"). This WOC incorporates by this reference:

- a. all of the Terms and Conditions contained in Part II of the above referenced PA;
- b. the provisions from the PA Exhibits with the exception of: E.1, E, K
- c. the attached Statement of Work and Delivery Schedule;
- d. the attached Breakdown of Costs ("BOC") {except for Fixed-Price, file copy only};

**WOC EXPIRATION DATE: 11/15/2022.** The required schedule for performance under the WOC is specified in the Statement of Work and Delivery Schedule.

DBE (WOC includes federal funds? Y <input type="checkbox"/> N <input checked="" type="checkbox"/> )		No DBE Goal	
Certified Small Business Aspirational Target (for State-only funded WOCs over \$100,000, including as amended; see PA Exhibit K): 12 %			
Expenditure Account ("EA") # 19PF220-381	Fed Aid #: PR19(001)	ODOT Key # N/A	
<b>The Total Not-to-Exceed ("NTE") amount for this WOC.</b> This total includes: all allowable costs, profit, and fixed-fee amount (if any), shown in section H.4; and \$11,480.06 for contingency tasks, each of which must be separately authorized by Agency.			<b>\$507,687.46</b>

This WOC is effective on the date it has been signed by the Parties and all required State of Oregon approvals have been obtained. No Payment shall be made for Services that are performed before: i) the WOC effective date and ii) a Notice-To-Proceed has been issued by Agency.

**Certification:**

**A. Any individual signing on behalf of Consultant hereby certifies under penalty of perjury:**

- (1) Consultant has provided its correct taxpayer identification number to Agency for the above-referenced PA.
- (2) Consultant is not subject to backup withholding because (a) Consultant is exempt from backup withholding, (b) Consultant has not been notified by the IRS that Consultant is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified Consultant that Consultant is no longer subject to backup withholding.
- (3) S/he is authorized to act on behalf of Consultant, s/he has authority and knowledge regarding Consultant's payment of taxes, and to the best of her/his knowledge, Consultant is not in violation of any Oregon tax laws. For purposes of this certification, "Oregon tax laws" means a state tax imposed by ORS 320.005 to 320.150 and 403.200 to 403.250, ORS Chapters 118, 314, 316, 317, 318, 321 and 323; and local taxes administered by the Oregon Department of Revenue under ORS 305.620.

**B. Any individual signing on behalf of Consultant hereby certifies they are authorized to sign this WOC and that:**

- (1) Consultant has read, understands and agrees to comply with the requirements set forth in the PA and in all Exhibits and other documents incorporated by reference in the PA.
- (2) Consultant understands and agrees that any exhibits or other documents not physically attached to the PA that are incorporated by reference have the same force and effect as if fully set forth herein.
- (3) **[Check one of the following two certifications as applicable (the COI Guidelines and COI Disclosure Form are available at: <https://www.oregon.gov/ODOT/Business/Procurement/Pages/PSK.aspx>):**
  - (a)  Consultant understands and has provided to all Associates the ODOT COI Guidelines and COI Disclosure Form. Consultant and (to the best of the undersigned's information, knowledge and belief) Consultant's Associates are in compliance with the COI Guidelines and have no conflicts of interest, no ODOT employees hired within the last one-year period, and no other disclosures required per the COI Guidelines and COI Disclosure Form. "Associate" has the meaning provided in the COI Guidelines.
  - (b)  All disclosures required, per the COI Guidelines and COI Disclosure Form, for Consultant and (to the best of the undersigned's information, knowledge and belief) Consultant's Associates (as defined in the COI Guidelines) have been indicated on the Conflict of Interest Disclosure Form(s) submitted regarding this WOC, and if determined necessary by Agency, a mitigation plan has been approved by Agency.
- (4) Consultant has a written policy and practice, that meets the requirements described in ORS 279A.112 (HB 3060, 2017), of preventing sexual harassment, sexual assault and discrimination against employees who are members of a protected class. Consultant agrees, as a material term of the WOC, to maintain the policy and practice in force during the entire WOC term (see [additional information and sample policy template](#)).
- (5) Consultant has no undisclosed liquidated and delinquent debt owed to the State or any department or agency of the State.
- (6) Consultant is an independent contractor as defined in ORS 670.600 and as described in [IRS Publication 1779](#).
- (7) In the event that Consultant is a general partnership or joint venture, Consultant signature(s) on this WOC constitutes certifications to the above statements pertaining to the partnership or joint venture, as well as certifications of the above statements as to any general partner or joint venturer signing this WOC.

**CONSULTANT:** Carl Springer 01-02-2019  
 Signature & Title Date

**LEGAL SUFFICIENCY:** Approved by Christine Taylor via email dated 11/29/2018

**ODOT (Procurement Authority)**

Stacie Olano Digitally signed by Stacie Olano  
 Signature Date: 2019.01.04 08:41:50 -08'00' Date  
 Print Name

**STATEMENT of WORK and DELIVERY SCHEDULE  
for  
WOC #7 under PA #B33873**

**Newport Transportation System Plan Update**

<b>Name:</b>	<b>Agency’s Project Manager (“APM”) for the WOC</b> James Feldmann	<b>Name:</b>	<b>Consultant’s Project Manager (“PM”) for the WOC</b> Carl Springer
<b>Address:</b>	3700 SW Philomath Blvd Corvallis, OR 97333	<b>Address:</b>	720 SW Washington St., Suite 500 Portland, OR 97205
<b>Phone:</b>	541-757-4197	<b>Phone:</b>	503-243-3500
<b>Email:</b>	James.FELDMANN@odot.state.or.us	<b>Email:</b>	cds@dksassociates.com
<b>Agency’s Contract Administrator for the WOC</b>		<b>Alternate Contact for Consultant</b>	
<b>Name:</b>	James Feldmann	<b>Name:</b>	
<b>Phone:</b>	541-757-4197	<b>Phone:</b>	
<b>Email:</b>	James.FELDMANN@odot.state.or.us	<b>Email:</b>	

Agency may change the APM designation, Agency’s address for invoicing (section H.5), or both by promptly sending written notice (e-mail notice or electronic amendment acceptable) to Consultant, with a copy to ODOT Procurement Office. Changes to Agency's Contract Administrator for the WOC must be done by amendment or electronic amendment. Any changes to Consultant’s Project Manager must be approved in writing (e-mail acceptable) by Agency. Consultant shall provide written notice (email acceptable) to Agency of any changes to Consultant’s other contacts for this WOC.

**A. PROJECT DESCRIPTION and OVERVIEW of SERVICES**

Agency is contracting with Consultant for Services in connection with the project identified below:

Home to several popular tourist destinations, the City of Newport (the “City”) has several unique attractions and features that make the city a desirable place to both visit and reside. The City’s economy is relatively diverse and it is experiencing increased growth, particularly in the marine research/education and commercial fishing sectors. However, the City faces many challenges that are typical of coastal cities. Highways 101 and 20, major freight and vehicular routes to and from the coast, bisect the town and create obstacles for bicycle, pedestrian, and traffic circulation. Aged infrastructure that is in need of repair is becoming burdensome as well. Additionally, Newport and surrounding areas are increasingly popular tourist destinations, and traffic levels are becoming taxing on the community.

The recently completed Greater Newport Vision 2040 plan, developed following extensive community outreach, identifies the revitalization of the US 101 and US 20 corridors and investing in maintenance and upgrades to transportation infrastructure as high priorities. Further, the City has put in place an urban renewal district, system development charges, and other funding mechanisms with the capacity to generate millions of dollars over the next 20-years to fund future transportation-related improvements. The Transportation System Plan (“TSP”) update that will result from this WOC will inform how those investments can best be leveraged to create a transportation system that meets the long term needs of the community (the “Project”).

## **B. STANDARDS and GENERAL REQUIREMENTS**

The standards and general requirements applicable to this WOC are stated in the parent PA. In addition to those stated in the PA, the following shall apply to this WOC:

- 1. ADA Compliance – Assessment, Design, Inspection.** When the Services under this WOC include assessment or design (or both) for curb ramps, sidewalks or pedestrian-activated signals (new, modifications or upgrades), Consultant shall:
  - a. Utilize ODOT standards to assess and ensure Project compliance with the Americans with Disabilities Act of 1990 (“ADA”), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards; and shall
  - b. Follow ODOT’s processes for design, modification, upgrade, or construction of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form.

When the Services under this WOC Contract include inspection of curb ramps, sidewalks or pedestrian-activated signals (new, modifications or upgrades), all such inspections shall include inspection for compliance with the standards and requirements in a. and b. above. In addition, at Project completion, Consultant shall send an ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to ODOT’s Project Manager for each curb ramp constructed, modified, upgraded, or improved as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT’s fillable Curb Ramp Inspection Form and instructions are available at the following address: <https://www.oregon.gov/ODOT/Forms/Pages/default.aspx>

Above references to curb ramps, sidewalks or pedestrian-activated signals also include, when applicable, shared use paths, transit stops, park-and-rides and on-street parking.

## **C. REVIEW, COMMENT and SCHEDULE OVERVIEW**

- Consultant shall coordinate with Agency staff as necessary and shall revise draft deliverables to incorporate Agency draft review comments.
- Consultant shall return the revised deliverables to Agency staff, with Agency comments incorporated, within 10 business days of Consultant’s receipt of Agency’s comments, unless a different timeframe is specified for specific tasks or otherwise agreed to in writing by Agency.

## **D. FORMAT REQUIREMENTS**

- Consultant shall use ProjectWise for electronic submittal and receipt of files as necessary for the Project (see WOC Attachment D).
- Consultant shall submit draft deliverables in electronic format via email (and hard copy if requested).
- Consultant shall also submit all graphic files accompanying reports separately in .jpg or .tif formats unless specified differently by Agency.
- Each draft and final text-based or spreadsheet-based deliverable shall be provided in MS Office file formats (i.e., MS Word, Excel, etc.) and must be fully compatible with version used by Agency.
- Additional format requirements may be listed with specific tasks/deliverables in the SOW or in the PA.

## **E. TASKS, DELIVERABLES and SCHEDULE**

Unless the WOC is terminated or suspended, Consultant shall complete all tasks and provide all deliverables (collectively, the “Services”) included in this WOC and in accordance with the performance

requirements and delivery schedules included in this WOC. For purposes of standardization, the task numbering in this SOW may be non-sequential. The delivery schedule is listed under each task.

## **TASK 1: Project Management**

### **1.1 Project Administration – Establish Project Management Team (“PMT”) and Project Protocols**

Consultant shall lead, manage, and monitor the progress of Consultant’s work towards completion of the tasks described in this scope of work. Consultant shall:

- Maintain Project file to include documentation related to the Project, including but not limited to computations, assumptions, meeting minutes, working drawings, correspondence and memoranda
- Organize and lead the PMT, that must include, at a minimum, the APM, PM, and City Project Manager

### **1.2 Develop and Maintain Project Management Web Site**

Consultant shall prepare and maintain a Project management web site (using web-based tools) that includes communication, PMT roster, draft and revised schedules, online discussion topics, and deliverables. All final deliverables must be posted to the Web site for access by and distribution to the project team.

Consultant shall develop the initial Project Schedule with input from the PMT and distribute it to the APM and City Project Manager for 1 round of final comments after PMT input. The APM will provide Consultant with 1 set of consolidated Agency comments. Consultant shall obtain the City Project Manager’s comments. Consultant’s final Project Schedule must include critical path dates and products.

### **1.3 Prepare Monthly Progress Reports**

Consultant shall prepare and submit monthly progress reports summarizing the work performed, noting any concerns with deliverables, schedule, or budget.

### **1.4 Prepare Project Template for Deliverables**

Consultant shall create a template to be used for Project deliverables and figures. The draft template must be developed with input from the PMT and distributed to the APM and City Project Manager for one round of final comments after PMT input.

### **1.5 PMT Check-In Conference Calls**

Consultant shall communicate with the APM and the PMT through conference calls every two weeks, as necessary, to discuss Project status, upcoming deliverables, and to discuss and address any potential issues.

Consultant shall summarize and document key potential issues discussed in the conference call and distribute them in a follow-up email to the PMT.

*Note: Video conferencing or on-line tools may be utilized as needed.*

### **Consultant Deliverables for Task 1**

- 1.1 PMT roster, posted to the project management web site; due within 1 month from the issuance of the NTP
- 1.2.1 Project management web site; active within 1 month from the issuance of the NTP
- 1.2.2 Draft and Final Project schedule (one electronic copy); draft schedule due within 1 month from the issuance of the NTP, final schedule due within 1 week of receiving comments, updated ongoing throughout the Project
- 1.3 Monthly progress reports; due by the 15th of the following month
- 1.4 Draft and Final Project templates and logo (one electronic copy); draft due within 1 month from the issuance of the NTP, final due within 1 week of receiving comments
- 1.5 Meeting summaries of 36 PMT conference calls; ongoing throughout the Project and posted to the Project management web site due within one week of the meeting

### **TASK 2: Public Involvement Program**

#### **2.1 Public and Stakeholder Involvement Strategy (“PSIS”) – Technical Memorandum (“TM”) #1**

*Note: The purpose of this task is to gain public input throughout the duration of the TSP Update process at key milestones and targeted subarea workshops.*

Consultant shall develop a PSIS, with input from the PMT. The PSIS will clarify roles and responsibilities for the City and the Consultant and must include strategies for key community contacts, advertising meetings, distributing work products, methods to gather community input, community workshop format, and joint Planning Commission/City Council work sessions. In addition, Consultant shall facilitate and schedule multi-day public involvement workshops to inform the public of subareas plans in the Commercial Core area (which includes the corridors around OR 20 and US 101 north of the Yaquina Bay Bridge) and Agate Beach Neighborhood. The PSIS must be documented in Technical Memorandum #1.

To inform the PSIS, the Consultant shall conduct interviews with up to 5 community groups and 20 key stakeholders, and shall incorporate input from stakeholder interviews into the PSIS; a separate summary is not required. The interviews must consider general transportation needs within Newport and specific areas of concern in the Commercial Core and the Agate Beach Neighborhood. In conducting the interviews, Consultant shall also consider outreach needs and reporting requirements consistent with the Federal Title VI Program and Environmental Justice Executive Order (“EJEO”) provisions to ensure full and fair participation by all potentially affected community members in the decision-making process. This outreach must include disabled, low-income, limited English proficiency, minority or other underserved groups.

Consultant shall perform demographic analysis using U.S. Census data (at the smallest scale possible, e.g., Census Tract or Block Group) and input from the City and other service providers to identify Title VI and Environmental Justice (“EJ”) populations in the project area. Consultant shall develop and follow outreach and reporting protocols in order to meet Title VI and Environmental Justice Program requirements and directives and to ensure full and fair participation by all potentially affected community members in the decision-making process. Title VI and EJ analysis and documentation must be consistent with the Region 2 Guidelines for Addressing Title VI/Environmental Justice (EJ) in Transportation Planning. ODOT will require any translations or accommodations either indicated by the demographic analysis or requested during the Project.

project. To review the PSIS, the Consultant shall conduct 1 conference call with City and ODOT staff.

#### **2.2 Public Website**

Consultant shall develop, launch, and maintain a public website for the TSP Update. The website must include a description of the TSP Update and schedule of events, provide access to draft and final deliverables, provide the ability to collect public comments, and invite the public to join the Project

interested parties list. Consultant shall share online surveys over the website at key milestones to solicit input from the general public. The website must provide a link between the TSP Update public website and the Agency and City websites. The Consultant shall create an interactive map with comment features to support the identification of Project needs. The Consultant shall create a Project overview video that explains to the general public why the TSP Update matters and how they can contribute to it. The Consultant shall make the video available on the website and use during public presentations, as appropriate, to introduce the TSP Update process in a readily understandable way.

### **2.3 Interested Parties List and Comment Response**

Consultant shall maintain an interested parties list for the TSP Update. The initial list will be provided by the City. The Consultant shall update the list on a monthly basis. Additionally, Consultant shall create an online sign-up feature for the interested parties list that will allow the user to self-select interest areas, such as specific travel modes or geographic areas, as well as general citywide issues. The Consultant shall also track and respond to public inquiries. Consultant shall spend up to 2 hours per month tracking and responding to public inquiries.

### **2.4 Establish Planning Advisory Committee (“PAC”)**

The Consultant shall coordinate with the City and ODOT to develop a PAC roster and invite people to participate in the PAC. The City shall provide contact information for prospective PAC members. The Consultant shall develop a draft PAC charge and protocols for discussion at PAC meeting #1.

The PAC may include community members, advocates, and representatives of affected agencies. Consultant will also develop a plan for engaging at least 4 other City/County Committees to ensure those groups have an opportunity to fully participate in the process and provide feedback to inform the PAC’s work (e.g. City Bike/Pedestrian Committee, City Planning Commission, 60+ Advisory Committee, and County Planning Commission). In addition, the Consultant shall recommend a committee organization to address the Commercial Core and Agate Beach Neighborhood as well as the general citywide transportation needs and solutions.

### **2.5 Targeted Outreach to EJ/Title VI Communities**

Consultant shall prepare a fact sheet about the TSP Update process that will also be translated into Spanish and conduct 3 focused events to share information with Title VI/EJ communities. Beyond the fact sheet, these three events will use materials developed for other events and meetings described in this WOC. Consultant shall provide a summary for these three events. Consultant shall conduct the events be over two days.

### **Consultant Deliverables for Task 2**

- 2.1.1 Draft TM #1 – PSIS (one electronic copy); due within 1 month from the issuance of the NTP
- 2.1.2 Final TM #1 – PSIS (one electronic copy); due within 1 week of receiving comments from City and ODOT
- 2.2 Develop and maintain Project website; due within 1 month from the issuance of the NTP, updated ongoing throughout the Project
- 2.3.1 Interested parties list and 18 monthly updates
- 2.3.2 Comment log and 18 monthly updates
- 2.4.1 PAC roster due within 2 months from the issuance of the NTP
- 2.4.2 PAC charge and protocols due within 2 months from the issuance of the NTP
- 2.4.3 Advisory Committee coordination plan due within 2 months from the issuance of the NTP
- 2.5 Summary for three EJ/Title VI focused outreach events due within 2 months from the issuance of the NTP



### **TASK 3: Background Plans and Policy Review**

#### **3.1 Background Plans and Policies Review**

*Note: The purpose of this task is to understand the issues of unique concern to the City, to build upon prior planning efforts, and to help all stakeholders develop a common understanding of the context surrounding the new TSP Update.*

Consultant shall obtain and review related background materials from the City Project Manager including plans, strategies, studies and data. Consultant shall obtain and review all applicable statewide planning documents as well.

#### **3.2 Plan Review Summary – Technical Memorandum #2**

Consultant shall prepare a draft and final TM #2 summarizing the documents and other information reviewed in Task 3.1. The memo must highlight key improvement projects, goals, policies, and growth assumptions from the documents that should be considered in updating the TSP.

*Note: City will provide a summary of key issues to address based on their local knowledge and experience. This includes identifying areas where significant development has occurred or is planned to occur, and any known deficiencies in the existing TSP that need to be addressed in the update.*

Consultant shall draft suggested approaches for addressing the issues identified above and present them, along with the summary of existing documents, in TM #2 for review by the PMT. The draft must be circulated to the PAC for their review and comments. Consultant shall incorporate comments and provide a final version of TM #2.

#### **3.3 Regulatory Review – Technical Memorandum #3**

Consultant shall review and identify regulatory gaps in the City’s Comprehensive Plan and Development Code that need to be updated to bring them into compliance with the Oregon Transportation Plan and the Transportation Planning Rule (“TPR”) and, with the policies anticipated to be included in the updated TSP, which will be developed later in the process. The review must ensure that policies exist to protect the function of roadway facilities, promote alternate modes (transit, bicycling and walking), and ensure that land uses and roadway classifications are compatible. Findings from this review must be used to develop implementing regulations in Task 6.4. Consultant shall provide a draft and final TM #3 detailing the review.

#### **3.4 PMT Meeting #1 and Project Kick-Off**

*Note: The purpose of this meeting is to define PMT roles, discuss the PSIS and review TM #3 and provide input for TM #4.*

Consultant shall discuss the draft findings from TM #3 and gather PMT input for TM #4, and review the PSIS. Consultant shall present the agenda topics and lead a follow-up discussion. Consultant shall prepare a meeting summary documenting the discussion and direction provided, which will be used to prepare final versions of the Technical Memorandums. Consultant shall provide a sign in sheet for all attendees. Up to 5 members of the Consultant team will attend this two-hour meeting in Newport.

In conjunction with PMT Meeting #1, Consultant shall participate in a site tour of the Commercial Core and the Agate Beach area with City and ODOT staff. Consultant will make note of key opportunities and constraints, which will be documented in Task 4.

#### **3.5 Goals, Objectives and Criteria – Technical Memorandum #4**

Consultant shall prepare a draft and final TM #4 identifying draft goals, draft objectives and evaluation criteria that will establish the framework for developing the TSP Update, which will also serve as the transportation element of the City's Comprehensive Plan. The draft goals and objectives must be based on PA #B33873; WOC #7; #

the plan and policy review (Task 3.2) and must be used to generate discussions with the PAC and PMT, including discussions and review of existing transportation goals and policies in the TSP and Comprehensive Plan. Review of the existing goals and policies will provide the basis for potential amendments to the goals and policies to be prepared as part of Technical Memorandum #12, Implementing Ordinances, in Task 6.4. The draft goals and draft objectives must be consistent with the TPR, the City's Comprehensive Plan and relevant ODOT transportation policies. Draft criteria must include fair distribution of benefits and impacts of transportation projects and programs in order to reflect Title VI and Environmental Justice Program objectives.

In addition, TM #4 must provide supplemental strategies and guidelines to address the specific issues of concern within the designated subareas in the Commercial Core and Agate Beach. The strategies will be extensions of citywide goals and policies to provide adequate depth and context for addressing the unique issues within the subareas. These strategies may include how to address the possible future replacement of the Yaquina Bay Bridge.

### **Consultant Deliverables for Task 3**

- 3.2.1 Draft TM #2 - Plan Review Summary, 2 months from the issuance of the NTP
- 3.2.2 Final TM #2 - Plan Review Summary (1 electronic copy); due within 1 week of receiving comments from City and ODOT
- 3.3.1 Draft TM #3 – Regulatory Review, 2 months from the issuance of the NTP
- 3.3.2 Final TM #3 – Regulatory Review (1 electronic copy); due within 1 week of receiving comments from City and ODOT
- 3.4 PMT Meeting #1 and meeting summary due within 1 week of the meeting
- 3.5.1 Draft TM #4 – Goals, Objectives and Criteria, 3 months from the issuance of the NTP
- 3.5.2 Final TM #4 – Goals, Objectives and Criteria, (1 electronic copy); due within 1 week of receiving comments from City and ODOT

### **TASK 4: Existing and Forecasted System Conditions**

#### **4.1 PAC Meeting #1 and Project Kick-Off**

*Note: The purpose of this meeting is to describe the TSP Update process, explain the role of the PAC, and provide an Introduction to Transportation Planning (i.e., an educational overview of transportation planning for TSPs).*

Consultant shall discuss the draft findings from Technical Memoranda #3 and #4. Consultant shall collaborate with the City to plan and conduct the meeting. Consultant shall provide a draft agenda and any other materials to be included in the agenda packet to the PMT for review.

*Note: City will finalize and transmit the agenda to the PAC.*

Consultant shall present the agenda topics and lead a follow-up discussion. Consultant shall prepare a meeting summary documenting the discussion and direction provided, which will be used to prepare final versions of Technical Memoranda #3 and #4. Consultant shall provide a sign in sheet for all attendees. Up to 2 Consultant team members will attend PAC #1.

*Note: The City will be responsible for all other meeting arrangements*

#### 4.2 Evaluate Existing Conditions – Technical Memorandum #5

Consultant shall conduct an existing transportation system conditions analysis to determine existing conditions, problems, and deficiencies for all modes of travel and document the results in a draft TM #5 in accordance with the ODOT-approved transportation system analysis methodology. The approved existing transportation system analysis methodology must be summarized in TM #5. Consultant shall provide a Methodology and Assumptions Memorandum to be reviewed by ODOT's Transportation Planning Analysis Unit ("TPAU") prior to working on TM #5. Supplemental analyses conducted in Tasks 4.2.1, 4.2.2 and 4.2.3 will be prepared and reviewed collaboratively with the PMT and PAC in advance of the solutions development in Task 5.

*Note: City will provide the following information (if available) in Geographic Information Systems ("GIS") format within 1 month of Notice to Proceed. Consultant shall sign a data license agreement with the City in advance, if necessary. Consultant shall purchase GIS data from Lincoln County, including sidewalks, crosswalks, bikeways, bike lanes, and parking, as needed.*

- a. Tax lot parcels with County assessor's data
- b. Locations of schools, parks, libraries, and other key public areas
- c. Locations of key shopping areas and other key locations as identified by City staff
- d. Aerial Photography
- e. Parcel zoning
- f. Comprehensive Plan designations
- g. Street centerlines
- h. Existing off-street trails
- i. Pavement Conditions (as available)
- j. Street, shoulder and right-of-way widths (as available)
- k. Jurisdiction of roadways within the Project Area
- l. Roadway traffic volume and speed data
- m. Location of transit stops and routes
- n. Bridges (including conditions and restrictions)
- o. Bike network, including shared use corridors
- p. Air facilities
- q. Water, sewer, and storm drainage facilities
- r. Goal 5 resources and setbacks
- s. Topography
- t. Lifeline routes
- u. Tsunami evacuation routes and congregation areas, including beach access points
- v. Pipeline facilities (as available)
- w. Sidewalk condition and gap analysis
- x. Inventory of public parking assets in commercial core area
- y. Known configuration or maneuvering problems (city provides, qualitative)

Consultant shall incorporate the above information, as available (not conducting new inventory unless noted below), into the TSP Update, along with other supplemental data, including:

- a. Road Inventory: For arterials and collectors within the City, Consultant shall describe:
  - functional classifications, designations, and important uses (e.g., freight routes)
  - agency in jurisdiction
  - typical right-of-way widths, typical cross-sections, turn lane locations, and posted speeds
  - lane configurations and traffic controls at study intersections
  - access densities along US 101, OR 20
  - pavement types and conditions (where data is made available by City and Agency)
  - bridge locations and conditions (where data is made available by City and Agency)
  - intelligent transportation systems infrastructure

- b. Public Transportation Inventory: Providers of public transportation services, service characteristics, use of services, transit policies, etc.
- c. Bicycle/Pedestrian: Conditions, locations, and use of bicycle facilities and pedestrian facilities on arterial and collector roadways, including locations of marked crossing locations and wheelchair ramps at study intersections, location and trip characteristics of major pedestrian generators, necessary data to support level of bicycle and pedestrian stress analysis, and consistency of facilities with federal/State standards.
- d. Marine Transportation Inventory: Navigable waterways, minimum channel depths, port locations, services provided, commodities transported.
- e. Aviation Inventory: Airport locations, ownership, and classifications, types of aircraft served (including drones).
- f. Additional Inventories: Storm drainage system serving existing transportation system and baseline geologic assessment of the Agate Beach area.

Consultant shall:

- Collect PM peak period (2-6 PM) turn movement traffic counts for up to 20 study intersections and PM peak period (4-6 PM) turn movement traffic counts for 10 additional locations for calibrating the local travel forecast tool. Obtain and analyze origin-destination traffic data for the state highway north of the Yaquina Bay Bridge for use in understanding baseline flow patterns in Task 4.3.
- Develop 30th-highest hour traffic volumes at up to 20 study intersections by seasonally adjusting the traffic count data.
- Evaluate count data and analyze Level of Service (LOS) and volume to capacity ratio for up to 20 intersections for 30th-highest hour conditions. *Note: ODOT will provide travel speed data (from HERE, a vendor) to Consultant for use in further describing operational characteristics on major corridors by analyzing variations in travel times during peak and non-peak travel periods.*
- Screen the street network for crash trends by analyzing the most recent 5 years of available crash data for all arterial and collector roadways in the City. Analysis must include calculation of critical crash rates and excess proportion of specific crash types at all study intersections as outlined in Chapter 4 of ODOT's Analysis Procedures Manual V2. Top 10% ODOT Safety Priority Index System (SPIS) sites must be identified. The crash analysis at the top 10% SPIS locations must identify any crash patterns and suggest potential countermeasures. Consultant shall review ODOT's State Highway Crash Rate Tables and identify highway segments experiencing crash rates greater than the statewide average for similar facilities. Consultant shall give special consideration to potential causes of problems at locations with high bicycle/pedestrian crash frequencies. Consultant shall evaluate crash trends in the City and identify low cost systemic safety measures that could be considered to reduce fatal and serious injuries.
- Conduct Pedestrian and Bicycle Level of Stress analysis on the street network following Chapter 14 of the ODOT Analysis Procedure Manual V2.
- Assess existing driveway and intersection spacing on US 101 by comparing an aerial photo inventory to access spacing standards, and validate with a windshield survey as needed.
- Review funding revenue information provided by City to determine the average transportation funding sources and expenditures in the City over the past 5 years. The Consultant's analysis must identify both flexible and restricted funds and their usage. Expenditures must be converted to Base Year dollars.

#### **4.2.1 Commercial Core Opportunities & Constraints Analysis – Technical Memorandum #5 Addendum**

Consultant shall prepare an Opportunities & Constraints Analysis for the Commercial Core that considers urban design opportunities related to highway routing, land use potential, placemaking enhancements, gateway features, and streetscapes – as well as the constraints that would need to be overcome in order to realize those opportunities. This analysis will be presented as an annotated map and included as an addendum to Technical Memorandum #5.

#### **4.2.2 Agate Beach Opportunities & Constraints Analysis – Technical Memorandum #5 Addendum**

Consultant shall prepare an Opportunities & Constraints Analysis for Agate Beach that considers urban design opportunities related to stormwater management, placemaking, and streetscapes, as well as the constraints that would need to be overcome in order to realize those opportunities. This analysis will be presented as an annotated map and included as an addendum to Technical Memorandum #5.

#### **4.2.3 City-Wide Opportunities & Constraints Analysis – Technical Memorandum #5 Addendum**

Consultant shall prepare an Opportunities & Constraints Analysis for the city as a whole that considers urban design opportunities related to highway routing, multi-modal transport, land use potential, placemaking, and streetscapes, as well as the constraints that would need to be overcome in order to realize those opportunities. This analysis will be presented as an annotated map and included as an addendum to Technical Memorandum #5.

#### **4.3 Future Traffic Forecast – Technical Memorandum #6**

The Consultant shall prepare the 2040 travel forecasts using the Newport Travel Demand Model, as described in the ODOT Analysis Procedures Manual and the 2018 TSP Guidelines. Consultant shall develop 2018 and 2040 land use data that is consistent with the transportation analysis zone structure of the 2010 base year model. Consultant shall coordinate with City staff to identify expected land development within the Urban Growth Boundary (“UGB”) and planned UGB expansion areas as identified in the City’s Comprehensive Plan. Consultant’s future forecasts shall be consistent with the 20-year population projections from Lincoln County population control totals prepared by Portland State University. Future employment estimates will be based on the City’s Economic Opportunities Analysis. Consultant shall coordinate with the City and complete the land use (population and employment) information for 2018 the future year of 2040. Land use will be prepared for the standard average weekday scenario as well as for the peak season (visitor) scenario to support TPAU development of the internal visitor model component of the Newport Travel Demand Model. Consultant shall provide TPAU with a list of funded roadway improvements and network coding adjustments to include in the 2040 baseline scenario. Travel demand model runs will be performed by TPAU.

The Consultant shall consider traffic growth from planned local development, along with expected through traffic growth on US 101 and OR 20 based on ODOT Future Traffic Volume estimates. The Consultant shall develop future year 2040 baseline motor vehicle volumes for study intersections and post-process them using National Cooperative Highway Research Program Report 255 guidelines, as coordinated with TPAU. Traffic forecasts must reflect the differences between average weekday and peak (30th highest hour) conditions. Consultant shall document the forecasting methods and results in TM #6.

#### **4.4 Project Management Team (PMT) Meeting #2**

Consultant shall organize, attend, and lead PMT Meeting #2 to review GIS mapping, results of existing conditions analysis, and preliminary forecasting results. Consultant shall prepare draft meeting notes and distribute them to the PMT. The meeting will be by phone and will be up to 2 hours in duration. Up to 3 members of the Consultant team will attend.

#### **4.5 Future Transportation Conditions and Needs – Technical Memorandum #7**

Consultant shall provide TM #7 identifying future deficiencies and needs for all travel modes, and potential impacts on areas where Title VI and EJ populations live and access services and on transportation facilities and services used by these populations (per Task 4.2). Future needs must be determined using a planning horizon year of 2040 and the traffic forecasts developed in Technical Memorandum #6.

The future conditions must include only those transportation improvements in adopted plans with "committed" funding sources (i.e., identified and secured funding sources such as the Statewide Transportation Improvement Program ("STIP") or Capital Improvements Program ("CIP")). Future system deficiencies must address each modal element of the system and include missing links, operational deficiencies, geometric deficiencies, and safety needs. The future needs analysis must identify the differences between average weekday and 30th highest hour conditions to identify if and how alternate mobility targets for US 101 and OR 20 should be incorporated into the solutions evaluation process.

Consultant shall conduct a future transportation system conditions analysis to develop forecast conditions, problems, and deficiencies for all modes of travel and document the results in a draft TM #7 in accordance with the ODOT approved transportation system analysis methodology. The approved future transportation system analysis methodology must be summarized in TM #7.

#### **4.6 PAC Meeting #2**

Consultant shall facilitate PAC Meeting #2 to review the findings from Technical Memorandums #5 through #7 regarding existing and future baseline transportation conditions and, discuss the process for developing alternatives to meet the existing and future transportation system deficiencies. Consultant shall collaborate with the City to plan and conduct the meeting.

Consultant shall provide to the PMT for review a draft agenda and any other materials to be included in the agenda packet.

#### **Consultant Deliverables for Task 4**

4.1 PAC Meeting #1 agenda, presentation and meeting summary due within one week following the meeting

4.2.1 Methodology and Assumptions Memorandum, 6 months from the issuance of the NTP

4.2.2 Draft TM #5 – Existing Conditions, 8 months from the issuance of the NTP

4.2.3 Final TM #5 – Existing Conditions, (1 electronic copy); due within 2 weeks of receiving comments from City and ODOT

4.3.1 Draft TM #6 – Future Traffic Forecast, 10 months from the issuance of the NTP

4.3.2 Final TM #6 – Future Traffic Forecast (1 electronic copy); due within 1 week of receiving comments from City and ODOT

4.4 PMT Meeting #2 and draft meeting notes; due within 1 week following PMT Meeting #2

4.5.1 Draft TM #7 – Future Conditions and Needs, 12 months from the issuance of the NTP

4.5.2 Final TM #7 – Future Conditions and Needs, (1 electronic copy); due within 1 week of receiving comments from City and ODOT

4.6 PAC Meeting #2 agenda due one week prior to the meeting, presentation and meeting summary due one week following the meeting

## **TASK 5: Develop and Evaluate Solutions**

*The purpose of this task is to develop transportation system solutions using evaluation criteria presented in TM #4. This includes developing transportation system management, transportation demand management, and transit system recommendations. Consultant shall develop concepts that address ways to improve existing facilities or services, new facilities or services, including different modes or combination of modes that could reasonably meet identified transportation needs.*

### **5.1 Community Workshop Series #1**

In collaboration with the PMT, Consultant shall cooperatively plan and facilitate discussions at a three-day Community Workshop Series. City will schedule the Community Workshop Series, provide notification to the media, provide an ADA accessible meeting room, and distribute public information on the City website, and through a press release. Consultant shall provide media release information to the City. Consultant shall prepare and mail a postcard to the interested parties list and addresses within the City limits (up to 4,500 postcards) 2 weeks prior to the Community Workshop Series. Consultant shall provide light refreshments for participants. Consultant shall present an overview of the Project's purpose and findings of Technical Memoranda #1 through #7 through use of written handouts, display boards, or other visual media (e.g., PowerPoint).

The public will have the opportunity to offer input on the goals and objectives of the plan and make suggestions for transportation system alternatives to be considered by the PMT when developing alternatives to meet the transportation system deficiencies. The Consultant shall provide an opportunity to comment through the website as described in Task 2. The Consultant shall post the public event materials and comment opportunities on the public website concurrent with the in-person event. Consultant shall prepare a summary of comments received at the Community Workshop Series and through the website.

Up to 3 members of the Consultant team will attend Community Workshop Series #1.

#### **5.1.1 Community Workshop Series #1.1 – Commercial Core**

Consultant shall facilitate Day 1 of the 3-day Workshop focused on the Commercial Core. During this event, the Consultant shall engage City and ODOT staff, as well as PAC members, stakeholders, and the general public in the production and evaluation of design alternatives for the Commercial Core. This effort must build from the Existing Conditions and Opportunities & Constraints Work done in Task 4, and will consider highway routing, land uses, placemaking, streetscapes, and gateways. Consultant shall refine alternatives over the course of the Workshop, and will conclude with a recommended alternative (or recommended set of components). The Consultant shall summarize the activities and results of the Workshop in a brief memorandum or summary of the presentation.

#### **5.1.2 Community Workshop Series #1.2 – Agate Beach**

Consultant shall facilitate Day 2 of the 3-day Design Workshop focused on the Agate Beach area. During this event, the Consultant shall engage City and ODOT staff, as well as PAC members, stakeholders, and the general public in the production and evaluation of design alternatives for the Agate Beach Area. This effort must build from the Existing Conditions work done in Task 4, and will consider stormwater management, placemaking, and streetscapes. Consultant shall refine alternatives over the course of the Workshop, and will conclude with a Recommended Alternative (or recommended set of components). The Consultant shall summarize the activities and results of the Workshop in a brief memorandum or summary of the presentation.

#### **5.1.3 Community Event #1.3 – City-Wide Design Workshop**

Consultant shall facilitate Day 3 of the 3-day Design Workshop to look broadly at the City's transportation system. During this event, the Consultant shall engage City and ODOT staff, as well as PAC members, stakeholders, and the general public in the production and evaluation of design concepts

and alternatives for the City as a whole. This effort must build from the Existing Conditions work done in Task 4, and will consider highway routing, multi-modal transport, seasonal variations in traffic demand, land uses, placemaking, streetscapes, and gateways. Consultant shall refine alternatives over the course of the Workshop, and will conclude with a Recommended Alternative (or recommended set of components). The Consultant shall summarize the activities and results of the Workshop in a brief memorandum or summary deck.

#### **5.1.4 Community Event #1.4 Follow-Up Design Workshop (CONTINGENCY- See Section F.)**

Consultant shall facilitate a two2-day Design Workshop to refine concepts and alternatives generated in Tasks 5.1.1, 5.1.2, and 5.1.3 above. During this event, Consultant shall engage City and ODOT staff, as well as PAC members, stakeholders, and the general public to refine previously-generated concepts into a Recommended Alternative (or recommended set of components), which Consultant shall summarize in a brief memorandum or summary deck.

#### **5.2 PMT Meeting #3**

Consultant shall facilitate a working session with the PMT to discuss potential project and policy alternatives to meet the needs identified in the transportation system based on project analysis and potential improvement ideas gathered at Community Workshop Series # 1. The Consultant shall prepare draft meeting notes and distribute them to the PMT. Up to two members of the Consultant team will attend the 2-hour meeting in Newport.

#### **5.3 Solutions Evaluation –Draft Technical Memorandum #8**

Consultant shall prepare Draft TM #8 to include a recommended package of solutions and strategies for addressing transportation deficiencies and needs for each travel mode in identified problem areas. Solutions and strategies must be developed from input gained in Tasks 5.1 and 5.2. The solutions and strategies in TM #8 will be organized to address specific areas within Newport, consistent with the workshop format in Task 5.1. Specific details of evaluations within subareas are indicated in the subtasks that follow.

TM #8 must focus first on identifying improvements and strategies to improve the existing system that do not add capacity (e.g., transit; Safe Routes to Schools Programs; Transportation Demand Management such as reduction of single occupancy vehicle trips or trip management programs; and Transportation System Management and Operations such as corridor management or Intelligent Transportation System strategies, e.g., roadside reader boards). Then, if needed, the Consultant shall consider improvements that add capacity to the street network. These improvements and strategies shall be designed to fairly distribute benefits and impacts per Title VI and EJ Program provisions, as relevant and practicable. The strategies and solutions will include preliminary cost estimates and the primary funding sources, as appropriate.

##### **5.3.1 Harney Street Extension Feasibility Evaluation**

Consultant shall prepare an alignment analysis and cost estimate for the proposed North-South Arterial parallel to US 101 that consist of extending Harney Street from NE 7<sup>th</sup> Street and NE 32<sup>nd</sup> Street. The Consultant shall utilize existing aerial topography and GIS data to prepare a concept level horizontal and vertical profile of a future Harney Street construction project. The intent of this exercise will be to determine if a connection is feasible based upon grades and other constraints. A preliminary planning level cost estimate will be prepared.

##### **5.3.2 Commercial Core Area**

Within the Commercial Core Area, the Consultant will evaluate the system benefits of up to 4 alternative circulation scenarios, as identified by the PMT and the Community Workshop. The operational evaluation will consider the trade-offs associated with walking, biking and driving modes, as well as other qualitative assessments of the potential benefits to economic development opportunities.



### 5.3.3 Agate Beach Area

Within the Agate Beach Area, the Consultant will evaluate the trade-offs associated with streetscape and storm water design alternatives developed at the Community Workshop in Agate Beach.

### 5.4 Finance Program – Technical Memorandum #9

Consultant, in coordination with the City and ODOT, shall prepare a forecast estimating the funds expected to be available in the future to construct new transportation infrastructure, for maintenance, and for other transportation-related programs, through the year 2040. The future forecast must be based on historical trends as documented in TM #5. The forecast must consider the amount of state and federal funds expected to be available for projects within the community, as forecasted by ODOT. Consultant shall identify potential funding options for the City to consider for the potential funding options. Discussion of funding options will include priorities for funding of future improvements identified in TM #8. The draft Finance Program must be presented in Draft TM #9. ODOT will provide funding forecasts for ODOT funding sources.

### 5.5 Transportation Standards – Technical Memorandum #10

Consultant shall prepare a draft and final TM #10 addressing transportation standards. The memorandum must include recommendations for updating City transportation standards and guidelines, including but not limited to:

- a. Roadway and access spacing
- b. Mobility targets
- c. Functional classification
- d. Local street connectivity
- e. Roadway and shared-use path cross-sections, including skinny street options
- f. Street storm drainage management recommendations
- g. Local evacuation routes (life line routes)
- h. Enhanced pedestrian crossing treatment guidelines
- i. ITS coordination guidelines (e.g., provide conduit for communication during roadway construction)
- j. Neighborhood Traffic Management tools including a methodology for stop sign prioritization
- k. Freight routes

If alternate mobility targets are recommended in TM #7, the supporting evaluation and recommendation must be documented in detail in TM #11.

### 5.6 PMT Meeting #4

Consultant shall facilitate a working session with the PMT to review the strategy to address the deficiencies identified in the transportation system. Consultant shall discuss the findings from Technical Memoranda #8 through #10 (process for identifying solutions, funding forecasts, and transportation standards) and identify revisions. Consultant shall provide to the PMT for review a draft agenda and any other materials to be included in the agenda packet.

### 5.7 Planning Commission Work Session

City will arrange and provide logistics for a City Council and Planning Commission joint work session to review potential recommendations from Technical Memorandum #8. Consultant shall present an overview of system needs, alternatives evaluation, and preliminary public feedback. Two members of the Consultant team shall attend the work session.

### 5.8 PAC Meeting #3

The purpose of this meeting is to review the findings from Technical Memoranda #8 through #10, which were previously reviewed by the PMT. Consultant shall collaborate with the City to plan and conduct the

meeting. Consultant shall provide to the PAC for review a draft agenda and any other materials to be included in the agenda packet. Consultant shall prepare a summary of the meeting.

### **5.9 Alternative Mobility Targets – Technical Memorandum #11**

Consultant shall develop additional alternate mobility targets, or refine the targets identified in TM #7, if it is found that existing Oregon Highway Plan (“OHP”) mobility targets for US 101 or OR 20 cannot be achieved even with the improvements that are reasonably likely to be in place by the year 2040. Using the alternative mobility target documentation prepared for the US 101/OR 20 Refinement Plan, the Consultant shall update the analysis and expand it for any additional intersections. Consultant shall use the process for developing alternate mobility targets is in the December 30, 2009 ODOT Region 2 Interoffice Memorandum regarding "Methodology for OHP Alternate Mobility Standards in Region 2" and OHP Policy IF. TM #11 must include the evaluation of seasonal traffic volumes, identification of the requested alternate mobility standard, and identification of recommended transportation improvements where the alternate mobility target would apply.

### **5.10 Final Recommended Solutions Report – Final Technical Memorandum #8**

The Consultant shall prepare a final version of Technical Memorandum #8 to identify the preferred system improvements. Consultant shall establish priorities for implementing the preferred system improvements based on the previous evaluation of alternative solutions, funding forecasts from Technical Memorandum #5, and input received in Tasks 5.6 through 5.8. Final Technical Memorandum #8 must include a prioritized list of projects and programs reasonably likely to be funded within the 2040 planning horizon.

### **Consultant Deliverables for Task 5**

5.1 Community Workshop Series #1 agendas, presentations and meeting summaries due one week after the meeting

5.1.4 Follow-up Workshop Session (Contingency Task)

5.2 PMT Meeting #3 and draft meeting notes due within 1 week following PMT Meeting #3

5.3.1 Draft TM #8 – Recommended Solutions, 12 months from the issuance of the NTP

5.4.2 Draft TM #9 – Finance Program, 12 months from the issuance of the NTP

5.4.3 Final TM #9 – Finance Program, (1 electronic copy); due within 2 weeks of receiving comments from City and ODOT

5.5.1 Draft TM #10 – Transportation Standards, 14 months from the issuance of the NTP

5.5.2 Final TM #10 – Transportation Standards (one1 electronic copy); due within 1 week of receiving comments from City and ODOT

5.6 PMT Meeting #4, draft agenda and materials due one week prior to the meeting

5.7 Planning Commission Work Session

5.8 PAC Meeting #3 agenda due one week prior to the meeting, presentation and meeting summary due one week after the meeting

5.9.1 Draft TM #11 – Alternative Mobility Targets, 15 months from the issuance of the NTP

5.9.2 Final TM #11 – Alternative Mobility Targets, (1 electronic copy); due within 1 week of receiving comments from City and ODOT

5.10 Final TM #8 – Final Recommended Solutions Report, (1 electronic copy); due within 2 weeks of receiving comments from City and ODOT

## **TASK 6: Prepare Draft TSP Update**

### **6.1 PMT Meeting #5**

Consultant shall facilitate a PMT meeting to discuss potential policies and procedures concerning City streets within the City limits and UGB and other issues of mutual interest. Additional City staff may be included in the meeting, beyond PMT members. The Consultant shall prepare draft meeting notes and distribute them to the PMT. Up to 3 members of the Consultant team shall attend the meeting. The meeting will be up to 2 hours in length and held in Newport.

### **6.2 Prepare Draft TSP Outline and Format Template**

Consultant shall prepare an outline of topics to be included in the TSP Update (which must address information required to be incorporated into the TSP Update under Section 6.3 below). The outline must include

placeholders for tables and figures. Consultant shall prepare a draft and final TSP Update template illustrating the page layout, fonts, and other formatting details. The TSP Update format and template must be approved by Agency and City.

### **6.3 Prepare Draft TSP Update**

Consultant shall provide a Draft TSP Update using the outline and format developed in Task 6.2. The Draft TSP Update must incorporate findings and recommendations from all previously prepared technical memoranda. The Draft TSP Update must address comments received from the public, PAC, City, and ODOT on all memoranda and supporting analysis completed to date. The Draft TSP Update must be consistent with the current requirements of the Oregon Transportation Plan (“OTP”) and TPR. The Draft TSP Update must include appendices containing and the supporting analysis and background information that was prepared as part of this SOW. The Draft TSP Update must document actions taken to comply with Title VI provisions.

The City and ODOT will review the Draft TSP Update and provide comments to Consultant. Consultant shall edit the document to address the comments and produce a revised draft for the PAC to review.

### **6.4 Implementing Ordinances – Technical Memorandum #12**

Consultant shall prepare draft implementing ordinances amending the City’s Comprehensive Plan and Development Code to bring them into compliance with the Draft TSP Update, OTP and TPR. The amendments must identify changes to street standards, development requirements, and other regulations, to protect the intended function of the transportation facilities and corridors, encourage alternate modes (transit, bicycling and walking), and to implement other policies and standards in the TSP. These may include modifying existing or developing new (1) standards for local streets, cul-de-sacs, collectors, and arterials, including connectivity requirements, block length and size, (2) traffic impact analysis triggers and requirements, and (3) a process for mitigating impacts on intersection performance, as needed.

The draft implementing ordinances must be developed in conjunction with developing the TSP Update to determine if, for example, any adjustments are necessary to TSP Update policies (e.g., policies that are no longer relevant or cannot be practically implemented). The Consultant shall present the draft implementing ordinances in TM # 12. The City will prepare final ordinances suitable for adoption. The City will also determine if it wants to include the draft ordinances in the public review process described in the following tasks or if they will adopt them through a subsequent separate process not addressed by this SOW.

### **6.5 PMT Meeting #6**

ODOT and City staff will review the Draft TSP Update and prepare one set of comments. Consultant shall facilitate a working session with the PMT to review the Draft TSP Update and determine edits

necessary to make the Draft TSP Update ready for public review. If the City desires, the PMT may also review and discuss the implementing ordinances. The Consultant shall prepare draft meeting notes and distribute them to the PMT.

#### **6.6 Prepare Revised Draft TSP**

Consultant shall prepare a revised draft TSP Update incorporating comments and edits from Task 6.5.

#### **6.7 Community Event #2**

City and Consultant shall cooperatively plan and facilitate discussions at a Community Event. City will schedule Community Event #2, provide notification to the media, provide a meeting room, and distribute public information on the City website, and through a press release. Consultant shall provide media release information to the City. Consultant shall prepare and mail a postcard to the interested parties list and addresses within the City limits (up to 4,500 postcards) two weeks prior to the Community Event. Consultant shall present an overview of the Draft TSP Update through use of written handouts, display boards, or other visual media (e.g., PowerPoint). The Consultant shall post the public event materials and comment opportunities on the public website concurrent with the in-person event. The public will be provided the opportunity to offer input on the Draft TSP. The Consultant shall prepare a summary of Community Event #2. Up to 3 members of the Consultant team will attend a 2-hour meeting in Newport.

#### **6.8 City Public Outreach Effort**

Consultant shall provide City with materials for use in meeting with the community to address issues that are raised outside of the above Community Events. City will meet with community members and business owners, at their discretion, to discuss the Draft TSP Update and provide feedback to the PMT. The Consultant will provide up to 5 pages or PowerPoint slides of key narrative and graphic materials for use by the City.

#### **6.9 PAC Meeting #4 – Review Draft TSP**

The purpose of this meeting is to review the Draft TSP Update and consider public and agency feedback. Consultant shall present a summary of the Draft TSP Update and the results of the community outreach. Consultant shall prepare meeting notes that summarize the comments and direction provided about the draft TSP. Consultant shall prepare draft meeting notes and distribute them to the PMT. Up to 3 members of the consultant team shall attend the meeting. The meeting will be up to 2 hours in length and will be held in Newport.

#### **6.10 Joint Planning Commission/City Council Work Session**

City will provide logistics for a joint Planning Commission/City Council work session to review the Draft TSP. Consultant shall present an overview of the Draft TSP Update and public feedback.

#### **6.11 Adoption Draft TSP**

Consultant shall incorporate feedback from the City, ODOT, PAC, public, Planning Commission, and City Council into a revised Draft TSP Update for adoption. Consultant shall prepare a comment log with proposed changes, a response to each comment, and make modifications where appropriate.

#### **Consultant Deliverables for Task 6**

- 6.1 PMT Meeting #5 and draft meeting notes due within 1 week following the PMT Meeting #5
- 6.2 Draft TSP Update Outline and Template, 16 months from the issuance of the NTP
- 6.3 Draft TSP Update, 17 months from the issuance of the NTP
- 6.4 Draft TM #12, Implementing Ordinances, 17 months from the issuance of the NTP
- 6.5 PMT Meeting #6 and draft meeting notes due within 1 week following the PMT Meeting #6

- 6.6 Revised Draft TSP Update, (one1 electronic copy); due within 2 weeks of receiving comments from City and ODOT on prior draft
- 6.7 Community Event #2, agenda, presentation materials, meeting summary due within one week of the meeting
- 6.8 Public Outreach Materials are due within one week of the meeting
- 6.9 PAC Meeting #4 and draft meeting notes due within 1 week following the PAC Meeting #4
- 6.10 Joint Planning Commission / City Council Work Session
- 6.11 Adoption Draft TSP, (1 electronic copy); due within 2 weeks of receiving comments from City and ODOT on prior draft
- 6.11 Comment log due when task 7.3 is complete

### **TASK 7: Adoption Process**

#### **7.1 Planning Commission Public Hearing**

Consultant shall prepare for and attend 1 planning commission hearings and shall provide a presentation overview of the Draft TSP. One member of the Consultant team shall attend the hearing.

#### **7.2 City Council Public Hearing**

Consultant shall prepare for and attend 1 City Council hearings and shall provide a presentation overview of the Draft TSP. One member of the Consultant team shall attend the hearing.

#### **7.3 Final TSP**

Consultant shall incorporate edits from Planning Commission and City Council hearings into the Final TSP. City will provide updates to Department of Land Conservation and Development (“DLCD”) and ODOT if revisions have been made.

#### **Consultant Deliverables for Task 7**

- 7.1 Presentation at Planning Commission Public Hearing
- 7.2 Presentation at City Council Public Hearing
- 7.3 Final TSP, (1 electronic copy); due within 2 weeks of receiving comments from City and ODOT on prior draft

### **TASK 8: Summary of Findings and Project Closeout**

#### **8.1 Executive Summary of TSP Update– Technical Memorandum #13**

Consultant shall prepare TM #13, an Executive Summary of the TSP Update to summarize the key findings and actions associated with the adoption of the TSP Update. The findings must include a review of Title VI and Environmental Justice issues and solutions, if applicable. Consultant shall submit a draft summary to Agency electronically for review and comment. Consultant shall provide a final summary incorporating Agency comments.

#### **8.2 Project Closeout**

Consultant shall compile, index and transmit to Agency and City electronic copies of all work product and significant correspondence prepared over the course of the Project. This includes: (1) the final adopted version of the TSP Update and all appendices, (2) technical memos described in this SOW, (3) other

memos addressing technical and Project management issues, and (4) notes from community events, Community Advisory Committee (“CAC”) and PMT meetings, and PMT conference calls. The Consultant need not include email correspondence, or correspondence documented in the web-based Project management tool (Basecamp) described in Task 1.2.

Consultant shall also compile and transmit to Agency and City in an electronic format: (5) the content of the Project website, and (6) a GIS database depicting the system improvements.

**Consultant Deliverables for Task 8**

- 8.1 TM #13, Executive Summary within 2 weeks of completion
- 8.2 Project Closeout, transfer of electronic copies of final deliverables within two weeks of completion

**F. CONTINGENCY TASKS**

The table below is a summary of contingency tasks that Agency, at its discretion, may authorize Consultant to perform. Details of the contingency tasks and associated deliverables are stated in the Task section of the SOW. Consultant shall complete only the specific contingency task(s) identified and authorized via written (email acceptable) Notice-to-Proceed (“NTP”) issued by Agency's APM. If requested by Agency, Consultant shall submit a detailed cost estimate for the agreed-to contingency Services (within the NTE amount(s) in the Contingency Task Summary Table) within the scope of the contingency task.

If Agency chooses to authorize some or all of these tasks, Consultant shall complete the authorized tasks and deliverables per the schedule identified for each task. The NTP will include the contingency task name and number, agreed-to due date for completion and NTE for the authorized contingency task.

Each contingency task is only billable (up to the NTE amount identified for the task) if specifically authorized per NTP. In the table below, the “NTE for Each” amount for a contingency task includes all labor, overhead, profit, and expenses for the task. The funds budgeted for contingency tasks may not be applied to non-contingency tasks without an amendment to the WOC. The total amount for all contingency tasks authorized shall not exceed the maximum identified in the table below. Each authorized contingency task must be billed as a separate line item on Consultant’s invoice.

**Contingency Task Summary Table**

Contingency Task Description	NTE for Each	Max Quantity	Method of Comp.	Total NTE Amount
5.1.4 Community Event #1.4 Follow Up Design Workshop	\$11,480.06	1	T&M	\$11,480.06
<b>Total NTE For All Contingency Tasks:</b>				\$11,480.06

## G. ADDITIONAL PROVISIONS FOR WOCs

1. **Project Cooperation.** All Project Cooperation provisions, as detailed in Attachment 1 to PA Exhibit F, shall apply to this WOC.
2. **Staffing Adjustments.** Consultant may make necessary staffing adjustments (other than Key Personnel) to the proposed staff (as shown in Consultant's BOC) provided:
  - the alternate staff are appropriately qualified to complete the assigned tasks,
  - any changes do not exceed approved billing rate maximums for the classification, and
  - the Services can be completed without exceeding WOC (or task, if applicable) NTEs.
  - Consultant shall email notice to APM prior to implementing needed changes to staffing assignments.
3. **Task Budget Monitoring.** The budget shown for each task is the best estimate at time of WOC (and Amendment, if applicable) execution. However, as work under the WOC progresses it may dictate that more funding be applied to some tasks and less to others. Consultant shall identify task budget refinements (within the limits of the not-to-exceed amount established for this WOC) on a monthly basis as part of the invoicing and status report.
4. **ODOT Web Standards.** Consultant shall perform all web-related Services required under this WOC in conformance with the **ODOT Web Standards** (available at: <https://www.oregon.gov/ODOT/Pages/Web-Toolkit.aspx>), which is incorporated into this WOC with the same force and effect as though fully set forth herein. ODOT shall have ownership and control of work products developed by Consultant as set forth in the terms and conditions of the Price Agreement under "**Ownership of Work Product**".
5. **Liquidated and Delinquent Debt Owed to State.** In the event Consultant has liquidated and delinquent debt owed to the State of Oregon or any department or agency of the State, Agency may:
  - i) Undertake collection by administrative offset, or garnishment if applicable, of all monies due for Services and Deliverables to recover liquidated and delinquent debt owed to the State of Oregon or any department or agency of the State. Offsets or garnishment may be initiated after the Consultant has been given notice if required by law;
  - ii) Terminate the WOC, in whole or in part, immediately upon written notice to Consultant or at such later date as Agency may establish in such notice; or
  - iii) Pursue any or all of the remedies available under the PA, at law, or in equity.

**These remedies are cumulative to the extent the remedies are not inconsistent, and Agency may pursue any remedy or remedies singly, collectively, successively, or in any order whatsoever, to the extent the remedies are not inconsistent.**

## H. COMPENSATION

The method(s) of compensation and payment option(s) selected below (**and as specified for any Contingency Tasks in the table in Section F**) are incorporated from Exhibit B to the PA. For additional detail and requirements regarding compensation methods, payment options, or Agency's right to withhold retainage, see PA - Exhibit B, Compensation. No compensation is provided to Consultant for negotiations, preparing or revising cost estimate for Services, or negotiating contracts with subcontractors.

### H.1 Non-Contingency Tasks

**The method(s) of compensation for non-contingency tasks in this WOC is:**

Time and Materials with Not-To-Exceed ("T&M")

## H.2 Payment Options

The payment option for the Services in the attached SOW is:

Monthly Progress Payments for acceptable and verifiable progress;

## H.4 Total WOC NTE Amount

	Compensation Summary Table	Amount
<b>1. CPFF NTE Amount (not including Fixed-Fee or contingencies)</b>	NTE Amount for allowable costs of non-contingency Services in this WOC. <b>Basis for Fixed-Fee calculation: N/A</b>	N/A
<b>2. Fixed-Fee Amount</b>	Total of non-contingency Fixed-Fee amount(s) (for CPFF only)	N/A
<b>3. Fixed Price Amount</b>	Total of non-contingency Fixed Price amount(s)	N/A
<b>4. T&amp;M NTE Amount</b>	Total for any non-contingency Services	\$496,207.39
<b>5. Price Per Unit NTE Amount</b>	Total NTE for non-contingency Price Per Unit Costs	N/A
<b>6.</b>	<b>Total Non-Contingency Amount</b>	\$496,207.39
<b>7.</b>	<b>Total for Contingency Tasks (if any) per Section F above:</b>	\$11,480.06
<b>TOTAL NTE (line 6 plus line 7)</b> This amount includes all direct and indirect costs, profit, Fixed Fee amount (if any) and contingency task costs (if any).		<b>\$507,687.46</b>

## H.5 Invoices

Invoices must be in conformance with the ODOT Invoice Requirements Guide and any other PA requirements. The Invoice Requirements Guide is available on the Internet at:

<https://www.oregon.gov/ODOT/Business/Procurement/Pages/PSK.aspx>

Consultant shall submit invoices electronically via email to Agency Project Manager.

**Certification for 15-Day Payment** (per [2017 HB 3264](#) pilot program that applies only to subject invoices received by Agency before June 30, 2019). For Services completed and accepted under the terms of a WOC executed on or after January 1, 2018, a business that employs no more than 50 employees may request Agency payment within 15 calendar days of Agency's receipt of a properly completed and submitted invoice. To request 15-day payment, Consultant must submit a certification (using the [Prompt Payment Certification Form](#)) as an attachment to the invoice. The certification must state the number of employees currently employed by Consultant and be signed and dated. Agency will endeavor to notify Consultant within 10 business days of receipt of invoice regarding any necessary revisions to the invoice. If revisions are necessary, payment will be made no later than 15 calendar days from Agency's receipt of the revised and properly completed invoice. Invoices that do not meet the requirements for 15-day payment are subject to the payment terms included in Exhibit B of the PA.



## H.6 Subcontractors “Paid Summary Report”

Consultant shall complete and submit to APM initial, interim and final [Paid Summary Reports](#) [form 734-2882] per the instructions on the form. Consultant must report payment information for all subcontractors and suppliers used under the WOC throughout the period of performance. **This reporting is required for all projects that include subs, regardless of funding source or whether or not a DBE goal or Certified Small Business Aspirational Target is assigned.**

## WOC ATTACHMENTS

### ATTACHMENT A – RESERVED

### ATTACHMENT B - BREAKDOWN OF COSTS FOR SERVICES

The Breakdown of Costs (BOC) dated 10/01/2018 is not physically attached but incorporated into this WOC by this reference with the same force and effect as though fully set forth herein. A copy of the final BOC has been provided to Consultant prior to WOC execution.

### ATTACHMENT C - RESERVED

### ATTACHMENT D - ODOT’s ProjectWise Network (June 2017)

#### 1. ProjectWise Access and General Requirements

Consultant shall include the provisions set forth in this Exhibit in any subcontract that will require subcontractor access to ODOT’s ProjectWise network.

Consultant shall use ProjectWise for electronic submittal and receipt of files as necessary for the Project. Consultant employees, subcontractor employees, or other agents that will need access to ODOT’s ProjectWise network must have an ODOT-approved ProjectWise account. Each individual that needs access must agree to the Terms and Conditions of Use set forth in the [External User Access Agreement – ODOT’s ProjectWise Network form](#) as a condition of access to the ProjectWise Network.

Consultant shall submit a completed and signed form for every individual requiring access to ODOT for review and approval. Individuals with approved accounts will be provided access only to appropriate folders specific to the Project that they have been contracted to work on. Consultant, its subcontractors and each individual seeking or having access to ODOT’s ProjectWise network shall follow the procedures provided in the [Contract Consultant and External User Roles, Responsibilities and Security Requirements – ODOT’s ProjectWise Network](#) (as may be revised from time to time by ODOT).

Consultant shall promptly send notice to ODOT at [ProjectWiseAdmin@odot.state.or.us](mailto:ProjectWiseAdmin@odot.state.or.us) to remove ProjectWise access for individuals that are no longer employed or that are reassigned or that otherwise no longer need access to ProjectWise for the Project. ODOT will send an attestation request to Consultant every 30 days (or such other period ODOT deems appropriate) to validate the list of individuals (including employees, subcontractor employees or other agents) with access to ODOT’s ProjectWise network. Consultant shall respond in writing to ODOT within 3 business days of any such validation request.

#### 2. Correct Use of ProjectWise

Any person approved for accessing and using ODOT's ProjectWise network on behalf of Consultant acquires the status of an "Account Holder". Consultant shall ensure each Account Holder: a) complies with the Terms and Conditions of Use set forth or incorporated in the External User Access Agreement – ODOT's ProjectWise Network form, and b) has appropriate training in the proper use of ProjectWise and follows the Contract Consultant and External User Roles, Responsibilities and Security Requirements – ODOT's ProjectWise Network. ODOT reserves the right to monitor Account Holder activity within ODOT's ProjectWise network and may suspend or terminate any Account Holder ODOT, in its sole discretion, determines to be in violation of the Terms and Conditions of Use.

### **3. Responsibility for ProjectWise Functioning**

ODOT provides use of ODOT's ProjectWise Network "as is". ODOT does not warrant that the information or access thereto will be error free, uninterrupted or meet the Consultant's needs, nor does ODOT make any representation or warranty regarding the accuracy or completeness of the information. ODOT is not responsible for any damage that may occur due to error, omission, lack of timeliness or any other cause, of the information contained on ODOT's ProjectWise network or other sites accessible from it. ODOT does not assume any responsibility for information added to the site by Account Holders. ODOT disclaims any liability arising from interferences or interruptions, viruses, telephone faults, malicious damage by third parties, electronic system downtime, overloading of the Internet or any cause beyond the control of ODOT. ODOT reserves the right to temporarily suspend access to ProjectWise, without notice, because of maintenance, repair, or any other reason deemed necessary for the proper functioning of ODOT's ProjectWise network.

### **4. Liability**

In no event shall the State of Oregon, the Oregon Transportation Commission and its members, ODOT, or their officers, agents and employees be liable for any claims, suits, actions, losses, liabilities, damages, costs and expenses, including attorney fees, of whatsoever nature, resulting from or arising out of Consultant's use of ODOT's ProjectWise network.

Consultant's indemnification, defense and hold harmless obligations under its Contract or Price Agreement with ODOT shall apply to the terms, conditions and requirements of this ProjectWise Exhibit and the acts and omissions of Consultant or its subcontractors, or their respective agents or employees, respecting ProjectWise.

### **5. Firewall, Virus and Malware**

Consultant will at all times maintain an active and current firewall protection in place for Account Holders who are accessing and using ODOT's ProjectWise application. Consultant will at all times maintain an active and current Virus and Malware protection on the individual machines and network being used by the Consultant to access ODOT's ProjectWise and shall ensure that such active and current Virus and Malware protection is maintained on machines and networks used for access to ProjectWise but not owned or controlled by Consultant. Whether external users are accessing ODOT's ProjectWise data through a company-owned or personally-owned machine, ODOT reserves the right to quarantine any infected files, documents or other items that are found to contain a virus, malware, adware or otherwise harmful component. Consultant shall immediately notify ODOT in the event of a breach or security concern at their company. ODOT reserves the right to suspend user accounts, consultant accounts, or both, if they contain harmful software. ODOT also reserves the right to require Consultant to clean devices of harmful software. In the event of chronic infections ODOT reserves the right to deny future access to ODOT's ProjectWise network.



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## Estimate to Complete Public Involvement

DATE: June 16, 2020  
TO: Newport TSP Project Management Team  
FROM: Brandy Steffen, JLA Public Involvement  
SUBJECT: Newport Transportation System Plan Update  
Estimate to Complete Public Involvement

---

Below is an estimate to complete the remaining scoped tasks within the remaining budget. Every effort will be made to stay within the remaining budget, but where that is not possible items are highlighted.

### I. Project Management

#### Progress reports and invoices

- Completed 4/12
- \$1,760 to complete 8 months

#### PMT Check-in calls

- Completed 12/20
- \$1,064 to complete 8 calls

### 2. Public Involvement Program

#### Public Stakeholder Involvement Strategy – Memo #1

- Draft submitted 8/20/19 – no updates

#### Website

- Completed, along with video

#### Interested Parties List/comment response

- Developed, modify throughout the project
- \$870 to complete monthly updates to the list

#### Establish Planning Advisory Committee

- Completed



## Targeted outreach to EJ/Title VI communities

- Completed 13 individual and 2 group interviews
- *Need to complete 8 individual and 4 group interviews; combine with first round of outreach to conserve budget*
  - 8 individual (remain as individual) and 4 group interviews open to all (could be combined; Nye Beach to include public as well) completed as soon as possible to be equal importance of previous interviews

## 5. Develop and Evaluate Solutions

### Community Workshop Series (3-day event)

- PAC Meeting
  - COVID approach
  - Existing/future conditions; opportunities and constraints discussion to confirm materials for workshops
- Change from 3-day in-person series of workshops to virtual events due to COVID-19
  - Develop media release
  - Prepare and mail a postcard (up to 4,500 postcards)
    - COVID-19 change = modify to smaller mailing distribution with a postage paid return survey
    - **\$5,000 to complete printing/mailing**
  - Develop a handout, display boards or other visual media (e.g., PowerPoint) to explain the project; same information will be used for the virtual meetings and on website
  - Instead of in-person workshop series post the three workshop series topics (Commercial core, Agate Beach, and City-wide designs) as an online open house.
    - Online survey
    - Prioritize the needs of the community; help with the fiscally constrained list (of the package we've identified, which is most important to start with?)
    - EJ Groups will be invited in particular but will also receive a follow-up email and phone call to see if they have comments or to ask that they distribute information to their community. Provide thank you gifts for the first 40 respondents to complete a comment card (online or mailed in) to increase participation.
    - **\$800 to complete**
  - Create a plan for the "live" events.
    - Then host one or two 2-hour virtual meetings with the PAC members, technical team, and invite the public to attend. Allow participants to break into groups to talk about the designs and provide input to the technical team.





- Prepare a summary of comments received
- \$8,708 to complete the above tasks
- \$1,064 to complete Website update

## 6. Draft TSP Update

### Community Event #2

- PAC meeting
  - Review results of outreach; review draft preferred recommendations/alternatives
- Scoped activities, which may need to change due to COVID-19 are as follows
  - Develop media release
  - ~~Prepare and mail a postcard (up to 4,500 postcards)~~
    - **Can't accommodate this expense in the remaining budget. Either the City can print/mail; mail to a smaller mailing list; or print but ask stakeholders/PAC to deliver to locations around town; or we can use the contingency task to accommodate the expense.**
  - Develop a handout, display boards or other visual media (e.g., PowerPoint) to explain the project
  - Post materials and comment opportunities on the website
  - In-person, 2-hour event (*potentially change to "office hours" or virtual, check-ins with three EJ groups in combination with online open house that is available for the public's review and comment opportunity for one month*)
    - Review the draft preferred recommendations/alternatives
    - See how their feedback was considered
    - Look at the cost ranges/fiscally constrained list
  - Prepare a summary of comments received
- \$8,115 to complete the above tasks
- \$1,064 to complete Website update
- PAC meeting
  - Review results of outreach; review final preferred recommendations/alternatives





**Table 1: Budget and Remaining Tasks**

Remaining Tasks	PI5 Hours	PI2 Hours	Total Budget
Task 1.3 Progress Reports	8	8	\$1,760
Task 1.5 PMT Check-in	8	0	\$1,064
Task 2.3 Interested Parties List	-	10	\$870
Task 5.1 Community Event #2	39	53	\$9,789
<b>Mailing Expense</b>	-	-	<b>\$5,000</b>
<b>Thank you gifts</b>	-	-	<b>\$800</b>
Task 6.7 Community Event #2	35	52	\$9,179
<b>Total</b>	<b>90</b>	<b>123</b>	<b>\$28,471</b>
<i>C1.1 Community Event #1 follow up</i>	30	32	\$6,774

**Table 2: Schedule**

Tasks	Schedule
Remaining interviews	June 29-July 10
PAC Meeting	Week of July 13
<b>Event #1</b>	
Online Open House/survey	July 20-August 3
Postcard/survey	Week of July 20
Live event/s	Week of July 27
Summary of comments	Week of August 10
PAC Meeting	Week of August 17
<b>Event #2</b>	
Website update/survey	August 31-September 28
Mailing?	Week of August 31





**Table 2: Schedule**

Tasks	Schedule
Virtual event	Week of September 14
Summary of comments	Week of October 5
PAC Meeting	Week of October 12



# Memorandum

To: Planning Commission / Commission Advisory Committee

From: Derrick I. Tokos, AICP, Community Development Director 

Date: June 18, 2020

Re: Planning Commission Work Program Forecasting

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A forecast of the Planning Commission's work program for the first 6-months of FY 20/21 will be distributed via email on Monday, prior to the work session. Since we will be conducting the meeting by videoconference, it will also be available through the shared screen function.

My plan will be to walk through the scheduled meeting dates and anticipated agenda items before opening the floor to Commission members to discuss whether the items should be adjusted, added/subtracted, etc.

# Tentative Planning Commission Work Program

*(Scheduling and timing of agenda items is subject to change)*



## July 13, 2020 Work Session

- Review and Comment on TGM Grant Application for Newport City Center Revitalization Project
- HB 2001 Infrastructure Based Time-Extension Final Rules (DLCD Hearing set for 7/23/20)

## July 13, 2020 Regular Session

- File 2-NCU-20, Final Order and Findings Approving Conversion of STR from 2-bedroom to 3-bedroom occupancy at 736 NW 3<sup>rd</sup> Street
- File 5-NCU-20, Convert existing STR from 2-bedroom to 4-bedroom occupancy at 406 NW High Street

## July 27, 2020 Work Session

- File 1-Z-20 amendments related to car camping (bill to be taken up during 6/24/20 short session)
- Review scope of work for South Beach US 101 Corridor Refinement Plan
- Placeholder TSP Virtual Event No. 1

## July 27, 2020 Regular Session

- Placeholder for public hearing on OSU Student Housing Planned Development Amendments

## August 10, 2020 Work Session

- Review updated draft amendments related to tiny homes and MFDs on individual lots
- Review LOC's June 2020 Small Cell Model Ordinance and Design Guidelines and latest FCC Bulletin
- Placeholder to discuss video-conference meetings/hearings and needed adjustments

## August 10, 2020 Regular Session

- TBD

## August 24, 2020 Work Session

- HB 2001 Middle Housing Options (triplexes, fourplexes, cottage clusters)
- Review Initial Draft of Updated Transportation Standards (i.e. frontage improvement requirements)
- Placeholder for TSP Virtual Event No. 2

## August 24, 2020 Regular Session

- File 1-Z-20 File 1-Z-20 amendments related to car camping

## September 14, 2020 Work Session

- Initial review HB 2001 implementation provisions

## September 14, 2020 Regular Session

- File 1-UGB-20, Amending the Urban Growth Boundary adding 39.8 ac at NE Harney and 36<sup>th</sup> (TL 100, Map 10S11W33) and removing 71.39 ac from the Wolf Tree Destination Resort Site (TL 801, Map 12S11W05)
- Placeholder for hearing on amendments related to tiny homes and MFDs on individual lots

## September 28, 2020 Work Session

- Final review HB 2001 implementation provisions
- Final draft of updated Transportation Standards, w/ cross-sections and functional classification maps
- Review initial draft of Small Cell Ordinance amendments

## September 28, 2020 Regular Session

- TBD