

**CITY OF NEWPORT**

**ORDINANCE NO. 2223**

**AN ORDINANCE ESTABLISHING DESIGNATED  
SPEEDS FOR NW OCEANVIEW DRIVE**

WHEREAS, NW Oceanview Drive is a neighborhood collector roadway that provides vehicle, bicycle, and pedestrian access to a number of residential neighborhoods; serves as an alternative north-south route to US 101; is a segment of the Oregon Coast Bike Route; and provides public access to Agate Beach; and

WHEREAS, the roadway experiences higher traffic volumes and more through traffic than surrounding streets and, as a whole, is largely unimproved from a multi-modal perspective with narrow and winding sections, and cross street intersections with sight distance limitations; and

WHEREAS, over the years the City has received numerous complaints about traffic driving at excessive speeds, and its police and fire department personnel have responded to traffic accidents that resulted in injuries and property damage; and

WHEREAS, the City retained the services of Kittelson and Associates, Inc., a transportation engineering and planning consulting firm, to conduct a traffic operation and safety assessment along the NW Oceanview Drive corridor, between NW Spring Street and US 101; and

WHEREAS, an initial draft of the Kittelson and Associates, Inc. report was presented to the Newport City Council in January of 2024, followed by a revised version in April that responded to feedback from Council members, City staff, the Newport Bicycle and Pedestrian Committee, and members of the public; and

WHEREAS, on April 15, 2024 the City Council considered recommendations contained in the Kittelson report, and others by staff, and identified six (6) action items to improve traffic safety along NW Oceanview Drive; and

WHEREAS, one of the strategies involves reducing the posted speed limit along NW Oceanview Drive from 25 to 20 mph between NW Spring Street and NW 19<sup>th</sup> Court; retaining the existing 25 mph speed limit between NW 19<sup>th</sup> Court and NW Edenvue Way; and reducing the posted speed limit from 35 mph to 30 mph between NW Edenvue Way and US 101; and

WHEREAS, ORS 810.180(11) allows cities to establish, by ordinance, a maximum speed limit for a roadway under its jurisdiction that is up to 10 mph lower than the statutory speed, provided the roadway is located in a residence district and is not an arterial highway; and

WHEREAS, ORS 811.111 established 25 mph as the statutory speed limit in a residence district that is not adjacent to an arterial highway; and

WHEREAS, the term “residence district” is described in ORS 801.430 and ORS 810.180(12) as land outside of a business district that is contiguous to a roadway that provides access to property occupied primarily by multi-family dwellings; or where there is an average of 150 feet or less between accesses to dwellings, churches, public parks; or where the dwellings along a roadway obtain access from a nearby alley; and

WHEREAS, the 35 mph speed limit for NW Oceanview Drive between NW Edenvue Way and US 101 was established as a result of an investigation and order by the Oregon Department of Transportation (ODOT), making it a designated speed limit, as opposed to a statutory speed limit, that the City cannot reduce unless the designation is rescinded; and

WHEREAS, ODOT has outlined the procedural steps the City needs to follow to rescind the order that led to the establishment of the 35 mph speed limit, and the agency's staff has indicated that they will not seek to prevent the order from being rescinded; and

WHEREAS, once the ODOT order is rescinded, that portion of NW Oceanview Drive between NW Edenvue Way and US 101 will revert to a statutory speed limit, which is 25 mph for a residence district; and

WHEREAS, while a 25 mph speed limit is lower than the 30 mph originally envisioned for this segment of NW Oceanview Drive, it is nonetheless appropriate to the conditions; and

WHEREAS, an order can be placed on a future City Council meeting agenda, with the Council acting in its capacity as a road authority under NMC Chapter 6.05, to rescind any previous conflicting City issued traffic orders and confirm 25 mph as the speed limit for NW Oceanview Drive between NW Edenvue Way and US 101; and

WHEREAS, in the meantime the Newport City Council finds that the conditions outlined in statute for a City to establish a designated speed of 20 mph for the portion of NW Oceanview Drive between NW Spring Street and NW 19th Court have been met; and

WHEREAS, reducing the speed limit in this manner will, in and of itself, improve public safety along NW Oceanview Drive and is an initial step that will complement the installation of other planned safety measures such as pre-fabricated speed humps, advance pedestrian crossing signage, and vegetation clearing at intersections to improve line-of-sight visibility; and

WHEREAS, since this speed limit change is being implemented to further protect the public, the City Council determines that the continued health and safety of residents of the City of Newport is furthered by emergency adoption of this ordinance.

#### **THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** The whereas clauses set forth above are hereby adopted as findings in support of the actions described in Sections 2 and 3 of this ordinance, with the Council acting in its capacity as a road authority.

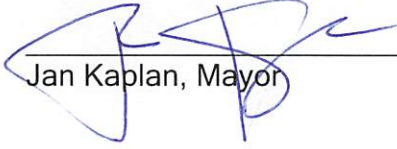
**Section 2.** Consistent with ORS 810.180(11), the City of Newport establishes a designated speed of 20 mph for that portion of NW Oceanview Drive located between NW Spring Street and NW 19th Court.

**Section 3.** The designated speed established in Section 2 shall take effect upon the City's replacement of the existing 25 mph signs with new speed signs that conform with this ordinance. The City Manager is directed to initiate replacement of the signs as soon as practicable, and to provide users with notice of the speed limit changes.

**Section 4.** This ordinance shall take effect on the date of adoption by the City Council to ensure the continued health and safety of residents of the City of Newport.

Date adopted and read by title only: 7-1-2024

Signed by the Mayor on 7/1/24, 2024.

  
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Jan Kaplan, Mayor

ATTEST:  
  
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Erik Glover, Asst. City Manager/City Recorder