



PLANNING COMMISSION WORK SESSION AGENDA
Monday, July 26, 2021 - 6:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613, or p.hawker@newportoregon.gov.

The meeting will be live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190.

Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. The e-mail must be received at least four hours prior to the scheduled meeting.

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

1. CALL TO ORDER

Jim Patrick, Bill Branigan, Lee Hardy, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, Dustin Capri, and Greg Sutton.

2. NEW BUSINESS

2.A South Beach Commercial/Industrial Land Use Code Audit

[Memorandum](#)

[Opportunities and Constraints Map \(with descriptors\)](#)

[South Beach Zoning Map](#)

2.B TGM Grant Application to Further Efforts to Revitalize the City Center Area

[Memorandum](#)

[TGM 2021 Application Packet](#)

[Project Vicinity Map](#)

[TSP Concept Solutions for US 101 - 20](#)

City Council Resolution No. 3927

3.UNFINISHED BUSINESS

**3.A File No. 1-Z-21, Policy Options for Food Truck/Food Cart Amendments
Memorandum**

Draft Amendments to NMC Chapter 4.10

Draft Amendments to NMC Chapter 14

Draft Amendments to NMC Chapter 11.05 and 12.15

3.B Transportation System Plan Update - Outreach Plan for Event #2

Draft Outreach Event Plan - Draft Solutions, dated 7-21-21

3.C Updated Planning Commission Work Program

PC Work Program 7-26-21

4.ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee
 From: Derrick I. Tokos, AICP, Community Development Director 
 Date: July 23, 2021
 Re: South Beach Commercial/Industrial Land Use Code Audit

Elizabeth Decker with Jet Planning is part of the planning team that is working on the South Beach Refinement Plan. One of the deliverables is a land use code audit. She will be dialing into the work session to hear your thoughts on what some of the key issues are that need to be addressed.

Here is how this component of the project is framed in the scope of work:

“For this task, our consultant team will evaluate the zoning and comprehensive plan map, zoning districts, development code regulations, and comprehensive plan and other planning policies that affect the South Beach Corridor Area. The audit task will begin by identifying review criteria for the plan, map, and code sections that are relevant to the desired performance of these areas. Criteria will be based on the opportunities and constraints identified through the public engagement process, the desired development outcomes for the area including adopted city policies and goals as well as redevelopment concepts for key sites and zoning best practices.

Initial areas of interest to consider in the audit criteria include development capacity that aligns with infrastructure improvements, implementing Urban Renewal Plan goals, incentivizing annexation, and rectifying any identified barriers to site development. The audit will also evaluate performance of existing and proposed land use concepts relative to desired outcomes and identified opportunities and constraints. The audit findings will inform the land use recommendations, which will take the form of recommended changes to the zoning and/or comprehensive plan maps, development code provisions, and comprehensive plan or other plan policies. The changes will be provided in the greatest level of detail available within the project scope to provide clear direction to staff for implementation. We will provide adoption ready maps and code language for targeted amendments, with detailed descriptions and examples of more detailed amendments to be further refined prior to implementation.”

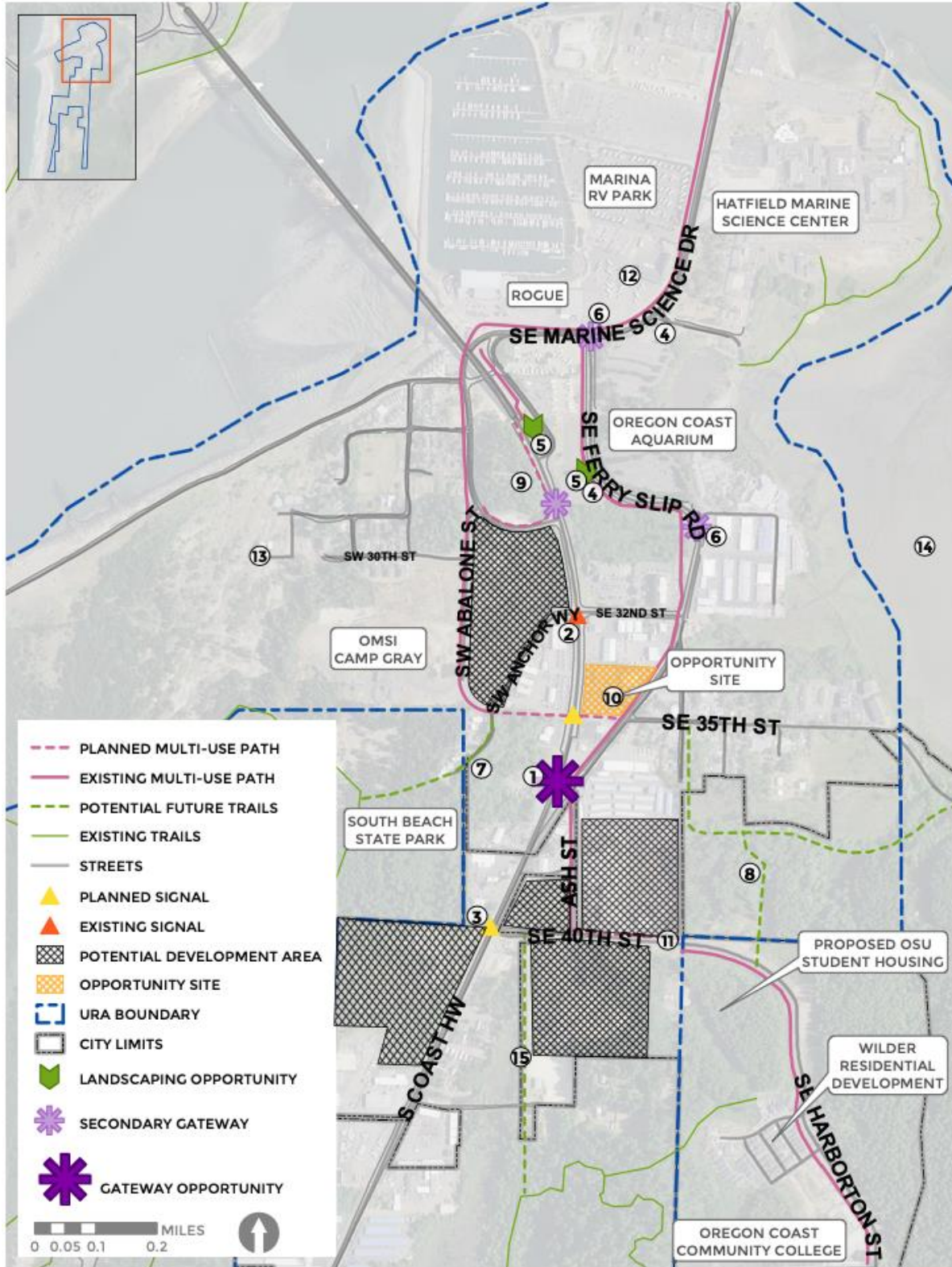
Enclosed, for your reference, is the Opportunity and Constraints Map and related descriptors from the recently completed report, and a zoning map of the study area. Elizabeth and I had a chance to talk this week. Key concepts we discussed included (a) should commercial zoning be extended south through the new 35th Street intersection, (b) should the City look to narrow the range of outright permitted uses in the I-1 zone to provide greater certainty as to potential future uses, (c) is a 50-ft highway setback still appropriate in the industrial zones; (d) might there be an opportunity to frame zoning on the Investors XII site to complement OMSI's camp gray, (e) should the city look to more aggressively phase out non-conforming uses, (f) could there be an opportunity for the URA to pay SDCs for water/sewer connections as a way to incentivize annexations.

Please think about the key issues you would like to see this audit address. I look forward to the discussion.

Attachments
 Opportunities and Constraints Map (with descriptors)
 South Beach Zoning Map








Exhibit 9. US 101 / Peninsula Opportunities and Constraints






Source: SERA Architects, ECONorthwest






NEWPORT SOUTH BEACH / US 101 REFINEMENT PLAN

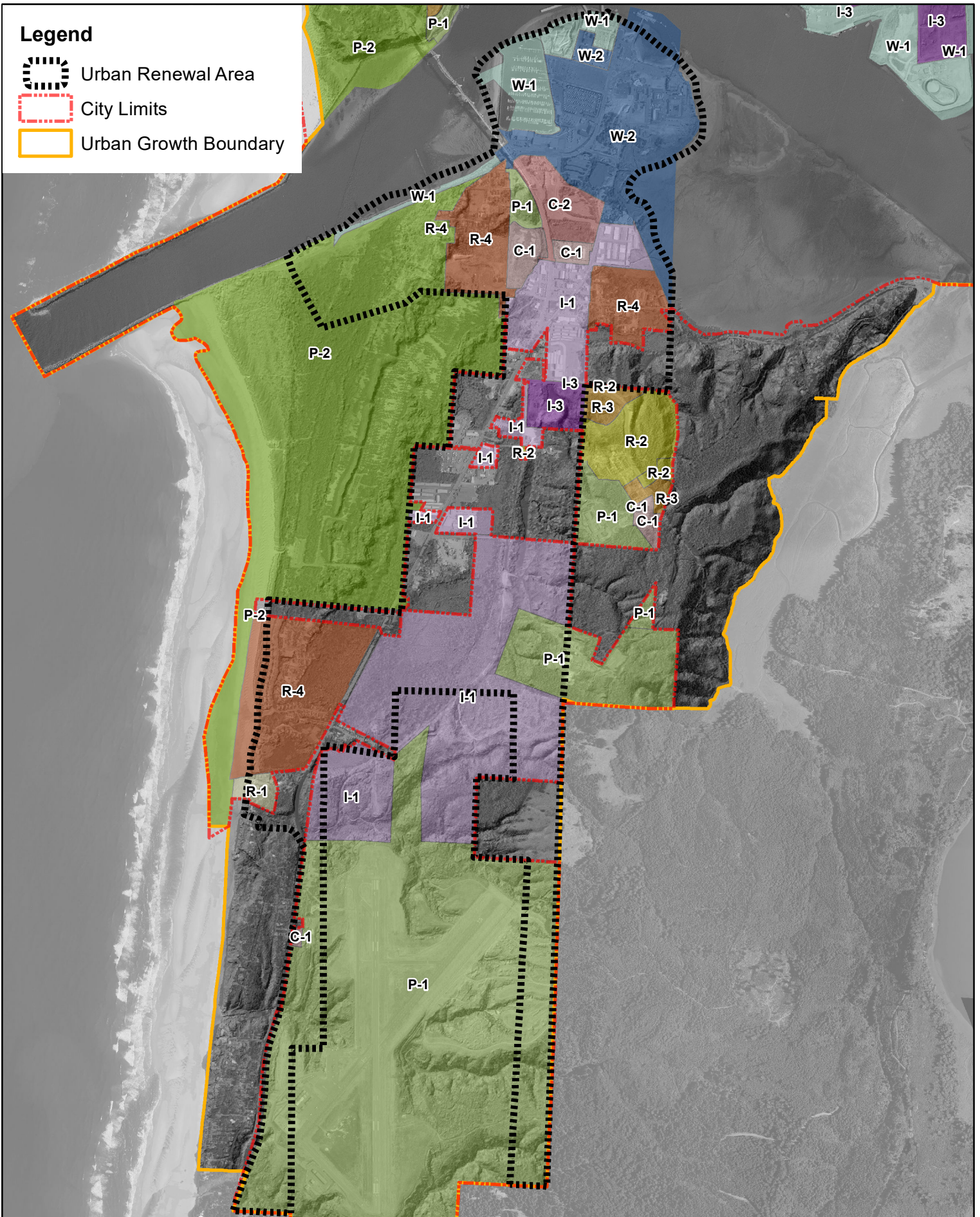


Site	Opportunity	Existing Conditions
1	South Beach Gateway Opportunity. The connection from US 101 to Ferry Slip Rd. will be closed off, providing space to create a gateway into South Beach. This may require property acquisition to accommodate the desired development program and gateway features.	
2	Traffic Signal Move. The traffic signal currently located at the intersection of US 101 and Anchor Way will be moved south to the intersection of U S 101 and 35th St. A new street crossing and multi-use path connection is also planned for this intersection.	
3	New Traffic Signal Installation. A new traffic signal is planned to be installed at the intersection of US 101 and 40th St to improve safety and ease of access to the Wilder development, Oregon Coast Community College, and the planned OSU student housing development.	
4	Aquarium Crossing Improvement Opportunity. There are several opportunities to improve safe access to the aquarium through pedestrian crossing improvements. Key opportunities include both entrances to the RV parking lot on Ferry Slip Rd. and the crossing to the north entrance of the aquarium off of Marine Science Dr.	
5	Landscaping and Pedestrian Amenity Improvement Opportunities. At the multi-use path trailhead along Ferry Slip Rd., there are opportunities to improve the landscaping, seating, waste receptacles, and other amenities like public art or interpretive signage.	
6	Aquarium Arrival Experience & Secondary Gateway Opportunity Both the north and south arrival points for the aquarium could be improved to clearly alert visitors they are arriving at the aquarium.	
7	Planned Trail Connection to South Beach State Park There is a planned trail connection between the South Beach multi-use path and the trail system at South Beach State Park which would improve the overall connectivity of the South Beach area.	

Site	Opportunity	Existing Conditions
8	<p>Planned Trail Connection to Wilder Development/OCCC</p> <p>The planned trail connection between the existing trail network and the Wilder area would improve accessibility of Wilder and the overall connectivity of the South Beach area.</p>	
9	<p>Wayfinding Improvement & Secondary Gateway Opportunity</p> <p>To improve area wayfinding, the exit ramp from US 101 onto Abalone St. could be a secondary gateway with wayfinding signage that clearly directs visitors to key South Beach destinations after they exit the iconic Yaquina Bay Bridge. In addition, the southbound gateway sign could be on the north side of Safe Haven Hill right after the Yaquina Bay Bridge.</p>	
10	<p>Urban Renewal Agency Opportunity Site</p> <p>This site is owned by the South Beach Urban Renewal Agency and provides an opportunity for development that serves the residents and visitors of South Beach. In combination with adjacent parcels, the area could serve as a gateway to South Beach.</p>	
11	<p>Potential Multi-modal connection improvements to Wilder along 40th St. Along the south side of 40th Street, there is a gap in the multimodal path on 40th St. that could be improved.</p>	
12	<p>Proposed Outdoor Event Space.</p> <p>On its current dry camping area at its Marina RV Park, the Port of Newport has proposed investment in a large covered outdoor space that could house the Food and Wine Festival and other events.</p>	
13	<p>Potential shared use path extension in Coho/Brandt Infrastructure Refinement Plan</p>	
14	<p>Redundant water pipeline at Idaho Point. The only water pipeline serving South Beach was installed in 1973, which presents a significant water system vulnerability if the pipeline fails. As part of the 2008 Water System Master Plan, the City identified the need for 12" water pipeline to serve South Beach.</p>	
15.	<p>Potential trail connection between 40th St. and Mike Miller Park</p>	

Legend

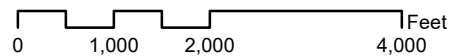
-  Urban Renewal Area
-  City Limits
-  Urban Growth Boundary



City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0629
 Fax: 1.541.574.0644


**South Beach Urban Renewal District
 Zoning Designations**

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR



This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Memorandum

To: Planning Commission/Commission Advisory Committee
 From: Derrick I. Tokos, AICP, Community Development Director 
 Date: July 23, 2021
 Re: TGM Grant Application to Further Efforts to Revitalize the City Center Area

Newport's commercial areas along US 101 and US 20, particularly between the Yaquina Bay Bridge and US 101/US 20 intersection, are underutilized with vacant storefronts and aging, poorly maintained buildings. The City established an urban renewal district over the affected area in 2015 to plan for, and fund, improvements to attract new investments and facilitate the revitalization of these commercial corridors.

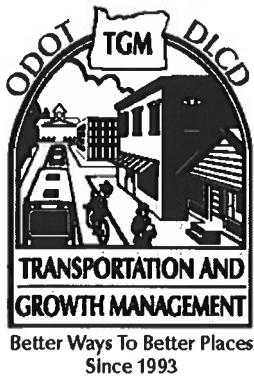
As an initial investment the City, through its Urban Renewal Agency, partnered with the Oregon Department of Transportation to update its Transportation System Plan (TSP) to identify how the streetscape can be redefined to catalyze economic development and provide infrastructure needed to support additional density, and mixed use live-work environments. The TSP update is winding down with key transportation improvements for these commercial areas being tentatively identified and prioritized. It is now timely for the City to turn its attention to (a) developing a set of land use regulations and design standards for private property to guide development in a manner that complements recommended transportation improvements, and (b) creating a building façade improvement program to help land owners accelerate redevelopment of their property in line with the new rules.

The Oregon Department of Transportation and the Department of Land Conservation and Development, by and through a jointly administered Transportation and Growth Management (TGM) Program, are accepting grant applications to fund projects of this nature that integrate land use and transportation plans. The application deadline is noon on July 30, 2021.

This agenda item has been scheduled to provide Commission members an opportunity to discuss key issues that should be addressed as part of the planning project so that staff can work the concepts into the application, where appropriate. Enclosed, for reference, is the TGM application packet, a City Council resolution in support of the application, a map of the project area, and graphics illustrating key transportation improvements likely to be recommended as part of the TSP update. Support letters will be coming in from the Chamber of Commerce, Lincoln County School District, Housing Authority of Lincoln County, Newport Bike/Ped Committee, and area businesses (i.e. JC Market, Bier One, and possible Western Title). I have also reached out to Centro De Ayuda and 350 Oregon Central Coast to see if they would be willing to provide support letters as well.

Attachments

TGM 2021 Application Packet, Project Vicinity Map, TSP Concept Solutions for US 101/20, and City Council Resolution No. 3927



Transportation & Growth Management Program

2021 Application Packet

Application Deadline: 11:59 p.m. PDT on Friday, July 30, 2021

Apply at

<https://www.cognitoforms.com/ODOT2/2021TransportationGrowthManagementGrantApplication>

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TGM MISSION

Oregon’s Transportation and Growth Management Program supports community efforts to expand transportation choices. By linking land use and transportation planning, TGM works in partnership with local governments to create vibrant, livable places in which people can walk, bike, take transit, or drive where they want to go. <https://www.oregon.gov/lcd/TGM>

Introduction

The Transportation and Growth Management Program (TGM) invites you to apply for funding in the 2021 grant cycle. The TGM Program provides long range planning resources to help Oregon communities address pressing transportation, land use, and growth management issues.

TGM is a joint effort of two state agencies: the Oregon Department of Transportation (ODOT) and the Oregon Department of Land Conservation and Development (DLCD). TGM is primarily funded by the federal transportation legislation, Fixing America's Surface Transportation (FAST) Act, under an agreement with the Federal Highway Administration. Additional staff support and funding is provided by the State of Oregon. TGM administers awarded projects on behalf of a local jurisdiction according to state and federal requirements.

The mission of TGM is to support community efforts to expand transportation choices. By linking land use and transportation planning, TGM works with local governments to create vibrant, livable places in which people can walk, bike, take transit or drive where they want to go.

2021 Emphasis

Equity

All TGM projects are expected to address equity both in purpose and approach.

Climate Change

Consistent with Governor Brown's March 2020 [Executive Order 20-04](#) TGM will:

- A. prioritize actions that reduced greenhouse gas (GHG) emissions in a cost-effective manner, and
- B. prioritize actions that will help vulnerable populations and impacted communities adapt to climate change impacts.

TGM projects in metropolitan areas should support state GHG reduction goals, or more stringent goals adopted by a metropolitan planning area.

Fire Recovery

TGM encourages grant applications that would help burned communities recover from fires consistent with TGM objectives. These projects are both timely and urgent for the program.

Direction to Applicants

Although always part of TGM, Equity and GHG Reduction will be a focus and expectation for the program going forward.

Fire Recovery is an emphasis for 2021.

TGM Objectives

The TGM Program works in partnership with local governments and other stakeholders to accomplish the following interrelated goals and objectives:

- 1 **Provide transportation choices** to support communities with the balanced and interconnected transportation networks necessary for mobility, equity, and economic growth.
 - 1.1 A balanced, interconnected, and safe transportation system that provides a variety of transportation options and supports land uses.
 - 1.2 Appropriately sited, designed, and managed local, regional, and state transportation facilities and services that support the movement of goods and provide for services.
 - 1.3 Mobility choices for underserved communities and those with limited options.
 - 1.4 Safe and convenient walking, biking, and public transportation opportunities to support a healthy, active lifestyle.
- 2 **Create communities** composed of vibrant neighborhoods and lively centers linked by accessible transportation.
 - 2.1 Livable towns and cities with a mix of housing types, work places, shops, schools, and parks for people of all ages, incomes and abilities.
 - 2.2 Well-located activity centers, including schools and other government services, which are accessible to pedestrians, bicyclists, and transit users.
 - 2.3 A safe and appealing physical environment supportive of the social, cultural, and health needs of all the community residents.
- 3 **Support economic vitality and growth** by planning for land uses and the movement of people and goods.
 - 3.1 Thriving existing neighborhoods and centers and well-planned new growth that accommodate existing and future residents, businesses, and services.
 - 3.2 Well-located and accessible industrial and employment centers.
 - 3.3 Housing with access to education, jobs, and services.
- 4 **Save public and private costs** with compact land uses and well-connected transportation patterns.
 - 4.1 Urban growth accommodated within existing communities, thus minimizing, delaying, or providing an alternative to an urban growth boundary expansion.
 - 4.2 Future transportation needs accommodated within the existing or improved system, thus minimizing, delaying, or providing an alternative to constructing additional major infrastructure projects.
- 5 **Promote environmental stewardship** through sustainable land use and transportation planning.
 - 5.1 Transportation systems and land use patterns that protect valuable natural resources, promote energy efficiency, and reduce emissions of air pollution and greenhouse gases.

Eligible Applicants

Eligible applicants include cities, counties, councils of government on behalf of a city or county, and tribal governments. Certain special districts are eligible, such as transportation districts, metropolitan planning organizations, ports, mass transit districts, parks and recreation districts, and metropolitan service districts.

School districts, and public colleges and universities, may be eligible as part of a joint application with a local government for an otherwise eligible project. Eligible applicants may join together to propose a project, such as a multi-county TSP or multi-city or city-county corridor plan.

Eligible Projects

TGM grants are for planning work leading to local policy decisions. Projects should result in the development of an adoption-ready plan or land use regulation or amendments to an existing plan or land use regulation.

Projects that primarily do research or outreach, study an issue, compile data, or inventory information are generally not eligible for grant funding. TGM grants also cannot fund preliminary engineering, engineering, or construction work. If in doubt, discuss with your Region TGM planner about whether your proposed work is eligible.

There are two categories of grants: Transportation System Planning (Category 1) and Integrated Land Use and Transportation Planning (Category 2).

Category 1- Transportation System Planning*Purpose*

To help local governments develop and update transportation system plans (TSPs) and implementing measures that implement the Transportation Planning Rules (OAR 660-012-0045); implement the Oregon Transportation Plan and other statewide modal and topic plans; increase opportunities for walking, biking, and transit; or reduce reliance on the state highway for local travel needs.

Eligible Uses

Projects in this category will result in a transportation decision. Projects will plan for transportation facilities inside Urban Growth Boundaries (UGB's), in urban unincorporated communities, and along rural highway corridors. Projects proposed for areas being considered in a UGB amendment process may be eligible, but must demonstrate they are timely and reasonably achievable. Category 1 projects typically include preparation and adoption of:

- TSPs, including analysis to determine transportation needs, and planning for such elements as local street networks, bicyclists and pedestrians, safety including safe routes to school, transit, and freight.
- TSP updates, in whole or part, to address new needs, comply with new state or federal regulations, maintain consistency with a regional transportation plan, plan for areas newly

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brought into the UGB, reduce greenhouse gas emissions, or make the transportation system more resilient to the impacts of natural hazards.

- TSP implementation, such as streetscape plans, cost estimate refinement, capital improvement and other funding plans, and land use regulations required by the Transportation Planning Rule.
- TSP refinement, such as corridor plans, multimodal safety plans, interchange area management plans, or other planning to implement Oregon statewide modal and topic plans.
- Transit Development Plans that provide long term vision and policy for existing and future transit service.
- Other innovative transportation-related planning projects that are consistent with TGM Objectives.

Category 2- Integrated Land Use and Transportation Planning

Purpose

To help local governments develop integrated land use and transportation plans and implementing measures that encourage livable, affordable, and accessible communities for all ages and incomes; promote compact, mixed-use, walkable development to increase walking, biking, and transit; or support physical, social, and economic needs.

Eligible Uses

Projects in this category will result in a land use decision. Projects will combine land use planning with supportive transportation facility planning inside UGBs, urban unincorporated communities, and urban reserve areas. Category 2 projects typically include preparation and adoption of:

- Specific area plans for land uses in a downtown, main street, commercial or employment area, neighborhood, corridor, or interchange.
- Land use and transportation concept plans for areas brought into a UGB.
- Transportation-efficient land use plans for an entire urban area, such as location efficiency of housing and employment or reducing greenhouse gas emissions from transportation.
- Implementing measures, such as code amendments, infill and redevelopment strategies, and intergovernmental agreements.
- Other innovative land use and transportation-related planning projects that are consistent with TGM Objectives.

If you are not sure if your project is eligible for a TGM grant, you can search the lists of TGM grants - <https://www.oregon.gov/lcd/TGM/Documents/TGM-Complete-Active-Projects.pdf> - and TGM final grant products - <https://www.oregon.gov/lcd/TGM/Pages/Final-Grant-Products>.

If your project is not eligible for a TGM grant, one of TGM's Community Assistance programs – Quick Response, Code Assistance, Education and Outreach, or TSP Assessment – may be able to help. See: <https://www.oregon.gov/lcd/TGM>.

Grant Basics

Grant Selection Overview

The TGM Program awards grants on an annual basis. TGM typically awards between \$2 and \$2.5 million statewide per cycle. Projects are selected on a competitive basis within each of the five ODOT regions. The regional allocation – funds available for projects – is based on a formula that considers the number of cities and the population within a region. Award amounts generally range between \$100,000 and \$250,000.

Projects are selected primarily on the points scored under the grant award criteria; also considered are the grant amounts requested, the estimated amounts TGM believes may be required to complete a project, the amount of grant dollars available for award within a geographic region, and the balance of grant dollars between Category 1 and Category 2 projects.

TGM also consults with other state agencies to gain further insights about proposed projects. A consideration in scoring is ensuring a fair distribution of grant funds to smaller or economically distressed communities.

Grant Project Overview

In September 2021, successful applicants will receive a grant award letter. The grantee and a TGM grant manager will work together to prepare a project statement of work, select a consultant (as appropriate), and complete an intergovernmental agreement (IGA).

Initial project statement of work negotiations must be completed within [TGM's timeline](#) or the grant award may be withdrawn. The grant award is not final until the IGA between ODOT and local grantee is signed by all parties.

Grants generally have two years after award to be negotiated, conducted, and completed; projects that will take longer than three years from award to completion are not suitable for TGM grant funds. Project extensions are subject to available funding and continued project eligibility.

Use of Consultants

For projects using consultants, ODOT, rather than local grantees, will contract with consultants. Using ODOT policies and procedures that meet state and federal requirements, TGM staff will work with jurisdictions to select the project consultant that best fits the specific planning services needed.

Grantee Obligations

Match

TGM requires a local grant match of 12% of the total project cost. Grantees typically provide match in the form of cash or direct project costs, such as time and materials which are directly related to the project. Time that may be counted as project match includes that from grantee staff, grantee contract planners and engineers, or certain volunteers, such as project committee

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members. Communities defined as “distressed” by the Oregon Business Development Department may request a partial match waiver. The list of distressed communities is available online at: <http://www.oregon4biz.com/Publications/Distressed-List/>.

The ways to fulfill match requirements vary:

- Grantees not using consultants will bill TGM for eligible project costs, such as in-house staff labor or other eligible expenditures. TGM will reimburse the grantee for those costs, less the required match amount.
- Grantees using consultants and *not* being partially reimbursed for their own work will submit match reports that document eligible local project costs to meet the match requirement.
- Grantees using consultants and being partially reimbursed for their own work will bill all of their work and be reimbursed for those costs less the required match. Consultants will bill and be paid at 100%.
- Grantees have the option to send cash directly to TGM at IGA signing for the full match amount.

Note: As an award condition, grantees with unmet match obligations from previous TGM projects must document that the match was provided or pay the balance of unmet match within three weeks of notice of new grant award, or the award will be withdrawn.

Eligible Costs

TGM grants and required match can be spent only on direct project-related costs. Eligible costs include salary of local government employees assigned to the project, postage, travel, supplies, and printing.

Equipment purchases and indirect costs, including general administrative overhead, are not eligible costs unless you have a federally approved indirect cost plan. Local expenses for persons or firms who contract with a local government to provide planning or other services are *not* eligible for reimbursement, but may be counted as match.

Costs incurred prior to signing an intergovernmental agreement are not eligible project costs. This includes costs of preparing the grant application, preparing a statement of work, and selecting a consultant.

Project Management

Local commitment is key to a successful project. As a condition of award, grantees will be asked to provide written commitment that they will meet all grantee obligations in a timely manner. Grantees must provide a project manager who has the time and the capability to oversee project work and will:

- serve as principal contact person for the project;
- help to develop a statement of work;

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- monitor and coordinate work, including consultant work, to ensure completion of all work on time and within budget;
- review consultant work products and payment requests;
- make logistical arrangements and provide public notification for local meetings and public events;
- provide legal notice, including post-acknowledgement plan amendments notice;
- prepare progress reports, match reports, reimbursement requests, and the closeout report; and;
- keep local decision-makers informed about the project.

Note: As an award condition, grantees with unmet project management obligations from previously completed TGM projects must fulfill their obligations within three weeks of notice of new grant award, or TGM will withdraw the award.

Title VI/Environmental Justice/Americans with Disabilities

Awarded projects are expected to abide by Title VI and related authorities including Executive Order 12898 (Environmental justice) which prohibit discrimination on the basis of race, color, national origin, or income, and other demographic characteristics. They are intended to make planning and decision-making more inclusive and to more equitably share the impacts and benefits of projects that receive federal funding. The public involvement program must include specific steps to provide opportunities for participation by federal Title VI communities. In addition, grants that include planning for pedestrians must consider Americans with Disabilities Act requirements.

Grant Timeline

July 30, 2021	Grant Applications due by 11:59 p.m.
August – September 2021	Application scoring and ranking
September 2021	Project award announcements
January – March 2022	Grantees must have agreed on a detailed statement of work sufficient to select a Consultant, or to prepare an IGA if no consultant will be used
June – July 2022	IGA and personal services contracts must be signed and projects underway
June 14, 2024	Expected 2021 TGM project completion
December 13, 2024	All 2021 TGM Projects <u>must</u> be completed for ODOT to meet FHWA obligations

More Information

Download the Application Instructions and the required Racial and Ethnic Impact Statement at <https://www.oregon.gov/LCD/TGM/Pages/Planning-Grants>.

For general questions about the application process, contact Elizabeth Ledet at elizabeth.l.ledet@odot.state.or.us or Bill Holmstrom at 971-375-5975 or bill.holmstrom@state.or.us.

Contact Rachael Levasseur at 503-986-4155 or Rachael.Levasseur@odot.state.or.us for assistance with filling out the [online form](#).

Equity Populations Defined

Your application responses should define what populations are relevant for your community. Here is the definition that TGM uses from [The State of Oregon Equity Framework \(June 2020\)](#)

“... the definition of our historically and currently underserved communities include Oregonians who are:

- Native Americans, members of Oregon’s nine federally recognized tribes, American Indians, Alaska Natives;
- Black, Africans, African Americans;
- Latinx, Hispanic;
- Asian, Pacific Islanders;
- Immigrants, refugees, asylum seekers;
- Undocumented, DREAMers;
- Linguistically diverse;
- People with disabilities;
- LGBTQ+;
- Aging/older adults;
- Economically disadvantaged;
- Farmworkers, migrant workers; and
- Living in rural parts of the state.”

The [ODOT website](#) has additional resources such as the [ODOT Title VI Implementation Plan \(2021\)](#).

Grant Eligibility

Applications are reviewed on a pass/fail basis on each of the following three criteria. Applications found to not meet each of these requirements will not be scored against the award criteria and will not be awarded a grant.

1) Clear Transportation Relationship

A proposed project must have a clear transportation relationship and produce transportation benefits. A project must entail analysis, evaluation and selection of alternatives, development of implementation actions, and public involvement that results in a long range transportation plan, land use plan, or other product that addresses a transportation problem, need, opportunity, or issue of local or regional importance.

2) Adoption of Products to meet Project Objectives

A proposed project must include preparation of an adoption-ready product or products that lead to a local policy decision and that directly address the project objectives, such as a transportation system plan, comprehensive plan amendment, land use plan, code amendment, implementation program, or intergovernmental agreement. Projects are expected to include adoption hearings (or equivalent) by the governing body or to prepare products which will be adopted as part of a larger project.

3) Support of Local Officials

A proposed project must clearly demonstrate that local officials, both the primary applicant and any co-applicants, understand the purpose of the grant application and support the project objectives. A resolution of support, meeting minutes, or authorized letter from the governing body of all applicants (e.g. City Council, Board of Commissioners, or Transit Board) must be submitted with the application to meet this requirement.

Grant Award Criteria

Up to 100 points are based on an applicant's written responses to five award criteria. Please consult Application Instructions before beginning.

1) Proposed Project Addresses a Need and Supports TGM Objectives **40 Points**

The project clearly and effectively addresses a local or regional transportation or transportation-related land use issue, problem, need, or opportunity and will achieve one or more of the TGM Objectives.

2) Proposed Project is Timely and Urgent **25 Points**

The application demonstrates timeliness and urgency. The project is needed now to:

- address pressing local transportation and land use issues;
- make amendments to local plans or regulations necessitated by changes in federal regulations, state requirements, or regional plans;
- make amendments to local plans or regulations necessitated by changes that were not anticipated in previous plans including growth or lack of growth, changes in land use patterns, or changes in available funding;
- build on, complement, or take a necessary step toward completing or implementing other high priority community initiatives, including supporting a Governor’s Regional Solutions Team priority; or
- resolve transportation- or land use-related issues affecting the project readiness of local, regional, or state transportation projects for which funding is expected to be obligated within the near future.

3) Proposed Project Approach Supports Policy Decision s **20 Points**

The application demonstrates a clear approach to achieving the expected outcome and includes consideration for adoption. Where substantial coordination with other local, regional, and state planning efforts will need to occur, the mechanisms and responsibilities for the coordination are clear.

4) Proposed Project has Community Support **5 Points**

The application demonstrates that there is local support for the project objectives, a commitment to participate, and a desire to implement the expected outcome.

Executive Order 20-04

Under Governor Brown’s [Executive Order 20-04](#), ODOT and DLCD must consider and integrate climate change, climate change impacts, and the state’s GHG emissions reduction goals into their decisions. This means that within the grant award criteria, TGM will emphasize actions that reduce GHG emissions, and actions that will help vulnerable populations and impacted communities adapt to climate change impacts.

5) Proposed Project Sponsor is Ready and Capable**10 Points**

The application demonstrates that the local government is ready and able to begin the project within the TGM timetable and that there is local commitment and capability to manage and complete the project. The application demonstrates, if applicable, successful performance on previous TGM projects.

Project Innovation

Up to 10 bonus points may be awarded if the project would be innovative in subject matter, approach, or expected outcomes. Examples of this could include:

- addressing evacuation planning as part of a TSP or TSP update,
- considering the role of transportation as part of the public realm including social spaces,
- using scenario planning tools to change current development policies to address the impacts of climate change,
- using available tools such as REMIX to locate bike share stations as a first/last mile strategy to increase transit access for priority communities or for Safe Routes to Schools planning, and
- expanding safety data sources and analyses in TSPs to consider sidewalk falls/injuries and demographic patterns in crashes.

Applicants are **not** asked to write a separate response about how their project meets this criterion; scorers will award points based on the entirety of the application. By the nature of the criterion, most projects will not receive any bonus points

Region Contacts

For advice on preparing an application for your specific project, contact our lead [ODOT Region](#) TGM planners, listed below.

ODOT

<u>Region 1</u>	Glen Bolen (Portland)	<u>glen.a.bolen@odot.state.or.us</u>
<u>Region 2</u>	David Helton (Springfield)	<u>david.i.helton@odot.state.or.us</u>
<u>Region 3</u>	John McDonald (Roseburg)	<u>john.mcdonald@odot.state.or.us</u>
<u>Region 4</u>	Devin Hearing (Bend)	<u>devin.hearing@odot.state.or.us</u>
<u>Region 5</u>	Cheryl Jarvis-Smith (La Grande)	<u>cheryl.jarvis-smith@odot.state.or.us</u>

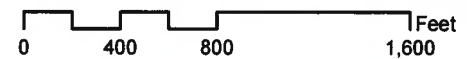


City of Newport
Community Development Department
169 SW Coast Highway Phone: 1.541.574.0629
Newport, OR 97365 Fax: 1.541.574.0644

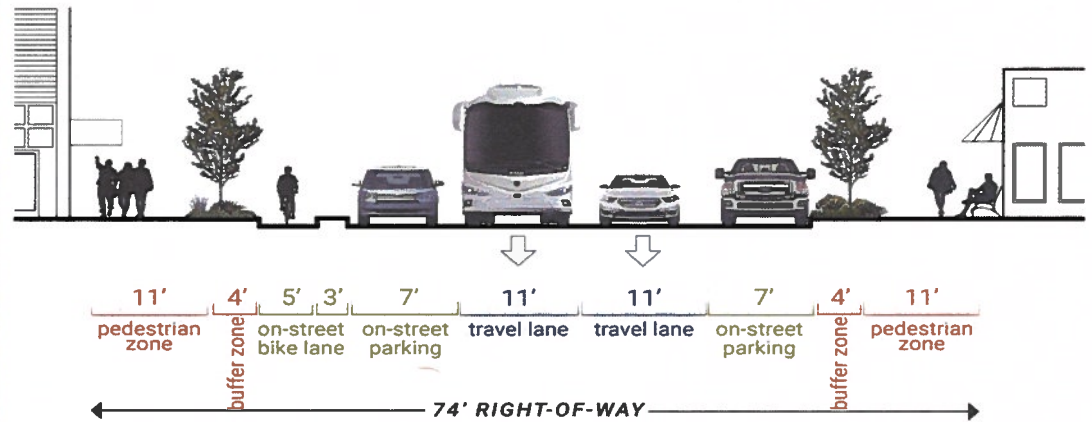
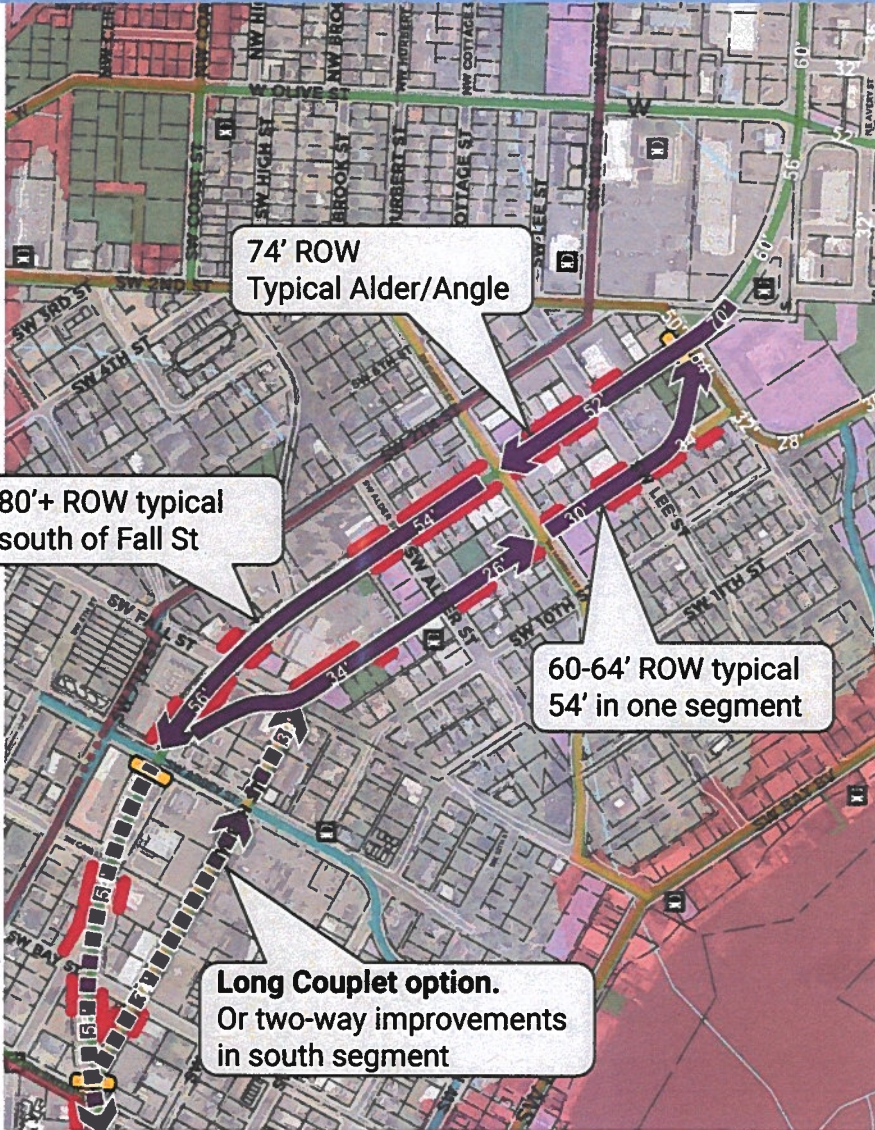
Newport City Center Revitalization Project (Boundary in Red)

Image Taken July 2018
4-inch, 4-band Digital Orthophotos
Quantum Spatial, Inc. Corvallis, OR

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.



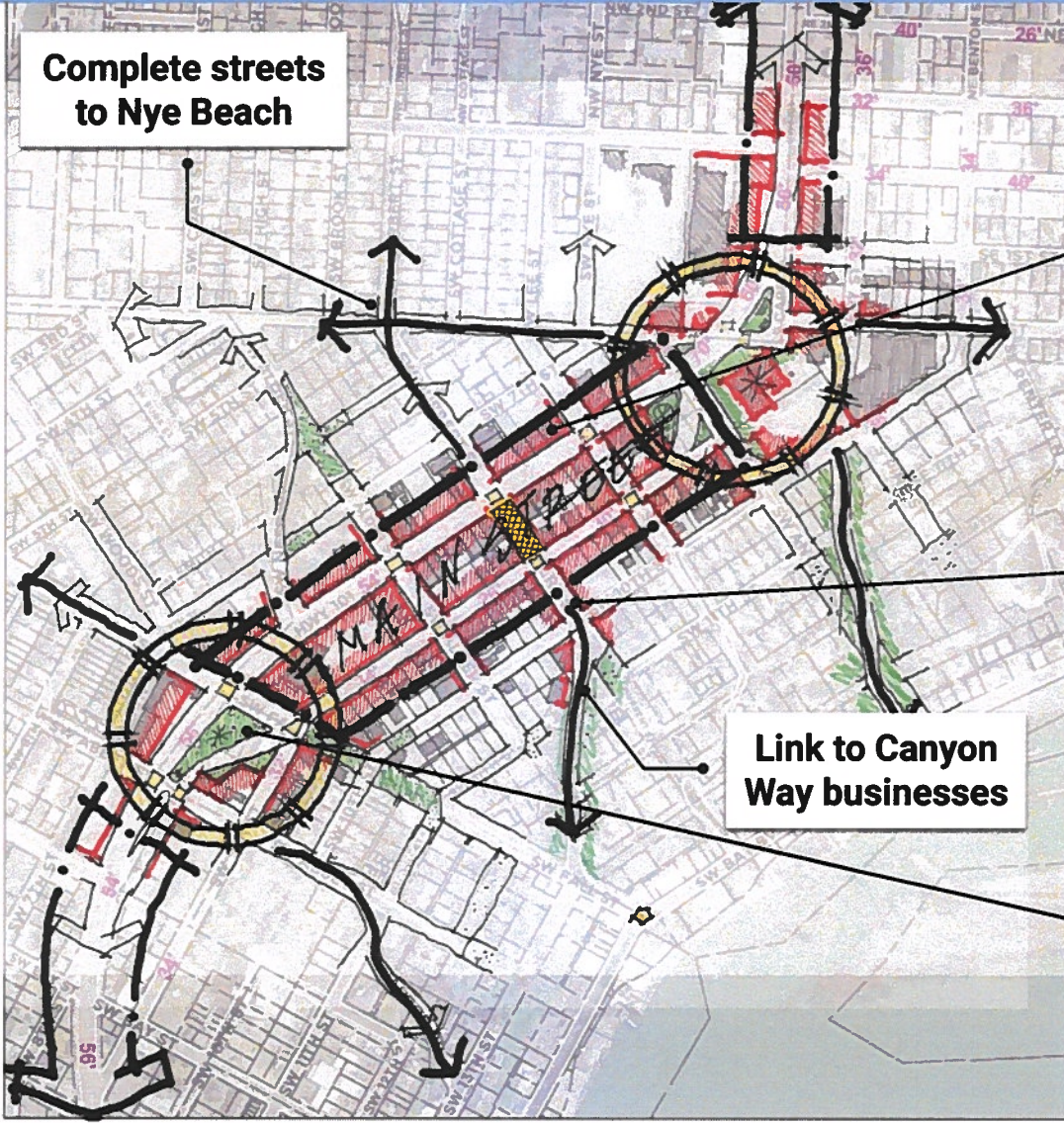
HWY 101 SHORT and LONG COUPLETS | VEHICLE OPERATIONS & WALK/BIKE



HWY 101 SOUTHBOUND

- Two southbound lanes
- Retain parking on both sides
- Protected bikeway and wider sidewalks

CONCEPT C. HWY 101 SHORT COUPLET \ GRID AND URBAN FORM



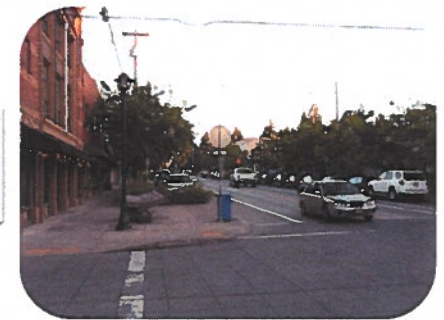
Complete streets to Nye Beach

Mixed-use development

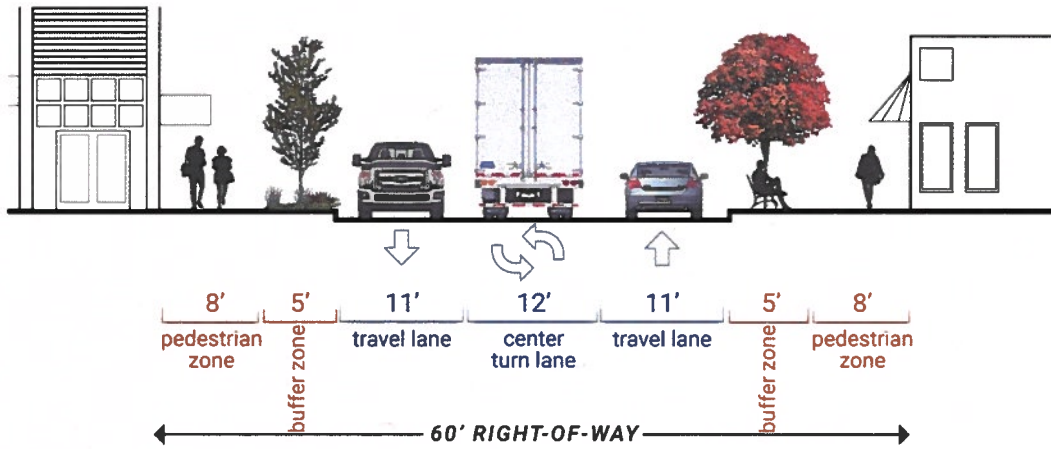
Side street improvements

Link to Canyon Way businesses

Gateway and welcome



CONCEPT D. HWY 20 TWO-WAY | VEHICLE OPERATIONS & WALK/BIKE

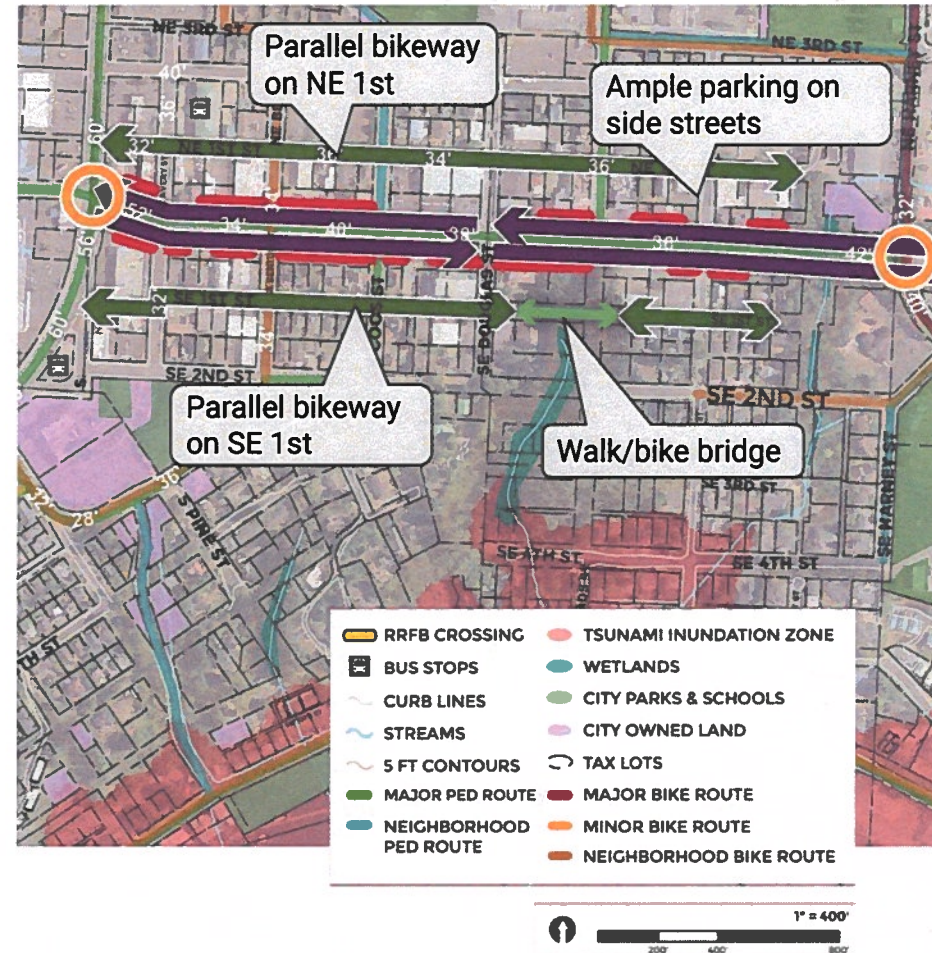


HWY 20 TWO-WAY: WIDER SIDEWALKS

- Reduced lanes width from excessively wide today
- Widens sidewalk and provides landscaping
- Requires parallel route bikeway (potential on NE 1st with bikelanes or shared street)

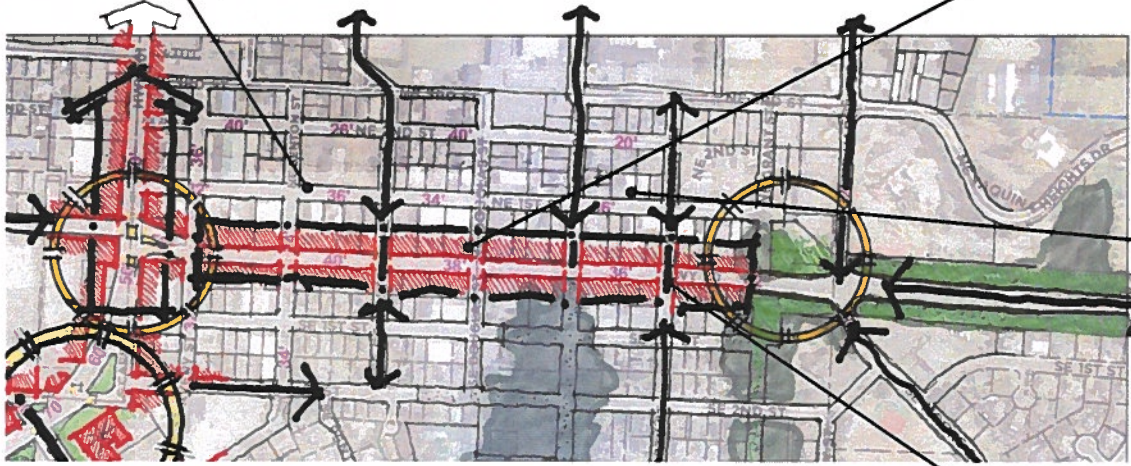
NE 1st and SE 1st BIKEWAY

- Option 1: Shared bike and vehicle lanes (2 lanes)
- Option 2: Remove parking, add bike lanes



CONCEPT D. HWY 20 TWO-WAY | GRID AND URBAN FORM

Potential neighborhood bikeway on 1st



Commercial redevelopment



Neighborhood Residential



Potential hwy bikeway



CITY OF NEWPORT**RESOLUTION NO. 3927****A RESOLUTION IN SUPPORT OF A TRANSPORTATION
AND GROWTH MANAGEMENT GRANT APPLICATION
TO FURTHER THE CITY'S EFFORTS TO REVITALIZE
NEWPORT'S CITY CENTER AREA**

WHEREAS, Newport's commercial areas along US 101 and US 20, particularly between the Yaquina Bay Bridge and US 101/US 20 intersection, are underutilized with vacant storefronts and aging, poorly maintained buildings; and

WHEREAS, the City established an urban renewal district over the affected areas in 2015 to plan for, and fund, improvements to attract new investments and facilitate the revitalization of these commercial corridors; and

WHEREAS, as an initial investment the City, through its Urban Renewal Agency, partnered with the Oregon Department of Transportation to update its Transportation System Plan (TSP) to identify how the streetscape can be redefined to catalyze economic development and provide infrastructure needed to support additional density, and mixed use live-work environments; and

WHEREAS, the TSP update is winding down with key transportation improvements for these commercial areas being tentatively identified and prioritized; and

WHEREAS, it is now timely for the City to turn its attention to (a) developing a set of land use regulations and design standards for private property to guide development in a manner that complements recommended transportation improvements, and (b) creating a building façade improvement program to help property owners accelerate redevelopment in line with the new rules; and

WHEREAS, to successfully revitalize these commercial corridors the City needs to reserve most of its limited urban renewal funds for implementation and; therefore, desires to partner with the Oregon Department of Transportation and the Department of Land Conservation and Development, by and through a jointly administered Transportation and Growth Management (TGM) Program, to secure a grant to hire a consultant(s) with the requisite expertise to assist with developing the land use regulations, design standards, and framework for a building façade improvement program; and

WHEREAS, The City of Newport has budgeted sufficient funds and is prepared to dedicate staff resources, as needed, to fulfill its obligations related to this grant request should the TGM Program award the grant.

Based upon these findings:

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Community Development Director of the City of Newport is authorized to apply for a grant from the State of Oregon Transportation and Growth Management Program to secure funding to develop the land use regulations, design standards, and framework for a building façade improvement program as specified above; and

Section 2. The effective date of this resolution is July 19, 2021.

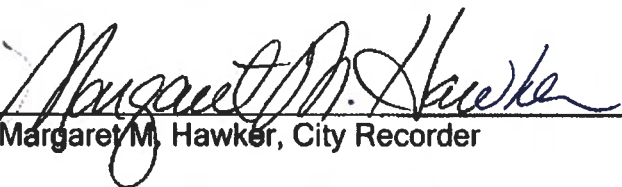
Adopted by the Newport City Council on July 19, 2021.

CITY OF NEWPORT



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director 
Date: July 23, 2021
Re: File No. 1-Z-21, Policy Options for Food Truck/Food Cart Amendments

At the close of the July 12, 2021 public hearing, Commission members requested changes to the draft set of municipal code amendments, including the policy options that were presented, and asked that updated language be distributed for review and discussion at the July 26, 2021 work session. A public hearing on the revised set of amendments is scheduled for 7:00 pm that same evening.

Enclosed is an updated set of the amendments. It includes staff analysis explaining why each of the changes were made, and this work session is an opportunity for Commission members to ask clarifying questions of staff or to request minor revisions. Members of the public may attend and observe the work session; however, any testimony should be taken at the regular meeting.

Attachments

Draft Amendments to NMC Chapter 4.10
Draft Amendments to NMC Chapter 14
Draft Amendments to NMC Chapter 11.05 and 12.15

July 22, 2021 Revisions to NMC Chapter 4.10, Vending on Public Property

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

CHAPTER 4.10 VENDING ON PUBLIC PROPERTY

4.10.005 Findings and Purpose

- A. The primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic.
- B. Unrestricted vending on public streets, sidewalks and other public places would interfere with the primary use of those public areas. However, vending on the public streets and sidewalks and upon certain public property that is limited to times and locations that minimize interference with public use promotes the public interest by contributing to an active and attractive pedestrian environment.
- C. The purpose of this chapter is to preserve the ability to use streets, sidewalks and other public places for their primary purposes while allowing limited vending in those areas to protect the public health, safety, and welfare.

4.10.010 Definitions

The following definitions apply within this chapter.

Business Vending Area. Public property determined by the City Council by resolution to be areas where vendors may sell or offer to sell food, beverages, merchandise or services from a stand.

Stand. Any table, showcase, bench, rack, pushcart, or wagon or other vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor, or otherwise used in connection with any activities of a vendor. Stand does not include any item carried by a vendor and not placed on the ground or pavement for use or display.

Mobile Stand. A stand that is moved from place to place and that is engaged in vending from a single location in the public right of way for no more than 15 minutes in residential zoned areas or up to 2 hours at a time elsewhere in the city.

Fixed standStand. A stand at which vending occurs for more than 15 minutes in residential zoned areas or more than 2 hours at a time in a single location elsewhere in the city. Even

if a stand is easily movable, it is a fixed stand if it remains in place for more than 15 minutes in a residential zoned area or 2 hours elsewhere in the city in the course of a vending activity. For purposes of the definitions of “~~mixed-mobile~~ stand” and “fixed stand,” single location includes 100 feet in all directions.

Vending. The activity of selling or offering for sale any food, beverage, merchandise or service on public property, streets or sidewalks from a stand, from the person or otherwise.

Vendor. Any person engaged in the activity of vending, whether directly or indirectly.

Staff: The City last amended this section with Ordinance No. 2112, an ordinance that was adopted in May of 2017. That ordinance included a sunset clause that required further City Council action, a step that did not occur, meaning the changes were revoked as of January 1, 2018. Ordinance No. 2112 changed the transition point from mobile to fixed stands from 15 minutes to 30 minutes to better accommodate food trucks. The proposed change extends that timeframe further to two (2) hours. A two (2) hour transition point aligns with Oregon Health Authority regulations that require access to an accessible restroom within 500-feet of the food truck. An endorsement for mobile vending authorizes a user to lawfully park for short periods of time on public streets throughout the city. Introducing a restroom verification requirement isn't something that could be reasonably accomplished in this context. Retaining the 15-min. transition point for residential zoned areas effectively limits vending in those areas to traditional, transient operators such as ice cream sales. The reference to “residential areas” has been clarified to read “residential zoned areas” at the request of the Commission (5/24/21 work session).

4.10.015 Vending On Public Property

- A. It shall be unlawful to engage in any vending activity upon any street, sidewalk, or other public property of the city except as specifically allowed by a vending endorsement on a business license or an exemption allowed by Subsections B. or C. of this section.
- B. Vending on any city-owned or city-administered property other than rights of way or business vending areas is prohibited without a Special Event Permit issued pursuant

~~to NMC Chapter 9.80 written agreement with the city.~~ Any vending ~~by written agreement with the city~~ authorized by a Special Event Permit is exempt from the prohibition on vending stated in Subsection A. of this section.

- C. Vending on sidewalks by persons under 13 years of age with the permission of the adjacent property owner is exempt from the provisions of this chapter, provided that the vending activity cannot block the sidewalk. The sole remedy under this section shall be the relocation of the activity so that the sidewalk is not blocked.

Staff: Private activities conducted on public property other than rights-of-way or business vending areas require a Special Event Permit. That clarification was made with Ord. No. 2170. This section of the code is being amended to direct persons to the Special Event permitting process.

4.10.020 Application

An application for a business license with a vending endorsement shall contain the following additional information:

- A. The names, residence and business addresses and residence and business telephone numbers of each person who may be engaged in operating such business or stand.
- B. A description of the type of food, beverage, merchandise or service to be sold or offered for sale as part of the vending operation.
- C. The location(s) where any stand(s) will be located.
- D. A description and photograph or drawing of any stand to be used in the operation of the business. The requirement for a drawing or photograph may be waived for stands operated on sidewalks adjacent to the place of business of the license holder.
- E. Proof of liability insurance covering personal injury and property damage, with coverage limits of at least ~~\$500,000~~2,000,000, naming the city as an additional insured.

Staff: Insurance requirement is updated to align with current City practice. This was noted in the regulatory concept memo distributed at the 4/12/21 work session.

4.10.025 Vending Locations

- A. Fixed stands are permitted only within:
1. Business vending area locations, or
 2. The sidewalk area immediately adjacent to the applicant's place of business and the standards of Section 4.10.035 are met. Stands authorized under this agreement must be operated by the operator of the adjacent business.
- B. The vending endorsement for a fixed stand shall specify the location where the fixed stand may be located and is valid only for that location.
- C. The Council may, by resolution, limit the number of fixed stands at each business vending area. ~~If the applications~~ Applications for a vending endorsement for fixed stands in a business vending area ~~exceed the maximum number of fixed stands, endorsements shall be awarded by lot from the applications received by May 31 for the period beginning July 1, shall be issued on a first come, first served basis with preference being given to vendor(s) that possessed a vending endorsement to operate at the business vending area the previous fiscal year.~~
- Staff: This change was requested by Commission members at the 7/12/21 public hearing. The rationale is that a vendor that invested time, energy and resources into a fixed stand at a business vending area should not be at risk of losing the vending opportunity every time their license is up for renewal.*
- D. Vending other than from fixed stands are not specific to a location but are subject to the restrictions in Section 4.10.035(A).
- E. Vending endorsements for stands at business vending area locations are limited to one stand. Vending endorsements for areas adjacent to a permanent place of business may include more than one stand.

4.10.030 Fees

- A. ~~An endorsement application surcharge of \$10.00 or such other amount as may be established by Council resolution shall be~~ A surcharge shall be added to the business license application fee if a vendor's endorsement is applied for to recover the city's administrative costs for processing vending endorsement applications. An entity exempt from payment of the business license fee is exempt from payment of the endorsement application surcharge.
- B. An additional fee ~~of \$50.00 per calendar month of operation~~ shall be charged for each fixed stand in a business vending areas and for each mobile stand. The endorsement shall list the months that the stand may operate. Endorsements may be amended to add months, but no refunds shall be given if the licensee does not exercise all rights under the endorsement.
- C. An additional fee ~~of \$50.00 per calendar month, not to exceed a total of \$250.00 per calendar year,~~ shall be charged to holders of endorsements to operate stands adjacent to the business, as permitted by Section 4.10.025(A)(2). The endorsement shall list the months that the stands may operate. Endorsements may be amended to add months, but no refund shall be given if the licensee does not exercise all rights under the endorsement.
- D. Vending endorsement fees shall be established by resolution of the City Council.

Staff: This section has been amended to remove references to specific dollar amounts in favor of having the fees set by resolution. It is a housekeeping change that the City has been making as sections of the Municipal Code are amended.

4.10.035 Restrictions

A. No vendor shall:

POLICY OPTIONS

1(a) Vend within 500 feet of the grounds of any elementary or secondary school during the period commencing one-half hour prior to the start of the school day and ending one-half hour after dismissal at the end of the school day;

or

1(b) Vend within 500 feet of the grounds of any elementary ~~or secondary~~ school during the period commencing one-half hour prior to the start of the school day and ending one-half hour after dismissal at the end of the school day;

Staff: The Planning Commission received testimony from Janet Webster that the City needs to address the provision barring vending in road rights-of-way or on public property that is within 500-feet of an elementary or secondary school when school is in session (ref: 3/26/21 and 4/12/21 emails). Her concern namely relates to its potential impact on private property that she and her husband own that is not impacted by these regulations, since the Chapter 4.10 provisions are limited to road rights-of-way and public property.

The Commission considered Ms. Webster's comments when it met in work session to consider the draft amendments and indicated that it could potentially support lifting the prohibition as it relates to secondary schools (i.e. the middle and high school). Before acting upon any such change, the Commission asked staff to meet with the District. That meeting occurred on 6/23/21 and the School District provided written testimony on 6/28/21. The District requests that the City retain the existing standard, indicating, among other things, that allowing food carts could compromise a free lunch program they offer that relies upon student participation and would potentially conflict with closed campus policies that they have in place for the middle school or are considering for grades 9 and

10 at the high school. This is documented in letters dated 6/28/21 and 7/12/21. The Commission received written testimony from Janet Webster on 7/11/21, Front Street Marine, LLC (Steven Webster) on 7/12/21, and Victor Mettle on 7/12/21 objecting to the District's request and refuting their rationale, particularly as it relates to student safety and the nutritional quality of food truck/cart products.

Following the 7/12/21 hearing, the Commission requested that the District provide additional information about the free lunch program and asked that these two options be kept on the table for further consideration on 7/26/21.

The Commission can retain the existing limitation, as shown with option 1(a) or it could amend the prohibition as it relates to secondary schools as shown with option 1(b). Staff recommends the Commission pursue option 1(a), which retains the existing 500-foot limitation, if there is a chance the introduction of mobile food units in close proximity to secondary schools could compromise the District's free lunch program. Such a concern is reasonable considering the number of students that benefit from the program, and even with the limitation in place, the code changes will make available a substantial amount of right-of-way to food trucks, consistent with the Council's goal.

POLICY OPTION

2. Vend within the Nye Beach or Bayfront parking districts, the geographic boundaries of which are defined in NMC Section 14.14.100, except within a business vending area or as authorized by a Special Event Permit issued pursuant to NMC Chapter 9.80.

Staff: This policy option has been added, at the Commission's request, in response to public testimony received at the 7/12/21 public hearing. A request was made that food trucks/carts be limited to pods in Nye Beach and the Bayfront given the level of activity and congestion in these areas. This would require that they be prohibited in public rights-of-way and on public property. The proposed language leaves in place the option of vendors operating within the districts if they are located

within a designated vending area or as part of a Special Event Permit. NMC 14.14.100 includes boundary descriptions for the districts and is logical in that it coincides with areas where timed parking is used to manage demand. A map illustrating the district boundaries is included with the 7/26/21 agenda packet materials.

3. Vend between the hours of 9:00 P.M. and 6:00 A.M.
4. Leave any stand unattended.
5. Sell food or beverages for immediate consumption along rights-of-way or public property that front an eating or drinking establishment or in areas where air litter receptacles are-is not available within 25 feet of the vendor.

Staff: This change addresses the second bullet point in the 7/6/21 letter from Hallmark Inns and Resorts, Inc., requesting the Commission prohibit food carts/trucks from setting up in a parking space that is in front of an existing eating or drinking establishment. This would help prevent friction between users and avoids what could be viewed as unfair competition for patrons. Following the 7/12/21 hearing, the Commission confirmed that this revision is warranted.

6. Leave any location without first picking up, removing and lawfully dispersing of all trash or refuse remaining from sales made by the vendor or otherwise resulting from the vendor's activities.
7. If vending is from a stand, allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand.
8. If the license includes a stand, expand the stand beyond what is described in the application and allowed in the permit.
9. Vend anything other than that which the vendor is licensed to vend;
10. Violate any city ordinance regulating sound or noise.
11. Vend within any portion of any-a vehicle travel lane portion-of-anywithin a street other than at times when

the street is closed to allow vending. This prohibition does not prohibit the use of mobile stands legally parked and selling to persons not within the vehicle use travel lane portion of a street. For the purpose of this subsection, "legally parked" means the vehicle is located within a striped parking stall or other area designated for vehicle parking.

Staff: This subsection has been revised for clarity. At its 5/24/21 work session, the Commission inquired as to whether or not a vehicle can park across multiple striped parking spaces. The Police Chief indicated that he is unaware of a law that would prevent that from occurring, so language has been added to define legally parked, in the context of vending, as being parked within a striped stall or other area designated for parking.

12. Operate a stand without displaying a copy of the business license with the vending endorsement on the stand or engage in other vending activity without having the business license with vending endorsement immediately available for inspection.
- B. No vendor selling other than at a fixed stand shall vend at any location where the sidewalk is not at least eight feet in width, or within 10 feet of an entrance way to any building or within 20 feet of any crosswalk or intersection. No vendor shall block or allow customers to block a sidewalk.
- C. No vendor shall allow his or her stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure without the owner's permission.
- D. Vending activities, whether from a stand or otherwise, shall be conducted in such a way as to not block pedestrian use of a sidewalk. Pedestrian use is considered blocked if two persons cannot pass each other walking in opposite directions.

4.10.040 Vending Stands

POLICY OPTIONS

A(1) Vending stands licensed for business vending areas shall not exceed five feet in length and five feet in height, excluding canopies and umbrellas.

or

A(2) Vending stands licensed for business vending areas shall not exceed ~~five~~ eighteen (18) feet in length and ~~five~~ ten (10) feet in height, excluding canopies and umbrellas.

or

A(3) Vending stands licensed for business vending areas shall not exceed five feet in length and five feet in height, excluding canopies and umbrellas, unless an alternative vending stand size limitation is established for a business vending area(s) by City Council resolution.

Staff: These policy options get at the size allowances for vending stands at "business vending areas," which are public sites designated for vending by Council resolution. Areas currently designated include the plaza at the Nye Beach Turnaround (up to 3 licenses) and the lift station site at Hatfield and Bay Blvd (up to 2 licenses). Option A(1) retains the existing language, which limits the size of stands to a footprint that can accommodate food vending pushcarts or small tables for retail sales. Option A(2) expands the size allowance for a stand to accommodate a food truck/cart, in line with the recommendation listed under the third bullet point of the 7/6/21 letter from Hallmark Inns and Resorts, Inc. Option A(3) was added at the Commission's request following the 7/12/21 hearing. It gives the City Council the option of identifying, by resolution, business vending areas where stands larger than 5-ft x 5-ft are appropriate.

B. Umbrellas and canopies shall be a minimum of seven feet above the sidewalk. Umbrellas or canopies may not exceed 100 square feet in area.

C. Vending stands on sidewalks adjacent to the licensee's place of business are permitted only in the following areas:

1. On SW Coast Highway between SW Angle Street and SW Fall Street.
2. On SW Bay Boulevard between SW Bay Street and SE Eads Street.

July 22, 2021 Revisions to NMC Chapter 4.10, Vending on Public Property

3. On Hurbert Street between SW 7th Street and SW 9th Street.
4. In the area bounded by Olive Street on the south, NW 6th Street on the north, NW High Street and NW Coast Street on the east and the Pacific Ocean on the west, including both sides of each named street. For purposes of this section, "Olive Street" means both Olive Street and the area that Olive Street would occupy if it continued straight to the Pacific Ocean west of SW Coast Street.
5. Any other location designated by the Council by resolution.

4.10.045 Denial and Revocation

- A. A vendor's endorsement may be denied or revoked for any of the following causes:
 1. Fraud or misrepresentation contained in the application for the business license with vending endorsement.
 2. Fraud or misrepresentation made in the course of carrying on the vending business.
 3. Conduct of the vending business in such manner as to create a public nuisance or constitute a danger or hazard to the public health, safety, or welfare.
 4. Violation of any provision of this subchapter or of any other law or regulation relating to the vending business.
 5. Felony convictions or misdemeanor convictions involving moral turpitude. In deciding whether to deny an application for a past conviction, the city may consider the length of time since the conviction, whether the applicant appears to have been successfully rehabilitated, and the risk to the public.
 6. Failure to obtain or maintain liability insurance covering personal injury and property damage, with policy limits of at least ~~\$500,000~~ \$2,000,000 and naming the city as an additional insured.

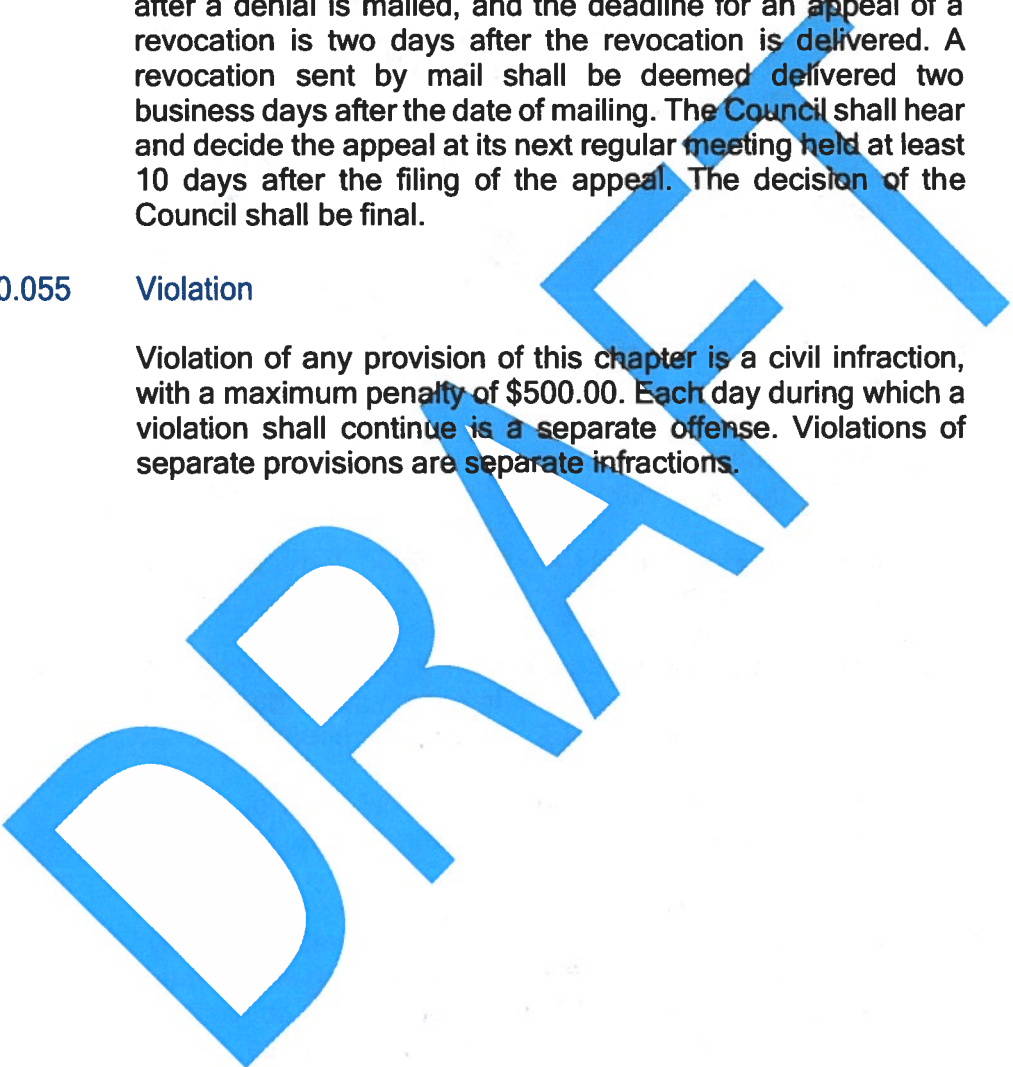
Staff: The liability insurance amount has been increased to align with the change that was made to Section 4.10.020.

4.10.050 Appeal

If an application is denied or a license is revoked, the license holder may appeal by filing a written appeal with the city manager. The deadline for an appeal of a denial is 15 days after a denial is mailed, and the deadline for an appeal of a revocation is two days after the revocation is delivered. A revocation sent by mail shall be deemed delivered two business days after the date of mailing. The Council shall hear and decide the appeal at its next regular meeting held at least 10 days after the filing of the appeal. The decision of the Council shall be final.

4.10.055 Violation

Violation of any provision of this chapter is a civil infraction, with a maximum penalty of \$500.00. Each day during which a violation shall continue is a separate offense. Violations of separate provisions are separate infractions.



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

CHAPTER 14.01 PURPOSE AND DEFINITIONS**

14.01.020 Definitions

Mobile Food Unit. Any vehicle that is self-propelled or that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or which is used in selling and dispensing food to the ultimate consumer.

Mobile Food Unit Pod. Four or more mobile food units on the same lot, parcel, or tract.

Temporary Structures. Trailers, mobile ~~homes~~ food units, prefabricated buildings, or other structures that can readily be moved or which are not attached in a permanent manner to a permanent foundation and are used for residential or business purposes.

~~**Temporary Vending Carts.** A trailer or other vehicle that does not exceed 16 feet in length, has functional wheels, an axle for towing, is not attached in a permanent manner to a permanent foundation and is self-contained for sanitary sewer. A temporary vending cart may be mobile (i.e. does not remain stationary for longer than a few hours), or remain stationary, as permitted by Section 14.08.050.~~

Staff: The definition of mobile food unit aligns with language contained in OAR Chapter 333, Division 150, which contains Oregon Health Authority food sanitation rules. The City has discretion as to what constitutes a "Pod" where additional requirements are triggered. These definitions replace the definition for "temporary vending carts," which is deleted. Definition of temporary structures is being modified to eliminate outdated reference to mobile homes and adds reference to mobile food units. At its 5/24/21 work session, the Commission recommended that "Pods" be defined as four or more mobile food units.

CHAPTER 14.09 TEMPORARY STRUCTURES PERMITS USES

14.09.010 Purpose

The purpose of this section is to provide some allowance for short-term uses that are ~~truly~~ temporary in nature, where no permanent improvements are made to the site, and the use can be terminated and removed immediately. Temporary activities include special events as defined in [9.80.010](#) of the Newport Municipal Code, temporary living quarters, construction trailers, leasing offices, ~~vending carts~~ mobile food units, kiosks, storage buildings, and similar structures.

Staff: Chapter title is being changed from structures to uses, which is more consistent with the purpose statement. Mobile food units are introduced as a type of temporary use, which is appropriate given that they are vehicles.

14.09.020 Special Events Structures

Placement of special events structures is regulated under [Chapter 9.80](#) of the Newport Municipal Code.

14.09.030 Temporary Living Quarters

Notwithstanding any other restrictions and prohibitions in this code, a recreational vehicle may be used as a temporary living quarters subject to the following conditions:

- A. The request for temporary living quarters must be in conjunction with a valid, active building permit.
- B. The time limit shall be no longer than one (1) year from issuance. After the expiration of the time limit, the recreational vehicle used for the temporary living quarters must no longer be used for on-site living purposes.
- C. The recreational vehicle used as the temporary living quarters must be self-contained for sanitary sewer.
- D. Temporary living situations for non-residential projects may use a job shack or other such structure instead of a recreational vehicle as the living quarters and may have a portable toilet instead of a self-contained unit.
- E. The location of the temporary living quarters on the site shall satisfy the vision clearance requirements as set forth in [Section 14.21](#) of the zoning code.

- F. Prior to the issuance of a temporary living quarters permit, the applicant shall sign an agreement that the applicant shall comply with the provisions of this subsection.

14.09.040 Temporary Structures for Other Than Special Events

Notwithstanding any other restrictions and prohibitions in this code, a temporary structure not associated with a special event may be erected subject to the following:

- A. The permit, if approved, shall be issued for a period not to exceed two (2) years. Upon like application and approval, the permit may be renewed for up to an additional (1) year.
- B. Temporary structures are limited to ~~commercially and industrially~~commercial, industrial, water-related, or water-dependent zoned properties.
- C. No permanent changes will be made to the site in order to accommodate the temporary structure.
- D. Permission is granted by the property owner.
- E. Sanitary facilities will be made available to the site.
- F. The structure does not interfere with the provision of parking for the permanent use on the site.
- G. The structure satisfies the vision clearance requirements of the zoning code.
- H. Approval is obtained from the City Building Official if the structure is to be erected for 180 days or longer.
- I. For temporary structures that are to be placed in one location for 12 or more consecutive months, a bond or cash deposit for the amount required to remove the temporary structure, if not removed in the required time frame, shall be placed in an interest-bearing account in the name of the applicant and the City of Newport. Any bond or cash deposit must be in a form approved by the City Attorney.

Staff: Revision is housekeeping in nature. City has previously interpreted that commercial and industrial includes water-related and water-dependent zoned areas. This change makes it explicit.

~~14.09.050 — Temporary Vending Carts~~

~~Notwithstanding any other restrictions and prohibitions in this code, a temporary vending cart, not associated with a special event, may be located within the City of Newport subject to the following:~~

~~A. Temporary vending carts may be located on commercially-zoned property that is at least ½ mile from a permanent eating and drinking establishment.~~

~~B. Temporary vending carts and any accessory improvements (such as seating) are limited to privately-owned properties, and may encroach onto public property or public right of way only if the city consents to the encroachment as provided in Chapter 4.10 of the Newport Municipal Code.~~

~~C. The items available for sale from temporary vending carts are limited to food and beverages for immediate consumption. Requests to have a different item or service considered shall be submitted in writing to the City Manager, who shall determine if the item or service:~~

~~1. Can be vended from a regulation size temporary vending cart;~~

~~2. Not lead to or cause congestion or blocking of pedestrian traffic on the sidewalk;~~

~~3. Involve a short transaction period to complete the sale or render the service;~~

~~— 4. Not cause undue noise or offensive odors; and~~

~~— 5. Be easily carried by pedestrians.~~

~~D. A permit for a temporary vending cart, if approved, shall be issued for a period not to exceed two (2) years. Upon expiration of a permit, a temporary vending cart must immediately cease operation, and must be permanently removed within seven (7) days.~~

~~E. At least one trash and one recycling receptacle will be made available to the public.~~

~~F. The City of Newport receives a signed statement that the permittee shall hold harmless the City of Newport, its officers and employees, and shall indemnify the City of~~

~~Newport, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activities of the permittee. Permittee shall furnish and maintain public liability, products liability, and property damage insurance as will protect permittee, property owners, and city from all claims for damage to property or bodily injury, including death, which may arise from operations of the permittee. Such insurance shall provide coverage of not less than \$1,000,000 per occurrence. Such insurance shall be without prejudice to coverage otherwise existing, and shall name as additional insured the City of Newport, their officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days written notice to the City Recorder of the City of Newport.~~

~~G. A bond or cash deposit for the amount required to remove the temporary vending cart, if not removed in the required time frame, shall be placed in an interest-bearing account in the name of the applicant and the City of Newport. Any bond or cash deposit must be in a form approved by the City Attorney.~~

Staff: This section is being replaced by Sections 14.09.050 and 14.06.060 below.

14.09.050 Mobile Food Units

Notwithstanding any other restrictions and prohibitions in this code, a mobile food unit, not associated with a special event, may be located within the City of Newport subject to the following:

A. The lot, parcel or tract upon which the mobile food unit will be placed is zoned for commercial, industrial, or water-related use; and

 POLICY OPTION

B. The lot, parcel or tract upon which the mobile food unit will be placed is located at least 500 feet from the grounds of any elementary or secondary school when said school(s) are in session. For the purpose of this subsection, "in session" is the period of time commencing one-half hour prior to the start of the school day and ending one-half hour after dismissal at the end of the school day; and

Staff: This policy option responds to concerns raised in the 6/28/21 and 7/12/21 letter from the Lincoln County School District, in which the District expressed concerns about allowing food carts/trucks to locate on private property in close proximity to their facilities. This is distinguishable from their other request, which is for the City to retain the existing 500-foot separation requirement in NMC Chapter 4.10 that applies to vending within public rights-of-way or on public property.

The Commission received written testimony from Janet Webster on 7/11/21, Front Street Marine, LLC (Steven Webster) on 7/12/21, and Victor Mettle on 7/12/21 objecting to the District's request and refuting their rationale, particularly as it relates to student safety and the nutritional quality of food truck/cart products.

This option imposes a 500-foot buffer around elementary and secondary schools where mobile food units would be prohibited. The District's justification for the requirement relates, among other things, to a concern that allowing food carts could compromise a free lunch program they offer that relies upon student participation and would potentially conflict with closed campus policies that they have in place for the middle school, or are considering for grades 9 and 10 at the high school.

If the Commission elects to pursue this option, then a modest number of commercial properties south of the high school and north/south of Yaquina View elementary would be impacted. There are no commercial, industrial, or water-related properties within 500-feet of Sam Case Elementary or the middle school. A map illustrating the 500-foot buffers was included in the 7/12/21 meeting packet. Staff recommends the Commission impose the 500-foot limitation if there is a chance the introduction of mobile food units in close proximity to secondary schools could compromise the District's free lunch program. Such a concern is reasonable considering the number of students that benefit from the program, and even with the limitation in place, the code changes will make available a substantial amount of private property to mobile food units.

POLICY OPTION

C. The lot, parcel or tract upon which the mobile food unit will be placed is located outside of the Nye Beach or Bayfront

parking districts, the geographic boundaries of which are defined in NMC Section 14.14.100, unless the use is a Mobile Food Unit Pod; and

Staff: This policy option has been added, at the Commission's request, in response to public testimony received at the 7/12/21 public hearing from the owners of the Taphouse and Chowder Bowl in Nye Beach, and Clearwater Restaurant along the Bayfront. The rationale is that there is too much congestion in these areas and that mobile food units would pull business away from established restaurants that are struggling to bounce back from the pandemic. Mobile food unit pods would be permitted in these districts. Those that testified in support of this allowance argued that Pods are more permanent, with a level of investment that is comparable to permanent eating and drinking establishments. NMC 14.14.100 includes boundary descriptions for the districts and is logical in that it coincides with areas where timed parking is used to manage parking demand. A map illustrating the district boundaries is included with the 7/26/21 agenda packet materials.

 POLICY OPTIONS

D(1) Written consent is obtained from the property owner where the mobile food unit is to be placed; and

or

D(2) Written consent is obtained from the property owner where the mobile food unit is to be placed and from the owner of any adjacent property occupied by an eating and drinking establishment; and

or

D(3) Written consent is obtained from the property owner where the mobile food unit is to be placed and from the owners of each adjacent lot or parcel; and

Staff: The requirement that written consent be obtained from property owner is a given; however, if the Commission is concerned about the impact a mobile food unit may have on brick and mortar eating or drinking establishments than staff has included optional language that would require sign-off from owners of adjoining properties (Option D(2)). A third

option, requiring sign-off from the owners of each adjacent lot or parcel irrespective of whether or not they are developed with an eating or drinking establishment, is included as well but would be more difficult to justify. Staff recommends the Commission pursue Option D(1) or D(2).

- E. The mobile food unit is placed such that it or any associated structure does not occupy required landscaping or obstruct a sidewalk, drive isle, fire lane, clear vision area or accessible parking; and
- F. 10-feet of clearance is maintained between each mobile food unit and between such units and existing or proposed buildings; and
- G. Mobile food unit service windows are to be oriented to pedestrians (i.e. no drive thru windows) and if directed toward a public right-of-way shall maintain a minimum five (5) foot separation from the right-of-way; and
- H. Electrical connection(s) are placed on the ground and covered with a cable protection ramp or equivalent where crossing drive isles or pedestrian paths; and
- I. Any power generating equipment separate from and external to the mobile food unit is located at least 10-feet from other mobile food units and buildings and is fully screened from view; and
- J. Signage associated with each mobile food unit is limited to that which is permanently affixed to the vehicle in accordance with NMC 10.10.070, and one portable a-frame sign that complies with the parameters outlined in NMC 10.10.060(E); and
- K. Awnings, if any, are fully attached to the mobile food unit and located entirely on the subject lot, parcel, or tract; and
- L. Each mobile food unit is limited to a single piece of outdoor cooking equipment situated no less than 10-feet from the unit and any building; and
- M. A minimum of one (1) trash receptacle per mobile food unit is located on the lot, parcel, or tract with at least 10-feet of separation between the receptacle(s) and combustible fuel tanks; and

N. Mobile food units parked for more than two (2) hours or that provides customer seating shall be situated within 500-feet of an accessible restroom with handwashing facilities; and

O. The permit for a mobile food unit other than a mobile food unit pod, if approved, shall be issued for a period not to exceed two (2) years. Upon like application and approval, the permit may be renewed for additional (2) year intervals.

Staff: The provisions above apply to the placement of mobile food units on private property (as opposed to the provisions of Chapter 4.10 that apply to public rights-of-way). They draw from the code concepts discussed at the 4/12/21 work session and sample codes reviewed at that 3/22/21 work session. Some of the concepts also borrow from codes adopted by the City's of Beaverton and Corvallis. This is structured as a ministerial action with review and approval by the Community Development Department without notice, which is consistent with how other temporary uses are handled. As a ministerial action, the standards must be clear and objective.

A number of the provisions also integrate with Oregon Health Authority requirements outlined in OAR Chapter 333, Divisions 150 and 162 (enclosed) and requirements of the Oregon Building and Fire Codes. Generators are permissible but must be screened and they would be subject to decibel limitations of the City's noise ordinance.

14.09.060 Mobile Food Unit Pods

In addition to complying with the provisions of NMC 14.09.050, a mobile food unit pod may be located within the City of Newport subject to the following:

A. The mobile food units include a sheltered common customer seating area that conforms with the following parameters:

1. Has a maximum of 50 percent of the structure enclosed with walls or sides. Membrane structures may be fully enclosed; and
2. Are not more than 15-feet in height.

B. Each mobile food unit is connected to city sanitary sewer service, water, and a permanent power source located on the lot, parcel, or tract; and

- C. Existing uses on the lot, parcel or tract upon which the mobile food unit pod is to be located possess off-street parking that satisfies the requirements of NMC Chapter 14.14; and
- D. One off-street parking space is provided for each mobile food unit plus one space for every 150 square feet of seating; and
- E. The lot, parcel, or tract shall be landscaped in accordance with NMC Chapter 14.19; and
- F. Areas occupied by customers are illuminated when mobile food units operate during hours of darkness, with fixtures that are downward directed and shielded to prevent glare on abutting properties; and
- G. Use of generators is prohibited; and
- H. Review and approval shall be subject to a Type I decision making procedure as set forth in NMC Chapter 14.52.

Staff: Mobile food unit pods are defined as four or more units on a lot, parcel, or tract. This can be adjusted. The concept is that at this density they need to move closer towards standards that would apply to brick and mortar eating and drinking establishments. This is where the requirement that seating be provided comes into play. Given Newport's climate, a requirement that the seating be sheltered is reasonable. The limitation that a non-membrane shelter be no more than 50% enclosed helps facilitate continuity of the Pod by ensuring visibility between mobile food units and seating areas and it avoids triggering assembly occupancy and related provisions of the Oregon Structural Specialty Code that could significantly drive up the cost of a project. Connection to public water and sewer will trigger SDCs, a cost that is similarly borne by brick and mortar establishments. Use of a permanent power source alleviates the need for generators, which could be a noise issue when several are running in a concentrated area.

Off-street parking and landscaping requirements trigger for a pod; whereas, they are not a consideration for sites with one or two mobile food units. Brick and mortar eating and drinking establishments must satisfy these same requirements.

After the Commission's 7/12/21 hearing, but prior to the 7/26/21 hearing, staff amended Subsection 14.09.050(O) and added Subsection (H). Given the level of investment associated with a Pod development, it would be difficult for the City to justify the approval being limited to two (2) years with an option for renewal every two (2) years.

14.09.060070 Permits Not Transferable Unless Approved

Permits authorized by this section are not transferable to another person or location unless approved by the Community Development Director.

14.09.070080 Approval Authority

Unless otherwise provided, placement of temporary structures is subject to review and approval by the Community Development Director as a ministerial action.

14.09.080090 Application Submittal Requirements

In addition to a land use application form with the information required in Section 14.52.080, applications for temporary structures uses shall include the following:

A. A site plan, drawn to scale, showing:

1. The proposed location of ~~the~~ temporary structures, mobile food units, seating areas, and amenities, as applicable.
2. Existing buildings.
3. Existing parking.
4. Access(es) to the parking areas.
5. Any additional structures, seating areas, and amenities associated with the temporary structureuse.
6. The location and size of trash receptacles.
7. Utilities.
8. Existing signs and signs associated with the temporary structureuse.

9. ~~Temporary structure b~~Building elevations or photos of proposed temporary structures or mobile food units.

10. ~~The location of drive-up windows (The location of an accessible restroom with handwashing facilities, if applicable).~~

- B. A signed agreement stating that the applicant is aware of the limitations and conditions attached to the granting of the permit and agrees to abide by such limitations and conditions.
- C. A description of the types of items sold or services rendered, if applicable.
- D. A valid copy of all necessary permits required by State or local health authorities, and other required licenses or permits, such as business license or sign permit obtained by the applicant and maintained on site.

Staff: The submittal requirements have been updated to account for mobile food units as an application type.

14.09.~~090~~100 Fire Marshal Inspection

Prior to the issuance of any permit, the Fire Marshal shall inspect and approve any temporary structure to assure conformance with the provisions of the Fire Code.

14.09.~~100~~110 Construction Trailer Exemption

Construction trailers located on the site upon which construction is to occur that are used during the course of the construction project are exempt from the process outlined in this section and may be permitted at the time of building permit approval provided said structures comply with the building code and the vision clearance requirements of the zoning code.

May 24, 2021 Revisions to NMC Chapters 11.05 and 12.15, Relating to Building Codes and System Development Charges

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

CHAPTER 11.05 BUILDING CODES

11.05.180 Exemptions

~~Temporary Vending Carts~~ Mobile Food Units that are permitted in accordance with ~~the Newport Zoning Code and Ordinance section 2-2-29.030 Municipal Code Chapter 14.09 and~~ are not permanently attached to a foundation, ~~they~~ are considered vehicles (not a building or structure), and the Oregon Structural Specialty Code does not apply.

Staff: These revisions are need to address changes to terminology and to accurately cross-reference the section of the code that will regulate mobile food units.

CHAPTER 12.15 SYSTEM DEVELOPMENT CHARGES

12.15.060 Exemptions

A. The following actions are exempt from payment of SDCs:

1. Additions to multi-family and other dwelling units that are assessed SDCs on an Equivalent Dwelling Unit basis, provided the addition does not result in a new dwelling unit.
2. An alteration, addition, replacement, change in use or permit or connection that does not increase the parcel's or structure's use of a public improvement system is exempt from payment for the SDC payment applicable to that type of improvement. Some redevelopment may be subject to some types of SDCs and not to others.
3. Temporary and seasonal uses, including special events, ~~vending carts~~ mobile food units (other than pods), and patio or deck seating associated with eating or drinking establishments.

Staff: With this change, persons establishing a mobile food unit pod (i.e. four or more mobile food units on a property) will be required to pay system development charges commensurate to the developments impact on public services. Revisions to NMC Chapter 14.09 require that pods be connected to city wastewater services and that they offer sheltered seating to guests. These are more permanent site improvements with impacts that may be more year-round than seasonal. Three or fewer mobile food units on a property will not be required to pay SDCs.

NEWPORT TSP

OUTREACH / EVENT PLAN

EVENT #2 – SHARE DRAFT SOLUTIONS

Prepared for

City of Newport



Prepared by

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921 SW Washington St., Suite 570
Portland, OR 97205

Date

July 21, 2021

Newport TSP Outreach/Event Plan #2

This Outreach/Event Plan is meant to document all of the details related to the preparation for an event or larger scale outreach activity.

OVERVIEW

PURPOSE OF OUTREACH + HOUSEKEEPING ITEMS	
Project Scope/ Description*	<p>The City of Newport and the Oregon Department of Transportation are updating the Transportation System Plan (TSP). The TSP is a long-range plan that will guide future investments in the city's transportation system.</p> <p>The plan will guide how we develop and invest in streets, sidewalks, bike lanes, and transit to meet the current and future needs of Newport and surrounding areas. It helps determine which projects, policies and programs are important to protecting and enhancing the quality of life in the City of Newport.</p> <p>What will the Newport TSP do?</p> <ul style="list-style-type: none"> • Review community, business, visitor and stakeholder input to identify and prioritize future transportation projects and investments. • Provide a strategic investment plan that enhances safety, access and economic opportunities for the community. • Align and implement strategies within the Greater Newport Vision 2040 and Northside Urban Renewal Plan. • Consider issues such as increased traffic volumes on Highway 101 and Highway 20, citywide pedestrian and bicyclist activity, opportunities for enhanced connectivity, funding opportunities, and consideration of updated and flexible street design standards to adapt to unique development conditions in the city. • With community input, identify strategies to improve mobility through the city center, along US 101 and US 20, and throughout Newport, considering bike and pedestrian needs, connectivity, increased traffic volumes, funding opportunities, street design, development conditions, and user preferences.
What is this event/outreach activity?	<p>Online open house – public self-directed experience In-person work session – Facilitated by JLA and DKS</p>
When and where will the event take place?	<p><i>Aug 2-30 online open house</i> <i>Wednesday, August 11 from 6-8 pm workshop at City Hall, Council Chambers</i></p>
Who is the audience?	<ul style="list-style-type: none"> • Residents: Residents of Newport, key stakeholders interviewed • Government Officials/Stakeholders: County Commissioners, City Officials, • Project Partners: PAC members, Community groups
Goals for this event/outreach activity	<p><i>List the goals for the is event/outreach activity, such as</i></p> <ul style="list-style-type: none"> • Provide project background information/previous efforts and input collected through stakeholder interviews. • Continue project awareness and community engagement. • Prioritize the community's needs by reviewing the draft solutions for the most complicated options and an overview of all project's through a fiscally constrained list.

Newport TSP Outreach/Event Plan #2

Non-Discrimination Policy Statement	<p>The following text should be included in all advertising materials for the event, as well as posted at the event.</p> <p>Consistent with the policy of the City of Newport is committed to compliance with all state and federal non-discrimination directives, including Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act Title II.</p>
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There are other internal and external activities that will lead up to these events. Below is a high-level summary of those activities:

Tasks	Schedule
Event #2	
Online Open House	08/02-08/29
Postcard	arrive the week of 08/02
Workshop	Wednesday, 08/11 from 6-8 pm
Outreach via Centro de Ayuda	Starting week of 08/02
Summary of comments	week of 09/13
PAC Meeting – review outreach results/review recommendations	3-4 weeks after online open house closes

2. RUN OF SHOW + EVENT LOGISTICS

Staff responsibilities are shown in the following tables.

Online Open House


Date: Monday, August 2 to Monday, August 29

Goal: Remind people about the project, review the information collected previously, and confirm/understand the public's preference for solving the most complicated solutions. We will also try to understand their priority for the draft solutions that are less complicated. Allow people to answer as much or little as they want, but completing all questions should take 30 minutes or less (1-2 open ended questions).

Develop the questions to be print-friendly for distribution; then copy those questions into the website for consistency [the complicated solutions page will be the main questions for the survey]. The website will only be in English; Spanish outreach will be conducted via Centro de Ayuda and the simplified survey will be easier to translate.

PAGE	TEASER HEADER	QUESTIONS, COLLECTION TOOL, CONTENT
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<p>Landing/Welcome</p>	<p><i>Welcome to the second online open house!</i></p>	<p><i>Images from City of Newport; list of pages</i></p> <p>During our last round of outreach, we asked you for your transportation system priorities and challenges.</p> <p>Thanks to your feedback, the project team was able to draft solutions to address the community's concerns. At this online open house, you can review and share your feedback on these proposed transportation solutions for walking, biking, driving, freight and public transit improvements. We will use your answers to these questions to inform the final designs for meeting Newport's transportation and transit needs over the next 20 years.</p> <p>The draft Transportation System Plan (TSP) will be presented to the Planning Commission and City Council this fall. You'll have a chance to comment on the plan at Public Adoption Hearings before the end of 2021.</p>
<p>What we heard</p>	<p><i>We've heard many comments. Here is a summary of the information.</i></p>	<p><i>None; summary of comments collected and how that influenced the draft solutions/designs</i></p> <p>Thanks to your feedback, the project team was able to draft solutions to address the community's concerns. At this online open house, you can review and share your feedback on these proposed transportation solutions for walking, biking, driving, freight and public transit improvements. We will use your answers to these questions to inform the final designs for meeting Newport's transportation and transit needs over the next 20 years.</p> <p>The summary [link] from our first round of outreach showed that community respondents were most concerned with improving bicycle/pedestrian connections and safety, as well as decreasing traffic congestion. Most respondents thought the safest way for walking and biking was to have a separate path or sidewalk/bike lane on the edge of the street.</p> <p><i>[Carl/Derrick pull from the Event #1 summary = how was bike/ped safety addressed specifically along highways and how we're approaching NTM]</i></p>
<p>Major Projects</p>	<p><i>These large size projects would address community concerns.</i></p>	<p><i>Images/graphics related to the "simple" solutions; prioritize the solutions presented to the PAC (Harney Oceanview to Nye, couplets on 20 and 101)</i></p> <p>Below you will find solutions on the transportation concerns raised by the community and reviewed by the technical team. These are only the biggest projects in the TSP, but there are many other improvements that will be listed in the TSP including additional bike routes, preferred roadway designs (including how to build in sidewalks, bike lanes, and future north/south</p>

		<p>connections), and where electric vehicle charging stations should be placed.</p> <p>We want to hear from you about these draft solutions to understand the tradeoffs of each major project. Your input will also help the City prioritize which solution best reflects the community's needs and values.</p> <p>Oceanview Connection To Nye Street </p> <p>Community members expressed interest in better bike and pedestrian connections throughout Newport on both US 101 and local streets including Harney Street extension, Big Creek Road, and the Oceanview/Nye connection.</p> <p>Based on community input from survey #1, the technical team identified three choices on Oceanview/Nye as the best solutions. However, only one can be included in the final TSP. There could be a roundabout added at the new Nye/Ocean view junction.</p> <ol style="list-style-type: none"> 1. Which solution do you think would work best for Newport's community? [No connection, remain as it is today with bike route transferring from Oceanview onto Nye at 16th Street; Full street connection between Nye/Oceanview; Provide a multi-use path connection only between Nye/Oceanview (no vehicle connection)] 2. Which of these factors influenced that selection? [check all that apply: multi-modal safety; removing car/vehicle access; improving car/vehicle access; roundabout option; other]
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		<p>US 101 in the downtown core During the last round of outreach, we heard interest in improving the downtown core of US 101 but also making the entire highway more friendly for people walking or biking. The TSP will address many of these concerns. However, we want to understand the community's preferences for how to handle the downtown core.</p> <p>The technical team has developed three options for US 101 (this table compares the options [link to Evaluation criteria table]).</p> <p>Two-Way Project on Existing Highway [2-3 images– DKS; no changes from PAC presentation]</p> <p>Short Couplet with US 101 & 9th Street [2-3 images– DKS; no changes from PAC presentation]</p> <p>Long Couplet with US 101 & 9th Street [2-3 images– DKS; no changes from PAC presentation]</p> <ol style="list-style-type: none"> 1. Which solution do you think would work best for Newport's community? [Two-Way Project on Existing Highway; Short Couplet with US 101 & 9th Street; Long Couplet with US 101 & 9th Street] 2. Which of these factors influenced that selection? (choose all that apply) [promotes mixed-uses and activity centers; improves safety for bikes; improves safety for pedestrians; improved parking; increases streetscape improvement opportunities; makes it easier to drive around town; other] <p>US 20 in the downtown core During the last round of outreach, we heard interest in improving safety for all users on US 20 as it enters the downtown core. The technical team has developed two options for US 20 (this table compares the options [link to Evaluation criteria table]).</p> <p>US 20 two-way on existing highway [2-3 images– DKS; no changes from PAC presentation]</p> <p>US 20 couplet on existing highway and NE 1st [2-3 images– DKS; no changes from PAC presentation]</p> <ol style="list-style-type: none"> 1. Which solution do you think would work best for Newport's community? [Two-Way on existing highway; couplet on existing highway and NE 1st] 2. Which of these factors influenced that selection? (choose all that apply) [promotes mixed-uses and activity centers; improves safety for bikes; improves safety for pedestrians; improved parking; increases streetscape
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		<p>improvement opportunities; makes it easier to drive around town; reduces congestion; other]</p> <p>Overall</p> <ol style="list-style-type: none"> 1. The City would like to know where to focus improvements. Which solution should be completed first? [No new Oceanview connection, remain as it is today with bike route transferring from Oceanview onto Nye at 16th Street; Full street connection between Nye/Oceanview; Provide a multi-use path connection only between Nye/Oceanview (no vehicle connection); Two-Way Project on Existing Highway; Short Couplet with US 101 & 9th Street; Long Couplet with US 101 & 9th Street; US 20 two-way on existing highway; US 20 couplet on existing highway and NE 1st] 2. Which of these factors influenced that selection? (choose all that apply) [promotes mixed-uses and activity centers; improves safety for bikes; improves safety for pedestrians; improved parking; increases streetscape improvement opportunities; makes it easier to drive around town; reduces congestion; other] 3. Is there anything else you want to tell us? [open-ended question]
<p>Other Solutions</p>	<p><i>Some of the citywide solutions we were able to develop based on community feedback.</i></p>	<p>The Transportation System Plan will include many other changes to address community concerns that we've heard throughout the project.</p> <p>Low volume streets</p> <p>During the first survey we asked about how people would like to walk and bike on small neighborhood streets. Most people said either bike lanes/sidewalks or shared roadway space. Currently the City has one set of standards that requires these small local streets to be built to a wider cross-section which has bigger impacts on local homes. The City is suggesting adding a second option in the TSP to allow for flexible designs in the future.</p> <p>[2-3 images~ DKS; no changes from PAC presentation]</p> <ol style="list-style-type: none"> 1. How comfortable are you with the City having two options for how to design low volume shared streets? [very comfortable; neutral; not comfortable] <p>CARL = draft some text around the priority bikeway system and what it means, as well as the picking the NTM solutions and System maps – remind people that there will be other changes, standards that will be in the TSP. [reference map of project list, lines with # that there is a project in this location, coloring with type of project. Need to show a legend.]</p>

Newport TSP Outreach/Event Plan #2

Next steps	<i>Thanks so much for getting involved. We'll use your input to refine the draft Transportation System Plan.</i>	<p>2. Are there any gaps? Something critical that we missed? [open-ended]</p> <p>Thank you for participating in this online open house! The draft TSP will be presented to City Council and posted to the website (LINK) before the end of 2021. Join the mailing list to get notified when it's ready for review and comments.</p> <p>These demographic questions are optional but help us understand who we've heard from and who we still need to connect with.</p> <ol style="list-style-type: none"> 1. What was your primary mode of transportation before COVID-19? (check all that apply) [walking; biking; driving; transit/bus; other] 2. What neighborhood do you live in? (check one) [Agate Beach; Bayfront; Downtown; Nye Beach; South Beach; other] 3. What language do you speak at home? (check all that apply) [English; Spanish; other] 4. What is your age? (check one) [17 or under; 18-24; 25-44; 45-64; 65-74; 75 or over] 5. What is your annual household income? (check one) [\$25,000 or less; \$25,000-\$50,000; \$50,000-\$100,000; \$100,000 or more] 6. Would you like to get updates on this project? [email for mailing list] <p><i>Please share with your friends and neighbors, we'd love to hear from them too. share options on social media, email, printed flyer, etc.</i></p>
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Work Session

Date: Wednesday, August 11, 2021 from 6-8 pm

Goal: Remind the group of the comments we collected previously; collect more open-ended responses in this format than the online open house and discuss more of the tradeoffs. Ensure that people understand the ideas presented at the Online Open House, but encourage them to respond directly on the OOH. Give opportunity to speak about concerns?

Location: City Hall, council chambers

TIME	STAFF/ RESPONSIBLE	DETAILS
5:00 pm	JLA/Brandy	Key staff arrive and set up
	All	Run through last minute items
	All	Take notes throughout
	JLA/Brandy	Sign in table

Newport TSP Outreach/Event Plan #2

6:00 pm	JLA/Brandy	Work session starts
6:15 pm	City/Mayor City/Derrick DKS/Carl	<p>Welcome, thanks for coming (Mayor)</p> <ul style="list-style-type: none"> • Thanks for coming, why it's important for them to be here and OOH • What will the City take away from this event and the OOH? <p>High-level overview of the TSP (Carl)</p> <ul style="list-style-type: none"> • Describe what work has been done/developed to this point. • How public comments were incorporated into the draft solutions. • Next steps
6:25 pm	Stations	<ul style="list-style-type: none"> • Derrick = Oceanview and local roadway cross sections • Carl = US 101 • James [Spanish] = US 20 • Brandy = floating
8:00 pm		Work session ends

3. ADVERTISING CONTENT

MEDIUM	SEND	WHO	CONTENT
Email	#1 = 07/23 #2 = 08/02 #3 = 08/16	City sends JLA sends mailing list to City Attach English/Spanish flyer	<p>The City of Newport and the Oregon Department of Transportation are updating the Transportation System Plan (TSP). This is a long-range plan that all future transportation improvements in the city are based on. The plan will guide how we develop and invest in our transportation system to meet the current and future needs of Newport and surrounding areas. It helps determine which projects, policies and programs may receive funding.</p> <p>We heard from hundreds of community members in the fall and have drafted solutions to reflect the growing needs of the community. Learn more and tell us what you think about the draft solutions for Newport's future transportation system at these two opportunities.</p> <p>Online Open House 08/02-08/29 www.NewportTSP.org</p> <p>In-person Workshop Wed., 08/11 from 6-8 pm City Hall, Council Chambers (169 SW Coast Hwy)</p> <p>What will the Newport TSP do?</p> <ul style="list-style-type: none"> • Review community, business, visitor and stakeholder input to identify and prioritize

Newport TSP Outreach/Event Plan #2

			<p>future transportation projects and investments.</p> <ul style="list-style-type: none"> • Provide a strategic investment plan that enhances safety, access and economic opportunities for the community. • Align and implement strategies within the Greater Newport Vision 2040 and Northside Urban Renewal Plan. • Consider issues such as increased traffic volumes on Highway 101 and Highway 20, citywide pedestrian and bicyclist activity, opportunities for enhanced connectivity, funding opportunities, and consideration of updated and flexible street design standards to adapt to unique development conditions in the city. <p>For more information, please visit: www.NewportTSP.org</p> <p>For ADA Title II or Civil Rights Title VI accommodations, translation/interpretation services or for additional information call TTY (800) 735-2900 or use the statewide Oregon Relay Service: 7-1-1.</p> <p>CONTACT Derrick Tokos AICP, City of Newport Community Development Director 541-574-0626 d.tokos@newportoregon.gov</p>
Press Release	08/02	<i>City sends JLA creates content</i>	<p>The City of Newport and the Oregon Department of Transportation are updating the Transportation System Plan (TSP). This is a long-range plan that all future transportation improvements in the city are based on. The plan will guide how we develop and invest in our transportation system to meet the current and future needs of Newport and surrounding areas. It helps determine which projects, policies and programs may receive funding.</p> <p>We heard from hundreds of community members in the fall and have drafted solutions to reflect the growing needs of the community. Learn more and tell us what you think about the draft solutions for Newport's future transportation system at these two opportunities.</p> <p>Online Open House 08/02-08/29 www.NewportTSP.org</p> <p>In-person Workshop Wed., 08/11 from 6-8 pm City Hall, Council Chambers (169 SW Coast Hwy)</p> <p>What will the Newport TSP do?</p>

Newport TSP Outreach/Event Plan #2

			<ul style="list-style-type: none"> • Review community, business, visitor and stakeholder input to identify and prioritize future transportation projects and investments. • Provide a strategic investment plan that enhances safety, access and economic opportunities for the community. • Align and implement strategies within the Greater Newport Vision 2040 and Northside Urban Renewal Plan. • Consider issues such as increased traffic volumes on Highway 101 and Highway 20, citywide pedestrian and bicyclist activity, opportunities for enhanced connectivity, funding opportunities, and consideration of updated and flexible street design standards to adapt to unique development conditions in the city. <p>For more information, please visit: www.NewportTSP.org</p>
			<p>For ADA Title II or Civil Rights Title VI accommodations, translation/interpretation services or for additional information call TTY (800) 735-2900 or use the statewide Oregon Relay Service: 7-1-1.</p> <p>CONTACT Derrick Tokos AICP, City of Newport Community Development Director 541-574-0626 d.tokos@newportoregon.gov</p>
Postcard	Send to printer = 07/20 Arrive = week of 08/02	JLA creates content and sends	Mailed to all PO Boxes and properties in Newport
Website	07/26	JLA content/update	Add the above text/event details in the current website format
	08/02	JLA content/update	Add link to online open house
	08/29	JLA content/update	<p>Remove the "invite" and open house/survey text and replace with:</p> <p>Thank you to everyone who attended the online open house or in-person work session. We are working hard to summarize your thoughts, questions and concerns. The event and comment summary will be posted here when it is completed. If you have additional questions or concerns, please contact Derrick Tokos.</p>

Newport TSP Outreach/Event Plan #2

Printed survey distribution	08/02	City distributes	Park & Rec mailing list for people over 60 (includes Senior Center)
Social Media	08/02	City and ODOT post to their existing channels	<p>In the fall we heard how you want the City of Newport to grow. How you want to travel around town to shop, spend time with family, or get to the doctor. Your comments have helped us draft solutions for the city's future. Visit our online open house (starting today and open through August 29) or our in-person workshop on Wednesday, August 11 from 6:00-8:00 pm to learn more and tell us what you think!</p> <p>For Facebook, include these hashtags when possible:</p> <p>#Highway101 #NewportOR #OregonCoast</p>
	08/09	City and ODOT post to their existing channels	<p>Help the City of Newport plan for the future by reviewing and commenting on the draft solutions that will be included in the Transportation System Plan. Join us in-person on Wednesday, August 11 from 6:00-8:00 pm to learn more and tell us what you think! Or visit the online open house before August 29!</p> <p>For Facebook, include these hashtags when possible:</p> <p>#Highway101 #NewportOR #OregonCoast</p>
	08/16	City and ODOT post to their existing channels	<p>Couldn't make the virtual work session last week? Don't worry, there's still an opportunity to share your thoughts! Visit our online open house before August 29 to learn more and tell us what you think about the draft designs. Learn more at https://sites.jla.us.com/newport-tsp.</p> <p>For Facebook, include these hashtags when possible:</p> <p>#Highway101 #NewportOR #OregonCoast</p>
	08/30	City sends JLA creates content	<p>Thank you to everyone who attended the online open house and in-person work session. We are working hard to summarize your thoughts, questions and concerns! Want to stay up-to-date on this project? Join our mailing list at https://sites.jla.us.com/newport-tsp.</p> <p>For Facebook, include these hashtags when possible:</p> <p>#Highway101 #NewportOR #OregonCoast</p>

4. EVALUATE AND SUMMARIZE

POST EVENT SUMMARY*

Newport TSP Outreach/Event Plan #2

The questions below will be asked at or after the event by the project team to evaluate the success of the activity.

- Were our messages about the project effective? If not, why?
- Were translation/interpretation services helpful? Were translated materials easy to understand and accurately translated?
- How did each of the project's communications tools work? How can we expand the use of those that are working well and refine those not working as well as they could be?
- Did we reach our target audiences? If not, what other tools would have been more effective? = number of minority or low-income respondents on the online open house vs virtual work session
- How many people attended the virtual work session? Online Open House? = head count; submitted comments
- How many people participated through the online open house? = response numbers, website hits

<i>Project review by JLA*</i>	<i>Name of reviewer*</i>
	<i>Date*</i>
	<i>What went well with the project, specifically the public involvement? What could be improved for future projects? What did you hear from other staff or public about this project?</i>
<i>Project review by Client*</i>	<i>Name of reviewer*</i>
	<i>Date*</i>
	<i>What went well with the project, specifically the public involvement? What could be improved for future projects? What did you hear from other staff or public about this project?</i>

Tentative Planning Commission Work Program

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



April 12, 2021

Work Session

- Yaquina Bay Estuary Management Plan Update (Presentation/Discussion)
- Review Initial Draft of Code Amendments Related to Operation of Food Trucks & Food Carts
- KPFF Assessment of Beach Accesses for Resiliency Retrofit (Informational)

April 12, 2021

Regular Session

- Hearing on File 4-Z-20 Implementing HB 2001 Duplex, Townhouse, and Cottage Cluster Standards

April 26, 2021

Regular Session

- File 1-NB-21/2-CUP-21, Design Review Hearing on Hallmark's Whaler Motel Expansion
- File 1-NCU-21, Expansion of Non-Conforming Mobile Home Park from 14 to 16 Spaces (4263 S Coast Hwy)
- File 2-NCU-21, Expansion of Non-Conforming Natural Gas Facility (1702 SE Bay Blvd)

May 3, 2021

Special Joint Commission/City Council Work Session

- Transportation System Plan Draft Solutions Discussion, 2nd Round Public Outreach – Part 1

May 10, 2021

Regular Session

- Final Order/Findings, Expansion of Non-Conf. Mobile Home Park from 14 to 16 Spaces (4263 S Coast Hwy)
- Final Order/Findings, Expansion of Non-Conforming Natural Gas Facility (1702 SE Bay Blvd)

May 17, 2021

Special Joint Commission/City Council Work Session

- Transportation System Plan Draft Solutions Discussion, 2nd Round Public Outreach – Part 2

May 24, 2021

Work Session

- Status Update SB / US 101 Corridor Refinement Plan
- Review DLCD/City Evaluation of Beach Access Points Prioritized for Resiliency Retrofit
- Review of Draft Code Amendments Related to Food Trucks & Carts

May 24, 2021

Regular Session

- Deliberations and Decision on File 1-NB-21/2-CUP-21, Design Review Hearing on Hallmark's Whaler Motel Expansion (Final Order and Findings will be available for potential adoption)
- File 4-CUP-21, Public Hearing for an Historic Themed Photo Studio in the W-2 Zone (342 SW Bay Blvd)
- Initiate Legislative Process to Amend the Newport Zoning Ordinance Related to Food Cart

June 14, 2021

Work Session

- Review and Provide Feedback on SB / US 101 Corridor Refinement Plan Survey Questions
- Alternate Design Standards for Low Volume Local Roads (Discussion)
- Review Scope of Work for HB 2003 Compliant Housing Capacity Analysis and Housing Production Strategy (App Due 6/30/21)

June 28, 2021

Work Session/Regular Session Cancelled

Tentative Planning Commission Work Program

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



July 12, 2021

Work Session

- Review TSP Tech Memo #10 (Transportation Standards)
- Submitted SOW for DLCD Housing Capacity Analysis & Housing Production Strategy Grant (Informational)

July 12, 2021

Regular Session

- File No. 1-Z-21, Public Hearing on Food Truck and Food Cart Amendments

July 26, 2021

Work Session

- SB / US 101 Commercial Industrial Land Use Code Audit Desired Outcomes (JET Planning to Attend)
- Review File No. 1-Z-21, Food Truck and Food Cart Policy Options Prior to Hearing
- Draft Event Plan from JLA/DKS for TSP Online Open House Preference/Prioritization Survey
- Draft TGM Grant Application to Update Land Use Regulations along US 101/20 Corridor and Develop Business Façade Improvement Program to Complement TSP Recommendations (App Due 7/30/21)

July 26, 2021

Regular Session

- Continued Hearing File No. 1-Z-21, Food Truck and Food Cart Amendments

August 9, 2021

Work Session

- Review TSP Tech Memo #8 (Solutions Evaluation)
- Land Use, Building, and Urban Renewal Bill Summary from 2021 Legislative Session
- Results Memo from SB / US 101 Opportunities and Constraints Online Survey/Focus Groups (Informational)

August 9, 2021

Regular Session

- File PD-21, Amendment to Wilder PD Related to Permissible Street Cross-Sections (Firm)

August 23, 2021

Work Session

- Review TSP Tech Memo #11 (Alternate Mobility Standard)
- Draft Recommendation for Distribution of Affordable Housing CET Funds (from Ad-Hoc Work Group)
- Project Concepts with Cost Estimates for Final SB URA Investments and Draft Prioritization Survey

August 23, 2021

Regular Session

- TBD

September 13, 2021

Work Session

- Review TSP Memo #12 (Draft Ordinances Amending Comp Plan Policies and NMC Chapters 13 and 14)
- Discuss Scope of Amendments to NMC 14.14 Parking, to Support Bayfront Permit/Meter Rollout
- Results from TSP Online Open House Preference/Prioritization Survey and Related Outreach

September 13, 2021

Regular Session

- TBD

September 21, 2021

Special Joint City Council/Planning Commission Work Session

- Review Draft TSP Update (Incorporating all Tech Memos and Outreach Feedback)

September 27, 2021

Work Session

- Review Draft Set of Recommended Commercial/Industrial Code Revisions (from JET Planning Audit)
- Second Review of Consolidated TSP Update

September 27, 2021

Regular Session

- Initiate Legislative Process for TSP Update (Project Priorities, Comp Plan Policies, Code Amendments)