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MEMO

DATE: August 1, 2023

TO: Mayor and City Council

FROM: Spencer Nebel, City Manager

SUBJECT: Status report for the three week period ending Friday, July 21

On Thursday, July 6, Mayor Sawyer indicated to me that he had made a serious mistake in posting inappropriate memes on a private website and had been contacted by OPB regarding the postings. I suggested that he personally contact members of the Council about this issue and provide comments back to OPB. The OPB story was published on Friday, July 7. Mayor Sawyer resigned his position on July 10. This period of time is one in which inappropriate actions were called out by the media, Councilors, staff, and the public. Mayor Sawyer took full responsibility for making hurtful and inappropriate posts, and issued an apology to the community and resigned as Mayor of the City of Newport. This was a difficult issue for our community, particularly for those who are impacted by discrimination as individuals who seek fulfillment, security and happiness in living their lives.

Overall, there are a number of things I am very proud of as a result of the response to the original OPB story regarding Mayor Sawyer's inappropriate posts. First of all, the Mayor took responsibility for these posts and acknowledged they were inappropriate and hurtful. This allowed the community and Council members to know that there was no question that the posts were made, and allowed the community to determine an appropriate response to this action. I was pleased at the way the Council members dealt with this issue and consulted with me on potential ways this matter could be addressed. This was particularly important since the Mayor had indicated that he was not considering resigning initially after the story broke. Each Council member dealt with this issue in their own way. This reaction illustrates a well-functioning Council willing to address the behavior of one of its members without directing staff to handle the matter. The Council took efforts to address a situation with one of their elected members. The Diversity, Equity and Inclusion Statement, as well as Council Rules, effectively guided appropriate responses to this issue. Police Chief Malloy issued a very appropriate condemnation of the act that was reported by OPB to recognize that police agencies are recognizing their role as partners of all members of the community. The community stood up and provided a

unified voice on the posts that were made. Mayor Sawyer issued a very gracious and appropriate apology for the hurtful acts committed, and opted to step down in order for the community to move forward on important issues facing the City Council.

Overall, this demonstrates the progress that the City of Newport has made in recognizing that certain comments, acts or words that may have not been called out a few years ago are offensive, and should not be tolerated. While we lost a Mayor who was effective in many ways for the City, this act, and the response to these reports, shows a growing maturity of how the community values diversity, equity and inclusion.

For me and many others, it was a sad day to read the report from OPB regarding the posts that Mayor Sawyer made over the years. This was sad in the fact that a public official did not realize the impact that these social media posts have on people. I appreciate the support and commitment that Mayor Sawyer provided during his tenure as Mayor to move a number of critical issues forward with the City of Newport. I appreciate Mayor Sawyer's thoughtful apology letter of resignation to the community, and I hope that this incident serves as a catalyst to continue creating understanding and appreciation for the various values that a diverse population brings to the community as a whole.

Highlights of activities over the last four weeks include the following:

- Took my Juneteenth holiday on July 3 since I worked a full day on June 19.
- City Hall was closed on Tuesday, July 4, in observation of Independence Day. Overall, the day had no unusual problems and the evening was perfect for the fireworks display. It was my observation that all around the bay there were less fireworks used than in typical years. I have heard varying reports from other parts of the community on illegal fireworks use.
- Met with Steve Stewart to review activities within the Public Works Department. Steve has taken over as Acting Public Works Superintendent for the water and wastewater plants. Justin is supervising the street crews, water distribution, collections, and facilities crews. I appreciate their willingness to step up to the plate to guide the City through this period while we are selecting a new public works director.
- Met with Mike Broili, Chair of the Water Conservation Group, regarding concerns over the best use of this group to develop strategies relating to water conservation for the City. He understands the staffing issues that we currently have, and I indicated that we will see if we could proceed with some technical assistance to help this process move forward.
- Mark Wolf, Barb James, Rob Murphy, Tom Sakaris and I met to continue working through the issues with FSLA interpretation as it relates to the payroll and the Fire Department. We did not want to slow down the approval of the contract, so we took this issue outside of contract negotiations. Since it was not part of our initial discussions, we want to make sure that the process we are utilizing to make these payments is consistent with federal law. We will continue to do research on this issue to determine how to move forward with any adjustments to how the premium time is paid in the regular work week for the firefighters.

- I conducted an evaluation for Erik Glover and his role as Assistant City Manager/City Recorder.
- On Thursday, July 6, Mayor Sawyer met with me to give me notice that OPB was doing a story on postings he had made over the years on a private website. I suggested that he contact each Council member to inform them of this prior to the story breaking. Councilor CM Hall also contacted me this issue since she had been contacted by OPB on the same story. On Friday, July 7, I coordinated internal information and responses to address various questions from Councilors and media, and communicated with staff about this unfolding story. I met with Jason Malloy to discuss the Police Department's response to this issue and provided an all-employee communication on this matter.

Council President Kaplan and Councilor Hall were in contact with me regarding possible responses by the City Council. I indicated that the Council needs to act in open session to take any action regarding this matter. If two Council members request a special Council meeting, I would schedule a meeting to hold discussions in accordance with Council Rules. Council President Kaplan and Councilor Hall both forwarded an email requesting a special meeting which was set up for Monday, July 10. Erik Glover confirmed a quorum would be met for the meeting at 4 PM on July 10. He indicated that Mayor Sawyer would be out of town on that date. I asked Mayor Sawyer if he wanted the meeting rescheduled, or if we should move forward without him. Mayor Sawyer believed it would be better for Council to meet without him, so they would be comfortable openly discussing this matter. On Friday, I prepared a memo unaware of what the Mayor's intentions were regarding this matter.

On Saturday, Councilor Goebel and Council President Kaplan contacted me regarding both of them meeting with the Mayor to discuss this issue. I indicated as long as no other Councilors participated (which would create a quorum), this would be an appropriate way to advise the Mayor on how to address this matter.

On Monday morning I sent a text to Mayor Sawyer indicating he was in my thoughts this weekend as he was thinking about the posts and the impact those posts would have, and I wanted him to know that I was available to him if he thought it would be beneficial to discuss this with me. Mayor Sawyer ultimately submitted a resignation letter that morning. On Monday following his resignation, I revised the report for the special meeting. I appreciate City Attorney, David Allen, editing the final report that was provided to the City Council.

Finally, I would like to stress my appreciation for Mayor Sawyer's heartfelt apology and letter of resignation. Mayor Sawyer served the City well during the four and-a-half years he filled that position. It is a shame that his personal actions led to his resignation as Mayor of the City of Newport. As I indicated earlier, this issue was a true test of the City's commitment to fostering a community enriched by the diversity of the people that live in the community,

providing equitable services to all, and reaching out to include populations that have been historically underserved by local, state and federal government.

- Met with Stephanie Kerns and Aaron Collette to evaluate various stormwater contamination issues within the city. We are preparing for a future work session to debrief Council on the history of efforts to address these issues, and outlined steps we can take to evaluate the reasons for high bacteria counts in stormwater outfalls for the City of Newport.
- Participated in the interviews of two candidates for grant manager for the City. We have made an offer to one of the candidates to fill this position. In this particular situation, we had two qualified candidates, with each having experience in various aspects of grant management.
- Participated in a special meeting of the City Council to discuss the Mayor's social media posts. This meeting proved to be part of the healing process to acknowledge and understand the impact that these types of actions have on people within the community. It was indicated that the Mayor's resignation would be formally accepted at the July 17 City Council meeting, and that a plan to proceed with appointing a new mayor would be discussed at that meeting, as well.
- Held a bimonthly meeting with Lance Vanderbeck to discuss airport issues.
- Council President Kaplan and I met with Courtney Flathers, the South Valley/Midcoast Regional Representative for Governor Kotek. Courtney previously worked in Senator Merkeley's office. This was an orientation trip for her to better understand issues that are important to the City of Newport. We outlined a number of those issues, ranging from the dam to homelessness support, to funding for various water and wastewater infrastructure projects.
- Participated in a meeting with Aaron Collette, Derrick Tokos and representatives from the PUD to discuss projects impacting either the City or the PUD in the next year. It was decided that we would do these meetings every six months to keep informed as to upcoming projects.
- Held a bimonthly meeting with Laura to discuss Library issues.
- Council President Kaplan, Derrick Tokos and I met with Karen Rockwell to discuss the Housing Authority's plans to seek funding for various homeless/housing issues within Lincoln County. I feel very confident in Karen Rockwell's abilities to pull off funding that will benefit all of Lincoln County for these purposes.
- Mark Wolf, Barb James, Rob Murphy, Tom Sakaris and I met today to finalize the contract language and the membership of the IAFF for consideration by the City Council to conclude our negotiations for a contract.
- Had lunch with Newport Chamber of Commerce Director, Wayne Patterson, to outline a number of City initiatives and to hear more about how he envisions his role at the Chamber of Commerce. Overall, it was a good meeting and I believe the Chamber is in good hands.
- Prepared agenda items for the July 17 City Council meeting.
- Erik Glover and I met with Councilor Goebel and Tracy Crews for debriefing of the Mombetsu exchange with Newport junior high students that occurred the end of June. Overall, it was a great experience for the delegation. We talked about some of the logistical issues that occurred due to the loss of the

original chaperones. From this meeting, I will lay out a plan for future youth exchanges. In reality, this process needs to start in the fall with a committed group leader to coordinate the travel arrangements. I appreciate the efforts of Tracy Crews and Dietmar Goebel to step up late in the game to bring this together, as well as the efforts to develop a draft exchange schedule for the upcoming visit of the Mombetsu students. They are looking forward to the junior high delegation coming to Newport August 1.

- Held bimonthly meetings with Steve Baugher and Erik Glover.
- Lance Vanderbeck, David Allen and I met with the consultants conducting the feasibility study for the use of solar power at the airport. They anticipate being completed with this preliminary study by the end of the calendar year.
- Jody York and I scheduled a meeting for the visit of DJ Fox who has accepted the position of Wastewater Plant Superintendent for the City Newport. DJ will replace Andrew Grant who held that position and has been filling in on a contractual basis during this time. DJ possesses the necessary certifications for this position.
- Derrick Tokos and I met with John Connor and Ursula Marinelli to discuss the intergovernmental agreement to address various aspects of the health district's drug treatment center located in Agate Beach. Financial assistance will be provided in two forms. The City Council has given the preliminary authorization to utilize its opioid funding that is collected over the next five years as a contribution for this project. In addition, we will be presenting a package to the Urban Renewal Agency to assist in improvement of Biggs Street extending it through to NW 60th, and paying to upgrade the western half of the street that the hospital is not responsible for. The hospital is required to improve the eastern wall of the street. This is going to be presented to the Urban Renewal Committee at an upcoming meeting.
- I toured with Bill and Joann Barton at the Yaquina Preserve. While I have been invited in the past, I have never had the opportunity to tour this unique property. The Bartons asked about possibly purchasing some City-owned tidelands that are located from the high watermark of their property to include in their preserve. This is property that was given to the City by the Stoker family. We will be reviewing any additional history of potential uses of this property by the City.
- Met with Steve Stewart and DJ Fox, our Wastewater Treatment Plant Superintendent, to discuss priorities for the wastewater treatment plant and to understand her approach, as well. I am enthused about her background, and I think she will bring good mentoring skills to the current staff at the plant. The staff has not had extensive time working at the plant, so her capabilities, skills and experience to help develop the staff is a critical function.
- Held a routine Department Head meeting.
- Met with Council President Kaplan to review the agenda for the meetings on Monday afternoon and evening.
- I participated in a Council work session to discuss the multilingual position requested by the City Council, discussion of the process to hire a new city manager upon my retirement on or about July 1, and discussion on the schedule to replace the Mayor.

- An Urban Renewal meeting was held to appropriate funding for the project with ODOT to develop a revitalization plan for the city center and US 20, and for the purchase of property on US 101 in front of City Hall. In addition, executive sessions were held to discuss property issues by both the Urban Renewal Agency and City Council.
- Participated in the regular meeting held at 6 PM.
- Had a follow-up meeting with DJ Fox and Barb James following DJ's tour of the wastewater plant and meetings with wastewater staff. Overall, she is enthusiastic about the opportunity. She indicated that while we have many challenges with the plant, this is certainly the condition of most plants that she has worked at. Unfortunately, wastewater infrastructure is sometimes a low priority for many communities.
- Erik and I met to review the schedule for the students who will be visiting from Mombetsu arriving August 1.
- Erik Glover, Barb James and I met to review the proposals for the risk management agents for the City of Newport.
- Held a Public Works meeting with Steve Stewart and Justin Scharbrough to review various issues within Public Works.
- Held a bimonthly meeting with Derrick Tokos to review Community Development issues.
- Erik Glover, Barb James and I conducted phone screens of deputy city recorder candidates. We also completed phone screens when Erik and I were in Pendleton for the City Manager's Annual Conference. We will be bringing in a number of candidates for in-person interviews.
- Held a bimonthly meeting with Barb James to discuss HR issues.
- Met with Barb James and Travis Reeves to discuss changes to the IT job description that will be part of our advertisement to fill the vacancies that currently exist in IT.
- Erik Glover and I attended the Oregon City County Management Association's conference in Pendleton from Wednesday, July 19 through Saturday, July 22.
 - Heard a legislative update from LOC Legislative Director, Jim McCauley, and Ariel Nelson, Michael Martin, and Lindsay Tenes for the 2023 legislative session. It was quite a different type of legislative session with the Governor having a number of major initiatives identified as part of this legislative session. A number of these issues were detrimental to local control of our cities. House Bill 3395 initially was written to release developers from a number of reviews and commitments to local units of government. The initial bills had very little input from local government. Through the course of debate by the legislature, a number of the most serious concerns were modified to reduce the loss of local control. This set of bills was still very much a deregulation bill to benefit the developers in trying to meet housing needs in the state of Oregon. Michael Martin indicated that some efforts were made on the infrastructure front, including refunding the special works fund. He indicated that the LOC has compiled a need of a \$23 billion investment in water and wastewater infrastructure. The

legislature approved \$30 million as part of an effort to put some state resources toward this effort.

- On drought relief, the legislature approved funding for place-based planning to identify smart ways to address drought relief. In addition, legislature appropriated \$15 million to assist low-income water and sewer customers in their water and sewer bills. In addition, legislation supported by our City Council to assist small water plants was approved and passed by the legislature.
- Jim McCauley outlined a number of transportation issues addressed by the legislature. This included allowing the use of speed radar for ticket issuance only, beyond the ten cities that were explicitly named to be allowed to do this previously. There is a requirement that speed radar be used on high-speed corridors. This is been a long-fought battle over four legislative sessions prior to getting this added flexibility for this use. In addition, local governments have been provided some latitude to adjust speeds higher or lower than the average traffic speed by 10 mph. This is something that we will certainly review as it relates to Oceanview Drive.
- Finally, the legislature is providing \$35 million into the Fund Exchange Program. This program takes federal funds that are provided for local government projects, and defederalizes these funds so that local units do not need to meet the federal requirements for local street projects. ODOT is running out of operational funding so the legislature capitalized a fund exchange so this program can continue.
- Another big project related to the interstate bridge is the bridge over the Columbia River. The amount of \$1 billion dollars in GO bonds was authorized by the legislature. With declining revenues from gas and weight taxes, the legislation will use other funds to pay back the bonds for this bridge. Washington state has approved a similar commitment. It is anticipated that this would allow a bridge project to proceed sometime between 2029 and 2031.

Despite pleas from many parts of the state, measure 110 issues relating to decriminalization of certain drugs was not addressed during the legislative session. The legislature did specifically assign OHA to oversee these efforts. The legislature indicated that this will be a discussion item for the 2024 short session.

- Lindsay Tenes indicated that enterprise zones were extended by seven years, however, there were changes including a payback schedule of a portion of the forgiven taxes.
- Jim McCauley indicated that the number of climate issues moved forward including a requirement that public buildings of 35,000 square feet or larger, must meet certain standards with compliant schedules being developed by 2028 to address various energy issues with these public buildings.
- On broadband services, \$100 million has been appropriated to address gaps in this network. This funding will be provided for regional projects. It is important that Cities do not try to go it alone to seek funding since they will not be competitive in the framework that has

been identified. The State did not match federal funding for strengthening cybersecurity systems. This will likely be a priority in the 2024 short session.

- Jim McCauley indicated that in the 2024 short session, the League will be identifying a number of issues, including increased flexibility in the use of the transient lodging tax, additional funding for infrastructure projects, and building towards a transportation package that will help state and local governments meet transportation needs. He indicated that now is the time to engage with legislators. Waiting until the legislative session begins is often too late to have a meaningful dialogue. Advocacy is a year-round job. LOC is borrowing a great educational video that was put out by the Washington Municipal League on the importance of maintaining these discussions with legislators throughout the year.

Overall, he characterized the 2023 legislative session as a frustrating session. There are many challenges, and the League has identified the need to work closer with the Governor. There has been some headway made with the outreach that the League has made to the Governor to work on a number of initiatives going forward. Mike McCauley indicated that Regional Solutions is an important pathway to gain understanding at the Governor's office of issues that are important to local government.

Lindsay Tenes will be working on the transient tax coalition. The Oregon Restaurant and Lodging Association (ORLA) has been very effective at stopping the changes before they can even be discussed on the floor of the Senate or the House. Mike McCauley indicated it is very important to work with your local hotels and restaurants to have them be a voice of reason with ORLA on the need to utilize funding to improve infrastructure to make communities more attractive to visitors. The cost of supporting tourism needs to pay for the infrastructure utilized by tourists.

A session was provided by the OCCMA senior advisors. The senior advisors are retired managers who provide counsel, experience and support to managers in the field to assist managers across the state.

- Attended a session on bridging the gap to a high performing organization. This panel discussed the fact that women as mid-managers in local government account for about 50% of the staff, yet women only make up about 20% of the City and County managers. The Northwest Women's Leadership Academy has a goal to bring the numbers up to 50% in the state for the women who serve as City and County managers. While women mid-managers have many of the same experiences as their male counterparts, the missing link is often the fact that women mid-managers do not have the opportunity to receive advice and training on business, financial and strategic acumen. The Northwest Women's Leadership Academy has been working to fill this gap to better prepare women mid-managers to fill

these top leadership positions within local government. Another challenge is that there is a tendency to hire people like us, not people that may have different values or different perspectives to fill positions. The City of Stayton uses a blind selection process removing the names of the candidates, and removing names of their previous employers. This is to screen applications in order to minimize bias. Internal biases and implicit biases are difficult for everyone to overcome. There is a level of comfort of hiring someone that is more like you instead of taking a perceived risk hiring someone that may have a completely different perspective on how to handle a particular job. The list of suggested actions include nominating a woman for the Northwest Women's Leadership Academy from your organization, learn about other cultures and how they can expand your organization's capabilities, and work with your City organization to understand the benefit that a broad-based group of employees will bring to operating departments and Cities in the future.

In addition, it is important to teach leadership to mid-level and entry-level staff members that want to advance their professional careers. Also, it is important to understand that this development may mean losing employees to other organizations. This is still healthy for the organization since employment is viewed as an opportunity to step up professionally for employees entering the workforce.

Erik and I had to had to pass on an overview of the history of the Confederated Tribes of Umatilla Indian Reservation in order to conduct phone interviews for deputy recorder candidates.

- Dr. Gisela Wendling of The Grove gave a presentation on designing and leading change. She has developed a system to support practitioners and leaders to embrace challenges as transformational opportunities. She has developed a system called the liminal pathways change framework (LPF). This process was used by the city/county of Denver, Colorado, to reduce the hiring process from 84 days to 45 days. The tool helps to visualize the change process. Her model tells people to say it (what is the problem) see it (what are the possible ways to resolve the problem) and then solve it (by selecting one of those options or a combination of options) to address the issue. Human nature often jumps to a problem solution instead of studying the problem before first. This can lead to an unsatisfactory solution that does not fully resolve the root issue that was causing the original problem. She suggested that a problem be identified and that an effort be made to address five different reasons why that problem exists. Once people understand why the problem exists, then it is appropriate to go through a brain storming process to identify various ideas of how that issue can be resolved, and the degree that the problem may be resolved. She then suggests putting all those ideas in a matrix that includes how high or how low of an impact the solution would have and whether a low effort or high effort would be necessary for the solution.

In cases where a solution may have a high impact at a low effort, then that is a logical solution to pursue. However, if there is a high effort and a low impact to a solution, those ideas should be left for another day.

- Participated in the Pendleton Urban Renewal tour. This was a very interesting tour of the Pendleton's downtown buildings. Many of these buildings were built in the late 1800s and early 1900s. They were built during times when wheat farmers had a surplus of money and when people had the desire to live on upper stories of commercial buildings. Most of these upper stories have been vacant since the 1950s and many of the buildings had a variety of different improvements, changing them from the original facades. Most of these structures were brick or masonry constructed. URA funding has been used to facilitate upper-story apartments. The majority of the funding was for façade improvements with four larger grants being provided to facilitate the construction of upper-story apartments. A typical contribution of URA funds for a \$2.5 million renovation project would be \$600,000 for upper story apartments. For façade improvements, the URA would cover up to 40% of those costs. Overall, it has made a significant difference in upgrading the buildings in downtown Pendleton. There is a lot of work to be done yet, but the work that has been facilitated with URA funds has made a significant difference in the look and feel of downtown Pendleton.
- Attended a session on energy issues facing the state of Oregon. Roger Klein, General Manager of the Northern Wasco County PUD, and former chair of the Public Power Council, gave an overview of the changing electrical needs for the state of Oregon. With the changing demands of adding electrical consumers being added to the grid, the number of megawatts has doubled over a period of time. Furthermore, the Northwest energy infrastructure has been rated a D+ by www.infrastructure.org. This is creating a situation that is currently not sustainable. As you add in the electrification of transportation in the state, coupled with the State's desire to eliminate carbon-based generation by 2040, something is going to give. The grid structure was not designed to support the level of electricity use that is being generated by folks working from home, charging vehicles, and utilizing electricity in many different ways. Furthermore, wind and solar are important sources of energy, however, they generate electricity at intermittent times. This is particularly true during extreme hot or cold weather when often there is no wind, and extremely high energy demands. The data centers are pushing electrical needs, as well. There are three goals with the electrical energy grid. Low cost, reliability, and resilience. In all reality, it is important to pick two out of the three based on the resources available to address electrical energy issues moving forward.

Mr. Klein indicated that there are three components that are considered in electrical generation. One is physics; two is economics; and, three is politics. The physics of generating electricity is bound by the technology that is available to generate and transmit electricity.

The economics determines the cost that people and businesses are willing to pay for electricity. The politics and policymaking edicts do not follow either the physics or economics of electricity, but the aspirational goals of the elected leaders.

Kurt Miller, the Northwest River Partners Executive Director, represents an organization that advocates for the operation hydropower as a low-carbon energy source generating electricity. Overall, hydropower has made the Northwest one of the lowest energy cost areas in the United States. Currently, Oregon is number one in the country on the lowest reliance of carbon-based fuels for electrical generation. Four of the five top states are also in the Pacific Northwest. Hydropower is the perfect complement to wind and solar. When the wind is not generating the electricity necessary, water can be released from the dams to generate electricity from hydropower. When wind and solar are producing electricity, that water can be saved and utilized for generating electricity when those gaps exist. In a sense, reservoirs are giant energy batteries that can be called upon to generate electricity when the demand is needed. Miller indicated that rolling blackouts will be facing most of the country by 2025 based on the growth of electrical demand exceeding electrical production. He indicated that the Snake River dams are critical in meeting the state's goal of not using any carbon fuels to generate electricity by 2040.

Nina Carlson from Northwest Natural Gas outlined their plans to reduce their carbon footprint by utilizing renewable methane. She indicated that that natural gas comprises 6% of greenhouse gases impacting the climate. This compares to almost 40% for the transportation sector. She is a big advocate of weatherization and use of new technologies, such as gas heat pumps, to reduce the carbon footprint caused by natural gas. While the cost of utilization of methane produced from decaying organic matter such as animal waste, wastewater treatment plants and landfills is still higher than utilization of traditional natural gas resources, this has to be the pathway of the future. She also talked about green hydrogen which is produced by using renewable energy to power the electrolysis of water. There is a test facility in Sherwood that is working to determine whether this technology can be commercialized. She also indicated that the amount of additional electricity that would be necessary to address heating and cooling costs if natural gas was not part of the mix, would have substantial impacts on the grids during hot and cold weather events.

The message from all three speakers is that policymakers need to match goals with achievability in order to have a rational way to reduce our carbon footprint and meet the needs for energy generation in the future.

- Heard a presentation on emerging issues in environmental law. Mark Strandberg, partner at Ring Bender, LLP, indicated that the next major regulatory item facing municipalities will be management of poly-

fluoroalkyl (PFAS). PFAS are a group of manufactured chemicals used in industry and consumer product since the 1940s. These chemicals can be found in foam used in firefighting, surfaces to reduce sticking of grease, water or oil. Scotchgard and other similar sources. PFAS is found in landfills and in wastewater operations, fire departments, and airports who have utilized firefighting foams as a method to extinguish fires. PFAS can impact reproduction, mental development in children, and pose a risk of cancer. Fortunately, Oregon is on the lower end of PFAS accumulation in the environment. Many of the more densely populated eastern states have much higher levels of the PFAS in the environment. The EPA has issued initial limits for PFOA and PFAS of 4 parts per trillion for drinking water. Water systems will need to begin reporting their consumer level of PFAS in the treated drinking water. The EPA will be considering the future limits for the discharge of effluent from wastewater treatment plants, as well. Currently, technology does not exist to cost-effectively remove PFAS from wastewater effluent. The EPA focus may be on source reduction versus trying to remove PFAS effluent. Other emerging issues impacting drinking water are cyanotoxin, manganese, pharmaceuticals, and nanoparticles.

Christine Hein, managing partner at Ring Bender, LLP, discussed the recent Supreme Court decision impact on the regulation of land. The Clean Water Act of 1972 changed the balance of state and federal relationships regarding land regulation based on interstate commerce. This Act identified waters of the United States as a federally regulated part of interstate commerce. In *Sackett vs. the EDA*, Idaho residents held a parcel of land that had some wetland characteristics but was not physically connected to waters regulated by the EPA. The US Supreme Court ruled that federal protection of wetlands only encompasses those wetlands that directly join rivers, lakes, and other bodies of water. In this case, the wetlands impacted property that was wet for part of the year, but was not connected to rivers, lakes, or other bodies of water. This decision will impact the regulation of certain types of land that has been enforced under the wetland requirements in the past. Christine Hein also covered the historic level of funding that is available to upgrade water and wastewater facilities to meet certain regulations. The federal government is dispersing most of these funds through the states, and states are working out how these funds will be administered to local units of government.

- Heard a presentation from Pat Martel, ICMA West Coast Regional Director; Jeff Towery, ICMA President; and, Martha Bennett, Lake Oswego City Manager, on ethics in city management. One of the key tools of the city management profession is the ICMA Code of Ethics. This code guides managers' involvement in a variety of areas, including restriction from endorsing or supporting candidates for your governing board, restricting involvement in any partisan politics assuring that all citizens have equal access to city services, and to have provisions to build trust and confidence in the profession.

- Heard updates from the ICMA President Jeff Towery, OCCMA President Scott Derickson (Scott also chairs the Oregon Latinos, the OCMA Veterans affiliate organization, and the Northwest Women's Leadership Academy).
- Participated in a session with Dan Brown, Law Enforcement Risk Management Consultant, CIS; and, Dave Nelson, Risk Management and Public Entity of WHA Insurance, on the relationships between city managers and police chiefs. Today there is much focus on ensuring transparent and equitable treatment of people within the community. In many communities the police chief may have higher visibility than the city manager, due to the nature of the coverage that police issues receive from the media. The nature of the relationship between the manager and chief has a direct impact on safety and well-being of the community. Both individuals are obligated to ensure effective law enforcement within the community and enhancing all members of the community in the work the department does.
- Participated in a tour of the Pendleton Unmanned Aerial Systems Test Range. This is located at the Pendleton Airport, which is a former World War II Air Force base. The City has converted existing hangar space for UAS testing services, as well as building a new space for these facilities. The area around the airport has unrestricted open air space for testing various drones. The airport has also built various test pads with area farmers to identify larger spaces for various testing drones. Overall, the Pendleton UAS range has supported over 40,000 operations since its inception. This operation is affiliated with the University of Alaska Fairbanks.
- Participated in the closing round robin discussion with Dr. Philip Cooper from Portland State University. Dr. Cooper approached me, as part of this round robin session, to discuss the issues relating to the PBS story on the inappropriate postings made by Mayor Sawyer that led to his resignation. About half of the round robin discussion was spent on this specific issue. This was a great topic since these matters directly impact city managers throughout the state. Overall, the discussion and feedback from the group was very favorable for how this situation was dealt with by the City of Newport. It showed leadership from the City Council in addressing the behavior of one of its own members. Council members conferred with the city manager on what types of steps could be taken for the Council to address this issue. The postings brought the community together to call out discriminatory and offensive posts impacting underserved communities. The role of the Council Rules and the Statement of Diversity, Equity and Inclusion played in guiding the outcome was discussed. Finally, Mayor Sawyer's sincere apology acknowledging that the statements were hurtful leading to his decision to resign his position as Mayor to help the community move forward, played into the discussion. There was a support from the attendees regarding how this issue was effectively and quickly resolved. The President of the League of Oregon Cities, Steve Calloway, participated in this meeting, as well. He indicated that he had reached out to both Mayor Sawyer

and Councilor Hall as this issue was unfolding. Scott Derickson, City Administrator for City of Woodburn, distributed the Oregonian article to his elected officials as an example of how private activities can impact the City and how the City of Newport dealt with this matter.

Overall, it was a good conference. During the report from the ICMA President, I was one of two Oregon managers to receive an ICMA presidential challenge coin for the support I have given OCCMA and ICMA over the years. I was pleased to receive this surprise presentation!

Upcoming Events:

- On August 1, a student group from Mombetsu arrived in Newport. Council has been invited to participate in the welcome at 4:30 PM at City Hall and the picnic at Ona Beach on Friday at 5:30 PM.
- August 1 was the Annual National Night Out from 5-8 PM. This was held at the Newport Recreation Center. City Councilors staffed a table for this event.
- A special work session and Council meeting will begin at 3 PM on Monday, August 14 to interview and select a Mayor.
- I will be taking the week of August 28 off to visit family in Michigan. Erik Glover will be Acting City Manager.
- City offices will be closed Monday, September 4, in observation of Labor Day.
- I plan to attend the ICMA Annual Conference in Austin, Texas, from Saturday, September 30 through Wednesday, October 4.
- The LOC Annual Conference will be held in Eugene from Thursday, October 12 through Saturday, October 14. Erik has registered all Councilors. **Please contact Erik by Monday, August 28**, if you need to cancel your registration. Councilor Botello has indicated that she will not be able to attend. We will keep this slot available in the event a new member of Council is appointed prior to the cancellation date.
- City offices will be closed Friday, November 10, in observation of Veterans' Day.
- City offices will be closed Thursday and Friday, November 24 and 25, in observation of Thanksgiving.
- City offices will be closed a half day on Friday, December 22 and a full day on Monday, December 25, in observation of Christmas Eve and Christmas Day.

Attachments:

- Attached is the Oregon Employment Department report for June for Northwest Oregon economic indicators.
- Attached is an article from the Oregonian on the legal challenges dividing US Court of Appeals Judges on addressing homelessness.
- Attached is the water bill insert on water and sewer rate adjustments.
- Attached is a statutory notice from Lincoln County regarding House Bill 2225 and the impact on timber conservation (T-C) zoned property in Lincoln county. We got the notice for City-owned lands around the reservoir zoned T-C.

- Attached is the map from the Pendleton Urban Renewal Agency tour. A lot of interesting building is happening in the downtown area of Pendleton.

Respectfully submitted,

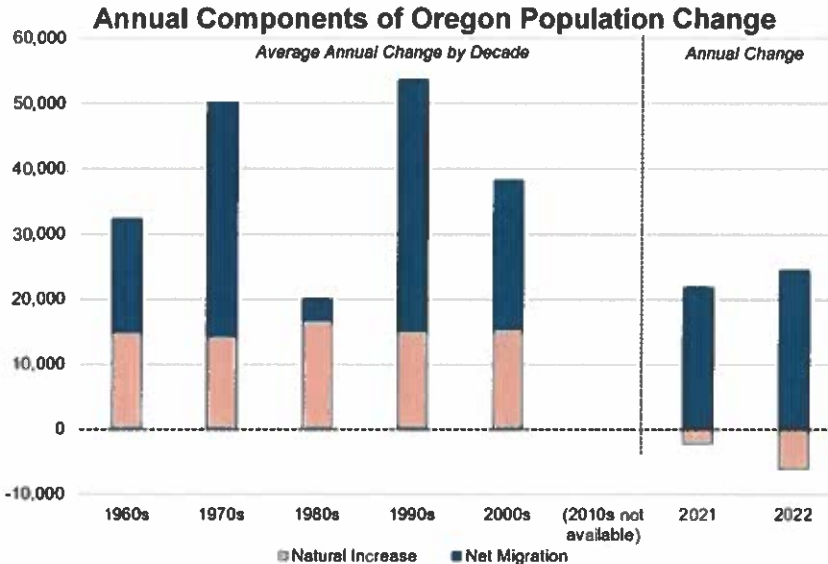
A handwritten signature in blue ink, appearing to read "S. Nebel", is positioned above the printed name.

Spencer R. Nebel, City Manager

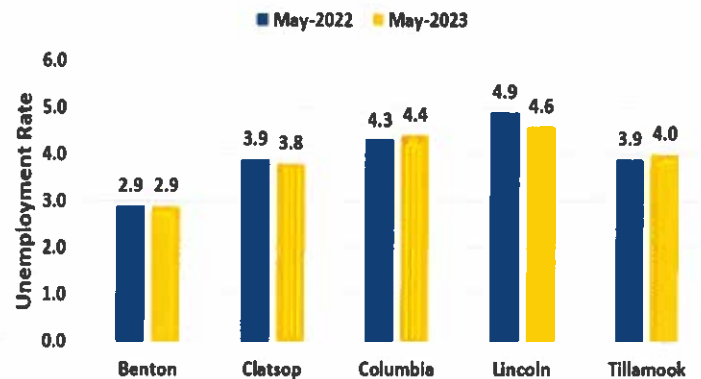
cc: Department Heads

Northwest Oregon Economic Indicators

For Benton, Clatsop, Columbia, Lincoln & Tillamook Counties June 2023 (May 2023 Data)

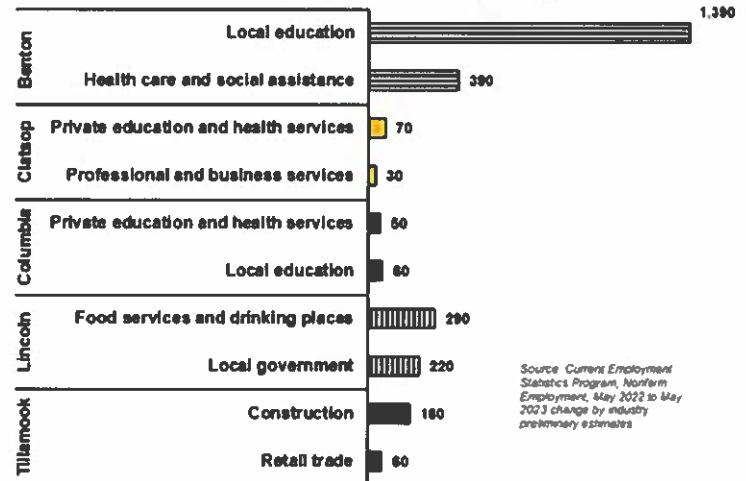


Local Area Unemployment Rates (Preliminary Estimates, Seasonally Adjusted)



Source: Oregon Employment Department Local Area Unemployment Statistics

Industries Adding the Most Jobs in Past Year by County



Graph of the Month

This month we are taking a look at the two primary components of population change in Oregon. Population changes occur in two major ways, through net migration and natural increase. Net migration is the difference between people moving into and out of the state, while natural increase is the difference between the number of births and deaths within the state. Over the last two years, deaths have exceeded births in Oregon, causing there to be no natural increase, though net migration continues to contribute to positive population growth. To learn more, [check out this article on Qualityinfo.org](https://www.qualityinfo.org).

Key Takeaways

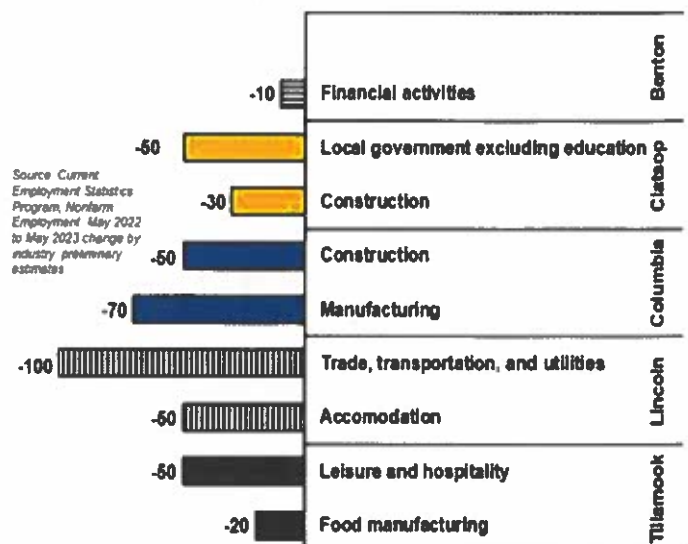
Unemployment rates continue to decrease across the region, nearing record lows. Employment changes are varied, showcasing the breadth and diversity of the northwest counties. One county worth highlighting is Lincoln County. The two main components of leisure and hospitality, food services and drinking places and accommodation, often move together. But this past month showed a decrease in accommodation employment in the county and an increase in food services and drinking places employment. Employment in complementary services often moves in tandem in the long run, but can vary month-to-month.

For more economic or labor market data or to be added to this monthly email list, contact:

Shaun Barrick, Workforce Analyst/Economist
Cell: 503.396.7355
E-mail: Shaun.barrick@employ.oregon.gov

Want to keep up on the latest Oregon economic data?
Visit our web site at www.QualityInfo.org
Follow us on Twitter at: [@OED_Research](https://twitter.com/OED_Research)

Industries Losing the Most Jobs in Past Year by County



PUBLIC SAFETY

Homeless crisis ruling creates bitter divide among West Coast appeals court judges

Updated: Jul. 06, 2023, 11:16 a.m. | Published: Jul. 05, 2023, 8:06 p.m.



People camp in tents next to the Interstate 405 freeway in Portland, Ore., on March 31, 2023. Judges with the 9th U.S. Circuit Court of Appeals are arguing among themselves about two rulings that have affected how many West Coast cities respond to people sleeping and camping in public places. AP

181
shares

By [Maxine Bernstein | The Oregonian/OregonLive](#)

A federal appeals court Wednesday refused to rehear a three-judge panel's ruling that prohibited the city of [Grants Pass](#) from criminally punishing homeless people who sleep in public places when they have nowhere else to go.

The [denial](#) of a full court review by the 9th U.S. Circuit Court of Appeals prompted unusually scathing dissents and statements by 16 other 9th Circuit judges who either blasted the original decision and urged it be corrected or argued that at least the full court be given the chance to reconsider the matter.

Many who dissented argued that the Grants Pass ruling created a confusing set of rules based on a flawed interpretation of the U.S. Constitution and made the court's judges into inappropriate "homeless policy czars."

The original ruling placed a “straitjacket” on West Coast cities that are now left with little recourse to deal with an insurmountable and widespread rise in homelessness, the dissenters wrote.

In response, the two judges who made up the majority opinion on the three-judge panel defended the denial of a full court review and also stood by their underlying 2022 opinion and claimed those criticizing it had mischaracterized it.

Highlighting the significant division among the 9th Circuit active and senior judges, a lawyer representing the city of Grants Pass said the city plans to petition the U.S. Supreme Court to review the case.



A person sleeps in February in an area where people who are homeless appear to live in downtown Portland.

Last year, the three-judge 9th Circuit panel upheld a lower court’s injunction that directed Grants Pass not to enforce its public camping and park exclusion ordinances against “involuntarily homeless persons” for the “mere act of sleeping” or camping in public spaces when “there is no other place in the city for them to go.”

The city appealed to have the case heard by the full federal appellate court. A majority of the court’s 29 active judges voted not to allow a full court rehearing, according to Wednesday’s [155-page order and amended opinion](#).

The two judges who wrote the majority opinion -- Roslyn O. Silver, a U.S. District judge in Arizona designated to sit on the 9th Circuit and 9th Circuit Judge Ronald M. Gould -- said the Eighth Amendment imposes "substantive" limits on what's punishable as a crime.

The attempt by Grants Pass to punish people with nowhere to go for the "life-sustaining act of sleeping" outside rose to one of those circumstances and is consistent with U.S. Supreme Court precedent, Silver and Gould argued.

Senior 9th Circuit Judge Diarmuid O'Scannlain called the panel's initial ruling an "egregiously flawed and deeply damaging" mistake that is "at war with constitutional text, history, and tradition, and Supreme Court precedent."

O'Scannlain, joined by 14 other judges, argued that the original opinion has paralyzed cities from addressing the significant problem of homelessness and removed their authority to craft public policy.

Without a fix, the 9th Circuit has required cities, particularly those in the West such as Portland, Los Angeles and San Francisco "to surrender their sidewalks and other public places to homeless encampments," he wrote.

The full court needed to "reconsider our unfortunate constitutional mistake," O'Scannlain wrote.

O'Scannlain contended that the Grants Pass decision rested partly on an earlier ruling in a case involving the city of Boise, which he wrote "invented" a federal constitutional right to sleep on public property. He noted that the 9th Circuit remains the "only federal court of appeals to have recognized an individual constitutional 'right' to sleep or to camp on sidewalks and other public property."

The three-judge panel that issued the Grants Pass ruling wrongly applied the Eighth Amendment that prohibits cruel and unusual punishment, O'Scannlain wrote.

It is "not a boundless remedy for all social and policy ills, including homelessness. It does not empower us to displace state and local decisionmakers with our own enlightened view of how to address a public crisis over which we can claim neither expertise nor authority, and it certainly does not authorize us to dictate municipal policy here," he wrote.

He also argued that the U.S. Supreme Court hasn't found that the Eighth Amendment applies to conduct not of one's free choice and that local officials should have the right to prohibit a "species of antisocial conduct."

O'Scannlain and judges who signed onto his statement urged the court to come out from behind its "marble walls and sealed doors" to consider the practical "grave and troubling" ramifications of the Grants Pass ruling.

"One need only walk through our neighborhoods — through the Tenderloin (San Francisco) or Skid Row (Los Angeles) — to know that our communities are fast coming undone," he wrote. "Tents crowding out sidewalks, needles flooding parks, and rubbish (and worse) marring public squares reflect a threat to the public welfare that should not be taken lightly."

Ninth Circuit Judge Milan D. Smith Jr., in his own dissent, wrote that the Grants Pass and Boise decisions have left "local governments without a clue of how to regulate homeless encampments without risking legal liability."

Smith said the Grants Pass ruling has set up unelected federal judges as "homelessness policy czars" instead of doing what they should be doing: Applying the rule of law.

The Boise ruling, he said, "handcuffed local jurisdictions" trying to respond to the homelessness crisis while the Grants Pass case "now places them in a straitjacket."

Smith criticized the formula that the judges set in the Grants Pass case -- that the city couldn't prosecute homeless people for sleeping in public "if there is a greater number of homeless individuals in a jurisdiction than the number of available shelter spaces."

That's unrealistic and doesn't take into account individual circumstances, such as people who refuse an offer to go to a shelter, Smith wrote.

In response to the vigorous dissents, the majority slightly amended its original ruling, removing the "beds-versus-population" formula.

To clear up any potential confusion, Silver and Gould removed a statement from their original opinion that referenced the number of homeless individuals in a jurisdiction compared to the number of shelter spaces available.

"When there is no shelter space, jurisdictions may still enforce limitations on sleeping at certain locations," they wrote in their amendment. "The assertion that jurisdictions must now allow involuntarily homeless persons to camp or sleep on every sidewalk and in every playground is plainly wrong."

They accused O'Scannlain and Smith of mischaracterizing their ruling with exaggerations.

• Their decision, they wrote, holds only that governments can't criminalize the act of sleeping "with the use of rudimentary protections, such as bedding, from the elements in some public places when a person has nowhere else to sleep."

Silver and Gould said nowhere in their ruling do they "establish an unrestrained right for involuntarily homeless persons to sleep anywhere they choose. Nor does it require jurisdictions to cede all public spaces to involuntarily homeless persons."

"The holding in Grants Pass is not that involuntarily homeless persons in the City of Grants Pass and elsewhere in the Ninth Circuit are allowed to sleep wherever and whenever they wish," the two wrote. "When there is space available in shelters, jurisdictions are free to enforce prohibitions on sleeping *anywhere* in public."

Further, when someone refuses an offer of shelter, that person may be punished for sleeping in public, the majority judges wrote.

Senior Circuit Judge Susan P. Graber sought to offer a middle ground. She said she agreed with the legal premise that the Eighth Amendment protects against criminal prosecution of the "involuntary act of sleeping," but that the relief granted in the Grants Pass case went too far.

"Given the widespread nature of the homelessness crisis in our jurisdiction, it is crucial that we get it right," she wrote. "Our court should have reheard this case en banc."

Theane Evangelis, the attorney representing the city of Grants Pass, said the city plans to petition the U.S. Supreme Court for review.

"We hoped the full Ninth Circuit would reconsider recent decisions that have contributed to the growing problem of encampments in cities across the West," Evangelis said by email. "The Ninth Circuit's decisions in this case and *Martin v. Boise* are legally wrong and are only harming the very people they were meant to help."

In Boise, a three-judge panel of the the 9th U.S. Circuit Court of Appeals in 2018 upheld a district court's ruling on the city's enforcement of its camping and disorderly conduct ordinances against people experiencing homelessness.

The panel found that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter." When Boise sought a full court review of the ruling, the 9th Circuit rejected such a review. The U.S. Supreme Court in 2019 then denied a Boise petition to review the ruling.

Senior status judges don't have a vote on whether a case should be heard by the full court. That's why O'Scannlain's position is called a "statement," rather than a formal dissent.

-- Maxine Bernstein

Email mbernstein@oregonian.com; 503-221-8212

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1 of 4

Which of the following best describes your position on abortion?

- I am more motivated to vote to support pro-abortion rights
- I am likely to vote, but it does not impact my motivation
- I am not likely to vote
- I am more motivated to vote to support anti-abortion measures

Next

To understand how we may use the results of this poll, please read our [Privacy Policy](#) and [User Agreement](#). This site is protected by reCAPTCHA and the Google [Privacy Policy](#) and [Terms of Service](#) apply.

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Adjustments to City Water, Wastewater and Stormwater Rates Effective this Month

The City collects three separate rates to cover various utility costs for water, wastewater, and stormwater. Water meters are read on a monthly basis to determine the volume of water used by various City customers. Wastewater is based on the volume of water used by customers. Stormwater charges are being based on a calculation of Equivalent Services Units (ESUs). This is calculated based on the impervious surface of properties which include roofs, driveways, compacted gravel areas, and other similar impervious surfaces. All residential units are charged for one ESU. These utilities are supported entirely by the rates collected from utility users, with the exception of a voter approved tax that pays general obligation bonds that were issued when the water treatment plant was constructed.

Historic Development of the City's Utility Systems

Newport originated as a tourist destination and small fishing village, expanding over the decades on the coast and along the Coast Range. As growth and development occurred, ravines running water to the ocean were piped and filled. Today, buildings and roads have been constructed over these lines that are often buried up to 40 feet deep. These pipes originally served as combined sewer lines discharging both stormwater and untreated wastewater into the ocean. In the late 1950s and early 1960s, the first wastewater pipes and wastewater plant were built. Sanitary sewer lines were separated from the original combined sewer lines. The original combined sewer system is still mostly in service and functions as the current stormwater system.

Newport provided domestic water beginning in 1904 and stored water in the two original tanks constructed in 1906 and 1908 at the public works facility until three years ago. These tanks were taken out of service in 2020, and have since been removed. Several water districts have been annexed into Newport with the City taking over operation and maintenance of these systems. These annexed areas were originally within the non-urbanized county and were characterized by narrow gravel roads and minimal or non-existent storm drainage. Aging infrastructure and road systems that were annexed into the City, but not constructed to City standards, create significant financial and human resource burdens in the maintenance and the meeting of regulatory requirements. This burden increases annually as infrastructure continues to age and fail. Construction and replacement costs continue to escalate. These aging systems still serve many homes and businesses in the community, with many components requiring expensive upgrades in order to continue their service life. Finally, the City is also faced with the need to replace the earthen Big Creek Dams during this upcoming decade.

Today's Water, Wastewater and Storm Water Systems

Today, the City operates and maintains a five-MGD membrane water treatment plant, seven water storage tanks, five water booster stations, a system of water mains to transport water to houses and businesses in the city, and two dams that store the City's water supply in the Big Creek Reservoirs. The City also operates and maintains a five-MGD wastewater treatment plant, with the wastewater collection system spread across approximately 11.2 square miles. The City maintains over 62.5 miles of gravity pipelines ranging in size from approximately three to 36 inches in diameter, 1,400 manholes, nine major pump stations, 16 minor pump stations, and 12 miles of sanitary force mains. In addition to water and wastewater systems, the City maintains a comprehensive stormwater system consisting of curbing, ditching, catch basins, and miles of underground piping. While other operating funds for the City are in reasonably good shape going into the 2023-2024 fiscal year, the utility funds are struggling. This is a result of less water usage during the pandemic and residual impacts



*New Water Treatment Plant
Filtration Rack*

from the water crisis that resulted in a shutdown of industrial customers due to a high level of organics in the reservoir. The Water Fund had to bear emergency expenses to bring in a portable water filtration plant and a number of significant upgrades were necessary in the plant to avoid similar circumstances in the future. In addition, the Council skipped a year of scheduled rate increases to provide some relief to City customers during COVID-19 In 2021.

The wastewater treatment plant is now over 20 years old. There have been a number of unanticipated repairs that have had to be accomplished in order to continue providing a clean effluent that meets DEQ discharge standards. Furthermore, a wastewater treatment plant masterplan has identified necessary work in order to keep the plan operational. This will require the City to borrow funding to make a number of significant upgrades to the plant over the next three years in an amount estimated at \$17 million dollars. The rate increases adopted by the City Council reflect the need to fund current operations and to make future improvements necessary to assure minimal impact to the environment through effective treatment of wastewater generated by the homes and businesses in Newport.



*New Pump Installation at the Main Influent
Wastewater Pump Station*



*Wastewater Treatment Plant Clarifier
Installation*

Utility Rate Adjustments effective July 1, 2023

Based on these factors as well as catching up with inflation, the City Manager recommended, and the City Council approved, an increase of 15% for wastewater rates, an 8.33% increase in water rates, and an 9.5% increase in stormwater rates. These adjustments would raise the bill of a customer using 4,000 gallons of water from \$113.36 to \$127.18 per month for water, wastewater and storm water costs. It is likely we will be looking at escalated rates to cover current and future debt requirements and inflationary costs for the operation of our utility systems in future fiscal years. We are, grateful for an appropriation from the legislature of \$3.8 million to offset a portion of the \$17 million investment necessary for the wastewater treatment plant. This action will reduce the necessary increase in rates in future years.

Reduced Rates are Available for Income Eligible Families

The City Council has a program in place to reduce water and wastewater rates for customers who are at or below 60% of the Lincoln County Median Income. This adjustment is a 30% reduction in water and sewer rates for customers who apply and meet eligibility requirements for this discount. This discount is being paid by the General Fund by maintaining a 1% payment in lieu of taxes from the water and sewer fund to the General Fund for this purpose. Contact the Community Services Consortium (CSC) for further information at 888-851-0242.

Online Account Information

Homeowners can monitor their water use, set water leak alerts, make regular payments, or set up autopayments by creating an account at [https:// www.newportoregon.gov/onlinepayments](https://www.newportoregon.gov/onlinepayments). For further details, please contact the Finance Department at 541-574-0617, for further information.



DEPARTMENT OF PLANNING AND DEVELOPMENT

210 SW 2nd Street
Newport, OR 97365
541-265-4192 (Phone)
541-265-6945 (Fax)

July 20, 2023

STATUTORY NOTICE – This is to notify you that the State of Oregon Legislative Assembly has enacted a land use planning statute that may affect the permissible uses of **YOUR PROPERTY** and other properties in Lincoln County. **THIS NOTICE** to you, and the language used in it, **IS REQUIRED** under Oregon Revised Statute (ORS) 97.047(8).

Dear Lincoln County Property Owner:

On July 2, 2019, the Legislative Assembly enacted HB 2225. The Department of Land Conservation and Development has determined that enactment of HB 2225 may affect the permissible uses of your T-C zoned property, and all other properties in zoned T-C, in Lincoln County, and may change the value of your property – **please review the enclosed notice from the Oregon Department of Land Conservation and Development (DLCD).**

We understand DLCD cannot provide a copy of HB 2225 for inspection at their offices at this time. However, DLCD will mail a copy to you at no cost upon request. For additional information, contact the Department of Land Conservation and Development at (503) 934-0622. A copy of HB 2225 is also available online on the Oregon State Legislative website at <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2225>. Please review the enclosed notice from DLCD for more information. You can also visit Lincoln County's Planning Division webpage at <https://www.co.lincoln.or.us/389/Planning-Division>.

In addition, you may contact Lincoln County Planning and Development – Planning Division at (541) 265-4192, or by email at planning@co.lincoln.or.us (write "HB 2225" in the subject line), if you have any questions or need additional information.

Respectfully,

A handwritten signature in blue ink, appearing to read "Onno Husing", is written over a faint, circular official seal.

Onno Husing
Director, Lincoln County Planning and Development
541-265-0223
ohusing@co.lincoln.or.us

Enc.





Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD

This Is To Notify You That The Legislative Assembly Has Enacted A Land Use Planning Statute That May Affect The Permissible Uses Of Properties In Your Jurisdiction.

On July 2, 2019 the Legislative Assembly enacted HB 2225. The Department of Land Conservation and Development has determined that enactment of HB 2225 may limit or prohibit land uses previously allowed on properties in your jurisdiction.

A copy of HB 2225 is available for inspection at the Department of Land Conservation and Development at 635 Capitol Street NE, Suite 150, Salem, OR 97301. For additional information, contact the Department of Land Conservation and Development at (503) 373-0050.

A copy of HB 2225 is also available online on the Oregon State Legislative website at <https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/HB2225/Enrolled>.

A few words of explanation to jurisdictions that get this notice:

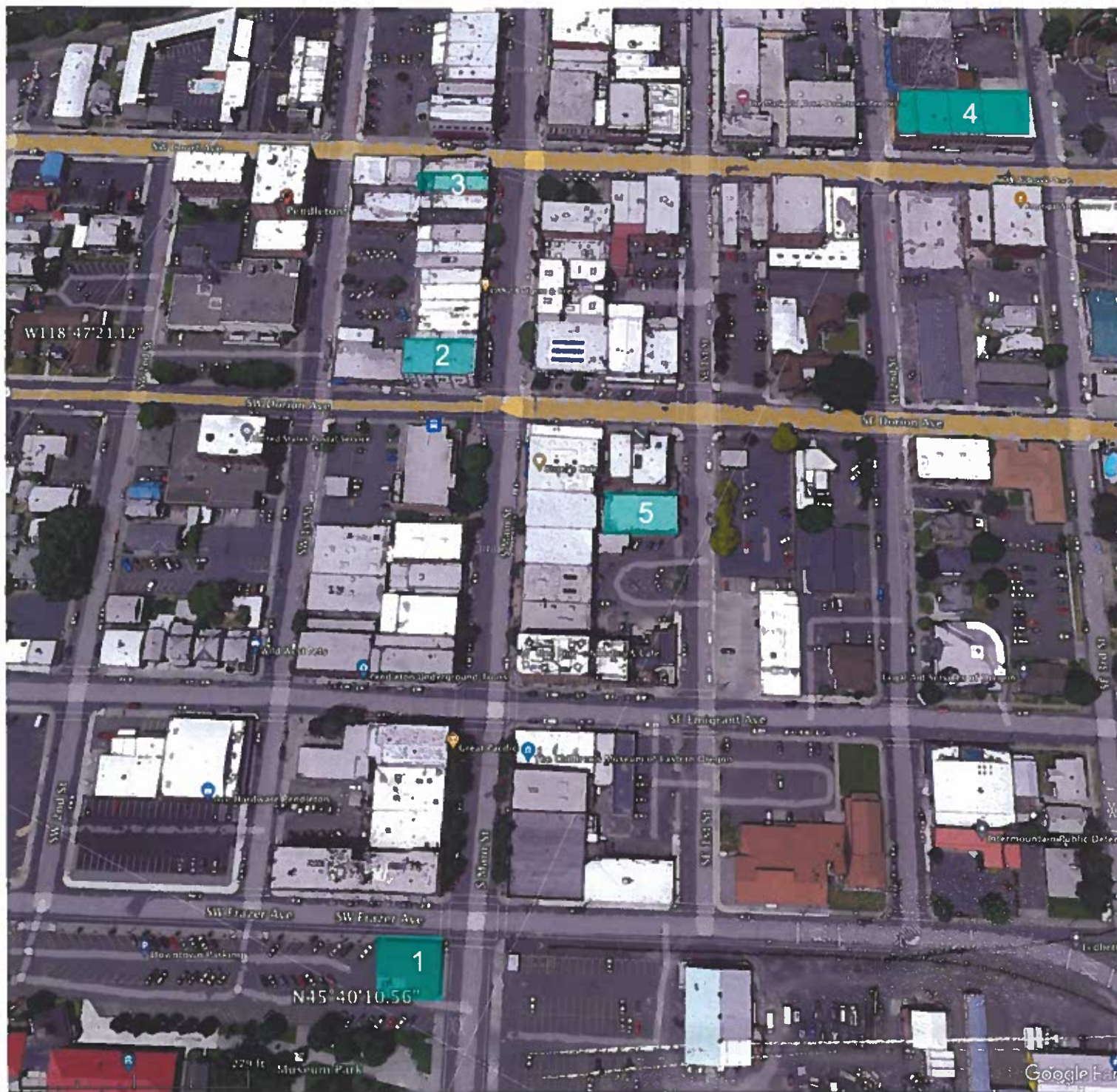
HB 2225 changes certain requirements for "Template Dwelling" reviews. Template dwellings are permitted in forest zones within areas that already had a certain number of existing dwellings and parcels on January 1, 1993. HB 2225 changes the following requirements set forth in ORS 215.750:

- ORS 215.750 previously required the 160 acre template to be centered on the tract but does not provide a method for determining the center. HB 2225 specifies that the template must be centered on the "mathematical centroid of the tract."
- HB 2225 prohibits using property line adjustments to relocate parcels from areas where they would not qualify for a template dwelling to areas where they would qualify.
- ORS 215.750 previously did not allow template dwelling approval on a tract that has an existing dwelling. "Tract" means one or more contiguous lots or parcels under the same ownership. The HB 2225 amendments do not allow template dwelling approval if a parcel was part of a tract on January 1, 2019 and another parcel that was part of the tract on that date has a dwelling.

When will these laws apply?

Section 3 of HB 2225 establishes different effective dates for specific counties as follows:

- On and after January 1, 2020 in Clackamas, Jackson, Lane and Polk Counties.
- On and after November 1, 2021, in Columbia, Coos, Curry, Deschutes, Douglas, Josephine, Linn, Marion, Washington and Yamhill Counties.
- On and after November 1, 2023, in Baker, Benton, Clatsop, Crook, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties.



Our tour of the downtown Pendleton historic district begins at the Chamber of Commerce (1), proceeds up Main Street to the historic Odd Fellows Lodge (2) in the middle of an apartment development project funded through urban renewal, then moves north to the upper story of the Rainbow Cafe (3), one of the oldest buildings in Pendleton, housing one of the oldest businesses in Oregon.

From the Rainbow we'll walk across Main Street down SE Court Avenue, past Hamley's Steakhouse and Western Store to the LaDow Block (4). Then we'll proceed a block south on SE 3rd to SE Dorion, right to SE 1st and turn left to the Oak Hotel (5) on SE 1st.

Along the way we'll also point out buildings that have received urban renewal grants.

See the back of this map for more information about these buildings and for contact information for Pendleton urban renewal staff.

**OCCMA Walking Tour--Downtown Pendleton
7/20-21/2023**

Chart shows if building received urban renewal grant funding and indicates the type of project. Empty upper story indicated.
Chart shows if a building was a bordello prior to the 1960s and if the building is on the national register of historic places.

#	Building Historic Name	Address	Year Built	Use	UR Funding	Project	Empty Up	Bordello	On Register
1	Heritage Station (former train station)	108 SW Frazer Ave	1909	Museum	No		No	No	Yes *
2	Bowman Building	17 SW Frazer Ave	1905	Apartments, offices, restaurant	Yes	Façade, upper story apartments	No	No	Yes *
3	Eagles Fraternal Lodge	424 S Main St	1914	Eagles lodge	No		No	No	No
4	Matlock-Brownfield Building	413-425 S Main St	1904	Apartments, retail	Yes	Façade, upper story apartments	No	No	Yes *
5	Ferguson Building (St Elmo Hotel)	412-418 S Main St	1904	Retail	Not yet		Yes	Yes	Yes *
6	Masonic Lodge	403-409 S Main St	1887	Great Pacific	Not yet		Yes	No	Yes *
7	St. George Plaza (Temple Hotel)	370 S Main St	1900-1937	Apartments, retail	Yes	Façade, upper story apartments	No	No	Yes *
8	Hendricks Building (NY Store)	369 S Main St	1897	Apartments, retail, Underground	Yes	Façade, upper story apartments	Partially	??	Yes *
9	Empire Meat Market	363 S Main St	1891, 1921	Retail, food & beverage	Yes	Façade	No	Yes	No
10	Rivoli Theater (Arcade Theater)	355 S Main St	1900, 1922	Under renovation	Yes	Purchase, façade, interior	No	No	Not yet
11	Frazier Building (Frank Frazier-Chehalis)	343-347 S Main St	1889	Retail, food & beverage	Yes	Façade	No	No	No
12	Temple Martin Buildings (Rex Hotel)	342-358 S Main St	1890, 1896	Zimmerman's Hardware	No		Yes	??	No
13	LaFontaine Building	332-338 S Main St	1902	Pendleton Music	Yes	Façade	Yes	Yes	Yes *
14	Medernach Building (Cosy Rooms)	333-339 S Main St	1898	Retail	Yes	Façade	Yes	Yes	Yes *
15	Columbia Hotel (Joe's Fiesta & Cantina)	322-326 S Main St	1900	Food & beverage	Yes	Façade, storefront renovations, bi	Yes	Yes	No
16	Bond Building (Sisters Café)	308-318 S Main St	1904	Food & beverage, retail	Yes	Façade, roof	Yes	No	Not yet
17	Berkeley Building	304 S Main St	1900, 1922	Offices, Air BnB	Yes	Façade	No	No	No
18	Odd Fellows Lodge (Casablanca)	261 S Main St	1897	Lodge, now apartments, retail	Yes	Apartments, façade	No	No	No
19	First National Bank (Vacant)	256 S Main St	1938	Bank	No		Yes	No	Not yet
20	Betz Block (owner is Ted Betz)	241-249 S Main St	1890s	Retail, food & beverage	Yes	Façade, business	No	No	No
21	Taylor & Brock Hardware	221 S Main St	1886	Retail	No		No	No	No
22	People's Warehouse (Hamley's Steakhouse)	216 S Main St	1905	Food & beverage	Yes	Façade	No	No	No
23	No name	213, 215 S Main St	Pre-1950	Retail, food & beverage	No		No	No	No
24	State Saloon (Rainbow Café)	209 S Main St	1880	Food & beverage	Yes	Façade	Yes	??	Not yet
25	Milarkey Building	203 S Main St	1883	Apartment, offices	Yes	Façade	No	No	Yes
26	Johns Building (NE Corner Main/Court)	146 S Main St	1896-1902	Offices up, retail down	Yes	Façade	Yes	No	No
27	Hamley's Building	24-36 SE Court Ave	1901-1903	Retail, food & beverage	Yes	Façade	No	No	No
28	Despain Block (1/2 demo'd 1959)	29 SE Court Ave	1887	Retail	Yes	Façade	No	No	No
29	No name	104 SE Court Ave	1880s	Retail	Yes	Façade	No	No	No
30	No name	108 SE Court Ave	1880s	Retail	Yes	Façade	No	No	No
31	Woodmen of the World Fraternal Lodge	120 SE Court Ave	1905	Retail, offices, tavern	Not yet		Yes	No	No
32	No name	126 SE Court Ave	1890	Offices	Yes	Façade, interior	No	No	No
33	Standard Grocery	138 SE Court Ave	1907	Retail	Yes	Façade	No	No	No
34	LaDow Block	201-239 SE Court Ave	1884, 1890	Retail	Not yet		Yes	No	Yes
35	Master Printers	206 SE Court Ave	1885	Retail, printer	Yes	Façade	No	No	No
36	Rohrman Bakery	224 SE Court Ave	1890	Retail	Yes	Façade	No	No	No
37	Haw Building	230 SE Court	1915	Food & beverage	Yes	Façade	Yes	No	No
38	Old City Hall	34 SE Dorion Ave	1908	Empty	Yes	Façade	Yes	No	No
39	Oak Hotel	323-327 SE 1st St	1904	Empty	Not yet	Full building restoration	Yes	Yes	No

Yes* If a building retains its historic appearance it can be considered as contributing within Pendleton's national historic district. Non-historic or buildings that have lost historic appearance cannot.

Contact: Charles Denight, Pendleton Urban Renewal, 541-966-0233 charles.denight@ci.pendleton.or.us

Design Chart for 6 bldgs.

62 million
12 aprls

Cash plan to start from
20k URA 10k Prrnal
24 Lin 29 hrs.

40% URA

Charles
Assae Dir URA

2.5m
6004

Grant
non
proof