



**AGENDA & Notice of Work Session,
& Regular Meeting of Newport City Council (CC)
Including Acting in the Capacity as the
Local Contract Review Board (LCRB)
And Urban Renewal Agency (URA)**

The City Council of the City of Newport, also acting in the capacity as the LCRB and URA, will hold a work session beginning at **5:00 P.M., on Monday, November 1, 2010**, in Conference Room A, with their regular Council meeting beginning at **6:00 P.M., on Monday, November 1, 2010**. The regular meeting will be held in the Council Chamber, 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the meeting agenda follows.

The work session and meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, 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 (541)574-0613.

The City Council, also acting in the capacity as the LCRB and URA, reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action items that do not require a public hearing may be moved up earlier in the meeting.

WORK SESSION
5:00 P.M.
CC - LCRB - URA

- I. Staff initiated items
- II. Council initiated items

REGULAR MEETING AGENDA
6:00 P.M.
CC - LCRB - URA

Any person wishing to speak on any agenda item should complete a Public Comment Form and hand it to the City Recorder, Peggy Hawker. Public Comment Forms are located on a table at the entrance door to the City Council Chamber. If you wish to comment on a subject not on the agenda, the Mayor will call on you under "Public Comments". If you wish to comment on a specific agenda item, the Mayor will call on you when the City Council gets to that item.

I. Call to Order and Roll Call

II. Public Comments

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items.. Speakers may not yield their time to others.

III. Proclamations & Recognitions

IV. Consent Calendar

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

- A. Approval of minutes from work session, and regular meeting of October 18, 2010,.....**pgs. 1-11**
(Hawker)

V. Council Members' Reports and Comments

VI. Officers' Reports

- A. Mayor's Report
- B. City Manager's Report.....**pgs. 1-56**
- C. City Attorney's Report

VII. Discussion Items and Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

- A. Presentation by Newport Police Dept.
(Miranda)
- B. Presentation by Oregon Coast Aquarium and History Center-Maritime Museum on requesting tourist facilities funds.....**pgs. 1-12**

7:00 P.M.

VIII. Public Hearings

- A. Public hearing on manufactured dwelling changes.....**pgs. 1-40**
(Tokos)

IX. Action Items

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)

- A. Water Treatment Plant and related matters—contract amendments.....**pgs. 1-22**
(Voetberg/McCarthy/Ritzman)
- B. Resolution in support of an ODOT Flexible Funds Grant to design and construct bicycle and pedestrian improvements along Ocean View Drive, Coast Street and Elizabeth Street.....**pgs. 1-4**
(Tokos)

X. Public Comment

(Additional time for public comment – 5 minutes per speaker)

XI. Adjournment

**NEWPORT URBAN RENEWAL AGENCY
Follows Regular Council Meeting
URBAN RENEWAL AGENCY MEETING AGENDA**

I. Call to Order and Roll Call

II. Public Comments

This is an opportunity for members of the audience to bring to the Agency’s attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

III. Consent Calendar

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

- A. Approval of minutes from regular URA meeting of October 18, 2010.....**pgs. 1-2**
(Hawker)

IV. Discussion Items and Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

V. **Public Hearings**

VI. **Action Items**

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)

- A. Consideration of Seventh (7th) Amendment to the South Beach Urban Renewal Plan & Report.....**pgs. 1-29**
(Tokos)

VII. **Adjournment**

October 18, 2010
6:43 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, McConnell, Bertuleit, Patrick, Brusselback, Kilbride, and Obteshka were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Public Works Director Ritzman, and Police Chief Miranda.

PUBLIC COMMENT

JoAnn Barton, speaking as a citizen and Port of Newport Commissioner, reported that an issue has arisen regarding fishermen parking on the Bayfront. She encouraged Council and staff to talk with the Port and fishing community regarding this issue. She displayed a banner commemorating the centennial of the Port of Newport, and asked that staff let the Port know when someone is available to hang the banners on Bay Boulevard. Patrick requested a banner to hang in the City Hall.

Ginny Golbrisch asked that Council remember that we have a working waterfront and to be vigilant not to erode the services that keep it a working waterfront. She noted that the Port issues parking stickers to fisherman for parking on the east end of the Bayfront, so the city and Port could get together to find a simple solution to the problem. It was noted that signage is part of the issue. It was suggested that Bain, Voetberg, and several commercial fisherman, and other Bayfront stakeholders meet on this matter.

Mark Watkins, business owner and Airport Committee member, stated that a letter had been received complimenting Terry Durham on his good work at the airport. He stated that he would like access to some of the surveys commissioned by the city. He asked that the City Council demand an interline agreement from SeaPort Airlines.

Ken Dennis, citizen and bicyclist, spoke about the Naterlin Drive sidewalk project. He asked whether there would be cost overruns since the estimate is more than two years old.

Walter Sherman expressed concern regarding the cost overruns of capital projects. He asked what steps were being taken to address these issues.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the regular City Council meeting of October 4, 2010, and the work sessions of October 4 and 11, 2010;
- B. Fire and Police Department monthly reports for September 2010;
- C. Report of accounts paid for September 2010.

Hawker reported making a minor amendment to the minutes. Obteshka asked whether the supplemental DEQ project is complete. Ritzman reported that some planting still needs to take place during the rainy season, but otherwise, the project is ready to go. MOTION was made by McConnell, seconded by Patrick, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Obteshka reported on a meeting and activities of the Senior Center Advisory Committee, including fees, the Senior Health Fair, financial assistance program, and Generations magazine.

Obteshka reported that the recent Nye Beach Murder Mystery was a success.

Obteshka reported that a sustainability workshop will be presented by Duke Castle on October 22.

Obteshka reported that the Lincoln County Extension Office is presenting natural resource classes at OCCC.

Brusselback reported that he had volunteered at the recent Homeless Connect program which was well attended.

Brusselback complimented staff on the new public restrooms at 9th and Hurbert Streets.

McConnell reported that he also helped at Homeless Connect project.

McConnell reported on a work session about the employee's retirement program, noting that another work session is needed to discuss the issue.

McConnell reported that Council had attended a workshop on business licensing last Monday.

McConnell reported that he attended the Destination Newport Committee meeting last Thursday.

Kilbride reported that he had attended a workshop on how to make up the shortfall in one of the city's pension plans. He reported that other fringe benefit programs have to be addressed quickly for budgeting purposes.

Bertuleit reported on a recent meeting of the Bicycle/Pedestrian Committee. Issues addressed were the need for a progress report on the Naterlin Drive project, priorities that would work well for a striping machine, a bike boulevard from Elizabeth Street to the Bayfront, the grant application for design work on Oceanview Drive, the police volunteer vacancy for a bike patrol person, the bike maps, and the vacancies on the committee.

Patrick reported that she had met with McConnell, Kilbride, Voetberg, and Marshall regarding the defined benefit plan, and that it is a serious matter.

Patrick reported that a discussion on room tax would be held on October 11, and that the continued discussion of the business license ordinance would occur on November 15, at 4:15 P.M.

Patrick reported that she, McConnell, and Brusselback had attended a recent meeting of the Water Treatment Task Force. She stated that it was revealed that staff knew about the overage in March. She asked why the matter was not brought to Council sooner.

Bain reported that he attended the work session on business licensing. He stated that work continues on airline sustainability.

OFFICER'S REPORTS

City Manager's Report. Voetberg reported on the status of the new aerial equipment for the Fire Department.

Voetberg reported that the packet contains notes from the September CWACT meeting.

Voetberg reviewed the history of the Bay Boulevard project, and noted that a project chronology, based on Council minutes, is included in the packet.

Voetberg reported that HDR Engineering and Slayden Construction met with the Water Task Force to review the water treatment plant project. He reported that costs for the water treatment plant were based on the city's water master plan. He noted that the project will go over budget, but he intends to present Council with finalized numbers on November 1.

Voetberg reported on the proposed pool costs, explaining the difference between the development of the pool costs and those of the water treatment plant. He added that he is very confident that the \$6.6 million estimate is accurate for the pool.

Voetberg requested Council input on the use of utility poles to hang FLYONP banners. There was no objection from Council.

Voetberg reported that the August 31 financial report had been distributed, and that questions could be directed to him or Marshall. Kilbride asked who had developed the water treatment plant budget, and whether the Agate Beach reservoir item was the million dollar water tank. He asked whether the city is still about \$1.4 million short, and whether the plant will be adequate with cuts of that amount. Voetberg reported that it is his intent to provide information on this topic on November 1. He asked that Council e-mail questions on the water treatment plant so that staff can respond on November 1. Patrick stated that based on discussion at the Water Task Force meeting, it looks like it is going to get bigger. Obteshka suggested looking at other cities that have installed this technology. McConnell asked about the minutes from the Water Task Force, noting that a lot of issues were discussed, and consensus was reached. Brusselback agreed that most questions were answered at that meeting.

City Attorney's Report. McCarthy reported that the plastic bag ordinance would be on the November 1 Council agenda. She noted that a continued work session on business licenses would be held at 4:15 P.M., on November 15. McCarthy noted that a sustainability work shop would be held on October 22.

McCarthy reported that an issue has been brought to her attention regarding contractors wishing to haul their own waste, and being unaware that the city has an exclusive franchise agreement with Thompson's Sanitary for this work. She noted that in many cases, contractors have entered into agreements with property owners that include the cost of the contractor hauling waste, to find that the franchise with Thompson's prohibits this activity. She reported that she has talked with the Finance Department and IT staff regarding placing information on the city's website regarding this requirement. It was suggested that an insert be placed in water bills to get the information to people who would be entering into contracts that might require hauling of construction debris. A discussion ensued regarding whether this provision is equitable. It was suggested that the definitions of debris and demolition debris may need revision. It

was reported that approximately one-half of other communities excludes construction debris hauling from the franchise. McCarthy reported that she had met with Rob Thompson, Ken Riley, and Voetberg to discuss the matter. Thompson's will be including information in an upcoming newsletter. McCarthy reported that the city's Community Services Officer is citing contractors hauling their own debris. Obteshka suggested notifying contractors of this provision at the time the business license is obtained, and possibly include the provision in the licensing ordinance. Thompson reported that the industry trend is toward more management of solid waste. He reported that the demolition permit from Lincoln City contains pretty good language. He reviewed the programs and services offered by Thompson's. It was noted that communication and education is the solution to this problem.

Steve Boyd, representing Maier Roofing Company of Albany, stated that he has never seen a law like this. He reported that his company is trying to provide higher levels of service and give people the freedom to decide how they want to dispose of materials. He stated that his company was fined \$1,000 for doing work at the Catholic Church, and the church did not want a drop box on the premises. He added that as a consumer, people would be upset to spend an additional \$500 - \$1000 because of the requirement to use a container, and that there should be options to the consumer. He distributed a handout to Council.

Wayne DeMoray stated that he does not understand why the city does not have a packet containing this information so that folks are aware of the issue prior to entering into a contract.

DISCUSSION ITEMS AND PRESENTATIONS

Presentation by My Sister's Place. Tracey Cummings, from My Sister's Place, and Melanie Kebler, from the DA's office, distributed packets to Council containing statistics and programming information regarding My Sister's Place. They reviewed statistics and programming, and Council thanked them for their services to the community.

Presentation by Bill Barton related to new municipal swimming pool. Patrick recused herself from this discussion. Bill Barton related a story about an elderly person who planned to vote in favor of the swimming pool bond issue as a gift to her grandchildren.

Agreement between property owner and city relating to new swimming pool. A discussion ensued regarding the potential sale of the property that Barton is willing to donate, and its allowable uses. Barton reported that he is interested in congruency with the South Beach Peninsula planning. MOTION was made by Brusselback, seconded by Obteshka, to approve the agreement between William Barton and the City of Newport related to the donation of South Beach property, and to authorize the Mayor to execute the agreement on behalf of the city. Bertuleit stated that he is okay with donating the money, but that he does not like contingency of use on property. The motion carried in a voice vote with Bertuleit voting no and Patrick recused.

PUBLIC HEARINGS

Continued public hearing on amendments to the Newport Comprehensive Plan, Zoning Ordinance, and Municipal Code relating to geologic hazards (File No. 12-Z-09).

Bain reported that this is a continued legislative hearing to discuss new changes made to the proposed geological hazards ordinance since the last hearing. He read the hearing procedure and opened the public hearing at 8:42 P.M.

Tokos presented the staff report noting that the packet contains a draft ordinance that has incorporated the changes to the ordinance that were developed at the September 27, 2010 work session. He reviewed the changes. He reported that three letters that were not in previous packets have been forwarded to Council. One is from Waffenschmidt and Schneller, one from Penelope Larsen, and one is from the Oregon State Board of Geologist Examiners. He stated that two significant changes have been made to the ordinance. One is the elimination of the geologic reconnaissance form. The other is a clarification that amendments to the geologic hazards code will not render a conforming property non-conforming in the event of casualty. He reported that there is optional language in the packet that would allow for an abbreviated geologic review and not be appealable on an existing conforming use. He noted that another issue is the map colors, and that the colors are consistent with DOGAMI maps. He added that the city can use other map treatments, but cautioned Council there is risk that city could be construed to be misleading people if inconsistent with DOGAMI reports. Kilbride noted that it was suggested that the geological report needs to be prepared on a moderate area. Tokos noted that the reconnaissance report was an option to a full report. Patrick asked whether insurance might cover the cost of a report in the event of casualty. She asked how long a geologic report stays on file with the city. She added that there is the potential of city interference with a real estate transaction, and stated that she does not want to put the city in constant litigation. Tokos noted that people currently come in and look at geologic reports all the time. McConnell asked whether the insurance company would have to pay if person has a loss and goes to the insurance company to recoup the loss, and the geologic report indicates that you cannot build there. Obteshka asked whether 2-4-7.025 was consistent with the franchise, and Tokos noted that only utility lines would be exempt.

Bob Ward suggested additional wording regarding casualty loss, noting that casualty loss should be the same as new development. He suggested the inclusion wording that would address the issue of having to replace a house, lost to casualty, in the same footprint if it was better to move it to a different location on a lot. He questioned whether a full geological report should be required in a medium hazard zone.

Bill Kaniho stated that there is undeveloped property at South Shore, and his concern is the adverse effect this ordinance might have on this undeveloped property. He requested written assurance that this property will not be affected adversely by this ordinance. Tokos reported that the language at issue is required by state law and was in effect in 1995 in the Comprehensive Plan, but not in the zoning code. Tokos added that if someone is interested in developing a lot, staff would pull the records and examine the issue on a case-by-case basis.

Mary Stupp-Greer stated that the red zone will carry a stigma, and she suggested creating a neutral graphic that will not stigmatize the city

Dennis Bartoldus, representing the Central Coast Home Builders Association, stated that it is imperative to include the optional language. He suggested as much flexibility as possible when dealing with catastrophic event.

John Waffenschmidt recommended that moderate risk properties not be required to have a geologic report.

Bob Berman suggested that the words, "at least," be removed from 2-4-7.010(D), and that a specific number of days be added.

Tokos noted that the Planning Commission had recommended that moderate risk properties be required to have a full geologic report.

Kilbride asked why the removal of the reconnaissance report is recommended. Tokos stated that there were too many liability concerns.

Bain noted that the DOGAMI map is not site specific. It was noted that a site specific evaluation would be necessary to clearly identify lines, and that a geologic report will trump the maps. Tokos noted that the maps are a tool used to identify when a site specific report is required.

Bain closed the public hearing at 9:30 P.M. for Council deliberation.

Patrick stated that she appreciates the new insights but believes that this is such an important issue that she would like to reread the proposal.

Bain asked that additional input be provided to the staff.

Kilbride stated that he agrees with Bob Ward and suggested staff address the issues raised by Ward. He expressed concern regarding liability if the red zone is removed from the maps.

Brusselback agreed that agency comment time should be to a date certain. He agreed with the casualty loss language recommended by Tokos. He also recommended hash marks or a neutral shade to replace the red zones on the map. He suggested that an explanatory statement could be included with the maps to eliminate misunderstandings.

Obtshka suggesting adding language in 2-4-7.015 that would make a geologic report good for five years or as long as the building permit is active, or whichever is greater

Bertuleit agreed with date certain for agency comment. He agreed with the casualty loss wording, and stated that he did not want red on the maps. He suggested that a geologic report not be a requirement in a moderate zone if the property owner signs a release.

McConnell agreed with the comments of other Councilors.

Public hearing on proposed formation of a City Center area parking district. Bain asked for conflicts of interest. Patrick stated that she is in the district. Bain opened the public hearing at 9:45 P.M. Tokos noted that this is the first of two public hearings that Council would hold on the formation of a City Center parking district. He reported that the proposal was formulated by City Center businesses, and includes a \$35 flat surcharge on business license fees. He noted that this should generate \$2,500 - \$3,500 annually to enhance the functionality of the existing parking. He added that it would also relieve the obligation to provide off-street parking to a point, and remove the payment-in-lieu of providing parking when development occurs. It was noted that this could be an incentive for businesses to redevelop in district. It was noted that the Planning Commission provided a favorable recommendation on this matter. Tokos noted that a

zoning code amendment would be required, and that would appear on an upcoming meeting agenda. He noted that the next public hearing on this issue would be December 6. Tokos added that if one-third of the business owners object, the plan stops, but to date, he has received 12% in opposition.

Pete McKeeman, owner of the Digital Diner, spoke in favor of the formation of the district.

Priscilla Klein, representing the Bank of the West, spoke in favor of the formation of the district.

Michelle Harris, speaking on behalf of Jim Weir and herself, spoke in favor of the formation of the district.

Rebecca Glenn, owner of the Kite Shop, spoke in favor of the formation of the district.

Wayne DeMoray, business owner at 333 SW Coast Highway, spoke in favor of the formation of the district.

Mike Larson, owner of 324 and 328 SW Coast Highway, spoke in favor of the formation of the district.

David Miller, owner of Yaquina Bay Communications, spoke in opposition to the formation of the district.

Twila Olson, business owner at 306 SW Coast Highway, spoke in favor of the formation of the district.

Wayne DeMoray stated that his business has off-street parking, and he supports the formation of the district.

Bain closed the public hearing at 10:03 P.M. for Council deliberation.

Patrick asked how the potential removal of parking on Highway 101, by ODOT, would affect this district. Tokos noted that the conversation with ODOT is a separate issue.

Obtreshka asked whether City Center has a plan for the use of such a small amount of money. It was noted that the money would be used for parking management, such as signage and striping.

MOTION was made by Brusselback, seconded by Bertuleit, to continue with the process of forming an economic improvement district in the City Center area for parking system improvements, as proposed in the Proposed Improvement Plan, and direct staff to prepare an ordinance to establish the district for consideration at a public hearing on December 6, 2010. A discussion ensued regarding the exclusion of businesses providing off-street parking.

Rebecca Glenn stated that the parking district is only formed for a period of five years. She noted that the fees were intentionally kept low to attract new businesses to the area.

John Sullivan, whose wife owns New for You, stated that her business has off-street parking, but they are in support of formation of the district.

The motion carried in a voice vote with Obtreshka voting no.

ACTION ITEMS

Appointment of Technical Advisory Task Force members. McCarthy explained that the Technical Advisory Task Force was formed for the purpose of advising and working with the city on activities related to the testing of ocean waters, habitat, beaches, and

animals near the G-P outfall. Bain appointed the following people to the Technical Advisory Task Force: Anne Sigleo, Peter Lawson, Roger Hart, Jim Fuller, Charlie Plybon, Frank DiFilippis, and Joe Hayward to this Task Force. MOTION was made by McConnell, seconded by Patrick, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:27 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor



Jim Voetberg
 City Manager
 CITY OF NEWPORT
 169 S.W. Coast Hwy.
 Newport, OR 97365
j.voetberg@newportoregon.gov

Manager's Report Meeting of November 1, 2010

Following is the Manager's Report for the City Council meeting of November 1, 2010:

North Side Urban Renewal funds: At the Council meeting October 18, 2010, a discussion ensued regarding the use of approximately \$65,000 of North Side URA monies. Part of the discussion revolved around making other folks/groups aware of this money, and consequently, the potential receipt of additional ideas for the use of the money.

Several issues come to mind, not the least of which is the small amount of available funding, and the time constraints involved with the process, i.e., commitment of the monies for appropriate projects by mid-December; the difficult decisions by Council of which project(s) to fund; and finally the desperate need for repair, renovation, or refurbishment (deferred maintenance) of city-owned properties constructed with North Side URA funds. In a brief discussion with Jerry Sabanskas, he quickly pointed out several deferred maintenance needs including; repairs to the PAC roof and the PAC covered walkway, needed repairs to the Library roof and air handling system, and needed repairs to the City Hall air handling system and City Hall upgrades for increased energy efficiencies. Jerry believes there is easily more than \$65,000 of deferred maintenance to these buildings that would be eligible for use of the remaining North Side URA monies.

After talking with Jerry, there is sufficient rationale to use the remaining funds on deferred maintenance needs (the needs don't go away by ignoring them), rather than spending them on something new. At this point, staff plans to utilize the remaining funds for deferred maintenance needs on city owned buildings that were constructed with North Side Urban Renewal funds.

Tourism Grant Report – Newport Half Marathon: Attached for Council review is the Tourism Grant Report for the Newport half marathon put on by the Friends of the Oregon Coast Aquatic Park.

Household Hazardous Waste Management Plan: Attached for Council review is the Household Hazardous Waste Management Plan, September 2010, as adopted by the Lincoln County Board of Commissioners.

US HWY 20 Speed limit Change: Attached for Council review is a letter sent by Police Chief Miranda to the State Department of Transportation requesting a speed limit change on Highway 20, just east of John Moore Drive.

Public Works Project Update: Attached for Council review is a Public Works project list and status report through the end of October 2010.

Suggestion/Concern/Complaint update: Attached for Council review is the Suggestion/Concern/Complaint update through the end of October 2010. The update covers citizen comments to staff, citizen comments brought to staff's attention by Councilors, and citizen comments voiced at Council meetings. As a reminder, closed items over 30 days old have been dropped off the list.



FRIENDS OF THE OREGON COAST AQUATIC PARK

550 S.E. 123rd Street, South Beach, OR 97366

Let's Go Swimming!

Board of Directors
Katherine M. Pedersen, President
Jeff Bertuleit, Vice President
Marcia Williams, Secretary-Treasurer
Carrie Lewis
George Mpitsos
Robert Wienert
Carol Fisher, Ex-Officio
James A. Protiva, Ex-Officio
Peter Gintner, Ex-Officio

NEWPORT CITY COUNCIL

City Hall

169 SW Coast Highway

Newport, Oregon 97365

September 20, 2010

Subject: Tourism Grant Report – Newport Half Marathon

Dear Mayor Bain and Council:

The second, annual Newport Half Marathon was held Saturday, September 18, 2010 and was a very successful event. 111 runners, walkers and bikers and five Newport High School relay teams registered. Sixty-eight percent were from locales outside Newport, an increase of five percent. Eight participants were from other states, as far away as Delaware and Arizona. Some of the comments we have received are:

“Thanks to all of you for putting on a great event. I hope it grows in years to come. I’ve run a couple GIANT events and this was a good one.” - Beaverton

“Thanks for putting on a great event. We enjoyed the race very much.” – Tigard (all three family members medalled)

“The hat is great...I have not taken the thing off...I plan to run again next year and bring some of my friends.” – Florence

“The course was absolutely beautiful, probably the best we’ve ever run for scenic beauty and we’ve run races from here to North Carolina and up into Alaska. Don’t change it at all. We will probably plan on running Newport every year if you continue it.” – Vernonia

I want to give special thanks to the Newport Police Department, especially Sgt. Tom Simpson, and their volunteers for their assistance in traffic control, at other locations along the course and at the Nye Beach turnaround. Our runners felt safe and enjoyed themselves as a result.

Receipt the Tourism Grant in the amount of \$1,300.00 allowed us to increase our advertising this year not only through the media, but with running hats with the Newport Half Marathon emblem for every participant. As awareness of this event spreads, we expect it to grow since half marathons are the fastest growing running events in the United States.

Sincerely,

Katherine M. Pedersen
President

Cc: Chief Miranda
Destination Newport

Our mission is to provide families and individuals with a variety of aquatic and aquatic-related activities in a single state-of-the-art facility.

www.swimocac.org

**BEFORE THE BOARD OF COMMISSIONERS
ACTING AS THE GOVERNING BODY
FOR THE LINCOLN COUNTY SOLID WASTE
DISPOSAL SERVICE DISTRICT**

In the Matter of:)
)
ADOPTING THE HOUSEHOLD HAZARDOUS) **ORDER NO. 10-10-334**
WASTE MANAGEMENT PLAN, SEPTEMBER 2010)

WHEREAS, Lincoln County and the Lincoln County Solid Waste Disposal Service District (District) adopted a Household Hazardous Waste Management Plan (2000 HHW Plan) dated September 2000 to guide disposal of HHW within Lincoln County; and

WHEREAS, the franchised Lincoln County Haulers (Haulers) in partnership with the District, Lincoln County (County), and the Department of Environmental Quality (DEQ) have updated the Plan to create the Lincoln County Household Hazardous Waste Management Plan (2010 HHW Plan) dated September 2010, to reflect new directions and options in HHW collection and disposal; and

WHEREAS, the Plan was presented to the Board by the Haulers and District on September 29, 2010 and after review and revision, both the County (through the Board of Commissioners in Order 10-10-333) and the District (through the Board of Commissioners acting as the Governing Body of the District in Order 10-10-334) desire to adopt the 2010 HHW Plan to guide county efforts in reducing and properly disposing of household hazardous wastes.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

1. That the September 2010 Household Hazardous Waste Management Plan for Lincoln County, Oregon, is hereby adopted for the District by the Lincoln County Board of Commissioners acting as the Governing Body of the District.
2. That a copy of the 2010 HHW Plan is incorporated herein as if fully set forth. The 2010 HHW Plan was attached to Order # 10-10-333 for recording in the Commissioner’s Journal.

1 3. That a copy of this Order be provided to the District Program Manager (who
2 will provide a copy to DEQ); to each of the Lincoln County franchised haulers; and to each
3 city member of the District.

DATED this 13th day of October, 2010.

**LINCOLN COUNTY BOARD OF COMMISSIONERS
ACTING AS THE GOVERNING BODY OF
THE LINCOLN COUNTY SOLID WASTE
DISPOSAL SERVICE DISTRICT**



BILL HALL, Chair



TERRY N. THOMPSON, Commissioner



DON LINDLY, Commissioner

**BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

In the Matter of:)
)
ADOPTING THE HOUSEHOLD HAZARDOUS) **ORDER NO. 10-10-333**
WASTE MANAGEMENT PLAN, SEPTEMBER 2010)

WHEREAS, Lincoln County and the Lincoln County Solid Waste Disposal Service District (District) adopted a Household Hazardous Waste Management Plan (2000 HHW Plan) dated September 2000 to guide disposal of HHW within Lincoln County; and

WHEREAS, the franchised Lincoln County Haulers (Haulers) in partnership with the District, Lincoln County (County), and the Department of Environmental Quality (DEQ) have updated the Plan to create the Lincoln County Household Hazardous Waste Management Plan (2010 HHW Plan) dated September 2010, to reflect new directions and options in HHW collection and disposal; and

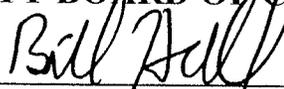
WHEREAS, the Plan was presented to the County by the Haulers and District on September 29, 2010 and after review and revision, both the County (through the Board of Commissioners in Order # 10-10-333) and the District (through the Board of Commissioners acting as the Governing Body of the District in Order # 10-10-334) desire to adopt the 2010 HHW Plan to guide county efforts in reducing and properly disposing of hazardous wastes.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

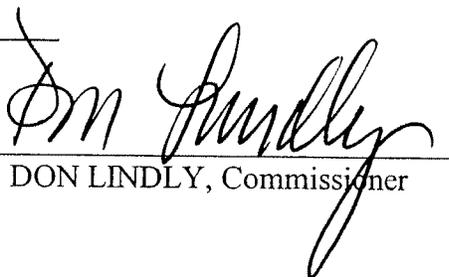
1. That the September 2010 Household Hazardous Waste Management Plan for Lincoln County, Oregon, is hereby adopted for the County by the Lincoln County Board of Commissioners.
2. That a copy of the 2010 HHW Plan is attached hereto and incorporated herein for recording in the Commissioner’s Journal.
3. That a copy of this Order with attached 2010 HHW Plan be provided to the District Program Manager (who will provide a copy to DEQ); to each of the Lincoln County franchised haulers; and to each city member of the District.

DATED this 13th day of October, 2010.

LINCOLN COUNTY BOARD OF COMMISSIONERS


BILL HALL, Chair


TERRY N. THOMPSON, Commissioner


DON LINDLY, Commissioner



Lincoln County, Oregon

Household Hazardous Waste Management Plan

September 2010

Prepared by the Lincoln County Haulers in Partnership with the Lincoln County Solid Waste Disposal Service District (District), Lincoln County (County) and the Department of Environmental Quality (DEQ). This Plan updates the Lincoln County Household Hazardous Waste Management Plan dated September 2000 prepared by Harding Lawson Associates et. al. for the District.

Adopted by Lincoln County **Order # 10-10-333**, October 13, 2010.

Adopted by the Lincoln County
Solid Waste Disposal Service District **Order # 10-10-334**, October 13, 2010.

Lincoln County Solid Waste Disposal Service District
880 7th Street
Newport, OR 97365

Table of Contents.....

- 1. Introduction**..... **1**
 - 1.1 Plan History..... 1
 - 1.2 HHW Management Goals 2
 - 1.3 Scope of HHW Management Plan 2
- 2. Overview of HHW Management Needs**..... **3**
 - 2.1 Evaluation of Present and Future Needs 3
- 3. Local Conditions**..... **5**
 - 3.1 Planning Area 5
 - 3.2 HHW Collection Events..... 6
 - 3.3 Automotive Fluids and Lead Acid Battery Programs 7
 - 3.4 Latex Paint Recycling Program..... 7
 - 3.5 Paint Stewardship Program in Lincoln County 8
- 4. Recommended Approach**..... **9**
 - 4.1 HHW Management Options..... 9
 - 4.2 Overview of Recommended HHW Management Option 10
 - 4.3 Targeted and Accepted Wastes 10
 - 4.4 Overview of the HHW Facilities 12
 - 4.5 Facility Permit Requirements 13
 - 4.6 Collection at the HHW Facilities 14
 - 4.7 Collection at Other Locations..... 14
 - 4.8 Number, Frequency, and Duration of Events..... 14
 - 4.9 Services for CESQGs 14
 - 4.10 Overview of Waste Management 15
 - 4.11 Re-Use Program 17
- 5. Program Management and Implementation**..... **17**
 - 5.1 Management Responsibilities..... 18
 - 5.2 Program Staffing 18
 - 5.2.1 Hazardous Waste Chemist..... 18
 - 5.2.2 Hazardous Waste Specialists 18
 - 5.2.3 Non-Waste Technicians 19
 - 5.2.4 Sources of Staff..... 19
 - 5.3 Staff Training and Health & Safety..... 19
 - 5.3.1 Operational Safety Procedures..... 19
 - 5.3.2 Personnel Training..... 20
 - 5.3.3 Personnel Health Monitoring..... 20
 - 5.4 Program Partnerships 20
 - 5.5 Program Outreach..... 21
 - 5.6 Out-of-County HHW..... 22
 - 5.7 Measurement of Program Success 22
- 6. Program Budget and funding**..... **23**
 - 6.1 Budget Projection 23
 - 6.2 Program Funding 23
- 7. Implementation Plan and Timelines**..... **24**
 - 7.1 Short Term Planning, Permitting and Construction Phase..... 24
 - 7.2 Long Term Operations Phase..... 24

Attachments

1. Lincoln County Household Hazardous Waste Events, 2002 - 2010
2. Quantities of HHW Collected by Waste Type, Lincoln County Annual Collection Events, 2006-2010
3. Lincoln County Permanent Household Hazardous Waste Management Planning Project, 7-Year Cash Flow Projection, Version 1 and Version 2
4. Project Calendar

Acronyms and Abbreviations

CERCLA County	Comprehensive Environmental Response, Compensation, and Liability Act Lincoln County
DEQ	Oregon Department of Environmental Quality
DIY	Do-it-Yourself (motor oil changer)
District	Lincoln County Solid Waste Disposal Service District
EPA	U.S. Environmental Protection Agency
FTE	Full-time Equivalent
Haulers Association	Lincoln County Haulers Association
HHW	Household Hazardous Waste
MSW	Municipal Solid Waste
NiCd	Nickel-Cadmium (batteries)
OSHA	Occupational Safety and Health Administration
PEL	Permissible Exposure Limit
Plan	Lincoln County Household Hazardous Waste Management Plan
PPE	Personal Protective Equipment
Superfund	See CERCLA
SWAC	Lincoln County Solid Waste Advisory Committee
TSD	Treatment, Storage, and Disposal
TSDf	Treatment, Storage, and Disposal Facility
UL	Underwriter's Laboratories

1. Introduction

The Household Hazardous Waste Management Plan (HHWMP) was completed in 2010 through a collaborative effort with the Lincoln County Solid Waste Disposal Service District (District), Lincoln County (County), the County franchise waste haulers (Haulers), and the Department of Environmental Quality (DEQ). The 2010 HHWMP proposes a permanent collection system for household hazardous waste (HHW) that would replace the periodic HHW collection events that are currently conducted.

The core service will consist of four collection facilities that are equipped with an HHW collection cabinet and located at each of the four DEQ permitted transfer stations located in Lincoln County. The collection facilities will provide a secure, protected location for waste acceptance, identification, packing, and temporary storage.

Each facility will be open to the public a minimum of eight days per year in at least four different months with each event lasting approximately four hours. The facilities will also be open for special collections on an appointment basis.

Wastes collected at each facility will be removed from the County by a fully permitted and trained contractor, and sent to a permitted Treatment, Storage, and Disposal Facility (TSDF) for safe recycling, incineration, or disposal.

New HHW services, as described in this plan, are projected to cost approximately \$78,500 in capital costs per facility and \$22,165 in annual operating costs per facility. Annual operating costs of all four facilities will be \$88,662. These costs will be offset by funding options referred to in Section 6.2 Program Funding.

1.1 Plan History

A Household Hazardous Waste Management Strategy was submitted to the District dated September 29, 2000 by Harding Lawson Associations (HLA). However, the recommended HHW management strategy was not implemented due to a lack of funding. The HHW Management Plan proposed by HLA consisted of the following elements:

- A small, permanent HHW facility for waste acceptance, identification, packing and temporary storage. Wastes consolidated at the facility would periodically be removed by a permitted / trained contractor and transported to one or more permitted Treatment, Storage, and Disposal facilities for recycling, incineration, or disposal.
- Eight to twelve collection events held annually with each event lasting approximately four hours. HLA proposed that four of these events be located at the permanent facility with the remainder conducted in the incorporated cities and unincorporated communities of the County. Wastes collected at these local collection events would be safely packaged and transported to the permanent facility for further consolidation

and containment.

In 2007, the District and the Haulers agreed to a plan that would include greater convenience to the public and decreased operating costs. This plan consisted of a permanent HHW collection system for Lincoln County that would include three collection cabinets located at DEQ permitted transfer stations in Lincoln County.

In 2010, the core service of this plan was expanded to include four collection cabinets located at each of the four DEQ permitted transfer stations in Lincoln County. The collection facilities will be added gradually over a period of four years as funding allows with the first collection facility planned to open in January 2012 and possibly in Lincoln City.

Approval for the 2010 plan was sought from the County Board of Commissioners on September 22, 2010. The plan was adopted by the Board of Commissioners, and by the Board of Commissioners acting as the governing body of the Lincoln County Solid Waste Disposal Service District, on October 13, 2010.

1.2 HHW Management Goals

The following are Lincoln County's goals for managing hazardous waste from households and conditionally exempt small quantity generators (CESQGs):

- Minimize environmental and health impacts associated with HHW.
- Educate residents and promote the use of least hazardous products and approaches.
- Educate residents and small business owners in the reduction, proper use, and proper storage of household hazardous waste.
- Provide regular, convenient, efficient and cost-effective service, considering both short-term and long-term costs.
- Reduce the amount of household hazardous waste disposed of in landfills, sewage systems, ground water, waterways (streams, rivers, ocean), the air, illegally dumped, and incinerated. Accomplish this through education, collection, and focusing effort on waste types that pose a higher risk to the environment and health. Since Lincoln County is located on a 55-mile stretch of coastline, particular attention will be on how improperly disposed HHW can threaten our waterways, harm marine life, impact our water supply, and impact our health.
- Continue to build cooperative relationships among the District and member cities (Newport, Lincoln City, Toledo, Depoe Bay, Waldport, Siletz, and Yachats), Lincoln County, Haulers Association, Lincoln County School District, fire districts, poison control professionals, retailers, real estate agents, and the Oregon Department of Environment Quality.

- Focus efforts and resources on services which will achieve the greatest environmental and health benefit.
- Emphasize proper end-of-life management of any hazardous waste collected.
- Include Conditionally Exempt Small Quantity Generators (CESQGs) in these efforts by identifying CESQGs within the District, providing educational outreach, and encouraging/accommodating participation in proper handling, record keeping, storage and disposal.

1.3 Scope of HHW Management Plan

This Plan addresses hazardous wastes generated by households located within Lincoln County, Oregon. To a lesser extent, it also addresses hazardous waste from CESQGs in Lincoln County (see section 4.9). In the future Lincoln County may choose to consolidate HHW services with those in one or more adjacent counties (such as Tillamook, Yamhill, and/or Benton). At this time, however, this Plan is limited in scope to Lincoln County only.

The planning horizon of this Plan begins with Plan adoption by the Lincoln County Board of Commissioners, proceeds through the design and preparation of expanded HHW collection services, and continues for five years from the start of such services. If Lincoln County is awarded and accepts a grant for facility funding from the DEQ, one of the grant conditions will be operation of the HHW program for five years. After five years of operation, the County would like to continue providing HHW collection services, even though its obligation to the DEQ under the facility grant will have been completed.

2. Overview of HHW Management Needs

2.1 Evaluation of Present and Future Needs

There is currently no regular, convenient method for residents and small businesses to safely dispose of all their household hazardous waste in Lincoln County, with the exception of used motor oil, lead acid batteries, antifreeze, spent fuels, and latex paint (see Sections 3.3 and 3.4). Our local permitted municipal solid waste facilities are legally acceptable disposal sites for most hazardous wastes from CESQGs and households, even though these aren't the most desirable methods to dispose of many types of hazardous wastes. Thus, it is assumed that these hazardous wastes are either being disposed of mixed with regular garbage, or in some other manner.

The DEQ and the Lincoln County Haulers have met the need in Lincoln County for an HHW disposal option by funding local one-day HHW collection events for the last eight years. These events have been well attended with the average amount collected being 19,216

pounds (see Table 1).

There is general agreement among representatives from the Solid Waste District, the County, the cities, the Lincoln County Haulers Association, and the Solid Waste Advisory Committee that more convenient and permanent measures are needed to control HHW beyond the periodic collection events that are currently conducted. As noted in the April 21, 2004 Integrated Solid Waste Management Plan, the periodic HHW collection events are an inadequate response to the health and environmental dangers posed by HHW materials and that the same level of commitment to waste recovery in the County should also be applied to more aggressive management of HHW.

Reasons for concern about HHW and CESQG waste include the following:

- **Product Use.** When used improperly (for example, at high application rates), some pesticides may enter groundwater, or runoff from lawns and gardens into storm drains, and from there into rivers and lakes, killing aquatic life and contaminating drinking water.
- **Product Storage: Poisonings.** Improperly stored products can result in accidental poisonings, especially among children. According to the *American Journal of Emergency Medicine* (September, 1999), there were almost one million exposures to non-pharmaceutical HHW reported to poison control centers in 1998, including 241 deaths and 3,027 “major impacts”.
- **Product Storage: Fire Hazard.** Storage of flammable products (solvents, fuels, oil-based paint) in homes may start fires, add to the fuel load of buildings, and endanger firefighter safety.
- **Waste Collection.** There have been several reported incidents in Oregon of workers at solid waste disposal facilities being injured or endangered as a result of hazardous waste disposal from households. For example, some pool chemicals are highly reactive and can release a poisonous gas. Flammable products may ignite inside the collection vehicle, transfer stations, or disposal site.
- **Product Disposal: Direct Release to Environment.** Many hazardous products, unless segregated and collected separately from other wastes, can damage the environment, including contamination of soil and water, and pollution of air. Environmental damage can occur in several ways, including direct releases to the environment (dumping outside), releases from disposal sites (landfills and incinerators), and releases from wastewater treatment facilities. Used oil burned for fuel or dumped on the ground, automotive batteries thrown in a roadside ditch, and herbicides dumped down the storm drain are all examples of direct releases which may harm the environment. Illegal dumping of all types of wastes is a significant problem in Lincoln County, particularly in rural, forested areas.

- **Product Disposal: Landfills and Incinerators.** Even disposal of some types of HHW in lined, RCRA Subtitle-D compliant landfills (such as Coffin Butte) can result in environmental damage. For example, mercury disposed of with regular garbage can evaporate (volatilize). If collected, the leachate is typically treated on-site or sent to a wastewater treatment facility. In either case, the mercury is eventually released back into the environment, where it typically accumulates at increasing concentrations in the fatty tissues of fish, wildlife, and humans, causing neurologic and other damage.
- **Product Disposal: Wastewater Treatment Systems.** Some households (and CESQGs) may opt to flush certain hazardous wastes into the sewer. A survey of small businesses in Montgomery County, Maryland, found that 13% of hazardous waste from CESQGs is disposed of down the sewer. Research in King County, Washington, has found that approximately 20% of hazardous waste from households and CESQGs enters the stormwater and wastewater systems. Some types of HHW can damage drain lines, leak into surrounding soil, or damage wastewater treatment systems. Other types of HHW can pass through wastewater systems and be released into the environment in the form of wastewater or metals accumulation in waste solids (sludge).

For all of these reasons, there is a need to reduce the negative impacts of HHW on human health and the environment. This need is expected to continue into the foreseeable future. Priority environmental concerns in Lincoln County include the decline health of salmon populations and other marine life. The County's fishing industry is heavily dependent on healthy, viable fish stocks. Threats to drinking water quality are another significant issue, as is the related problem of illegal road-side dumping of trash. Better management of HHW can help address all of these problems. For example, recent studies have shown that pesticide releases into streams can increase the mortality rate of spawning salmon. Improving the management of waste pesticides in Lincoln County can benefit the well-being of both humans and wildlife.

3. Local Conditions

3.1 Planning Area

According to the State of Oregon Department of Administrative Services, Office of Economic Analysis, the estimated population for Lincoln County as of July 1, 2008, was 44,715. The estimated populations of the seven incorporated cities in Lincoln County are as follows:

- City of Newport: 10,580
- City of Lincoln City 7,875
- City of Toledo 3,610
- City of Waldport 2,145

- City of Siletz 1,190
- City of Depoe Bay 1,405
- City of Yachats 780

Total projected population for these seven cities is 27,585, roughly 62% of the total population of the County. The remaining 17,130 or 38% live in unincorporated areas, primarily along the coast and in rural, inland valleys.

Three private companies have been issued exclusive franchises to collect Solid Waste in the County. The three companies are North Lincoln Sanitary Service, Thompson's Sanitary Service, and Dahl Disposal Service. North Lincoln Sanitary Service operates out of Lincoln City and serves North Lincoln County; Thompson's Sanitary Service operates out of Newport and serves central Lincoln County, Dahl Disposal Service operates out of Toledo and Waldport, and serves East and South Lincoln County. Each of these DEQ permitted facilities operates a transfer station in their respective areas.

3.2 HHW Collection Events

The DEQ and the Lincoln County Haulers have funded one-day collection events during the last eight years. Attachment 1 shows the data of pounds collected from the most recent collection events, in comparison to the data collected from 1991-1997. Less HHW was collected during the 2002-2010 annual events as compared to the 1991-1997 events, which may be a result of the HHW items that can now be recycled on a regular basis at the transfer stations. These items include used motor oil, antifreeze, lead acid batteries, lightbulbs, and latex paint. For comparison sake, Attachment 2 shows the quantities of HHW collected by waste types from the 2006-2010 annual events. Latex and oil-based paint yield approximately 50% of total pounds collected.

2002

This event was held on May 18th at the Lincoln County Courthouse in Newport. The event included a mercury thermometer exchange, as well as a reusable products exchange. A total of 40,519 lbs. of HHW was collected from 450 participants.

2004

This event was held on September 18th at the Lincoln City Community Center Parking Lot. A total of 14,921 lbs. of HHW was collected from 150 participants. This low participation was attributed to the weather, which was wet and cold, with lightning storms and heavy rain.

2006

This event was held on September 15th and 16th in Newport and Lincoln City. A total of 21,044 lbs of HHW was collected from 260 participants. These figures do not include the quantities of latex paint, motor oil and automotive batteries that the county waste haulers collected for no cost the week leading up to the event or the amount of such materials handled by the haulers throughout the year. Therefore, this event is a more accurate representation of the hazardous waste in the county that is not already collected by other

means.

2007

This event was held on July 28th in Waldport at the Dahl & Dahl, Inc. Transfer Station. A total of 11,790 lbs of HHW was collected.

2008

This event was held on March 15th in Toledo at the Toledo Fire Station. A total of 15,070 lbs of HHW was collected from 141 participants.

2009

This event was held on Saturday July 25th in Lincoln City at the North Lincoln Sanitary Recycling Station. A total of 21,701 lbs. of HHW was collected from 209 residential participants and 4 CESQGs.

2010

This event was held on Saturday July 31st in Newport at Thompson's Sanitary Service. A total of 34,792 lbs. of HHW was collected from over 200 participants.

3.3 Automotive Fluids and Lead Acid Battery Programs

All three of the franchised waste collection companies (North Lincoln Sanitary, Thompson's Sanitary Service, and Dahl Disposal Service) collect used motor oil curbside from households. In addition, used motor oil, antifreeze, gasoline, and lead-acid automotive batteries are collected for recycling at all transfer stations in the County (Lincoln City, Newport, Toledo, and Waldport).

It is assumed that most of this used motor oil is a result of "do-it-yourself" (DIY) oil changes. Research in Washington, Oregon, California, and elsewhere indicates that a significant amount of DIY waste oil may be released inappropriately to the environment, causing significant pollution of soils, and ground and surface water. In fact, reducing groundwater contamination from motor oil has been identified by DEQ drinking water staff as a high priority, particularly in areas with shallow drinking water aquifers located below residential neighborhoods. Rural residents are more likely to be DIY'ers, as opposed to residents of urban areas. Providing convenient collection opportunities for all DIY'ers to safely manage used motor oil, such as convenient drop-off locations and curbside recycling, is a critical public health service from an environmental perspective. What is not well understood at this time is what percentage of the waste motor oil is currently being collected through these systems, and how much is still being disposed of inappropriately.

3.4 Lincoln County's Latex Paint Recycling Program

The County's Latex Paint Recycling Program, begun in 1999, has continued to grow, with blending increasing from once to twice per year. In 2008, the program produced 3,450

gallons of useable paint. The District recycles up to 80% of the latex paint collected on a daily basis through the County's four DEQ permitted transfer stations. Only usable latex paints in one-gallon or larger containers are accepted – no oil-based, bad paint, stains or varnishes. The collected latex paints are inspected for quality and sorted by color. The paint is rebled, filtered and distributed to the community in 5-gallon buckets at a reduced price. The public may purchase recycled latex paint in Newport at the Solid Waste District.

In July 2010 North Lincoln Sanitary, Thompson's Sanitary and Dahl Disposal Service officially joined together as the Lincoln County Haulers Association (LCHA). The LCHA will take over operations of the District's Latex Paint Recycling Program. Each transfer station will mix the paint that is collected at that site. The paint mixing trailer and equipment will be moved from transfer station to transfer station as needed. The Recycled Latex Paint will be available for sale at each transfer station and/or recycling center. This is an improvement over the existing program where all latex is collected and then transported to Newport and the recycled paint is only sold at the Solid Waste District office in Newport.

The LCHA is in the process of presenting PaintCare (see below) with a proposal for reimbursement for collecting, sorting & mixing latex paint. Oil based paints and other products covered under the Paint Stewardship program will also be accepted at all county transfer stations. Good latex paint will be recycled through the County's Latex Paint Recycling Program and other paint products (primarily oil based paint) will be handled through the County's PaintCare program. PaintCare will be responsible for transporting the non-latex paint products that are covered under the Paint Stewardship Plan.

The Paint Stewardship Program is a pilot program. The Lincoln County Haulers Association will continue with the Latex Paint Recycling Program regardless of whether the Paint Stewardship Program continues.

3.5 Paint Stewardship in Lincoln County

"PaintCare" is the product stewardship program paid for by fees that customers pay when they buy paint and under which covered products are managed statewide. PaintCare was established to manage the reuse, recycling and proper disposal of old paint. PaintCare, a not-for-profit organization, was created by the American Coatings Association, who, working with state and local government stakeholders, passed the first ever paint product stewardship law in the United States in Oregon in 2009.

On July 1, 2010 PaintCare became operational. A PaintCare Recovery Fee has been applied to the purchase price of each unit of paint sold in Oregon, based on a graduated container rate. From this fee, PaintCare plans to increase collection centers throughout Oregon, establishing more convenient opportunities for recycling and proper disposal of leftover paint.

The HHW collection system that's outlined in this plan will provide an outlet for the public to dispose of the remaining HHW that's not covered by PaintCare and not already being collected at the transfer stations. Once the PaintCare program is operating in Lincoln County, and if it continues past its pilot phase, we expect a significant drop (by 40-60%) in HHW waste disposal expenses (see Attachment 2). PaintCare will be responsible for transporting the non-latex paint products that are covered under the Paint Stewardship Program. Reusable latex paint will be stored and rebled by the LCHA. The latex paint that cannot be reused will be recycled through the PaintCare program.

Items Accepted Under PaintCare (maximum container size: 5 gallons):

- Exterior and Interior Paints: Latex, Acrylic, Water-based, Alkyd, Oil-based and Enamel (all types of finishes and sheens, including textured coatings)
- Deck Coatings and Floor Paints (including elastomeric)
- Lacquers, Lacquer Sanding Sealers and Lacquer Stains
- Melamine, Metal and Rust Preventatives
- Primers, Undercoatings and Sealers
- Stains and Shellacs
- Swimming Pool Paints (single component)
- Varnishes and Urethanes (single component)
- Waterproofing, Sealers and Repellents: Concrete, Masonry and Wood (no tar or bitumen-based)
- Wood coatings (containing no pesticides)

Items Not Accepted Under PaintCare:

- Aerosol Paints
- Automotive Paints
- Caulking Compounds, Epoxies, Glues or Adhesives
- Colorants and Tints
- Craft Paints
- Deck Cleaners
- Industrial Maintenance Coatings
- Marine Paints
- OEM and Industrial Surface Coatings, Paints and Finishes (shop application)
- Paint Additives
- Paint Thinners, Mineral Spirits or Solvents
- Pesticide Containing Products
- Resins
- Roof Patch or Repair
- Tar or Bitumen-based Products

4. Recommended Approach

4.1 HHW Management Options

The Household Hazardous Waste Management Plan, adopted in September 2000, proposed several different scenarios for the collection of HHW. The option that was selected by the District, the Haulers, and other interested parties, is markedly different from the original proposals. The selected plan relies primarily on the area haulers to handle waste collected from the public at four HHW collection facilities and includes greater convenience to the public and decreased operating costs.

4.2 Overview of Recommended HHW Management Option

This plan identifies the services which the Haulers, working in partnership with the County, the Cities, the Solid Waste District, and other interested parties, proposes to implement to address the problem of HHW. The proposed new collection services of HHW consist of the following:

- An HHW collection cabinet at each of the four DEQ permitted transfer stations located in Lincoln County.
- Consolidated wastes will be removed from the County by a fully permitted and trained contractor, and sent to a permitted Treatment, Storage, and Disposal Facility (TSDF) for safe recycling, incineration, or disposal.

Elements of these services are explained in greater detail below.

4.3 Targeted and Accepted Wastes

Lincoln County's HHW collection program will place emphasis on collecting the most highly-hazardous wastes, as identified by DEQ. There will be a special focus on collection of the following waste types:

- **Poisons:** pesticides, herbicides, fungicides and other poisons.
- **Heavy Metals:** mercury and products containing elemental mercury (thermostats and thermometers, fluorescent light tubes, mercury batteries, bilge pump switches), Nickel-Cadmium (Ni-Cd) batteries, lead-acid batteries.
- **Flammables:** solvents, gasoline, kerosene, other fuels, oil-based paint, and flammable solids.
- **Corrosives:** acids, bases, and reactives (such as pool chemicals).

Motor oil and lead-acid batteries are best managed through the solid waste transfer stations or curbside collection (for motor oil). Residents bringing these materials will be informed of the availability of these services. Promotional materials for the events will not list motor oil, lead acid batteries, and paint as wastes to be accepted at the events (although they will be); promotional materials may list other places (solid waste transfer stations, PaintCare collection site etc.) to take these waste types.

ACCEPTED HHW INCLUDES THE FOLLOWING:

Paints, Stains, and Solvents (An alternative to dispose of Latex Paint is provided by the County's Latex Paint Recycling Program. Disposal of latex paint and more will be provided by the state's new PaintCare program)

- Oil-based paint and stains
- Latex paint, water-based stains
- Aerosol paints
- Other paints (pool, marine, auto)
- Solvent-based cleaning fluids
- Water-based cleaners

Pesticides and Poisons

- Solid, non-flammable pesticides
- Aerosol pesticides
- Liquid pesticides
- Solid, flammable pesticides

Corrosives

- Acids
- Bases (drain cleaners, oven cleaners)
- Reactives
- Oxidizers

Other Automotive Products (An existing alternative for safely disposing of these products is already provided through the solid waste transfer stations)

- Motor oil (new and used; only accepted if incidental to other waste deliveries)
- Contaminated, used motor oil
- Antifreeze (new and used)
- Vehicle Batteries (only accepted if incidental to other waste deliveries)
- Other automotive fluids

Other Household Products

- Household batteries, NiCds, buttons
- Polishes, waxes, soaps
- Thermometers, thermostats
- Fluorescent light bulbs, ballasts

NOT ACCEPTED HHW INCLUDES THE FOLLOWING:

- Explosives. Few HHW programs accept any explosives but in some areas near coasts and water bodies, there are few options manage spent emergency flares (required in all boats over 16') and so some programs team up with the Coast Guard or fire departments to accept these and then let the fire departments manage them. Adding these wastes as an option will be explored at a later time.
- Radioactive materials (with one possible exception being if the selected Treatment, Storage and Disposal facility has a reasonably priced option to manage smoke detectors).
- Electronics (unless containing significant amounts of mercury). These are difficult items to manage, and require significant space and staff. (*NOTE:* An existing alternative for safely disposing of electronics is already provided through the solid waste transfer stations).
- Compressed gas cylinders. Expensive; may be added at a later date if management costs decrease.
- Asbestos.
- Sharps (needles). An existing alternative for safely disposing of sharps is already provided through medical waste services provided at the solid waste transfer stations.

4.4 Overview of the HHW Facilities

The collection facilities will serve three primary purposes: waste acceptance, waste identification, and temporary waste packing and storage. Each facility will be open to the public a minimum of eight days per year in at least four different months with each event lasting approximately four hours. The facilities will also be open for special collections on an appointment basis.

Waste identification involves the classification of wastes into pre-determined categories so that compatible wastes are stored together and incompatible wastes are kept separate. Definitions of compatible and incompatible are a function of reactivity, safety, end-user (TSD) requirements, economics, and available storage space.

Waste packing generally consists of three approaches:

- loose packing (wastes are kept in their original containers, and packed together into totes or drums);
- lab-packing (the same as loose packing, but with the addition of absorbent material around the containers, in order to protect containers during shipment and absorb any spilled liquids); and

- bulking (wastes are drained or emptied from their original containers into a bulk liquid "soup" of compatible wastes).

Finally, waste storage provides for the temporary storage of full or partially full containers prior to eventual transport to TSDFs located outside of the County.

Wastes delivered to the facility by individuals and CESQGs on an appointment basis will undergo preliminary identification at the time of delivery so that incompatible wastes are kept separate. Depending on the types of waste, the certainty of identification, and staff availability, these wastes may be packed in their final shipping containers at that time, or stored in containment totes inside the cabinets for final identification and packing at a later date.

Waste will be stored in a HHW approved pre-fabricated 3-bay collection cabinet. Storage of wastes inside the cabinets is essentially of two types. The first type is waste that have been identified and packed into their final shipping containers. The majority of waste stored on-site at any one time will be in this form. In most cases, the final shipping containers will be 55-gallon drums. In all cases, only Department of Transportation approved shipping containers will be used.

The second type of storage will consist of relatively small amounts of wastes, in their original containers, stored on shelves in totes, in containment pallets or totes. Incompatible wastes will be stored in separate containment totes. These wastes will be re-identified and packed into their final shipping containers by the contractor prior to being hauled to the TSDF. This second type of storage is a temporary measure to allow for waste acceptance without requiring final waste identification, bulking, and/or lab packing each time waste is brought to the cabinets.

Each facility will consist of a HHW approved pre-fabricated collection cabinet and sealed concrete flooring. The facility will be located partially or fully underneath the canopy; at a minimum, the main entrance to the cabinets will be under cover. Waste acceptance and identification will occur underneath the canopy. A few other types of collected wastes may also be stored outside of the facility but underneath the canopy, in appropriate containers (55-gallon drums, etc.), if allowed by DEQ and the local land use permit. Storage space inside the collection cabinets will be at a premium, so the Haulers will work with DEQ and the local permitting authority to identify those wastes that can be safely stored outside of the cabinets.

The collection cabinets will be sited at permitted transfer stations, and will be purchased from companies that design storage for this type of waste. No additional permits will be required for the cabinets however existing DEQ permits will need an addendum.

Additional details regarding cabinet design and operations will be resolved with DEQ in the subsequent Engineering Plans and the Operations Plan, which will be prepared prior to beginning the DEQ permit addendum process.

4.5 Facility Permit Requirements

There will be no need for a new DEQ permit, as the collection cabinets will all be located on permitted solid waste facilities. However, existing transfer stations will need an addendum to include the collection of HHW.

4.6 Collection at the HHW Facilities

HHW drop off at the facility will be during regularly scheduled days throughout the year, rather than “events”, or at least 8 times per year.

4.7 Collection at Other Locations

N/A

4.8 Number, Frequency, and Duration of Events

There will no longer be a need for collection “events”, as HHW drop-off will be available year-round and should not need special HHW collection events.

4.9 Services for CESQGs

Conditionally exempt small quantity generators (CESQGs) are businesses that generate less than 100 kilograms per month (about 220 pounds) of hazardous waste (or 1 kilogram/month of “acutely hazardous waste”), and accumulate less than 1,000 kilograms (about 2,200 pounds) of hazardous waste at any one time. Unlike larger generators of hazardous wastes, CESQGs are not required to have an EPA identification number, use a manifest when shipping hazardous waste, properly package and label shipments of hazardous waste, or report to DEQ. CESQGs are responsible for the treatment or disposal of their hazardous wastes; however, permitted municipal solid waste facilities are acceptable disposal sites for CESQGs. Although disposal of CESQ waste at the transfer stations may be legal, it can be less desirable for the environment as well as worker safety (see Section 2.1).

Common types of CESQGs (and common types of waste they generate) include:

- Small printers (press cleaners and other solvents)
- Photography businesses (developers, bleachers, fixers)
- Small dry cleaners (perchloroethylene)
- Automobile services (spent solvents, antifreeze)
- Construction contractors (paint thinner, flammable paints, varnishes, stains)

- Farms, landscapers and horticultural businesses (pesticides, herbicides, fungicides, motor oil)

Because it is legal (though not environmentally preferable) for CESQGs to dispose of their hazardous waste at permitted solid waste transfer stations and landfills (just like households), HHW collection programs often also include CESQGs.

All four facilities will accept the HHW waste of CESQGs but pre-registration will be required. DEQ will most likely require that the CESQGs be tracked and that their status as CESQGs be certified. Self-certification is usually acceptable.

Assuming this approach is taken, pre-registration will involve these basic steps:

1. The CESQG completes a statement certifying that they are, in fact, a CESQG. At the same time, the CESQG completes a second form, identifying the types and volumes of wastes they desire to bring to the event.
2. The application is denied if the applicant is not a CESQG.
3. Each facility will estimate the fee. CESQGs will be charged directly for collection service. The fee will cover the estimated waste management costs for the types and volumes of waste. The exact fee structure will be determined by the facility. Each facility will clearly explain that the fee is an *estimated fee*, and that the total charge is subject to change based on actual waste types and quantities delivered.
4. Facility staff will schedule an appointment time for the CESQG to bring their waste. Processing CESQG waste requires additional time to verify the types and quantities of wastes and handle payments and receipts.
5. The facility will arrange pre-payment of the estimated fee. In the event that waste quantities or types are significantly higher or lower than estimated, the Facility will either invoice the CESQG, or provide a refund.

Most communities that include CESQGs in their HHW collection events find that the amount of additional waste contributed by CESQGs is not large. It is very challenging to get the CESQGs generally to trust the facility, and then to accept that they should pay for disposal as hazardous waste items that they've usually thrown out in the solid waste for a fraction of the cost. A typical CESQG will bring in over 100 pounds of waste. This represents about 2% of total projected waste volumes.

4.10 Overview of Waste Management

Reusable materials meeting the established re-use criteria may be set-aside as part of a waste reuse program. This is discussed in greater detail in Section 4.11, below. A few wastes collected at the facilities (and possibly stored at the facilities) will be managed locally. Reusable latex paint will be stored and rebled by the Lincoln County Haulers Association

as described in Section 3.4. The latex paint that the District cannot reuse will be recycled through the PaintCare program. Ni-Cd batteries will be shipped to a recycler. Any used motor oil, antifreeze, or lead acid batteries accepted will be managed through the local system of transfer stations.

Even after local management and waste re-use, the majority of wastes will still require transport to a permitted TSDF. There, wastes may be recycled, disposed of in a hazardous waste landfill, burnt for fuel, or incinerated in a hazardous waste incinerator. Waste management options are driven by a variety of factors, including available technology, cost, policy (the waste management hierarchy), and risk.

Both the State of Oregon (acting on behalf of the DEQ) and the State of Washington (acting on behalf of the Department of Ecology) maintain contracts for waste management that may be used by local governments in Oregon through a “purchaser program”. This allows Lincoln County to use the states’ waste management contractor(s) (and the security of the states’ contract) without needing to select a contractor from scratch and negotiate a contract. The haulers will evaluate these two contracts and use one or both for any collected waste that can’t be managed locally.

In selecting waste management options, the haulers will place the greatest emphasis on minimizing risk and liability. Under CERCLA, the hauler is responsible and could be found liable should hazardous waste from this program end up causing environmental damage, *even if this damage occurs outside of Lincoln County and/or is a consequence of poor management on the part of the County’s contracted hazardous waste vendor (TSDF) or its agent*. While this risk can never be totally eliminated, it can be reduced through adequate contractual terms, and by ensuring that the TSDFs and the companies that own them have:

- Good compliance histories,
- Relevant experience,
- Staff trained at appropriate levels,
- A U.S.-based insurance policy with a reasonable deductible and from an insurance company with good ratings (A- or better from AM Best, or A or better from Standard & Poors),
- Adequate funding reserved for facility closure,
- Adequate overall financial strength,
- Receipt of Certificates of Disposal from the final waste management facility.

The insurance policies should cover vehicle liability, including MCS-90 (provides cash availability to pay for immediate clean-up in the event of spills), worker’s compensation, general liability, pollution liability for at least the next three years, and umbrella liability (for all liability expenses not covered by other insurance).

Cost will be the second most important criteria for the hauler in selecting waste management options. For example, if the hauler has two waste management options for a particular waste, one of which is at a facility with an excellent compliance history that charges more to accept the waste, and the other is at a facility with a spotty compliance history that will charge less,

the hauler will select the former. However, if two facilities with comparable compliance histories charge different costs, the hauler will choose the less expensive.

The criteria receiving the least weight in evaluating options is the waste management hierarchy (with preference given to recycling first, then energy recovery and finally land disposal). This criteria will only come to bear for the hauler if two options (for example, recycling vs. land disposal) have comparable risk and cost.

4.11 Re-Use Program

The hauler will operate a program for collected items that may be reused. While many wastes brought to the facility are not appropriate for re-use (or, from an environmental and public health perspective, should not have been used in the first place), some are. Diverting these items reduces disposal costs for the facility, while reducing purchasing costs for whoever uses the material. Other HHW programs have reported disposal cost savings of up to 20% with a comprehensive waste reuse program.

Reusable items must have intact containers, readable labels, no obvious contamination, and must be mostly full. Certain items should not be distributed for reuse regardless of what condition the packaging is in (such as banned pesticides). Potentially reusable items will be set aside and stored at the permanent facility. The exact storage location (inside the storage building, in shelves or a locker under the canopy, inside the cargo box, or elsewhere) will be determined in coordination with DEQ.

Facilities will work with the interested partners and institutions to “market” these reusable items to them. This might consist of a quarterly inventory and product list distribution. Partners interested in taking the items for reuse will make an appointment with facility staff to come to the facility to collect the material. Users will be required to sign a waiver form releasing the facility from any liability. If a product doesn’t “sell” within a set period of time (6-12 months) it may be transferred into the HHW storage facility and packed with other wastes for removal and disposal.

Depending on available resources and space, the facility may expand the program into a full-service “drop and swap” with controlled public access. This will require a greater amount of space and retail-style shelving and organizations. Many HHW programs throughout the U.S. operate these types of services, so facility staff can learn from and evaluate these other programs prior to implementing this idea in Lincoln County. The facility may also set-up limited “drop and swap” tables.

5. Program Management and Implementation

The County will be the owner of the HHW cabinets but there will be an agreement (MOA) between the waste Haulers and the County that designates the Haulers as owners and operators of the HHW program, as well as the designated “generators.” As the “generators,”

company staff will sign manifests and will assume liability through CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act; also known as “Superfund”) for proper transportation and management of wastes. Because of this, it will be essential to review and approve any and all TSD facilities used by the contractor for adequate liability insurance, compliance history, and management systems. This is an important management responsibility and cannot be overlooked.

5.1 Management Responsibilities

District staff will share management and implementation of the program with the County’s Haulers, although primary responsibility will be on the Haulers, as the owners of the collection sites.

5.2 Program Staffing

Staffing will include at least one hazardous waste specialist and one non-waste technician at each site where a collection facility is located at all times that hazardous waste is accepted from the public.

5.2.1 Hazardous Waste Chemist

The role of the chemist will be fulfilled by the contractors who service the collection facilities in preparation for removal to the TSD. There will be a contract chemist present each scheduled day the facilities are open.

5.2.2 Hazardous Waste Specialists

The Hazardous Waste Specialist(s) will assist the Chemist and work under the Chemist’s direction. A Specialist will have a minimum of OSHA 40-hour training, depending on the work expected from them. They will also receive specialized training in HHW management as well as hands-on training under the supervision of a Chemist. They will be provided with appropriate personal protective equipment suited to their tasks (gloves, aprons, cover-up suits, visibility vests). The hazardous waste specialists will perform the following types of tasks:

- a. Set-up site;
- b. Unload waste and segregate into basic groups;
- c. Consolidate flammable liquids, under the supervision of the Hazardous Waste Chemist;
- d. Lab pack wastes, under the supervision of the Hazardous Waste Chemist;
- e. Handle latex paint (i.e., stacking containers onto pallets or into boxes or pouring into drums);
- f. Move full drums; and
- g. Remove solid waste or consolidate corrugated cardboard boxes for recycling.

The Hazardous Waste Specialist will be a facility staff member. Additional responsibilities during collection include staff oversight, signing of manifests, recordkeeping, and coordinating efforts with the hazardous waste chemist, who serves as the lead technical resource. Over time, and with sufficient experience, the lead Hazardous Waste Specialist may be able to assume some of the responsibilities of the Hazardous Waste Chemist.

5.2.3 Non-Waste Technicians

The non-waste technicians will receive training in on-site procedures, emergency response procedures and basic safety procedures. They will perform the following types of tasks:

- a. Set-up site;
- b. Direct traffic, ask survey questions, hand out informational materials to participants;
- c. Handle latex paint (i.e., stacking containers onto pallets or into boxes or pouring into drums); and
- d. Remove solid waste or consolidate corrugated cardboard boxes for recycling.

5.2.4 Sources of Staff

Hazardous waste specialists at the collection facilities will be employees of the Hauler that owns the site on which the collection facility is located. The Hauler will ensure that all specialists are properly trained.

5.3 Staff Training and Health & Safety

Each staff person will be provided with appropriate Personal Protective Equipment (PPE) for the tasks they are performing. The staff will be trained in emergency procedures such as how to limit and deal with minor spills, how and where to evacuate and who to call in the case of major emergencies. Staff will follow all standard operating procedures.

The establishment of health and safety policies and procedures will protect the workers and the general public from potential safety and health hazards posed at the site. The facility must also comply with Oregon and Federal OSHA requirements regarding worker safety. This involves implementing safety procedures regarding operations, personnel training, and personnel health monitoring.

5.3.1 Operational Safety Procedures

Standard operational safety procedures will be implemented by the facility. The correct level of Personal Protective Equipment (PPE), such as respirators, gloves, boots, helmets, protective jumpsuits, and reflective traffic vests will be established to fit the level of hazard exposure. There will be a procedure for entering and exiting the waste handling areas. Safety equipment will be provided and stored in accessible areas, and checked prior to any events or

waste handling. Animals and unauthorized people must be kept out of the active areas of the facility (which will have security fencing and locks on gates and doors). There will be an accessible facility drawing that shows fencing and signs, emergency equipment areas, storage areas for PPE and spill response equipment, and a shower and eyewash station.

5.3.2 Personnel Training

All employees working onsite will be trained and informed as to the hazards they may be exposed to and safe work practices. Hazardous waste specialists will attend a 40-hour hazardous waste personal protection and safety course and an annual 8-hour refresher course. Non-waste technicians will attend a 24-hour hazardous waste personal protection and safety course and an annual 8-hour refresher course (unless their role is limited to traffic control only). There will be a written training plan for each job description, which includes the type and amount of both introductory and continuing training for each position. The facility will maintain training records and check that employees have met individual work task training requirements.

5.3.3 Personnel Health Monitoring

A medical evaluation program will be instituted for the following employees:

- Any employee who is or may be exposed to hazardous substances or health hazards at or above the Permissible Exposure Limits or, if there is no Permissible Exposure Limit, above the published exposure levels for these substances, without regard to the use of respirators, for 30 days or more a year.
- Any employee who wears a respirator during part of a day.
- Employee exhibiting symptoms due to possible overexposure involving hazardous substances or health hazards from an emergency response or hazardous waste operation.

Medical examinations and consultations will be required of these employees prior to employment at the facility and events. A medical examination should also be performed as soon as possible, upon notification by an employee either that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that the employee has been injured or exposed above the Permissible Exposure Limits (PELs) or published exposure levels in an emergency situation. Routine medical monitoring will occur at least annually, and an exit exam will be provided to all employees when they end employment.

5.4 Program Partnerships

The Lincoln County Haulers will work with the following organization and entities to develop partnerships to support the HHW program. Each of these entities has expertise to lend to the HHW program and/or an interest to be furthered by participating.

Cities. Resources: funding, newsletters, personnel, equipment, facilities. Interests: minimizing household hazardous waste in their sewage treatment systems, protecting public health and the environment, possible CESQGs.

Lincoln County. Resources: funding, personnel, equipment, sites, legal oversight, facilities. Interests: same as cities, possible CESQG.

Haulers Association. Resources: personnel, equipment, facilities, outreach to customers. Interests: expanded service to customers, improved collection vehicle and facility safety, possible CESQGs.

Lincoln County School District. Resources: educational outreach, facilities. Interests: Possible CESQG.

Fire Districts. Resources: equipment, facilities, trained staff and volunteers. Interests: minimizing fire threats, minimizing risk to firefighters and other emergency personnel, public health and safety, possible CESQGs.

Poison Control Professionals. Resources: educational outreach. Interests: public health and safety.

Realtors. Resources: educational outreach. Interests: expanded service to customers by assisting with proper disposal of accumulated household hazardous waste at the time of home sale/purchase.

Retailers. Resources: appropriate handling, storage and disposal for products they sell, educational outreach. Interests: service to customers, expanded responsibility, possible CESQGs.

DEQ. Resources: professional and financial support, statewide contract for HHW staff/transportation/waste management, educational outreach, regulatory knowledge. Interests: environmental protection.

Neighboring Communities and Programs. (Tillamook County, City of Corvallis, Lane County, etc.) Resources: experience, staff. Interests: possible cost efficiencies by coordinating efforts, possibility to improve services by coordinating efforts.

5.5 Program Outreach

The Lincoln County Haulers will work with the District, County, cities, fire departments, poison control professionals, real estate agents, and other program partners to educate Lincoln County residents and businesses about safe management of hazardous waste. The

outreach effort will focus on three separate areas: waste prevention, safe use and storage of products, and waste management opportunities (curbside collection, transfer stations, collection events).

Except for the staff time involved, many of these approaches are available to the Lincoln County Haulers at little or no cost.

- Inserts in local utility bills
- Website postings
- Press releases to local newspapers/radio stations. Newspapers include the News-Times, News Guard, South Lincoln County News and Beacon.
- Interviews/call-ins on local radio stations such as KNPT (Newport), KBCH (Lincoln City), and KORC (Waldport).
- A booth at the Lincoln Country Fair.
- Articles in the Lincoln County employee newsletter.
- Presentations before community groups such as real estate agents, Chambers of Commerce, Rotary, and Kiwanis.
- Presentations in Lincoln County Schools.
- Distribution of educational materials provided at no cost to the County by DEQ, such as the *Hazardless Home Handbook* and other information on alternatives to hazardous products.
- Fliers posted or handed out at the transfer stations.
- Information on checkstands at grocery stores and other retail outlets (particularly where hazardous materials are sold).

5.6 Out of County HHW

In the past, DEQ has maintained facility reimbursement programs for facilities that accept Out-of-County HHW. Due to DEQ budget cuts, Metro (in Portland) no longer receives funding from DEQ for Out-of-County HHW. Lane County is currently the only recipient of this funding. DEQ has previously expressed a willingness to negotiate a similar agreement with Lincoln County however funding for additional counties to receive Out-of-County HHW reimbursement will probably not be available in the future and cannot be relied upon as a source of funding.

5.7 Measurement of Program Success

Through records maintenance, the Lincoln County Haulers will measure the following metrics of program success on an annual basis:

- Pounds of waste managed
- Percent reused or recycled
- Cost per pound managed
- Number of households served/year
- Number of CESQGs served/year

- Number of new users per year
- Number of household clean-outs (movers or those cleaning out for a relative) per year (% of all moves)

Because latex paint is not a hazardous waste, it will be accounted for separately from other waste types.

In the event that waste volumes and/or participation fail to meet the District's expectations, participation will be increased by evaluating the convenience (time and location) of events, increasing promotion of events, and expanding public education capabilities.

6. Program Budget and funding

6.1 Budget Projection

Attachment 3 portrays a projected budget for the HHW collection program. There are two versions of the projected budget. Version 1 portrays one collection facility added per year over the course of four years. Version 2 portrays two collection facilities added during Year 2 and two facilities added during Year 4. Version 2 utilizes the availability of DEQ HHW facility grant funding for 2010. After 2010, DEQ has no additional money budgeted for HHW grants and cannot be relied upon as a future funding source.

A 15% contingency factor is added to all costs in the projected budget. New HHW services, as described in this plan, are projected to cost \$78,500 per facility. Total average annual operating cost for all four facilities is \$88,662. Program funding will be through incorporation of costs into the uniform rate reporting structure which is annually adopted and updated by the solid waste franchises, user fees, Solid Waste District funding, grants, or a combination of all the above. Franchise areas and the District will work together to determine how to fund the HHW program.

6.2 Program Funding

The Solid Waste District has already expended \$43,000 in fiscal year 2010-2011 on an HHW. As noted in the Plan, future costs are expected to be reduced depending on waste volumes generated. Future HHW collection system could be funded by four sources.

1. Incorporation of Costs into Solid Waste Rate Structure.

This method has been used for a variety of programs in the solid waste franchises areas of operations including solid waste collection, transfer and disposal, and curbside recycling. This method would allow actual costs of the HHW program for each franchise to be calculated and included in the annual rate reporting system (Uniform Rate Reporting Format) which is used by each franchise in the county to set annual rates. The advantage is to spread the cost across the entire franchise system.

2. User fees.

Those who use the system will pay at the time of drop off. The user fee will also be determined by the uniform rate structure and will include labor, operational and administrative expenses, and the allowed operating margin with which the Haulers are bound to under contract. The difference here is that the actual fees would be assessed to the user rather than across the franchise. The true cost per pound of HHW disposal is projected to be \$3.38 (+ \$1.98 if the 15% contingency is included making actual cost per pound of HHW disposal \$5.36). This fee will be applied to HHW program operating expenses. Of course this fee could be reduced significantly by combination with other funding sources such as a franchise wide rate and/or Solid Waste District funding.

2. Solid Waste District.

As noted before, the District funded the HHW program in fiscal year 2010-2011 in the amount of **\$43,000**. This was significantly more funds than in previous years and is not sustainable in the future with the current funding for the District. The District estimates it could contract with the haulers for up to **\$25,000** annually to support this program. This would be based on District's annual budget and available resources.

3. DEQ Grant

Any DEQ grant funding for HHW will be used to fund collection facilities. The Lincoln County Haulers Association and the Solid Waste District will submit a grant application to DEQ in October 2010 for a facility grant in the amount of **\$47,875** to support the first HHW collection facility in Lincoln City and **\$30,000** to support the second HHW facility in Waldport. After 2010, DEQ has no additional money budgeted for HHW grants. It is possible that funds will be added back into DEQ's budget for HHW programs, but unlikely.

7. Implementation Plan and Timelines

The plan is divided into two periods, the short-term planning, permitting and construction phase, and the long term operations phase, which will be a for a minimum of five years.

7.1 Short Term Planning, Permitting and Construction Phase

The short-term period extends through the planning, permitting, and construction of the first HHW facility, and other work necessary to prepare for the services described later in this Plan. During this short-term period, which is expected to last approximately two years, the District may choose to provide a few HHW collection events. These events will probably be staffed by a HHW contractor, as has been done in the past, and funded by the District. The short-term planning, permitting and construction phase commences with adoption of this Plan by the County and by the District's Board of Directors. Generally speaking, these activities must be completed first:

- Work with the County Board of Commissioners and municipal governments to secure a funding agreement and any necessary intergovernmental agreements for program funding.
- Prepare and submit HHW facility grant application to DEQ and negotiate grant-funding contract with DEQ.
- Prepare building/engineering plan, site plan, and operations plan. Because the storage facilities will most likely be fully equipped pre-fabricated units, engineering requirements are relatively small, and include design of the concrete pad, secondary containment, interface of the pre-fabricated unit to the pad and utilities, pole-barn canopy roofs, and fencing. General site design must also address access and traffic flow. If a pre-fabricated unit is used, the exact model, design, and floor plan of the unit will need to be determined at this time.

7.2 Long Term Operations Phase

The long-term planning period begins once the first collection facility opens for service, and continues throughout the first five years of service. If the County receives a grant from DEQ then the HHW collection facility must be open to the public for five years. After five years, the County will have met its grant obligation to the DEQ for facility operation unless the County is a recipient of future DEQ grant funds to support a permanent HHW collection system in Lincoln County.

The permanent HHW collection system will continue beyond five years if funding is available and if the program continues to meet the public's HHW disposal needs.

Table 1.
Lincoln County Household Hazardous Waste Events, 2002 - 2010

Annual event	Newport & Lincoln City										Event Average	Event Average
	Newport 2002	Lincoln City 2004	Lincoln City 2006	Walldport 2007	Toledo 2008	Lincoln City 2009	Newport 2010	2002 - 2010	1991 - 1997			
Total pounds collected	40,519	14,921	21,044	11,790	15,070	21,701	34,792	22,834	27,049			
Number of participants	450	150	260	n/a	141	209	n/a	242	293			
Pounds per participant	90	99	81	n/a	107	78	n/a	91	92			

Table 2. Quantities of HHW Collected by Waste Types, Lincoln County Annual Collection Events, 2006 - 2010

	Lincoln City & Newport		Waldport		Toledo		Lincoln City		Newport		Event Average	
	9/15/06 - 9/16/06	7/28/07	3/15/08	7/25/09	7/31/10	2006 - 2010	Pounds	Cost	Pounds	Cost	Pounds	Cost
Flammable Aerosols	517	749.65	260	327.60	591	727.65	0	0	0	0	273.6	360.98
Corrosive/poison aerosols	0	0	192	204.75	82	125.46	0	0	0	0	54.8	66.04
Flammable Liquids-Bulk	4031	1,370.54	2442	830.28	1968	708.48	0	0	2,193	745.62	2126.8	730.98
Mercury	19	199.50	5	52.50	4	44.12	0	0	14	152.42	8.4	89.71
Alkaline Batteries	336	114.24	403	137.02	77	27.72	0	0	0	0	163.20	55.80
NiCad batteries	0	0	34	4.76	0	0	0	0	0	0	6.80	0.95
Organic Peroxides	8	12.56	0	0	0	0	0	0	0	0	1.60	2.51
Antifreeze	464	178.50	0	0	0	0	0	0	197	53.19	132.20	46.34
Flammable Liquids	319	320.25	0	0	0	0	2,724	926.16	0	0	608.60	249.08
Flammable solids	593	533.70	0	0	0	0	0	0	3,874	4261.40	893.40	959.02
Pesticides/Poisons (liquids)	2028	2,059.75	846	924	1168	1,413.28	3,355	3,690.50	0	0	1,479.40	1,617.51
Pesticides/poisons (solids)	709	723.18	616	628.32	426	460.08	507	557.70	800	880	611.60	649.86
Pesticide Aerosols	193	279.85	0	0	0	0	516	789.48	555	849.15	252.80	383.70
Oxidizers	126	244.44	74	143.56	140	242.55	95	193.80	2	100	87.40	184.87
Acids-Inorganic	291	343.38	114	134.52	163	203.75	266	351.12	157	207.24	198.20	248.00
Base (Alkali liquid)	351	414.18	219	258.42	284	248.06	356	469.92	222	293.04	286.40	336.72
Ammonium Nitrate Fertilizers	104	119.60	0	0	0	0	0	0	0	0	20.80	23.92
Ammonia	0	0	0	0	15	18.75	0	0	0	0	3.00	3.75
Propane, Butane	39	107.25	243	668.25	0	0	0	0	15	750	59.40	305.10
BBO Type propane bottles	50	137.50	0	0	32	92.48	0	0	0	0	16.40	46.00
Chromium Trioxide	8	12.56	0	0	0	0	0	0	0	0	1.60	2.51
Asbestos	658	388.22	0	0	0	0	0	0	0	0	131.60	77.64
PRM (adhesives, Tars)	458	412.20	895	724.50	1097	974.48	751	713.45	0	0	640.20	564.93
Activated Carbon	0	0	0	0	0	0	0	0	1,608	1,768.80	321.60	353.70
PCBs	0	0	0	0	0	0	0	0	46	146.28	9.20	29.26
Oil Based Paint	9,742	6,352.50	2,989	1,732.50	9,023	5,457.42	13,131	11,030.04	20,038	16,831.92	10,984.60	8,280.88
Latex Paint	0	0	1,933	541.24	0	0	0	0	5,071	2301.81	1,400.80	568.61
Leaking paints, small paints	0	0	525	462	0	0	0	0	0	0	105.00	92.40
Totals	21,044	\$ 15,073.55	11,790	\$ 7,774.22	15,070	\$ 10,744.28	21,701	\$ 18,722.17	34,792	\$ 29,340.87	20,879.40	\$ 16,330.77
Per pound	\$ 0.72	\$ 0.66	\$ 0.71	\$ 0.86	\$ 0.84	\$ 0.78						
Totals, Excluding Paint	11,302	\$ 8,721.05	6,868	\$ 5,500.48	6,047	\$ 5,286.86	8,570	\$ 7,692.13	9,483	\$ 10,207.14	8,389	\$ 7,388.88
Per pound	\$ 0.77	\$ 0.80	\$ 0.87	\$ 0.90	\$ 1.08	\$ 0.88						

Table 3. Version 1
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes
<u>Capital Costs - Collection Facility "1"</u>								
Land		0						
Facility design & engineering		4,000						See 2
Permit assistance, application fees		3,000						See 3
Site dev., utilities, access, paving, security fencing		17,000						See 4
Pre-fabricated storage unit (3-bay)		25,000						
Canopy 40' x 20'		16,000						800 s.f. @ \$20 s.f.
Concrete and epoxy paint		4,000						800 s.f. @ \$5 s.f.
Equipment, supplies, shelves, tools, signage		9,500						See 5
<i>Total/</i>		<i>78,500</i>						
<u>Capital Costs - Collection Facility "2"</u>								
Land			0					
Facility design & engineering			4,000					See 2
Permit assistance, application fees			3,000					See 3
Site dev., utilities, access, paving, security fencing			17,000					See 4
Pre-fabricated storage unit (3-bay)			25,000					
Canopy 40' x 20'			16,000					800 s.f. @ \$20 s.f.
Concrete and epoxy paint			4,000					800 s.f. @ \$5 s.f.
Equipment, supplies, shelves, tools, signage			9,500					See 5
<i>Total/</i>			<i>78,500</i>					
<u>Capital Costs - Collection Facility "3"</u>								
Land				0				
Facility design & engineering				4,000				See 2
Permit assistance, application fees				3,000				See 3
Site dev., utilities, access, paving, security fencing				17,000				See 4
Pre-fabricated storage unit (3-bay)				25,000				
Canopy 40' x 20'				16,000				800 s.f. @ \$20 s.f.
Concrete and epoxy paint				4,000				800 s.f. @ \$5 s.f.
Equipment, supplies, shelves, tools, signage				9,500				See 5
<i>Total/</i>				<i>78,500</i>				

**Table 3. Version 1
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes	
<u>Capital Costs - Collection Facility "4"</u>									
Land					0				
Facility design & engineering					4,000				See 2
Permit assistance, application fees					3,000				See 3
Site dev., utilities, access, paving, security fencing					17,000				See 4
Pre-fabricated storage unit (3-bay)					25,000				
Canopy 40' x 20'					16,000				800 s.f. @ \$20 s.f.
Concrete and epoxy paint					4,000				800 s.f. @ \$5 s.f.
Equipment, supplies, shelves, tools, signage					9,500				See 5
<i>Total</i>					78,500				
<u>Subtotal, Capital Costs</u>	0	78,500	78,500	78,500	78,500	0	0		
<u>Operational Assumptions</u>									
Number of events at facility "1"			8	8	8	8	8		
Number of events at facility "2"				8	8	8	8		
Number of events at facility "3"					8	8	8		
Number of events at facility "4"						8	8		
Total number of collection events			8	16	24	32	32		
Special collection services			5	10	15	20	20		
Number of CESQGS			15	30	40	50	50		
Total number of participants (all facilities)			242	278	320	368	368		See 6
Total pounds per participant (all facilities)			35	35	35	35	35		See 7
Total pounds of waste, all sources			8,389	9,647	11,094	12,758	12,758		See 8

Table 3. Version 1
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes	
Operational Costs									
District staff: oversight, manage, promote		5,446	5,446	5,446	5,446	5,446	5,446	5,446	See 9
Promotion: flyers, paid newspaper advertising			1,500	1,500	1,500	1,500	1,500	1,500	See 10
On-site labor (local) at facilities									7 hrs/event @ \$20/hr
Event Manger			640	1,280	1,920	2,560	2,560		
Hazardous waste specialist (1.5)			960	1,920	2,880	3,840	3,840		
Non-waste technician			640	1,280	1,920	2,560	2,560		
Extra on-site labor (special collections)									\$20/hr
Manager			200	400	600	800	800	800	
Hazardous waste specialist			200	400	600	800	800	800	
Training of event staff to accept, sort, pack waste		5,000	3,500	3,500	3,500	3,500	3,500	3,500	
Additional training of facility staff to transport			250	500	750	1,000	1,000	1,000	
Medical monitoring			610	1,220	1,830	2,440	2,440	2,440	
Contract labor (chemist)			2,400	4,800	7,200	9,600	9,600	9,600	6 hrs/event @ \$50/hr
Travel per diem			560	1,120	1,680	2,240	2,240	2,240	\$70/day
Mileage			1,200	2,400	3,600	4,800	4,800	4,800	300 RT @ \$.50 mile
Travel time			1,344	2,688	4,032	5,376	5,376	5,376	6 hr trip @ \$28/hr
Overtime premium			112	224	336	448	448	448	Overtime by chemist
Personal Protective Equipment			840	1,680	2,520	3,360	3,360	3,360	\$15 each; 4.5/event
Other equipment (replacement costs)			500	1,000	1,500	2,000	2,000	2,000	See 11
Maintenance & facility repair			3,000	6,000	9,000	12,000	12,000	12,000	
Utilities			100	200	300	400	400	400	
Insurance			250	500	750	1,000	1,000	1,000	
Waste management & transportation			7,382	8,489	9,763	11,227	11,227	11,227	\$.88 per lb
DEQ Annual Compliance Fee			50	100	150	200	200	200	
Subtotal, Operational Costs	0	10,446	31,684	46,647	61,777	77,097	77,097	77,097	
Subtotal, Capital Costs	0	78,500	78,500	78,500	78,500	78,500	0	0	
Subtotal, all Costs	88,946	110,184	125,147	140,277	140,277	77,097	77,097	77,097	
15% Contingency	13,342	16,528	18,772	21,042	11,565	11,565	11,565	11,565	
Total, all Costs (including contingency)	102,288	126,712	143,919	161,319	88,662	88,662	88,662		

**Table 3. Version 1
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes
Revenue								
Grants								
2010 -11 DEQ HHW Facility Grant - Tier 1		47,875						See 12
Other								
Tipping Fee								See 13
Annual Rate Increase								See 14
User Fee			37,250	51,614	66,108	46,248	46,248	See 15
Reuse Table (Savings in waste disposal expenses)			1,661	1,910	2,196	2,526	2,526	See 16
In-Kind Donation (Haulers)								
Facility design & engineering		4,000	4,000	4,000	4,000			
Permit assistance, application fees		3,000	3,000	3,000	3,000			
Site Development		17,000	17,000	17,000	17,000			
Canopy 40' x 20' (800 s.f. @ \$20 s.f.)		16,000	16,000	16,000	16,000			
Concrete and Epoxy Paint		4,000	4,000	4,000	4,000			
15% Contingency		13,342	16,528	18,772	21,042	11,565	11,565	
Utilities			100	200	300	400	400	
Insurance			250	500	750	1,000	1,000	
In-Kind Donation (District)								
District staff: oversight, manage, promote		5,446	5,446	5,446	5,446	5,446	5,446	
Promotion : flyers, paid newspaper advertising			1,500	1,500	1,500	1,500	1,500	
Other Revenue								
District Funding - Solid Waste Surcharge			19,977	19,977	19,977	19,977	19,977	See 17
Total, revenue		110,663	126,712	143,919	161,319	88,662	88,662	
Total, all Costs (including contingency)		102,288	126,712	143,919	161,319	88,662	88,662	See 18

**Table 3. Version 1
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):**

Notes

1. There are two versions of this budget. Version One portrays one HHW collection facility added per year over the course of four years. Version Two portrays two HHW collection facilities added Year Two and two collection facilities added Year 4. Version Two utilizes the availability of DEQ HHW facility grant funding for 2010. After 2010, DEQ has no additional money budgeted for HHW grants and cannot be relied upon as a future funding source. All dollar figures are in year 2010 dollars. All costs are estimate and projections only. Actual costs, participation, and pounds of waste collected may vary significantly both from this projection, and from year to year.
2. Assumes land already available if sited appropriately.
3. Assumes District and County staff lead permit application effort.
4. Assumes utilities within 100 feet of site.
5. Includes safety shower, eye wash, spill kits, fire extinguishers, dolly, tables, and cabinets.
6. Participant event average from 2002-2010 was 242. Assumes a 15% increase in participation per additional facility.
7. Pounds per participant does not include paint. Assumes good latex paint will be recycled through the County's Latex Paint Recycling Program and other paint products (primarily oil based paint) will be handled through the state's PaintCare program.
8. Event average for 2006-10 was 8,389 lbs. Assumes a 15% increase in participation per additional facility.
9. 1 FTE \$54,460. The time required to manage this program is estimated at 10% of 1 FTE assuming most management functions are performed by existing transfer station staff.
10. Assumes significant use of free media.
11. Drums, totes, absorbent, lab chemicals, test kits.
12. Grant support may be sought from the Oregon DEQ to cover HHW facility expenses. Assumes one \$47,875 Tier-1 grant awarded from DEQ for 2010 to support the first HHW facility, which will be located in Lincoln City.
13. Assumes no tipping rate increase to support HHW program but a tipping rate increase may be added to help fund the HHW program. See Note 14 below.
14. Currently we have not included estimate for an annual rate increase to support HHW program. One of our options is to provide an amount for this program through the annual rate uniform rate reporting structure. This would spread that portion of the cost throughout the system. This is an option that will be explored by the District and County and Cities of Lincoln County.
15. This budget assumes a user fee will be included to help fund the permanent HHW collection system but this will depend on how each jurisdiction determines to fund their HHW program. If a user fee is included then those who use the system will have to pay at the time of drop off of their HHW. The user fee will be determined by the uniform rate structure and will include labor, operational and administrative expenses. The true cost per pound of HHW disposal is \$3.38 (+ \$1.98 if the 15% contingency is included making actual cost per pound of HHW disposal \$5.36). If the Solid Waste District's provides funding at current levels to support this permanent HHW collection system then the user fee can be reduced to approximately \$1.85 per pound making it much more financially feasible to users. The user fee reflected in this budget is not fixed but reflects the balance needed to fund the permanent HHW collection system. The budget does not also show resources from the rate structure which could further offset the amounts needed from a user fee. See note 14.
16. Assumes cost savings of up to 20% with a comprehensive waste reuse program, which other HHW programs have reported.

**Table 3. Version 1
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):**

17. Solid Waste District funding via the solid waste surcharge will be used to subsidize the program. The average District Funding from 2002-2010 is \$19,977. Assumes annual District funding will be \$19,977.
18. Total average annual operating cost for all four facilities is \$88,662. Average annual operating cost per facility is \$22,165.

Table 3. Version 2
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes
<u>Capital Costs - Collection Facility "1"</u>								
Land		0						
Facility design & engineering		4,000						See 2
Permit assistance, application fees		3,000						See 3
Site dev., utilities, access, paving, security fencing		17,000						See 4
Pre-fabricated storage unit (3-bay)		25,000						800 s.f. @ \$20 s.f.
Canopy 40' x 20'		16,000						800 s.f. @ \$5 s.f.
Concrete and epoxy paint		4,000						
Equipment, supplies, shelves, tools, signage		9,500						See 5
<i>Total</i>		<i>78,500</i>						
<u>Capital Costs - Collection Facility "2"</u>								
Land		0						
Facility design & engineering		4,000						See 2
Permit assistance, application fees		3,000						See 3
Site dev., utilities, access, paving, security fencing		17,000						See 4
Pre-fabricated storage unit (3-bay)		25,000						800 s.f. @ \$20 s.f.
Canopy 40' x 20'		16,000						800 s.f. @ \$5 s.f.
Concrete and epoxy paint		4,000						
Equipment, supplies, shelves, tools, signage		9,500						See 5
<i>Total</i>		<i>78,500</i>						
<u>Capital Costs - Collection Facility "3"</u>								
Land								0
Facility design & engineering								4,000 See 2
Permit assistance, application fees								3,000 See 3
Site dev., utilities, access, paving, security fencing								17,000 See 4
Pre-fabricated storage unit (3-bay)								25,000
Canopy 40' x 20'								16,000
Concrete and epoxy paint								4,000
Equipment, supplies, shelves, tools, signage								9,500
<i>Total</i>								<i>78,500</i>

**Table 3. Version 2
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes
<u>Capital Costs - Collection Facility "4"</u>								
Land				0				
Facility design & engineering				4,000				See 2
Permit assistance, application fees				3,000				See 3
Site dev., utilities, access, paving, security fencing				17,000				See 4
Pre-fabricated storage unit (3-bay)				25,000				
Canopy 40' x 20'				16,000				800 s.f. @ \$20 s.f.
Concrete and epoxy paint				4,000				800 s.f. @ \$5 s.f.
Equipment, supplies, shelves, tools, signage				9,500				See 5
<i>Total</i>				<i>78,500</i>				
Subtotal, Capital Costs	0	157,000	0	157,000	0	0	0	
<u>Operational Assumptions</u>								
Number of events at facility "1"		8		8		8		8
Number of events at facility "2"			8		8		8	8
Number of events at facility "3"				8		8		8
Number of events at facility "4"					8		8	8
Total number of collection events		16		16		32		32
Special collection services		10		10		20		20
Number of CESQGs		30		30		50		50
Total number of participants (all facilities)		278		278		368		368
Total pounds per participant (all facilities)		35		35		35		35
Total pounds of waste, all sources		9,647		9,647		12,758		12,758
								See 6
								See 7
								See 8

Table 3. Version 2
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes
Operational Costs								
District staff: oversight, manage, promote	5,446		5,446	5,446	5,446	5,446	5,446	See 9
Promotion: fliers, paid newspaper advertising			1,500	1,500	1,500	1,500	1,500	See 10
On-site labor (local) at facilities								7 hrs/event @ \$20/hr
Event Manger			1,280	1,280	2,560	2,560	2,560	
Hazardous waste specialist (1.5)			1,920	1,920	3,840	3,840	3,840	
Non-waste technician			1,280	1,280	2,560	2,560	2,560	
Extra on-site labor (special collections) Manager			400	400	800	800	800	\$20/hr
Hazardous waste specialist			400	400	800	800	800	
Training of event staff to accept, sort, pack waste	5,000		3,500	3,500	3,500	3,500	3,500	
Additional training of facility staff to transport			500	500	1,000	1,000	1,000	
Medical monitoring			1,220	1,220	2,240	2,240	2,240	
Contract labor (chemist)			4,800	4,800	9,600	9,600	9,600	6 hrs/event @ \$50/hr
Travel per diem			1120	1120	2440	2440	2440	\$70/day
Mileage			2,400	2,400	4,800	4,800	4,800	300 RT @ \$.50/mile
Travel time			2,688	2,688	5,376	5,376	5,376	6 hr trip @ \$28/hr
Overtime premium			224	224	448	448	448	Overtime by chemist
Personal Protective Equipment			1,680	1,680	3,360	3,360	3,360	\$15 each; 4.5/event
Other equipment (replacement costs)			1,000	1,000	2,000	2,000	2,000	See 11
Maintenance & facility repair			6,000	6,000	12,000	12,000	12,000	
Utilities			200	200	400	400	400	
Insurance			500	500	1,000	1,000	1,000	
Waste management & transportation			8,489	8,489	11,227	11,227	11,227	\$.88 per lb
DEQ Annual Compliance Fee			100	100	200	200	200	
Subtotal, Operational Costs	0	10,446	46,647	46,647	77,097	77,097	77,097	
Subtotal, Capital Costs	0	157,000	0	157,000	0	0	0	
Subtotal, all Costs	167,446	167,446	46,647	203,647	77,097	77,097	77,097	
15% Contingency	25,117		6,997	30,547	11,565	11,565	11,565	
Total, all Costs (including contingency)	192,563	192,563	53,644	234,194	88,662	88,662	88,662	

Table 3. Version 2
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Notes
Revenue								
Grants								
2010 -11 DEQ HHW Facility Grant - Tier 1		47,875						See 12
2010 -11 DEQ HHW Facility Grant - Tier 2		30,000						
Other								
Tippling Fee								See 13
Annual Rate Increase								See 14
User Fee			17,114	86,114	46,248	46,248	46,248	See 15
Reuse Table (Savings in waste disposal expenses)			1,910	1,910	2,526	2,526	2,526	See 16
In-Kind Donation (Haulers)								
Facility design & engineering		8,000		8,000				
Permit assistance, application fees		6,000		6,000				
Site Development		34,000		34,000				
Canopy 40' x 20' (800 s.f. @ \$20 s.f.)		32,000		32,000				
Concrete and Epoxy Paint		8,000		8,000				
15% Contingency		25,117	6,997	30,547	11,565	11,565	11,565	
Utilities			200	200	400	400	400	
Insurance			500	500	1,000	1,000	1,000	
In-Kind Donation (District)								
District staff: oversight, manage, promote		5,446	5,446	5,446	5,446	5,446	5,446	
Promotion: flyers, paid newspaper advertising			1,500	1,500	1,500	1,500	1,500	
Other Revenue								
District Funding - Solid Waste Surcharge			19,977	19,977	19,977	19,977	19,977	See 17
Total, revenue	0	196,438	53,644	234,194	88,662	88,662	88,662	See 18
Total, all Costs (including contingency)	0	192,563	53,644	234,194	88,662	88,662	88,662	

**Table 3. Version 2
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):**

Notes

1. There are two versions of this budget. Version One portrays one HHW collection facility added per year over the course of four years. Version Two portrays two HHW collection facilities added Year Two and two collection facilities added Year 4. Version Two utilizes the availability of DEQ HHW facility grant funding for 2010. After 2010, DEQ has no additional money budgeted for HHW grants and cannot be relied upon as a future funding source. All dollar figures are in year 2010 dollars. All costs are estimate and projections only. Actual costs, participation, and pounds of waste collected may vary significantly both from this projection, and from year to year.
2. Assumes land already available if sited appropriately.
3. Assumes District and County staff lead permit application effort.
4. Assumes utilities within 100 feet of site.
5. Includes safety shower, eye wash, spill kits, fire extinguishers, dolly, tables, and cabinets.
6. Participant event average from 2002-2010 was 242. Assumes a 15% increase in participation per additional facility.
7. Pounds per participant does not include paint. Assumes good latex paint will be recycled through the County's Latex Paint Recycling Program and other paint products (primarily oil based paint) will be handled through the state's PaintCare program.
8. Event average for 2006-10 was 8,389 lbs. Assumes a 15% increase in participation per additional facility.
9. 1 FTE \$54,460. The time required to manage this program is estimated at 10% of 1 FTE assuming most management functions are performed by existing transfer station staff.
10. Assumes significant use of free media.
11. Drums, totes, absorbent, lab chemicals, test kits.
12. Grant support may be sought from the Oregon DEQ to cover HHW facility expenses. Assumes one \$47,875 Tier-1 grant awarded from DEQ for 2010 to support the HHW facility in Lincoln City. Assumes one \$30,000 Tier-2 grant awarded from DEQ for 2010 to support the HHW facility in Waldport.
13. Assumes no tipping rate increase to support HHW program but a tipping rate increase may be added to help fund the HHW program. See Note 14 below.
14. Currently we have not included estimate for an annual rate increase to support HHW program. One of our options is to provide an amount for this program through the annual rate uniform rate reporting structure. This would spread that portion of the cost throughout the system. This is an option that will be explored by the District and County and Cities of Lincoln County.
15. This budget assumes a user fee will be included to help fund the permanent HHW collection system but this will depend on how each jurisdiction determines to fund their HHW program. If a user fee is included then those who use the system will have to pay at the time of drop off of their HHW. The user fee will be determined by the uniform rate structure and will include labor, operational and administrative expenses. The true cost per pound of HHW disposal is \$3.38 (+ \$1.98 if the 15% contingency is included making actual cost per pound of HHW disposal \$5.36). If the Solid Waste District provides funding at current levels to support this permanent HHW collection system then the user fee can be reduced to approximately \$1.85 per pound making it much more financially feasible to users. The user fee reflected in this budget is not fixed but reflects the balance needed to fund the permanent HHW collection system. The budget does not also show resources from the rate structure which could further offset the amounts needed from a user fee. See note 14.
16. Assumes cost savings of up to 20% with a comprehensive waste reuse program, which other HHW programs have reported.

Table 3. Version 2
Lincoln County Permanent Household Hazardous Waste Management Planning Project
7-Year Cash Flow Projection (see Note 1):

17. Solid Waste District funding via the solid waste surcharge will be used to subsidize the program. The average District Funding from 2002-2010 is \$19,977. Assumes annual District funding will be \$19,977.
18. Total average annual operating cost for all four facilities is \$88,662. Average annual operating cost per facility is \$22,165.

**Household Hazardous Waste Management Plan, September 2010
Lincoln County, Oregon**

Attachment 4. Project Calendar

Task or Activity	Begin Date	End Date
Hold coordination meeting with all interested parties	Aug 2009	Dec 2010
Update Lincoln County HHWMP	Aug 2009	Oct 2010
Submit updated LCHHWMP to DEQ for review	Mar 2010	Oct 2010
Seek County approval of updated LCHHWMP	Sep 2010	Sep 2010
Submit County approved HHWMP to DEQ for approval	Oct 2010	Oct 2010
Submit grant to DEQ for facility "1" funding	Oct 2010	Oct 2010
Solicit bids & submit draft designs of facility "1" to DEQ	Mar 2011	June 2011
Solicit bids for operation services & disposal to DEQ	Mar 2011	June 2011
Submit DEQ Transfer Stations permit addendum application	Mar 2011	June 2011
Prepare all other permits & get necessary approvals	Mar 2011	June 2011
Design & implement public info campaign	June 2011	Sep 2011
Select contractor to manage waste	July 2011	July 2011
Begin site preparation & construction of facility "1" site	Aug 2011	Aug 2011
Design & implement public info campaign	June 2011	Sep 2011
Staff training	Oct 2011	Dec 2011
Approve, implement & begin collection of fee	Dec 2011	Mar 2011
Submit semi-annual Project Progress Report to DEQ	Dec 2011	Dec 2011
Begin operations at facility "1"	Jan 2012	
Submit Construction Completion Report to DEQ	Feb 2012	Feb 2012
Solicit bids for operation services & disposal to DEQ	Mar 2012	June 2012
Submit DEQ Transfer Stations permit addendum application	Mar 2012	June 2012
Prepare all other permits & get necessary approvals	Mar 2012	June 2012
Begin operations at facility "2"	Jan 2013	
Submit Annual Follow-up Progress Report to DEQ	Feb 2013	Feb 2013
Begin operations at facility "3"	Jan 2014	
Submit Annual Follow-up Progress Report to DEQ	Feb 2014	Feb 2014
Begin operations at facility "4"	Jan 2015	
Submit Annual Follow-up Progress Report to DEQ	Feb 2015	Feb 2015
Submit Annual Follow-up Progress Report to DEQ	Feb 2016	Feb 2016
Submit the Final Annual Follow-up Progress Report to DEQ for facility "1"	Feb 2017	Feb 2017

POLICE DEPARTMENT
169 SW COAST HWY
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



541.574.3348
www.newportpolice.net

MOMBETSU, JAPAN, SISTER CITY

October 14, 2010

Robert P. Doran, District Supervisor
Oregon Dept. of Transportation
3700 SW Philomath Blvd.
Corvallis, Oregon 97333

RE: E. Olive St. (US 20) & John Moore Drive

Dear Mr. Doran,

I am requesting that the 45 mile per hour speed zone that starts just east of John Moore Drive on US Hwy 20 be moved to the east by one half mile. This intersection has a speed zone designation of 30 MPH. The problem with the current 45 MPH zone location is that compliance to the 30 MPH zone is minimal for both east and west bound traffic.

For east bound traffic, motorists start speeding up for the 45 MPH zone even before they reach the intersection. I have personally recorded speeds of up to 63 miles per hour at the intersection. West bound traffic does not have enough space to slow down to 30 MPH. It is not uncommon to have speeds of 50 MPH at the intersection. These speeds also increase the incidences of red light violations at the intersection.

E. Olive St. and John Moore Drive is a problematic intersection anyway. Most of the crashes we investigate there are from north and south bound traffic conflicts. I receive complaints about this problem as well as complaints about vehicles, usually large trucks, disobeying the red light.

Moving the 45 MPH zone to the east will remove the need for motorists to accelerate prior to the intersection. West bound traffic will have more space to slow before approaching the intersection.

EST.

1882

Department of Public Works
Projects: Estimated Costs and Comments 10/28/2010

Priority	Project	Estimated Cost	Description	Status/Comments
1	Naterlin Drive Sidewalk/Bike Way	\$534,000.00	State Grant/Room Tax -design/construct a handicapped accessible sidewalk along Naterlin Dr. With limited space and steep grade. Create switchbacks for wheelchair route. Include bike lane in uphill direction.	Redesigned to avoid a couple of retaining walls to reduce costs but still over-budget. Staff will be meeting with Coast Guard in mid-November re: easement issues. Timeline is at Coast Guard's request.
1	Marine Science Drive and Multi-use Path Improvements	\$3,200,000.00	Urban Renewal/IOF Grant - realign intersections; round-a-bout; shared bike/ped pathway system; sidewalk connections; drainage swales from Yaquina Bay Bridge to end of Marine Science Drive.	Bids went out Oct. 27th.
1	Abbey St Parking Lot/Retaining Wall	\$250,000.00	Payment in lieu of Parking fund/Room Tax - optimize parking spaces in Abbey Street Parking Lot by squaring up west side of lot; construct retaining wall as needed.	New estimate on reduced scope of work is \$350K, budget is \$250K. Staff met with Fornash and Matthews and presented new layout. Researching possible wetlands impacts.
1	Water Treatment Plant	\$14,000,000.00	Water Bond - New water treatment plant with state-of-the-art membrane filtration and rebuild intake pump station. Project provides adequate capacity for the next 20-plus years; better water quality.	Reduction of scope of work in-progress with HDR and Slayden Construction.
1	Port of Newport/NOAA Locate Sewer Line	\$25,000.00	Unfunded - Precisely locate under-bay sewer line in vicinity of proposed pile driving for NOAA pier.	Final determination of location in-progress.
1	Wayfinding Signs	\$20,792.00	Bid/procure Wayfinding Signs; install at appropriate locations.	Signs are being manufactured.
1	Coast Park	\$340,000.00	Assist Parks Department with contractor selection/construction inspection for Coast Park.	Requests for Proposals (RFP) roughed out re:scope of work. Building engineer's estimate.
1	Deco District Park	\$125,000.00	Assist Parks Department with contractor selection/construction inspection for Deco District Park.	RFP put out Oct. 26.
1	Senior Center	\$774,500.00	Assist Parks Department with bidding/construction inspection in Senior Center Expansion.	Under construction. Continuing inspections by city staff.
1	Ash Street Improvements	\$500,000.00	Urban Renewal - Build street, bike lanes, and sidewalk in SE Ash Street right of way from PUD entrance to SE 40th St. Acquire additional right of way.	Working on 100% design plans. Comments have been sent to DEA.
2	N. side Sewer Improvements to Agate Beach	\$5,000,000.00	USDA Loan/Grant/Sewer Fund - Upsize 3 lift stations and related force and gravity mains from Schooner Creek to North Side Pump Station. Reduces incidence of sewer overflow...mandated by DEQ.	Materials have been submitted to the grant agency.
2	Sewer Line Pipeburst: Big Creek East of US 101, and NE 3rd/Avery	\$100,000.00	Sewer Fund - Upsize pipe; increase capacity; eliminate groundwater infiltration; eliminate inaccessible manhole.	Project has been moved to April 2011 to take advantage of lower water table. Awaiting documents from city atty. re: accessing pipeline that runs under a residence near 3rd/Avery.
2	Nye Creek Bio-filter	\$35,000.00	Water Fund - Oversee construction of bio-filter on Nye Creek. Improves water quality; required as part of penalty agreement with DEQ.	Construction complete. Awaiting wetlands plantings in October.
3	Agate Beach Water Tank and Pipeline	\$1,672,492.00	Water bond - construct one million gallon water tank east of NE 71st St.; construct 12-inch pipeline from NE 70th St to new tank. This project improves water pressure and fire flow in North Agate Beach area.	May be phased in at a later date due to budget constraints.

- Priority 1 = Construction Starts Jan 1- Feb 28
- Priority 2 = Construction Starts Mar 1- Apr 30
- Priority 3 = Construction Begins After July 1
- Priority 4 = No current construction schedule or construction complete

Department of Public Works
Projects: Estimated Costs and Comments 10/28/2010

	Project	Estimated Cost	Description	Status/Comments
3	South Beach Water Line and Sewer Line	\$530,000.00	Urban Renewal - 12-inch water line along east side of Hwy 101 from SE 40th to SE 50th; parallel sewer line along part of route; water line undercrossing Hwy 101 near SE 62nd St. Replaces old Seal Rock Water District line and provides a loop in water distribution system.	Preliminary geotech report received, waiting for final report.
3	Automatic Meter Reading	\$25,000.00	Explore meter system/provider. System will provide better service and reduce meter reading costs.	Researching vendors.
3	12" water line US 101/NE 36th-NE 40th	\$114,390.00	Water Fund - Design/construct water line - probably Horizontal Directional Drill under steep canyon.	Negotiating task order with Civil West Engineering.
3	Candletree Pump Station, re-size	\$206,604.00	Water Fund - Design/Replace Candletree pump Station controls and pumps. Old pumps/controls based on out dated system.	Negotiating task order with Civil West Engineering.
3	Water Line NE 5th/Benton to Eads upsiz	\$107,600.00	Water Fund - Recommended in Water System Master Plan.	Negotiating task order with Civil West Engineering.
3	Water Line NW 19th/Nye to US 101	\$153,510.00	Water Fund - Recommended in Water System Master Plan.	Negotiating task order with Civil West Engineering.
4	Storm Drain S.E. 4th Street	\$45,600.00	Street/Storm Drain Fund - construct new storm drain from Yaquina View School to SE 4th and Fogarty. Replaces existing damaged line which passes under private home and causes periodic flooding.	Suspended due to funding issues.
4	Storm Drain NW Circle Way	\$35,000.00	Street/Storm Drain Fund - Flexible drain line over ocean bluff reduces erosion and slide potential from increased runoff from recent development	Suspended due to funding issues.
4	Swimming Pool Conceptual Design	\$15,000.00	Assist Parks Department in consultant selection/options review for ballot measure.	No further action until after upcoming elections.
4	Street Overlays	\$102,130.00	SAFETEA-LU/ODOT Fund Exchange - Prepare list of streets for resurfacing; prepare plans/specifications; bid; oversee construction.	Staff is researching ADA standards/requirements. Staff will conduct feasibility study on affected streets to determine overlay candidate sites.
4	Sewer Master Plan	\$75,000.00	Sewer Fund - Prepare Sewer System Master Plan Update X focus on collection system. The existing plan is 15 years old and focused on treatment plant. This	Suspended due to funding issues.
4	Storm Drain Master Plan	\$75,000.00	North Side - unfunded - existing plan is 22 years old and inadequate.	Suspended due to funding issues.
4	Running Springs Drive Drainage issues	N/A	Portions of private road have failed over the city's sewer trench.	Temporary repairs done; investigating cause and repair options. Pipe has been camera s, staff will be meeting with property owners.
4	N.E. 56th Street Sewer Project	\$40,840.00	LID-160' sewer extension. Need cost apportionment.	Construction complete. Preparing connection notification letters to residents.
4	S.W. Elizabeth Street Sanitary Sewer Reconstruction and	\$498,788.50	Repair and replace aging sewer lines on S.W. Elizabeth Street.	Construction complete.
4	Lincoln County Jail	N/A	Issue:City sewer system clogging due to inmate vandalism (flushing clothing and similar items into jail toilets, causing blockage downstream).	Waiting for response from Lincoln County re: solution options, budget.
4	Rain Garden	In-kind contribution	Construct rain garden on south side of City Hall	Project complete except for planting which will be done by Surfriders on Oct. 29th.
4	Whaler Motel Sidewalk	\$2,000.00	Motel owner will be installing sidewalk; city will install the portion in right-of-way.	Completed.
	Total	\$28,603,246.50		

SUGGESTION/CONCERN/COMPLAINT FORM--CITY OF NEWPORT				
Date City Was Notified	No. Assigned	Claimant	Suggestion/Concern/Complaint	Status
2/16/2010	18-Parks-2-16-10	Dr. Tom Kerns Diana Purdy Maxine Centala	Came before Council as Concerned Citizens for Clean Air-Suggested a pesticide/herbicide policy be created and offered their services as a resource	OPENED-2/16/10 -- Parks & Rec. is developing a draft Pesticide/Herbicide policy for Council review. Draft policy will be going before Parks & Rec. Advisory Committee for public input, and then recommendation will come back to Council Sent after April 5, 2010. A Subcommittee was appointed by P&R Advisory Committee to work on this matter.
6/13/2010	65-P&R-6-13-10	Marie Turner	Was walking track at Recreation Center and was nearly hit by a soccer ball from the lower level. Asked why this was permitted.	OPENED-6-13-10 -- Staff contacted Ms. Turner on 6/15 and indicated they are working on this issue.
6/21/2010	66-CC-6-21-10	Councilor Mark McConnell	Suggested that a neighborhood group be established to work on the Agate Beach parking issues	OPENED-6-21-10 UPDATE: 9/29/10-- Met with neighbors and agencies in Aug. and Sept. Identified preliminary improvements that need to be made, and submitted a grant for \$10,000 with Lincoln County. The grant will be for half of the cost of doing the design work. Once the grant is received, the City envisions a one to two month process to prepare plans and preliminary cost estimates. We will use plans to prepare construction budget for FY 2011-12. We will use the plans and estimates to seek additional grant funds as a construction match.

7/2/2010	67-CSO-7-2-10	Gloria Edminston & John Savage	Goat barn and chicken coop too close to both neighbors houses. Have complained twice about noise and smell. They claim there are more animals in this small space than most farms have.	OPENED-7-2-10 -- Kittel reported this complaint was investigated several months ago and at that time no violations were noted. Since that time, the property owner has expanded the smaller coop into a larger coop with a much larger number of fowl. Property owner was notified of potential code violations and was given until August 1st to bring the property back into compliance. CSO will be rechecking to see if in compliance. UPDATE: Have reduced livestock considerably, and are attempting to relocate to property that allows them to keep their animals.
8/30/2010	83-CM-8-30-10	Councilor Patrick-Joling for Susan Whitesell	Fairground events very loud and held often in the NE Jeffries Place area of the city	OPENED-8-30-10 -The staff reports that the use is allowable and noise level within allowable limits. Will be discussing at Sept. 7th Council worksession. UPDATE: Lincoln County Commissioners attended Council worksession and indicated they would be working on the noise issue, as they want to be good neighbors.
9/27/2010	95-PW-9-27-10	Bernard Cooperstein	Requested a call back with regards to a gel type substance oozing from ground at his residence.	OPENED-10-5-10 --staff investigated and informed property owner it was not chemical grout, and it appeared to be something organic in nature. CLOSED-10-5-10

10/5/2010	96-PW-10-5-10	Larry Henson	Reported manhole connected to NE 57th sewer line was filling up.	OPENED-10-5-10 -- staff checked manholes. They were open and flowing. Spoke with grounds keeper. Line had been jetted on 8/10/10 and was okay at that time. Line is jetted every six months for grease problem
10/19/2010	97-PW-10-19-10	Paul Wilson	Tenant at 4712 NW Cherokee Lane, complaining of "sewage odor" possibly from pump located near this address. He has been working on residence & noticed it as well	OPENED-10-19-10 --Staff checked mains open and flowing. Odor coming out of manhole by pump station. Odor caused by low flow and time of year. Put rain guard on man hole. Will remove when rain comes. CLOSED-10-19-10
10/18/2010	98-PW-10-25-10	Greg Brown	Reported two potholes in front of entrance to LaQuinta Shores that need to be filled	OPENED-10-25-10 -Staff filled on 10-21-10-CLOSED

The Oregon Coast Aquarium Pinniped Exhibit Renovation Funding Request Proposal

The Oregon Coast Aquarium respectfully requests funding from the City of Newport's Tourism Facility Fund to renovate our Pinniped Exhibit. Pinnipeds, (seals and sea lions), are mainstays of Oregon's marine mammal community. Sea lions can often be heard barking in our Yaquina Bay, and harbor seals are a common sight in the waters off the jetty. Both species are exhibited in the Aquarium's largest outdoor exhibit. This proposed renovation will construct a visitor viewing area inside the exhibit, enhancing the visitor experience and educational value.

The exhibit, now 18 years old, has been viewed by over 10 million visitors since the Aquarium opened in 1992.

Why the Renovation is Needed: Direct Impact on Our Local Economy

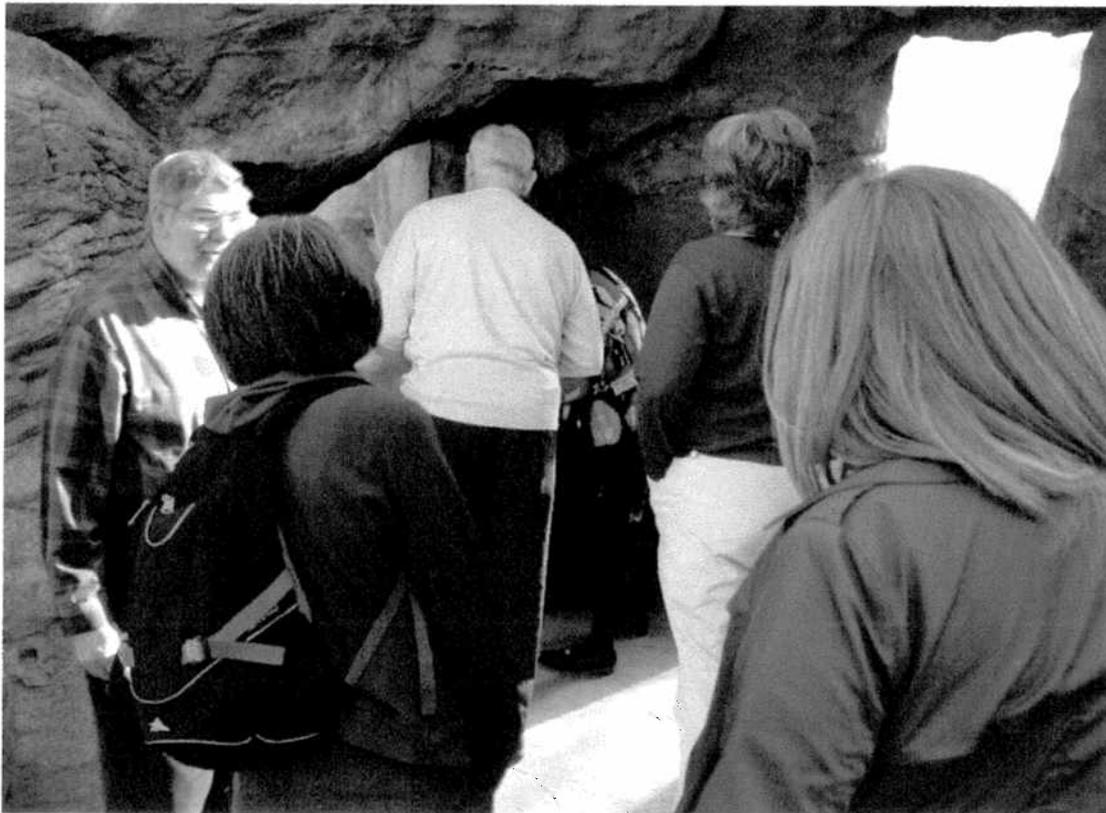
- **Current Limited viewing:** Presently, the viewing areas are narrow and allow limited viewing of the exhibit during feeding times, when people are crowded around the windows to watch the trainers feeding and working with the animals. During a feeding on any given day, squeals of delight can be heard from children lucky enough to be in front of the viewing windows to watch the excitement of seals and sea lions leaping and playing.
- **Interaction:** Visitors are amazed to find that the animals are eager to interact with them through the underwater viewing windows. Increasingly, interaction is what visitors to zoos and aquariums seek; a chance to connect with the animals and the marine environment. A renovation of the Pinniped Exhibit, making a viewing area inside the exhibit itself, will enable us to offer visitors an interactive experience.
- **Visitors will stay longer:** Visitors spend an average of two and a half hours during a typical visit to the Aquarium and we would like to encourage them to stay longer and visit more often. The most effective way to do that is to offer visitors an opportunity to get up close to the animals.
- **Increased Attendance:** The recent downturn in tourism and subsequent drop in Aquarium attendance makes this a crucial time for us to make an effort to remain a top ten Aquarium as well as a coastal destination; offering one of the best visitor experiences in the nation. Visitors today want to connect with nature. The Aquarium will advertise and market the pinniped renovation extensively with a statewide advertising campaign to create excitement and drive increased attendance.
- **Where our visitors come from:** Depending upon the season, 65 to 80 percent of our visitors come from outside Lincoln County. Visitors often plan their trip around a visit to the Aquarium. Increased attendance will translate to a more robust local economy. Visitors will stay in local lodging establishments, eat in local restaurants and buy from local merchants.

What We Offer Visitors Now:

Only those in front get a good view of the Pinniped Exhibit during the most active time, feeding.

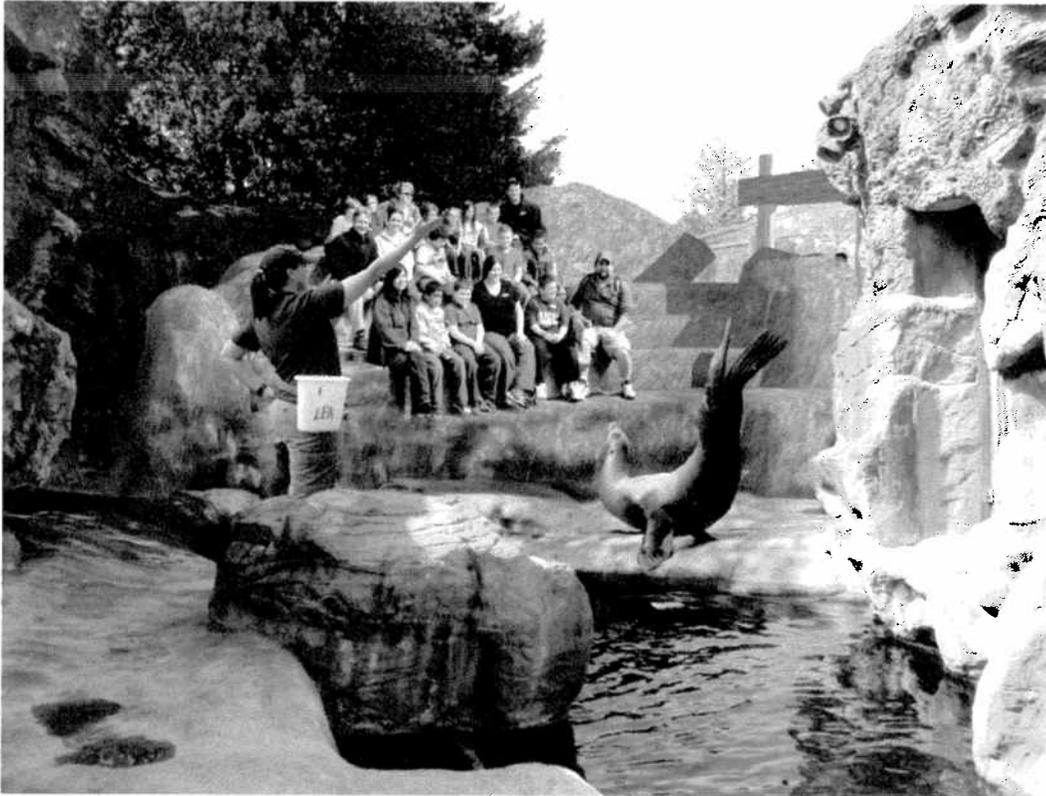


The side viewing area is also limited.



What We Would Like to Offer Visitors:

Seating inside the enclosure that would allow visitors a close view of the pinnipeds



The new "Sea Lion Grotto" would have a safe entryway and be ADA compliant



The cost of the renovation will be approximately \$750,000. If we had half of this amount, we are confident that the remaining amount can be secured from various donors and foundations.

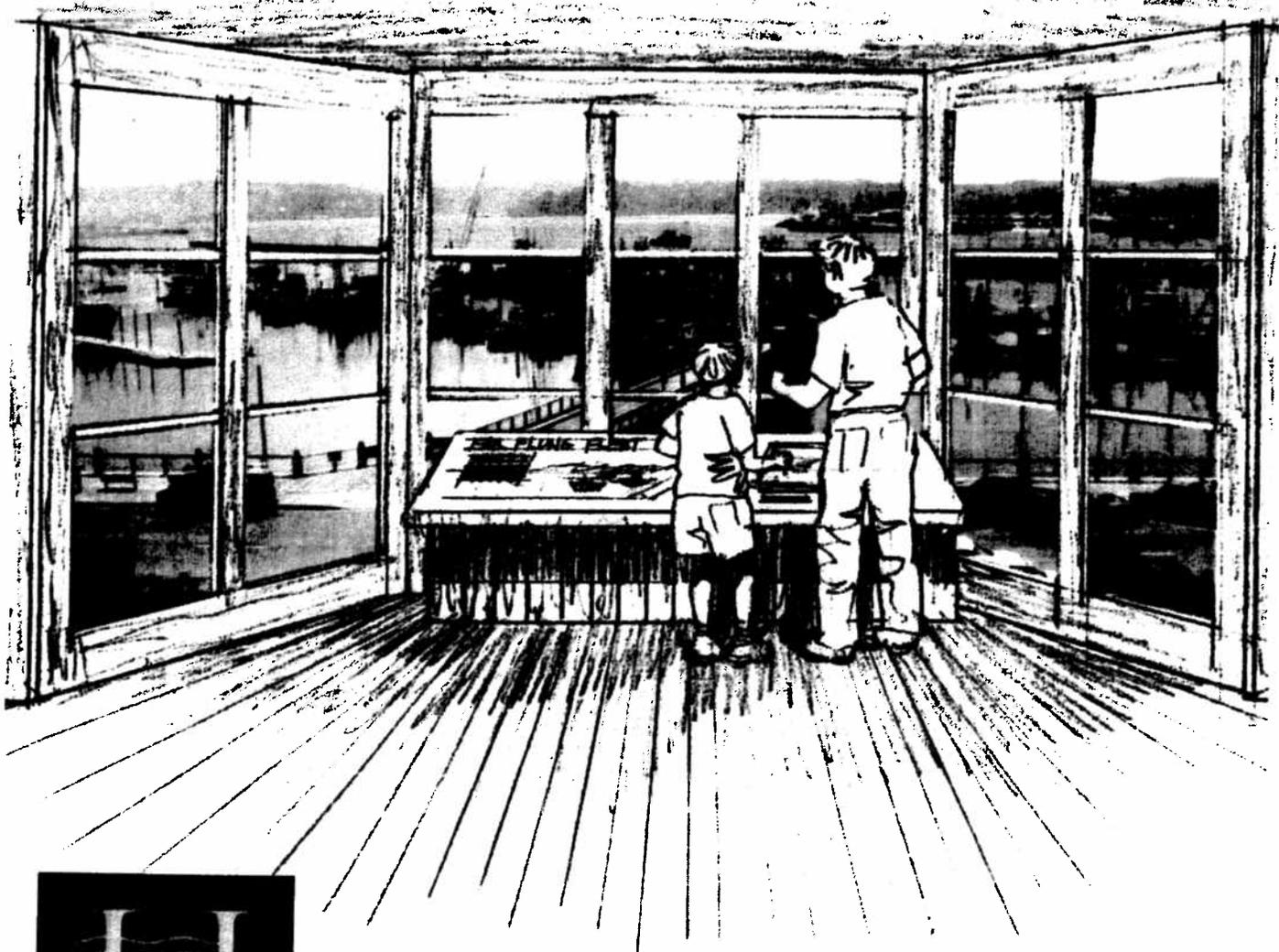
The direct impact this renovation will have on the local economy cannot be over stated:

- The current limited viewing area limits our visitors and their experience. This renovation will enable us to offer visitors an interactive experience
- Visitors today want to connect with nature. Visitors will stay longer when they have an opportunity to get up close to the animals
- The Aquarium will market the pinniped renovation extensively to drive increased attendance
- Increased attendance will translate to a more robust local economy
- Visitors will stay in local lodging establishments, eat in local restaurants and buy from local merchants

Therefore, we are requesting funding in the amount of \$375,000 from the City of Newport's Tourism Facility Fund to help us accomplish this goal.

Pacific Maritime & Heritage Center Newport, Oregon

Funding Request by Lincoln County Historical Society



**The Pacific Maritime & Heritage Center:
Sharing our coastal story with residents and visitors**

Abundant natural resources have allowed development of a rich coastal culture. This has fostered independent and self-reliant individuals who are determined to make their living from the land and the sea. Among others these include fishermen, Native Americans, loggers and farmers. Celebrating the region's fishing industry and cultural heritage, the new Center will show visitors how waterways--rivers, estuaries and ocean link all who live here on the Oregon Coast. the Pacific Maritime & Heritage Center will connect this network of experiences that bring coastal history to life.

The Oregon Coast has a rich past, present and future in fisheries and maritime enterprise, it is that story we want to tell. It is a celebration of our coastal story, legacy and people in partnership with the Oregon Coast Aquarium, Hatfield Marine Science Center, NOAA and the United States Coast Guard. The partnership between the Oregon Coast Aquarium and the Lincoln County Historical Society has developed over several years with crossover promotion and programs that increase visitors and local residents interest and participation in maritime related subjects.

Lincoln County Historical Society is requesting \$200,000 from the City of Newport's Event Center Fund to support improvements to the Pacific Maritime & Heritage Center on Newport's historic Bayfront. The improvements will allow the Society to renovate the Maritime Center's main floor and grounds. When renovation of the main floor is complete, the site will be capable of hosting community groups, cultural events, programs, workshops and temporary exhibits within the next year. We want this Maritime Center to be a community center that is well-used for history and a multitude of other program opportunities.

The Pacific Maritime & Heritage Center will be designed to attract, educate and entertain all ages, instilling a sense of place as well as honoring community roots, explaining milestones and presenting dreams for the future. We believe that this legacy project will contribute to the economic stability of Newport and Lincoln County by attracting and educating visitors.

Accomplishments to date:

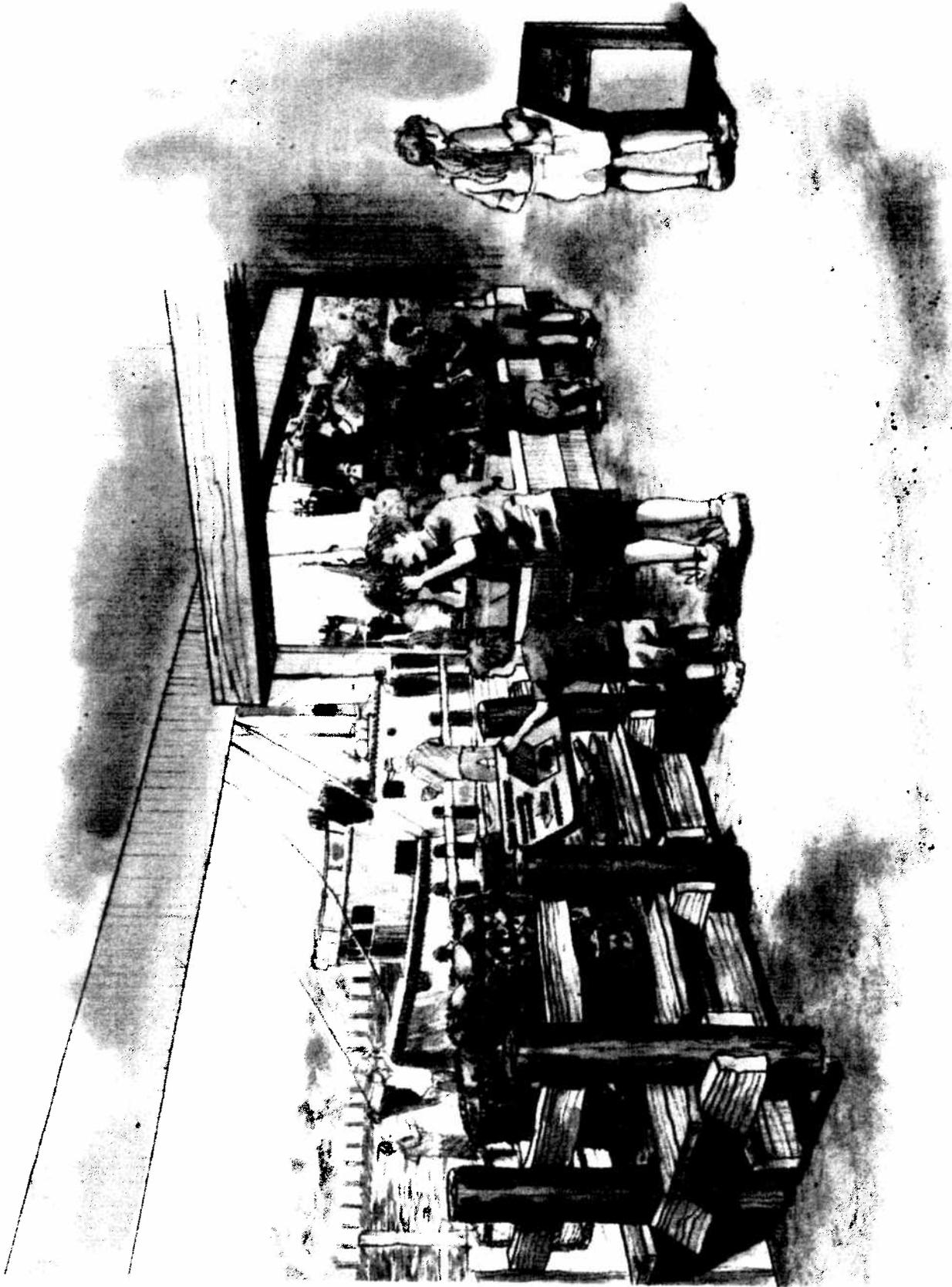
- Over 2 million raised through contributions, grants and in-kind donations.
- Building and land are free and clear of debt.
- Feasibility study of building completed, structure found to be sound.
- Building renovation is underway to make it usable on a regular basis:
 - Repaired structural damage on south side of building
 - Upgraded significant number of windows on south side of building
 - Replaced extensive areas of siding and several exterior doors
 - Removed damaged drywall and carpeting

What needs to be done now to improve the the Maritime Center's main floor and grounds :

- Install retaining wall in upper parking area
- Upgrade Heating, plumbing and electrical systems
- Complete window replacement and siding
- Implement exterior cosmetic improvements including painting and landscaping

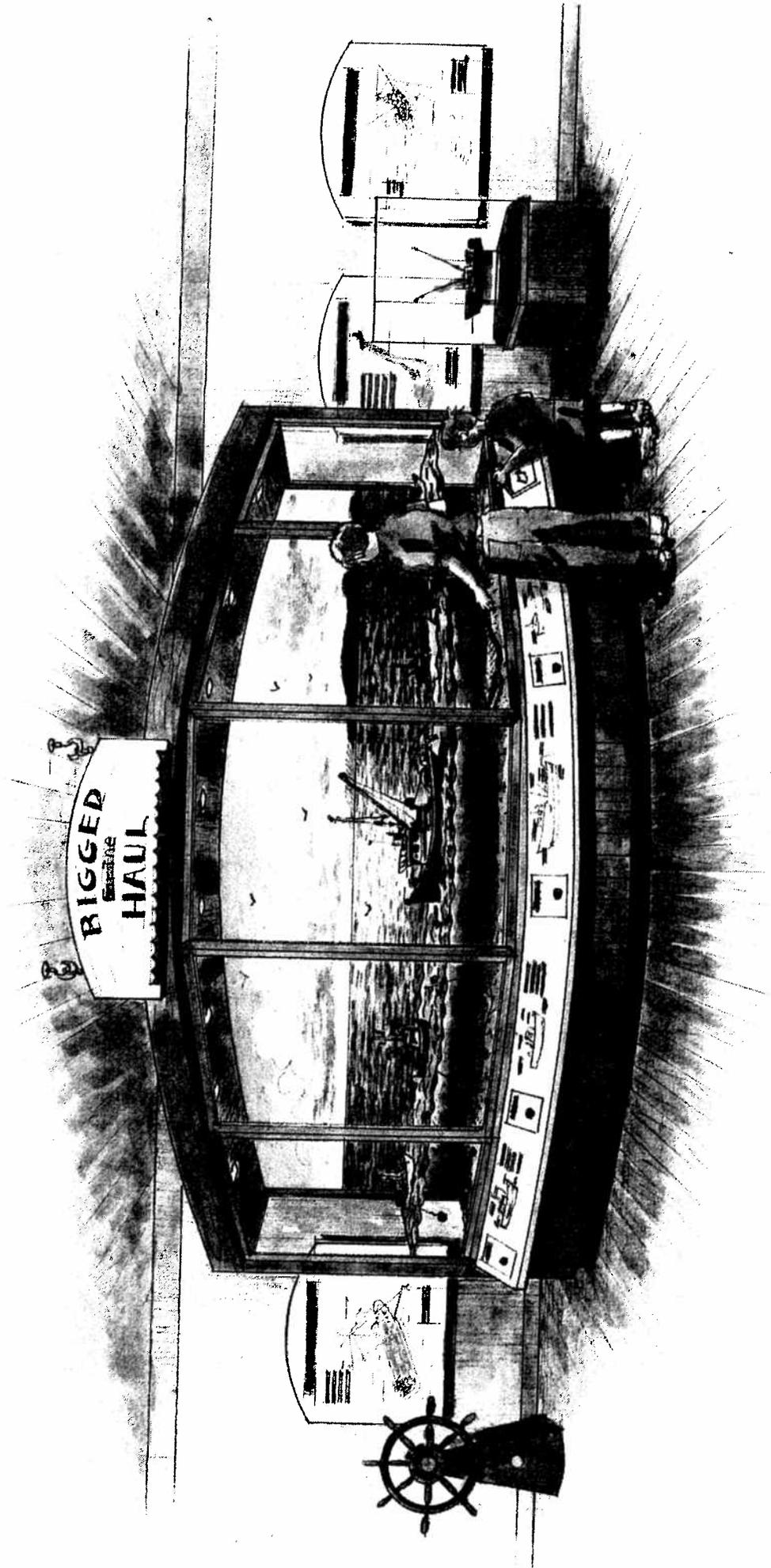
We want to make these improvements for:

- Cultural Events i.e., music concerts, lectures, readings with community groups like Jazz Fridays, Writers on the Edge and others
- Community gatherings such as weddings, receptions, dinners, reunions sponsored by groups like the Fishermen's Wives, Newport High School Alumni Association and Oregon Coastal Quilters Guild
- Programs, workshops, meetings, for example, like the "Saviors of the Sea" event celebrating the U.S. Lifesaving Service and the United States Coast Guard, held in partnership with the Friends of Yaquina Lighthouses and the United States Coast Guard
- Temporary exhibits such as the "Fisheries Project," a partnership with a University of Oregon Masters Degree candidate, a photo essay on Newport fishing boats by two local photographers, Roger Hart and James Haron and "Morning Comes Early: Maritime Folklife in Lincoln County"



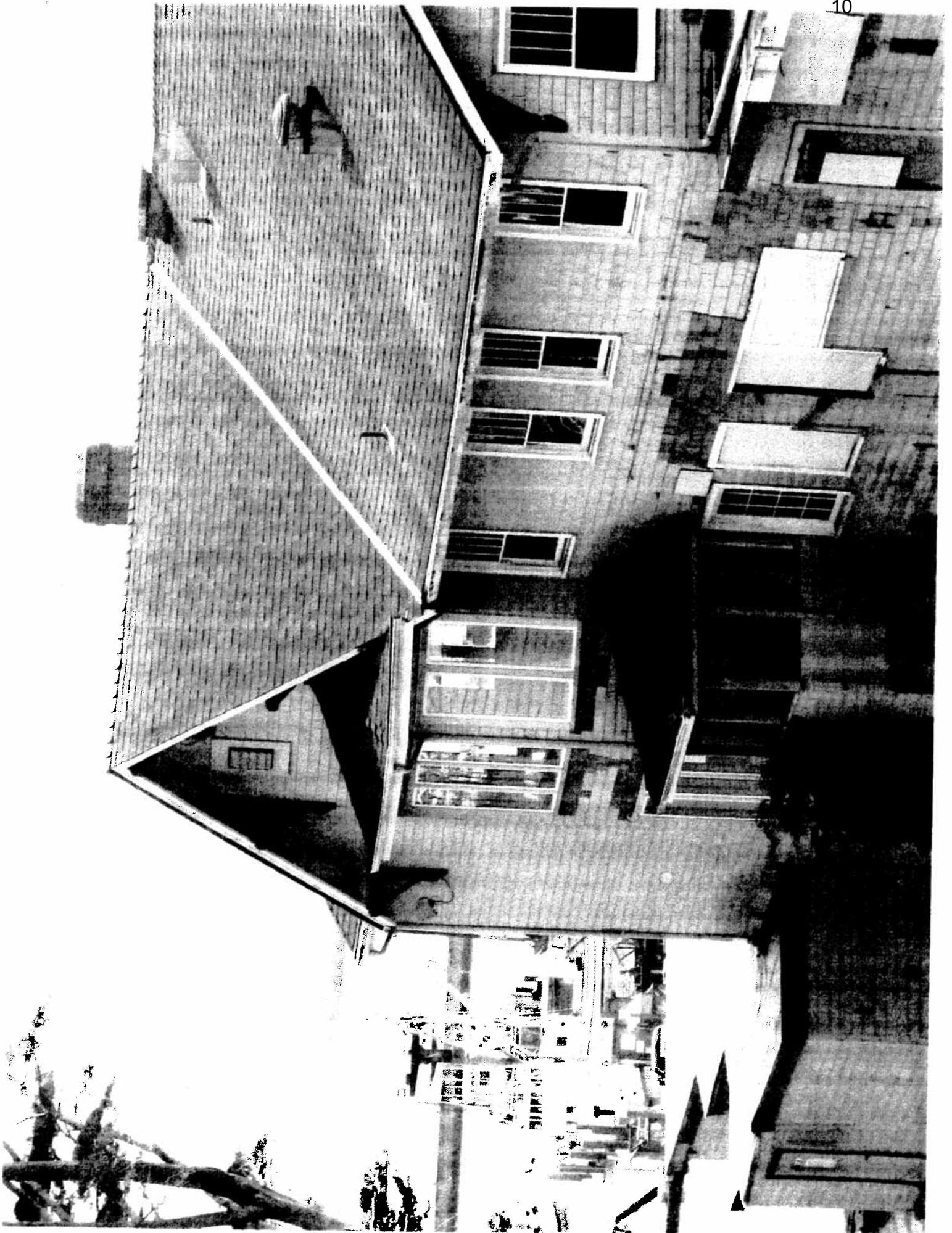
Pacific Maritime & Heritage Center

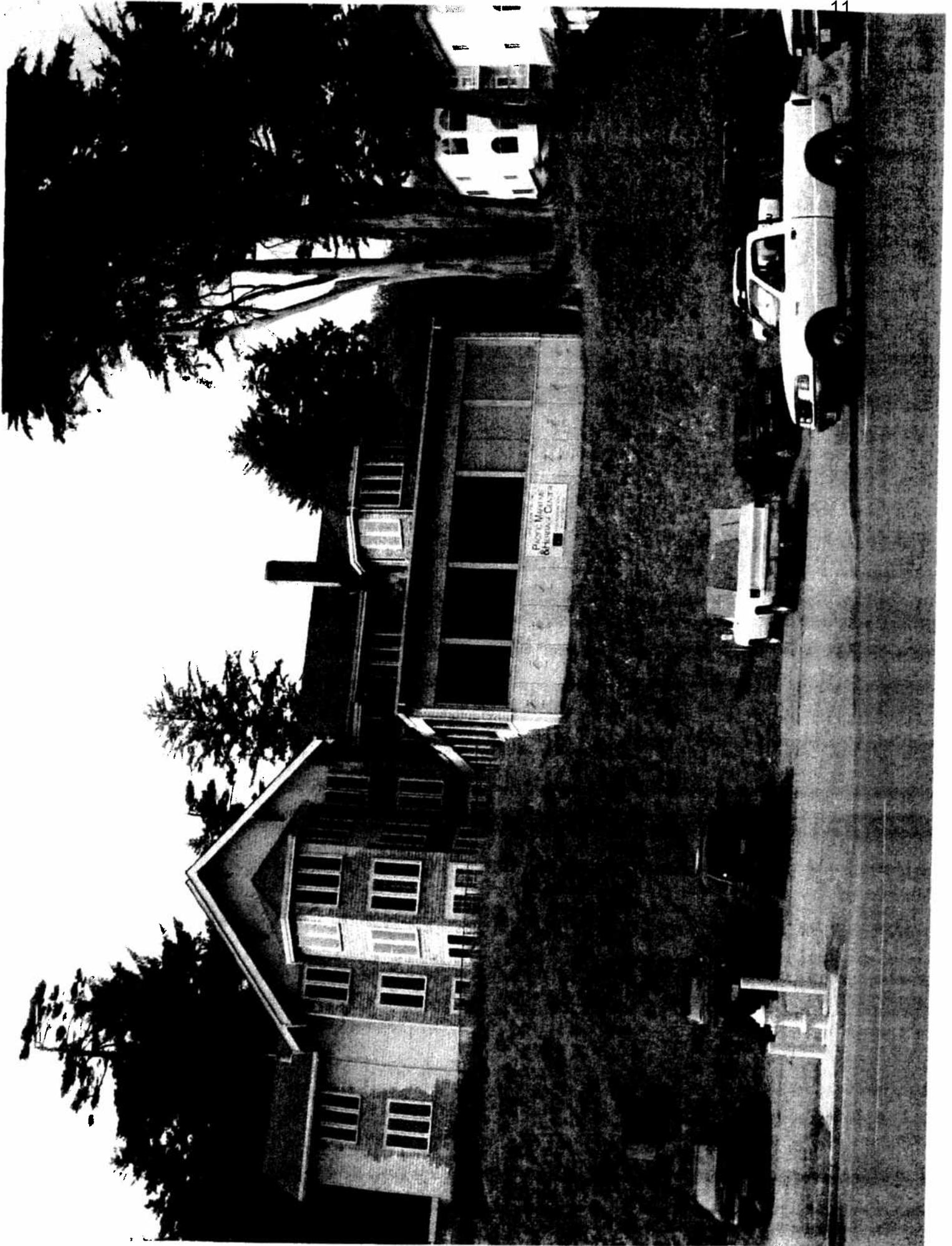
Newport
Oregon



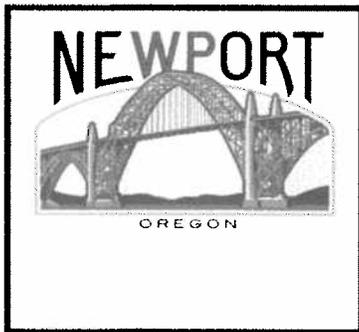
Pacific Maritime & Heritage Center

Newport
Oregon









Agenda Item # VIII.A.
 Meeting Date: November 1, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
 City of Newport, Oregon

Issue/Agenda Title Public hearing on an ordinance amending the Newport Zoning Ordinance and Municipal Code relating to manufactured dwellings and recreational vehicles (File No. 2-Z-10)

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: [Signature]

ISSUE BEFORE THE COUNCIL: Consideration of whether or not it is in the public interest to amend the Newport Zoning Ordinance and Municipal Code relating to manufactured dwellings and recreational vehicles to resolve discrepancies with state law, consolidate language, eliminate redundant provisions, improve the enforceability of the code, and address land divisions within manufactured dwelling parks. At their October 11, 2010 meeting, the Planning Commission voted unanimously to recommend adoption of the changes.

STAFF RECOMMENDATION: Staff recommends the Council accept the Planning Commission's recommendation and adopt the ordinance.

PROPOSED MOTION: I move for reading, by title only, of an ordinance amending sections of the Newport Zoning Ordinance and Municipal Code relating to manufactured dwellings and recreational vehicles and for adoption by roll call vote.

KEY FACTS AND INFORMATION SUMMARY: The City of Newport Zoning Ordinance (No. 1308, as amended) and Newport Municipal Code contain criteria that regulate the placement of manufactured dwellings, mobile homes, and recreational vehicles on individual lots and within parks inside the corporate limits of the city. These criteria are found in Section 2-2-26 ("Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks"), Section 2-2-27 ("Recreational Vehicles"), Section 2-2-28 ("Trailer Coaches and Trailer Parks"), and Section 2-2-1.101 ("Definitions") of the Ordinance. The Newport Municipal Code contains rules that apply to the parking of recreational vehicles within the city. Those rules are found in Chapter 6.25 of the Code.

As part of the city project to comprehensively update and streamline its Zoning Ordinance, the City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of the Zoning Ordinance and Municipal Code sections noted above, and determined that revisions are needed. The city's existing codes predate changes to state law that were made in 2004/2005 that limit the types of standards that jurisdictions can place on manufactured dwelling and recreational vehicle parks. To bring the city's code into compliance, Section 2-2-26 has been redrafted to eliminate problematic language (ref: Attachment A). Section 2-2-27, Recreational Vehicles, is being deleted and relevant provisions are being rolled into Section 2-2-26 of the Zoning Code and Chapter 6.25 of the Municipal Code. Section 2-2-28, Trailer Coaches and Trailer Parks, is being deleted as outdated and unnecessary. Definitions under Section 2-2-1.101 are being revised to correspond with state definitions. Amendments to the Municipal Code include new language addressing the subdivision of preexisting manufactured dwelling parks, and updates to parking standards for recreational vehicles so that the rules are more enforceable (ref: Attachment B).

The Planning Commission and Citizens Advisory Committee reviewed the proposed changes at work sessions on June 28th, July 12th, and July 26, 2010. The Planning Commission held public hearings on September 13, 2010 and October 11, 2010. DLCD was provided notice of the subject amendments on July 13, 2010 in accordance

with their requirements. Notice was also provided to various public/private utilities, public agencies, city departments, and existing manufactured dwelling/recreational vehicle parks on August 23, 2010. Notice of the Planning Commission and City Council hearings was published in the Newport News-Times on August 23, 2010 and October 12, 2010, respectively. Comments were received from Larry Henson and Doug Fitts of Newport. The Planning Commission adjusted the proposed amendments in response to their comments (ref: Attachment C). Mr. Henson has since submitted a letter indicating that his concerns have been addressed.

As this is a legislative item, there are no approval criteria.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: The proposed changes are part of the comprehensive update to the Zoning Ordinance, which the Council set as a goal to complete.

ATTACHMENT LIST:

Proposed Ordinance

Attachment A - Markup Copy of NZO Sections 2-1-1.101, 2-2-26, 2-2-27, and 2-2-28

Attachment B – Markup Copy NMC Chapter 6.25 and 13.05

Attachment C - Markup Copy of NZO Section 2-2-26 (addressing public comments)

Planning Commission Minutes for October 11, 2010

Letter from Larry Henson, dated October 8, 2010

FISCAL NOTES: The proposed changes should not materially impact costs the City incurs in reviewing development proposals involving manufactured dwellings or recreational vehicles.

CITY OF NEWPORT

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE
(ORDINANCE NO. 1308, AS AMENDED) AND NEWPORT MUNICIPAL CODE
RELATING TO MANUFACTURED DWELLINGS, RECREATIONAL VEHICLES AND
THE CONSTRUCTION OF MANUFACTURED DWELLING
AND RECREATIONAL VEHICLE PARKS**

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) and Newport Municipal Code contain criteria that regulate the placement of manufactured dwellings, mobile homes, and recreational vehicles on individual lots and within parks inside the corporate limits of the City. These criteria are found in Section 2-2-26 (“Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks”), Section 2-2-27 (“Recreational Vehicles”), Section 2-2-28 (“Trailer Coaches and Trailer Parks”), and Section 2-2-1.101 (“Definitions”) of the Ordinance.
2. The City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of the above Zoning Ordinance sections and determined that amendments are needed to address discrepancies with state law, consolidate language, and eliminate redundant and outdated provisions. They also determined that the City should amend Chapters 6.25 and 13.05 of the Municipal Code to include statutory rules for subdividing preexisting manufactured dwelling parks, and to clarify and improve the enforceability of requirements relating to the parking of recreational vehicles within the City.
3. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed changes to the Zoning Ordinance and Municipal Code (Newport File No. 2-Z-10) at work sessions on June 28, 2010, July 12, 2010 and July 26, 2010. Following public hearings on September 13, 2010 and October 11, 2010 the Planning Commission voted to recommend adoption of the proposed amendments.
4. The City Council held a public hearing on November 1, 2010 regarding the question of the proposed revisions, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
5. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2-2-26 of Ordinance No. 1308 (as amended), Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks, is repealed in its entirety and replaced with a new Section as shown in Exhibit "A".

Section 2. Section 2-1-1.101 of Ordinance No. 1308 (as amended), Definitions, is amended as shown in Exhibit "B".

Section 3. Section 2-2-27 of Ordinance No. 1308 (as amended), Recreational Vehicles, is repealed in its entirety.

Section 4. Section 2-2-28 of Ordinance No. 1308 (as amended), Trailer Coaches and Trailer Parks, is repealed in its entirety.

Section 5. Chapter 6.25 of the Newport Municipal Code is repealed in its entirety and replaced with a new Chapter as shown in Exhibit "C".

Section 6. Chapter 13.05 of the Newport Municipal Code, Subdivision and Partition, is amended to include the following:

“13.05.110 Land Divisions of Manufactured Dwelling Parks

Manufactured Dwelling Parks that existed on or before July 1, 2001 may be divided in accordance with the provisions of ORS 92.830 to 92.845. Such applications will be subject only to the procedural provisions of this Chapter.”

Section 6. This ordinance shall take effect 30 days after passage.

Date adopted: _____

Signed by the Mayor on _____, 2010.

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Exhibit A to Ordinance No. _____, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

Section 2-2-26. MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES.*

2-2-26.005. Purpose. The purpose of this section is to provide criteria for the placement of manufactured dwellings and recreational vehicles within the City of Newport. It is also the purpose of this section to provide for dwelling units other than site-built structures.

2-2-26.010. Manufactured Dwellings on Individual Lots.

- A. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:
- (1) Conform to the definition of a manufactured dwelling in Section 2-1-1 of this Ordinance.
 - (2) Have the wheels and tongue or hitch removed.
 - (3) Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
 - (4) Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
 - (5) Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on adjacent dwellings as determined by the Building Official.
 - (6) Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.
 - (7) Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating space.
 - (8) Be connected to the public water system and an approved sewage disposal system.
 - (9) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

Exhibit A to Ordinance No. _____, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

- B. A manufactured dwelling constructed in accordance with current Federal Manufactured Home Construction and Safety Standards that does not meet criteria listed in subsection (A), may be approved by the Planning Commission as a Conditional Use pursuant to Section 2-5-3 of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with Section 2-6-1, Procedural Requirements.

2-2-26.015. Manufactured Dwelling Park Standards. Manufactured dwelling parks may only be allowed in the R-2, R-3, and R-4 zoning districts, subject to the development standards contained in this section.

2-2-26.020. Manufactured Dwelling Parks. Manufactured dwelling parks are permitted subject to the following:

- A. Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended.
- B. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code Chapter 13.05.040 where the construction or extension of such street is identified in the City of Newport Transportation System Plan.
- C. The number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.
- D. Each space for a manufactured dwelling shall contain at least 5,000 square feet.
- E. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.*
- F. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.
- G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- H. The manufactured dwelling park may have a community or recreation building and other similar amenities.
- I. All dead end streets shall provide an adequate turn around for emergency vehicles.

Section 2-2-26.025. Recreational Vehicles: General Provisions

Exhibit A to Ordinance No. _____, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

- A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored.
- B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.
- C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

Section 2-2-26.030. Recreational Vehicle Parks.** Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 2-6-1, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.
- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
 - (1) The space provided for each recreational vehicle shall not be less than 600 square feet, exclusive of any space used for common areas (such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles, and landscaped areas). The number of recreational vehicles shall be limited to a maximum of 22 per gross acre.
 - (2) Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the edge of the roadway, they shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreation vehicle space.
 - (3) A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel

Exhibit A to Ordinance No. _____, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

provided the area is landscaped or otherwise treated to prevent dust or mud.

- (4) A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
- (5) A recreational vehicle space shall be provided with electrical service.
- (6) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
- (7) The total number of off-street parking spaces in the park shall be provided in conformance with Section 2-3-6.015. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.
- (8) The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- (9) The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine for each ten recreational vehicle spaces, or any fraction thereof.
- (10) Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62° F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.
- (11) Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to

Exhibit A to Ordinance No. _____, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

other properties (such as when the RV park fronts a body of water). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under Section 2-4-4.010 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.

- (12) Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.
- (13) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

Exhibit B to Ordinance No. _____, Amending Section 2-1-1.101 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) for Definitions Related to Manufactured Dwellings and Recreational Vehicles

(New language is shown with a double underline. Deleted language is shown in ~~strikeout~~.)

Section 2-1-1.101. DEFINITIONS. As used in this Ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Manufactured Dwelling. A manufactured home, mobile home, or residential trailer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located on a lot or parcel of land the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Manufactured Dwelling Home.* A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law at the time of construction.

Recreational Vehicle (RV).** A vehicle with or without ~~moving-motive power~~, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of not more than 400 square feet in the setup mode. ~~Recreational vehicles include:~~

A. ~~"Camping trailer" means a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

B. ~~"Motor home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 200 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

Exhibit B to Ordinance No. _____, Amending Section 2-1-1.101 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) for Definitions Related to Manufactured Dwellings and Recreational Vehicles

~~C. "Park trailer" means a vehicle built on a single chassis, mounted on wheels designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices, and with a gross trailer area not exceeding 400 square feet when in the set-up model.~~

~~D. "Travel trailer" means a vehicular unit which has a roof, floor, and sides, and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes,~~

~~E. "Truck camper" means a portable unit which has a roof, floor, and sides, which is designed to be loaded on and off the bed of a truck or pickup truck, and which has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

~~Recreational Vehicle Park. A lot of land upon which place where two or more recreational vehicles sites are located on a lot or parcel of land, the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes (not more than 30 days out of any 60 day period).~~

~~Residential Trailer.** A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. before January 1, 1962.~~

~~***~~

~~Trailer Coach. A portable vehicle designed and constructed for permanent year-round residential occupancy that does not meet the standards for mobile homes as defined in this ordinance. A trailer coach is not a dwelling unit.~~

~~Trailer Park. An area upon which one or more trailer coaches or recreational vehicles are parked which are occupied for residential use. These parks may allow occupancy for longer than 30 continuous days.~~

Exhibit C to Ordinance No. _____, Amending Chapter 6.25 of the Newport Municipal Code Relating to Recreational Vehicle Parking

CHAPTER 6.25 RECREATIONAL VEHICLE PARKING

6.25.005 Definitions

Public Or Private Parking Lot means a parking lot that is open to the general public for parking, whether for a fee or not. Parking lot does not include areas reserved for owners or tenants of a property.

Recreational Vehicle or RV means a vehicle with or without motive power that is designed for human occupancy and to be used for recreational, seasonal, or emergency purposes. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

Self-contained means including a functional sink and toilet with on-board storage of wastewater.

6.25.010 Parking of Recreational Vehicles

- A. Recreational vehicles shall not be parked on a public street within the City of Newport for a period of time exceeding eight (8) hours.
- B. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot outside of a manufactured dwelling or RV park between the hours of 11:00 P.M. and 5:00 A.M., except as follows:
 - 1. For special events, the owner of a paved or otherwise adequately surfaced parking area may allow self-contained RVs to park at no charge, providing that the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms.
 - 2. Marina owners or operators may allow up to 50% of the parking area for the marina to be used for overnight parking of RVs of marina customers during the period between July 1 and the end of the Labor Day weekend, providing the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. No permit may be issued to a marina that does not have an approved sanitary facility for the disposal of septic wastes. The owner or operator of the facility shall collect and remit the city's room tax.
 - 3. When authorized for use as a temporary living quarters under the temporary use section of the Newport Zoning Ordinance
- C. The Community Development Department shall be responsible for issuance of the permits under subsection 6.25.010(D) and for the imposition of conditions. The planning department may create a set of standard permit conditions.

Exhibit C to Ordinance No. _____, Amending Chapter 6.25 of the Newport Municipal Code Relating to Recreational Vehicle Parking

CHAPTER 6.25 RECREATIONAL VEHICLE PARKING

6.25.005 Definitions

Public Or Private Parking Lot means a parking lot that is open to the general public for parking, whether for a fee or not. Parking lot does not include areas reserved for owners or tenants of a property.

Recreational Vehicle or RV means a vehicle with or without motive power that is designed for human occupancy and to be used for recreational, seasonal, or emergency purposes. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

Self-contained means including a functional sink and toilet with on-board storage of wastewater.

6.25.010 Parking of Recreational Vehicles

- A. Recreational vehicles shall not be parked on a public street within the City of Newport for a period of time exceeding eight (8) hours.
- B. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot outside of a manufactured dwelling or RV park between the hours of 11:00 P.M. and 5:00 A.M., except as follows:
 1. For special events, the owner of a paved or otherwise adequately surfaced parking area may allow self-contained RVs to park at no charge, providing that the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms.
 2. Marina owners or operators may allow up to 50% of the parking area for the marina to be used for overnight parking of RVs of marina customers during the period between July 1 and the end of the Labor Day weekend, providing the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. No permit may be issued to a marina that does not have an approved sanitary facility for the disposal of septic wastes. The owner or operator of the facility shall collect and remit the city's room tax.
 3. When authorized for use as a temporary living quarters under the temporary use section of the Newport Zoning Ordinance
- C. The Community Development Department shall be responsible for issuance of the permits under subsection 6.25.010(D) and for the imposition of conditions. The planning department may create a set of standard permit conditions.

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

Section 2-1-1.101. DEFINITIONS. As used in this Ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Manufactured Dwelling. A manufactured home, mobile home, or residential trailer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located on a lot or parcel of land the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Manufactured Dwelling Home.* A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law at the time of construction.

Recreational Vehicle (RV).** A vehicle with or without moving-motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of not more than 400 square feet in the setup mode. ~~Recreational vehicles include:~~

~~A. "Camping trailer" means a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

~~B. "Motor home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 200 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

~~C. "Park trailer" means a vehicle built on a single chassis, mounted on wheels designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices, and with a gross trailer area not exceeding 400 square feet when in the~~

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

~~set-up model.~~

~~D. "Travel trailer" means a vehicular unit which has a roof, floor, and sides, and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes,~~

~~E. "Truck camper" means a portable unit which has a roof, floor, and sides, which is designed to be loaded on and off the bed of a truck or pickup truck, and which has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

~~Recreational Vehicle Park. A lot of land upon which place where two or more recreational vehicles sites are located on a lot or parcel of land, the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes (not more than 30 days out of any 60 day period).~~

~~Residential Trailer.** A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction before January 1, 1962.~~

~~Trailer Coach. A portable vehicle designed and constructed for permanent year-round residential occupancy that does not meet the standards for mobile homes as defined in this ordinance. A trailer coach is not a dwelling unit.~~

~~Trailer Park. An area upon which one or more trailer coaches or recreational vehicles are parked which are occupied for residential use. These parks may allow occupancy for longer than 30 continuous days.~~

Staff: Terms have been revised to correspond more closely with the definitions contained in ORS 446.003, and ORS 197. There are three types of manufactured dwellings, with residential trailers being those that predate specific construction standards, mobile homes (a typical single-wide) being those that had to conform with Oregon law, and manufactured homes (a typical double-wide) being those that were subject to Federal construction standards. A "manufactured dwelling park" is defined for the first time and replaces the term "mobile home park" in the code. This lines it up with the definitions.

The definition for recreation vehicle has been simplified. The 400 square foot size limit corresponds with the maximum size permitted by the State (OAR 918-525-0035). Language in the RV park definition no longer includes limitations on the length of stay, which is specifically prohibited under ORS 197.493. Trailer Coach and Trailer Park definitions are being deleted for similar reasons.

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

Section 2-2-26. MANUFACTURED HOMES DWELLINGS AND MOBILE HOMES, AND RECREATIONAL VEHICLES PARKS.*

2-2-26.005. Purpose. The purpose of this section is to provide criteria for the placement of manufactured dwellings and ~~mobile homes~~ and ~~to provide for the development of recreational vehicles within the City of Newport parks.~~ It is also the purpose of this section to provide for dwelling units other than site-built structures.

~~2-2-26.010. Establishment of a Mobile Home Overlay Zone.~~**

2-2-26.01015. Manufactured Dwellings on Individual Lots. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:

- A. Conform to the definition of a manufactured dwelling in Section 2-1-1 of this Ordinance.
- B. Have the wheels and tongue or hitch removed.
- C. Be placed on ribbon footings that support each main beam ~~on~~ of the mobile home ~~manufactured dwelling, with such footings and being~~ constructed to applicable legal requirements and specifications of the Building Official.
- D. Be securely and adequately anchored at each corner of each transportable unit by devices that meet state standards for tie-down devices.
- E. Be completely enclosed with skirting of a non-decaying and corrosion-resistant material extending to the ground and embedded in the ground to a depth of at least six (6) inches.
- F. Have a pitched roof of at least two and one half (22) feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
- G. Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Building Official.
- H. Be multisectional and enclose a space of not less than ~~864-1,000~~ square feet as determined by measurement of exterior dimensions of the unit. Space within ~~mobile home~~ accessory structures, extensions, or additions shall not be included in calculating space.
- I. Be connected to the public water system and an approved sewage disposal system.
- J. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the

performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

Staff: These provisions are comparable to what other jurisdictions use for siting manufactured dwellings (ref: Cannon Beach and Lincoln City examples). The requirement that they be multisectional prohibits single wides, but does not do so based upon age. The size requirement for manufactured dwellings is increased to be consistent with what other jurisdictions require.

2-2-26.020015. Manufactured Dwelling and Mobile Home Park Standards.

Manufactured dwelling parks may only be allowed in the R-2, R-3, and R-4 zoning districts, subject to the development standards contained in this section. ~~Mobile home parks may be allowed only in an R-3 or R-4 zoning districts, subject to the development standards contained in this section. Such parks shall allow manufactured dwellings and mobile homes as defined in this Ordinance.~~

2-2-26.025020. Manufactured Dwelling Parks in an R-2 Zoning District. In the R-2 zoning district, ~~manufactured~~ Manufactured dwelling parks are permitted subject to the following:

- A. ~~All manufactured dwellings located or placed in a~~ Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended. ~~must:~~
- ~~(1) Be at least 24 feet in width.~~
 - ~~(2) Conform to the definitions of a manufactured dwelling as per Section 2-1-1 of this Ordinance.~~
 - ~~(3) Have the wheels and tongue/hitch removed.~~
 - ~~(4) Be placed on a ribbon footing supporting each main beam on the mobile home and constructed to all applicable legal requirements and specifications of the city Building Official.~~
 - ~~(5) Have such tie-down devices as are required by the State of Oregon.~~
 - ~~(6) Have a pitched roof of a minimum pitch of two and one-half in twelve of material other than metal sheeting and be provided with gutters and downspouts to direct surface water into storm drains, or if storm drains are not available into the adequate disposal areas.~~
 - ~~(7) Have conventional siding other than flat, unbroken metallic sheeting.~~
 - ~~(8) Comply with State of Oregon standards in addition to the standards specified in this section.~~
 - ~~(9) Have a bathroom, including at least a toilet, sink or basin, and a bathtub or shower.~~

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

- ~~(10) Have a kitchen area containing a sink.~~
 - ~~(11) Have its plumbing connected to a public water supply and an approved sewage disposal system.~~
 - ~~(12) Contain at least 1,000 square feet, as determined by measurement of exterior dimensions of the unit, exclusive of any trailer hitch device. Space within manufactured dwelling accessory structures, extensions, or additions shall not be included in accounting for this 1,000 square feet.~~
- ~~B. If the manufactured dwelling is removed from its foundation, the property owner shall agree that within six (6) months he shall either replace the mobile home with another approved manufactured dwelling or remove the foundation, including any manufactured dwelling accessory structure or other structures on the property, and disconnect sewer, water, and other utilities. The agreement shall further state that the city may make the removal and disconnection and place a lien against the property for the cost of the work if the owner fails to perform the work within the six months.~~
- ~~C. Except for a structure which conforms to the state definition of and requirements for a manufactured dwelling accessory structure, no accessory, extension, or addition shall be attached to a manufactured dwelling unless the same shall conform to the requirements of Oregon's State Building Code. An outbuilding shall have a one-hour fire wall or shall be separated from a manufactured dwelling by not less than three (3) feet.~~
- ~~DB. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code Chapter 13.05.040 where the construction or extension of such street is identified in the City of Newport Transportation System Plan. ~~must be paved and curbed to a width of 35 feet measured from back of curb to back of curb, except that streets serving four or fewer units may have a width of no less than 20 feet from back of curb to back of curb.~~~~
- ~~EC. The number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.~~
- ~~FD. Each space for a manufactured dwelling park shall contain at least 5,000 square feet.~~
- ~~GE. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.*~~
- ~~HF. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.~~

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

- ~~J~~G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- ~~J~~H. The manufactured dwelling park may have a community or recreation building and other similar amenities.
- ~~K~~I. All dead end streets shall provide an adequate turn around for emergency vehicles.

Staff: The only preexisting criteria in the code for manufactured dwelling parks are those for the R-2 district. State law appears to limit the types of criteria a local jurisdiction can apply to a manufactured dwelling park to those listed in Chapter 10 of the Oregon Manufactured Dwelling and Park Specialty Code. The above criteria have been revised accordingly.

~~**2-2-26.030. Mobile Home Parks.** Mobile home parks are allowed in R-3 and R-4 zoning districts subject to the following:~~

- ~~A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.~~
- ~~B. The developer of the park obtains a permit from the state.~~
- ~~C. The developer shall provide a map of the park to the city Building Official.~~

Staff: Mobile homes are a type of manufactured dwelling, the criteria for which are listed above. The Commission can simplify the code by deleting this section. Note though that the State requirements for mobile homes are more permissive than the City's criteria for manufactured dwelling parks. Single wide construction and manufactured structures smaller than 1,000 square feet would potentially be allowed if this subsection remains.

The term "mobile home park" is used in the residential use chart, identifying them as being allowed in the R-2, R-3, and R-4 zone districts (Subsection 2-2-1.025(A)). This will need to be changed to "manufactured dwelling park."

Section 2-2-26.025. Recreational Vehicles: General Provisions

- A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored.
- B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.
- C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or

an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

Staff: This subsection pulls in the provisions from Section 2-2-27. The limitation on cooking within recreation vehicles has been deleted as unenforceable. Language limiting the length of time a recreational vehicle can park in a particular location has been relocated to Newport Municipal Code Chapter 6.25 and has been amended to note that it does not apply within manufactured dwelling and recreational vehicle parks consistent with ORS 197.493. The existing code references trailer coaches, trailer houses, campers, etc., which are all recreational vehicles. Those terms have been deleted to avoid confusion. Redundant language has also been deleted.

Section 2-2-26.035030. Recreational Vehicle Parks.** Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 2-6-1, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.
- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
 - (1) The space provided for each recreationalal vehicle shall not be less than 700 square feet, exclusive of any space used for common areas (such as roadways, general use structures, walkways, parking spaces for vehicles other than recreationalal vehicles, and landscaped areas). The number of recreational vehicles shall be limited to a maximum of 22 per gross acre.
 - (2) Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the edge of the roadway, they shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreation vehicle space.
 - (3) A space provided for a recreationalal vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreationalal vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel

provided the area is landscaped or otherwise treated to prevent dust or mud.

(4) A recreationalal vehicle space shall be provided with piped potable water and sewage disposal service. A recreationalal vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.

(5) A recreational vehicle space shall be provided with electrical service.

(6) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.

~~(7) No recreation vehicle shall remain in the park for more than 30 days in any 60 day period.~~

(~~87~~) The total number of off-street parking spaces in the park shall be provided in conformance with Section 2-3-6.015. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.

(~~98~~) The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreationalal vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

(~~109~~) The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine, and 15 square feet of space for clothes drying lines for each ten recreationalal vehicle spaces, or any fraction thereof.

(~~110~~) Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62° F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.

(~~121~~) Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties

(such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water).

Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under Section 2-4-4.010 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.

~~(1312) The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.~~

~~(1413) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.~~

Staff: The occupancy limit is deleted consistent with ORS 197.493. Other changes are minor in nature. Following a discussion with the Planning Commission on July 12, 2010 the reference to maintaining a "neat appearance" has been removed as vague.

~~Section 2-2-27. RECREATIONAL VEHICLES~~

~~2-2-27.005. Purpose.~~ The purpose of this section is to regulate the placement and location of recreational vehicles within the City of Newport.

~~2-2-27.010. Recreational Vehicle Parks.*~~ Please see Section 2-2-26.035 (Recreational Vehicle Parks).

~~2-2-27.015. Parking on a Public Street Prohibited.**~~ No trailer coach, trailer house, camper, or mobile living unit used for sleeping or living purposes shall be parked on a public street within the City of Newport for any period of time exceeding four (4) hours, or elsewhere in the City of Newport for a period of time exceeding twenty-four (24) hours, except in a trailer park. No cooking shall be done in any trailer coach, trailer house, camper, or recreational vehicle within the City of Newport and outside a trailer park, except where a temporary permit has been obtained as provided in Section 2-2-20 herein. (Vacation trailers, trailers, campers, or mobile living units used for occasional occupancy may be stored on property within the City of Newport provided that they are not used as a place of habitation while so stored.)

~~2-2-27.020. Temporary Use Permits.***~~

~~2-2-27.025. Removal of Wheels Does Not Change Nature of Vehicle.~~ Removal of the wheels or placement of a trailer house on a permanent or temporary foundation shall not change the essential character of any trailer coach or recreational vehicle or change the requirements of this section.

~~2-2-27.030. Attachment to Sewer or Septic Tank Required.~~ It shall be unlawful

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

~~for any person occupying or using any trailer coach or recreational vehicle within the City of Newport to use any toilet, sink, lavatory, or similar equipment therein unless and except the same be connected with a public sewer or to an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All trailer parks and recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.~~

~~**2-2-27.035. Recreational Vehicle Park Standards.******~~

Staff: This section has been incorporated into section 2-2-26.025 above.

~~**Section 2-2-28. TRAILER COACHES AND TRAILER PARKS**~~

~~**2-2-28.005. Purpose.** To regulate the placement and location of trailer coaches and long-term parking of recreational vehicles.~~

~~**2-2-28.10. Additional Requirements.*** (See Sections 2-2-27.015, 2-2-27.030, and 2-2-29 for additional requirements.)~~

~~**2-28.015. Trailer Parks Restricted.** Trailer parks may only be allowed in the R-4/"High Density Residential" or C-2/ "Tourist Commercial" zones. Such parks allow vehicles that are characterized as mobile temporary living quarters but often have occupancy longer than 30 continuous days. These vehicles include campers, trailers, mobile homes not licensed by the State of Oregon, and self-contained vehicles which commonly have sheet metal siding.~~

~~**2-28.020. Trailer Park Standards.** A trailer park shall be built to state standards for mobile home parks in effect at the time of construction and shall comply with the following additional provisions:~~

- ~~A. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.~~
- ~~B. The space provided for each trailer coach shall be provided with piped potable water and electrical and sewerage connections.~~
- ~~C. The number of spaces for trailer coaches shall not exceed 14 for each acre of total area in the trailer park.~~
- ~~D. Each space for a trailer coach shall contain not less than 1,600 square feet exclusive of space provided for the common use of tenants (such as roadways, general use structures, guest parking, walkways, and areas for recreation and landscaping purposes).~~
- ~~E. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the~~

~~edge of the roadway. They shall be paved with asphalt, concrete, or similar impervious surface, as well as designed to permit easy access to each trailer coach.~~

- ~~F. A space provided for a trailer coach shall be covered with crushed gravel or paved with asphalt, concrete, or similar material, and be designed to provide run-off of surface water. The part of the space which is not occupied by the trailer coach, not intended as an access way to the trailer coach or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.~~
- ~~G. A trailer coach space shall be provided with piped, potable water and sewage disposal service. A trailer coach staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.~~
- ~~H. A trailer coach space shall be provided with electrical service.~~
- ~~I. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.~~
- ~~J. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to or greater than one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.~~
- ~~K. The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each one toilet, one urinal, one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.~~
- ~~L. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine, and 15 square feet of space for clothes drying lines for each ten spaces or any fraction thereof.~~
- ~~M. Building spaces required by Subsections K and L of this Section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62°F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.~~
- ~~N. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height.~~
- ~~O. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or~~

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

~~to any guest of the park.~~

~~P. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.~~

~~Q. If the park provides spaces for 50 or more trailer coaches, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.~~

~~R. If a space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants, and hydrants shall be provided within 250 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.~~

Staff: Where these parks exist within the City of Newport, they are non-conforming. Recent changes to the non-conforming use code allow expansions and alterations to those facilities. Moving forward, new proposals for trailer park type uses would fall under the recreational vehicle park standards which no longer have a limitation on term of occupancy.

September 13, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO CHAPTER 6.25 AND CHAPTER 13.05 OF THE NEWPORT MUNICIPAL CODE

CHAPTER 6.25 RECREATIONAL VEHICLE PARKING

6.25.005 Definitions

Public Or Private Parking Lot means a parking lot that is open to the general public for parking, whether for a fee or not. Parking lot does not include areas reserved for owners or tenants of a property.

Recreational Vehicle or RV means a vehicle with or without motive power that is designed for human occupancy and to be used for recreational, seasonal, or emergency purposes contains facilities for sleeping. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

Self-contained means including a functional sink and toilet with on-board storage of wastewater.

6.25.010 Parking of Recreational Vehicles

A. Recreational vehicles shall not be parked on a public street within the City of Newport for a period of time exceeding eight (8) hours.

A.B. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot outside of a manufactured dwelling or RV park between the hours of 11:00 P.M. and 5:00 A.M., except as provided in subsections B. and C. follows:

B.1. For special events, the owner of a paved or otherwise adequately surfaced parking area may allow self-contained RVs to park at no charge, providing that the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. The permittee shall allow parking only if all available RV parks, including state parks that allow RV camping, are full.

C. 2. Marina owners or operators may allow up to 50% of the parking area for the marina to be used for overnight parking of RVs of marina customers during the period between July 1 and the end of the Labor Day weekend, providing the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. No permit may be issued to a marina that does not have an approved sanitary facility for the disposal of septic wastes. The owner or operator of the facility shall collect and remit the city's room tax.

3. When authorized for use as a temporary living quarters under the temporary use section of the Newport Zoning Ordinance

D.C. The ~~planning department~~ Community Development Department shall be responsible for issuance of the permits under ~~this section~~ subsection 6.25.010(D) and for the

September 13, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO CHAPTER 6.25 AND CHAPTER 13.05 OF THE NEWPORT MUNICIPAL CODE

imposition of conditions. The planning department may create a set of standard permit conditions.

Staff: The definition for a recreational vehicle park has been revised to line up with the definition used in the Zoning Ordinance and state statutes. Language from Section 2-2-27 of the Zoning Ordinance restricting the length of time a recreational vehicle can be parked within public right-of-way has been incorporated into this Chapter for ease of administration. The period of time has been increased to 8 hours, as the Commission felt that timeframe is more reasonable. The limitation on how long a recreational vehicle can be parked elsewhere (currently 24 hours) has been deleted due to confusion over its applicability to residential properties and concerns the Commission raised at its July 26th work session regarding its reasonableness. The provision requiring evidence that recreational vehicle parks be full (under B.1 above) has been deleted due to Commission concerns that it is not enforceable. Changes also reflect the ORS 197.493 prohibition on regulating length of stay in manufactured dwelling and recreational vehicle parks and that the planning department does not administer special events permits (they are handled by the City Manager's office).

CHAPTER 13.05 SUBDIVISION AND PARTITION

13.05.110 Land Divisions of Manufactured Dwelling Parks

Manufactured Dwelling Parks that existed on or before July 1, 2001 may be divided in accordance with the provisions of ORS 92.830 to 92.845. Such applications will be subject only to the procedural provisions of this Chapter.

Staff: The conversion of manufactured dwelling parks created on or before July 1, 2001 may utilize an abbreviated subdivision approval process outlined in this statutes. The City would not be able to require the interior streets to be upgraded, sidewalks installed, etc. A waiver of remonstrance for water and sewer could be required. The drawback for an applicant is that use of the resulting properties would be limited to manufactured dwellings. Given the limited number of properties in the City that could utilize this option, a simple cross reference, such as the language proposed above, would seem appropriate.

Section 2-2-26. MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES.*

2-2-26.005. Purpose. The purpose of this section is to provide criteria for the placement of manufactured dwellings and recreational vehicles within the City of Newport. It is also the purpose of this section to provide for dwelling units other than site-built structures.

2-2-26.010. Manufactured Dwellings on Individual Lots.

A. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:

A.(1) Conform to the definition of a manufactured dwelling in Section 2-1-1 of this Ordinance.

B.(2) Have the wheels and tongue or hitch removed.

~~C. Be placed on ribbon footings that support each main beam of the manufactured dwelling, with such footings being constructed to applicable legal requirements and specifications of the Building Official.~~

~~D. Be securely and adequately anchored at each corner of each transportable unit by devices that meet state standards for tie-down devices.~~

~~E. Be completely enclosed with skirting of a non-decaying and corrosion-resistant material extending to the ground and embedded in the ground to a depth of at least six (6) inches.~~

(3) Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

F.(4) Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.

G.(5) Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding adjacent dwellings as determined by the Building Official.

(6) Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.

H.(7) Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating

space.

- ~~I~~(8) Be connected to the public water system and an approved sewage disposal system.
- ~~J~~(9) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

B. A manufactured dwelling constructed in accordance with current Federal Manufactured Home Construction and Safety Standards that does not meet criteria listed in subsection (A), may be approved by the Planning Commission as a Conditional Use pursuant to Section 2-5-3 of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with Section 2-6-1, Procedural Requirements.

Staff: ORS 197.314(1) establishes that a local government may only subject the siting of a manufactured home to regulations set forth in ORS 197.307(5). This statute includes the requirement that structures be multi-sectional and not less than 1,000 square feet in size. The Commission may adopt less restrictive standards but may not be more restrictive.

These statutory standards were put in place to prevent cities and counties from adopting criteria that would have the effect of prohibiting manufactured dwellings. Staff suggests the Commission use the ORS 197.307(5) standards, or a close approximation to them, as they have already been vetted as appropriate. With that in mind, staff suggests the Commission delete (C) through (E) as too restrictive. The building code allows the use of pier pads or a concrete slab as an alternative to ribbon footings. There is no reason to prohibit them. Building codes do not require anchoring outside of floodplain areas and the skirting requirement under (E) is arguably more restrictive than the enclosure requirement in the statute, which we suggest you adopt in the alternative. The statute allows cities and counties to require the construction of a garage or carport. At its September 27, 2010 work session, the Commission determined that garage or carport should be required in circumstances where a garage or carport is provided with adjacent dwellings. Staff has added that requirement and moved it up in the list as suggested by the Commission. Staff also changed "surrounding" to "adjacent" under (5) and added language to (B) requiring manufactured dwellings under the conditional use process adhere to current federal manufactured dwelling construction standards. These changes were also made at the request of the Commission.

Mr. Henson suggested a conditional use process be put in place. ORS 197.307(3)(d) allows the use of a discretionary approval process as long as there is an alternative set of clear and objective standards. That is what we have put in place. Staff suggests the above language be utilized. It requires that the manufactured dwelling be constructed to current federal standards. This ensures that the structure meets basic health and safety standards. A conditional use process of this type provides an avenue for design alternatives that may be appropriate but don't work well with the siting standards.

2-2-26.015. Manufactured Dwelling Park Standards. Manufactured dwelling parks may only be allowed in the R-2, R-3, and R-4 zoning districts, subject to the development standards contained in this section.

2-2-26.020. Manufactured Dwelling Parks. Manufactured dwelling parks are permitted subject to the following:

- A. Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended.
- B. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code Chapter 13.05.040 where the construction or extension of such street is identified in the City of Newport Transportation System Plan.
- C. The number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.
- D. Each space for a manufactured dwelling shall contain at least 5,000 square feet.
- E. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.*
- F. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.
- G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- H. The manufactured dwelling park may have a community or recreation building and other similar amenities.
- I. All dead end streets shall provide an adequate turn around for emergency vehicles.

Staff: Doug Fitts and Larry Henson expressed concerns with the requirement that 5,000 sq. ft. of land area be provided for each manufactured dwelling space within a new park. The 5,000 sq. ft. area requirement corresponds with the minimum lot size for a house in the R-2, R-3, and R-4 districts. Greater density is allowed in the R-2 district for duplexes on interior lots (3,750 sq. ft.) and duplexes on corner lots (2,500 sq. ft.). In the R-3 and R-4 districts, multi-family developments may be constructed to a maximum density of 1,250 square feet.

The 5,000 sq. ft. standard ensures that there is enough area for each manufactured dwelling should the “spaces” be converted into subdivision lots in the future. ORS 92.830-92.845 allows the conversion of manufactured dwelling parks into subdivisions outright in circumstances where the park was approved prior to July 2, 2001. No such allowance exists for new parks, and the Newport Subdivision Ordinance requires that new lots satisfy the minimum lot size of the governing zone district (NMC 13.05.030(A)).

At its September 27th work session, the Planning Commission expressed a preference for keeping the minimum space requirement at 5,000 sq. ft. Persons interested in developing a park with spaces smaller than 5,000 sq. ft. could potentially get there using the Planned Development process. This same Planned Development option is available for conventional subdivisions.

Section 2-2-26.025. Recreational Vehicles: General Provisions

- A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored.
- B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.
- C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

Section 2-2-26.030. Recreational Vehicle Parks.** Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 2-6-1, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.
- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
 - (1) The space provided for each recreational vehicle shall not be less than 700 600 square feet, exclusive of any space used for common areas (such as roadways, general use structures, walkways, parking spaces for vehicles

- other than recreational vehicles, and landscaped areas). The number of recreational vehicles shall be limited to a maximum of 22 per gross acre.
- (2) Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the edge of the roadway, they shall be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each recreation vehicle space.
 - (3) A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide run-off of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
 - (4) A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
 - (5) A recreational vehicle space shall be provided with electrical service.
 - (6) Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
 - (7) The total number of off-street parking spaces in the park shall be provided in conformance with Section 2-3-6.015. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.
 - (8) The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
 - (9) The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine, ~~and 15 square feet of space for clothes drying lines~~ for each ten recreational vehicle spaces, or any fraction thereof.
 - (10) Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62°

F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.

- (11) Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under Section 2-4-4.010 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.
- (12) Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.
- (13) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

Staff: The recreational vehicle space requirement in (D)(1) above has been reduced to 600 sq. ft. in response to comments made by Doug Fitts. State law provides that the maximum setup size for recreational vehicles is 400 sq. ft. so even with this reduction to the space requirement there should still be adequate area available for maneuvering vehicles. Criterion (9), requiring space for clothes drying lines is being deleted as suggested by Mr. Fitts and discussed with the Planning Commission at its September 27th work session.

Draft Minutes
City of Newport Planning Commission Regular Session
Monday, October 11, 2010

Commissioners Present: Jim Patrick, Melanie Sarazin, Mark Fisher, John Reh fuss, and Glen Small.

Commissioners Absent: Rod Croteau and Gary East.

City Staff Present: Community Development Director (CDD) Derrick Tokos and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:06 p.m.

A. Approval of Minutes.

1. Approval of the work session and regular session Planning Commission meeting minutes of September 13, 2010, and the work session minutes of September 27, 2010.

MOTION was made by Commissioner Fisher, seconded by Commissioner Sarazin, to approve all three sets of Planning Commission minutes from September 13, 2010, and September 27, 2010, as presented. The motion carried unanimously in a voice vote.

B. Consent Calendar. No items on the consent calendar.

C. Citizen/Public Comment. No comments regarding non-agenda items.

D. Public Hearings.

Quasi-Judicial Actions:

1. **File No. 3-PD-10.** A request submitted by Bonnie Serkin (Landwaves, Inc), (Mike Miller (MGH Associates, Inc.), authorized representative) for modification to the preliminary development plan for Phase 1 of Wilder Development in order to provide for the addition of proposed accessory dwelling units (ADUs) on all proposed single-family detached residential lots.

Chair Patrick opened the hearing for File No. 3-PD-10 at 7:08 p.m. by reading the summary of the request from the agenda. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Fisher declared that he had made a site visit, talked with Don Huster, and walked through one of the homes. Sarazin said she had made a site visit. Small said that he was with Fisher when he walked through one of the homes. Patrick asked for objections to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were raised. He asked for the staff report. Tokos noted that the Commissioners' packets included a staff report outlining the proposal. The application is to add ADUs as a permitted accessory use. The application notes Wilder Phase 1, but Tokos did send emails of additional letters that are part of the record. One letter is from ODOT with a concern about additional traffic generated by ADUs. Their initial thought was that this would warrant analysis under the transportation planning rule. The applicant worked with ODOT on this particular issue and agreed to limit the ADUs to Phase 1B and 1C of the master plan and put some limitations on lots, which addressed the state's concern for the time being. Tokos said that these things can certainly be imposed through conditions of approval that could be clarified as part of the final order. He said that this is a very well-structured proposal that just needs a few tweaks. He has discussed with the applicant where these can be made, and the applicant has brought some additional information. Tokos covered the criteria from the zoning code. He noted that they have some flexibility through the planned development to allow accessory uses in the project. ADUs are not in the code either. This would be something new for this area. Tokos did include with the staff report some sample ADU codes to see how other jurisdictions tackle them. The applicant has taken some of those concepts and worked into their proposal as well. The concept includes a number of guidelines, which Tokos suggests be listed as criteria for doing ADUs. These talk about three types of ADUs that are permitted; as a portion of the primary house, as a separate free-standing unit on the ground level, or as a unit over a free-standing or attached garage. ADUs cannot be more than 50% of the area of the house. Height limitations are the same as the main structure. He noted that may be adjusted a little bit. The applicant did not include additional parking requirement as part of the proposal, but they did submit a program for addressing parking. Another guideline is that the ADU's architecture needs to match that of the primary house. The final standard is that ADUs will share utility hookups with the primary house. The concept is that these are modest-sized dwellings occupied by family members or, because of the area in which they are located, rented to college students. There has been interest from folks in developing lots with ADUs, so it is a market-driven concept here. Tokos said that there is some needed clarification discussed in the staff report. He said that it needs to be stated that there can be no more than one ADU per lot, that the criteria are mandatory, and that the ADUs don't count against the density limitation; which is a common practice in other

jurisdictions. Tokos said that something for the Commission to think about is whether the ADU or the primary unit has to be occupied by the owner. He noted that one of the criteria is that it has to be used to serve the residents of the planned development. He said that a number of jurisdictions do that. If it's appropriate, what this requirement would get at is that the owner would use the ADU for family or as a rental that provides supplemental income. It wouldn't allow both units to be rented. Reh fuss wondered how this would be enforced. Tokos said that it is on a complaint basis. If there is excessive noise, number of cars, or the property is listed on a website; that is enforceable. Enforcement would be dealt with on a case by case basis. He noted that the Commission has to decide if that is an appropriate type of standard to have for an ADU allowance. The staff report includes that the applicant should address parking in greater detail, which they have. He noted that a couple of jurisdictions do not require additional parking. He said it is a common approach that they don't require more off-street parking than is generally needed, but that parking is being provided on site. If they don't have the capacity for additional cars on street, they need to come up with some other way. What the applicant is proposing is very doable as long as it is required by clear and objective standards. On the large lots, one additional off-street space can be accommodated. For Phase 1B, the applicant gave information to show that there is enough on-street capacity to do at least 10 ADUs. In Phase 1C, they propose allowing one ADU for every two new on-street parking spaces they provide. That could be built in as a stipulation of the planned development. Something of that nature can be structured as long as we can instill something clear. Fisher asked that if this is just giving permission to the buyer to add an ADU if they choose; it's not saying that there will be more than one or two that want that. Small wondered what happens if they all want ADUs. Tokos said that in terms of parking, the language proposed by the applicant provides some limitations. The edge lots require an off-street space, everything else depends on the on-street capacity for ADUs. We can track how many ADUs have been permitted. As they put in additional streets, the number of ADUs goes up. The space needs to be in close proximity of the house. Tokos said that those are certainly tolerances that can be built in as clear standards that can be implemented by staff. He said that if the Planning Commission thinks that is appropriate, it can be instilled in the final order.

Proponents: Bonnie Serkin, PO Box 1085, Portland, OR 97212, the applicant representing Landwaves. Serkin said that she was surprised to be here this soon, but there is actually a real person that would like an ADU right off the bat. She said they are thrilled to be offering this product because it is desired. It is something that was mentioned in the original "kit of parts". She noted that there are four homes under construction right now. Those are small lots on the woonerf, and there would not be the flexibility to fit additional parking on them. The person desiring the ADU is a family where the daughter has accepted employment here, and the parents want to come see their daughter before they retire here. They want a studio apartment over the garage. She said that their living arrangement could even flip in the future. Serkin said it is a wonderful situation and is generational. The larger lots (Edge) are nearly a quarter acre. On those lots she said you could see a number of those. The lots are large enough to easily have an additional parking space on there. If the main dwelling were a one-story home, it may be feasible to have a detached garage with a unit over it. That would take it over the height of the main house. That is why they would like the height limit not set as the height of the main dwelling, but as the height limit of the zone. She noted that all dwellings go through architectural committee review also. There are 23 on-street parking spaces on site in the first phase (first 40 lots). The CC&Rs require that the residents first park in the garages, and guests park in the driveways. Those 23 spaces could be allocated to ADUs. If 10 ADUs use those, that still leaves enough for guest parking. Serkin noted that in Phase 1C, which are fourteen lots not yet started to the north of these first 40, the street is wider. She imagines that will accommodate on-street parking as well with parking on both sides probably. Serkin said they are looking for flexibility. Ten ADUs will probably carry Phase 1. She will be surprised if they need more than ten. She said they are suggesting some flexibility to be able to show there is sufficient parking. They are looking at parking that they may actually develop along Harborton (the main street in). Parking on Harborton is already planned as they get into the village center, but they didn't expand that on down. On the east side of Harborton, there are spaces to pull off already. It would be relatively easy to widen and make temporary parking. They think they have addressed the parking situation by allowing people to show that actual spaces have been created for them. Regarding owner occupancy, Serkin said that she can think of a number of circumstances where neither dwelling may be occupied by the owner that make perfect sense. Some could be parents that want to have the kids live close together so the family has the main house and the child that's not yet established has the ADU; a couple living in the main house with a nurse living in the ADU; or, if a home goes into an estate, the estate may want to rent out the main house as well. Serkin said that they are asking that there not be the requirement that the ADUs have to be owner occupied. She urged the Commissioners to consider that. Serkin noted that in her application, she had asked to have the design requirements of the ADUs match the primary residence. She would like to change that to being "compatible" with the primary residence. Their design review would take care of that. Fisher said that he is not comfortable without it being occupied by the owner because one person needs to be responsible for what is on the lot. Serkin said that the CC&Rs gives the owners association the right if the owner doesn't accept responsibility, and that would include the tenant situation. Regarding a concern about a unit over a garage alongside a single-story house, Serkin said that the Edge lots could have a single-story out front with the garage to the back, which would mask that completely. In addition, she has seen some tall narrow building plans lately that she likes. She said they are trying for fresh thinking about architecture in Wilder. Small was in agreement with Fisher about owner occupancy of at least one of the two units. He said that without the owner staying in them, they are just a duplex. Serkin said that they have flex lots facing Harborton that could function that way. They could be two separately owned units. She said that she can't be sure that it adds to the level of maintenance to have an absentee landlord rather than having someone living there. Patrick asked about vacation rentals, and Serkin said that they haven't prohibited them simply because of where the development is located. They feel like it is a year-round community, and what it has against it for vacation rentals is that it isn't close to the ocean. Since their website has been up, she has talked to just one group of four who would be sharing ownership, almost like a timeshare. If the owners association wants, there could be that

kind of change to prohibit vacation rentals. Serkin talked about her conversation with ODOT. She said they were great. She found out they were concerned that ADUs might result in more usage in Wilder than they originally thought. There is a trip cap. She spoke to John deTar and found that it wasn't trips or ADUs causing their concern so much as Wilder's applications have shown that there will eventually be more development than ODOT knew about in the beginning. She said that in the beginning everything was hypothetical. Over the phone, she explained to deTar how they are going phase by phase and are asking for flexibility because they need the ability to see where the market was. She said that ODOT has never seen or heard that. She said that she is committed to bringing ODOT up to speed on where they see Wilder going and the flexibility needed. For the moment, the trip cap is going to hold what they have; and she said that they are very respectful of it.

Don Huster, PO Box 800, South Beach, OR 97366. Huster thought it would be helpful to share the particulars of the one customer he is working with that is requesting an ADU. He provided the Commissioners with a set of drawings. Huster said that this family is a daughter that is teaching at the college, and the father works for Energy Trust of Oregon. Their vision for their family is to have the daughter and roommate live in the main part of the house, and the studio over the garage would be the parent's weekend get-a-way. Referring to the drawings, Huster said the overall roof height at the ridge is between 23 and 24 feet. It is a single-story structure on the front of the house with an ADU over the garage in back. One of the drawings was the floor plan. He noted that the main floor is a 3-bedroom unit with 1375 square feet, and the bonus room is 482 square feet for a total of 1857 square feet; which is not overly large. He said that the last page of the drawings shows the footprint situated on the lot in Wilder, which is one of the end lots on the woonerf. The house just fills up the buildable space on the lot. This structure fits this family's purpose very well. On the left-hand side, the 10-foot setback is a utility easement in a setback, which they can work around. Huster said that this is somewhat preliminary, but he just wanted to share the conceptual idea. He thinks this supports an important part of the demand of the market in Newport. Folks like this could really bring something to the community. He thinks it is a very positive thing overall.

There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify.

Patrick closed the hearing at 7:46 p.m. for deliberation. Small said that he continues to be a proponent of the whole development and the concept. He likes the plan's creativity and flexibility. He is also a proponent of ADUs, specifically intergenerational housing. He thinks it is desirable and that there will be more and more need. He said that he does have a number of concerns however. One is the parking issue with narrow streets, and there will be more cars. He said we need to make sure that is addressed properly. Another concern is that he would like to see that at least one of the units be occupied by the owner so that it is not getting into a duplex situation. He believes an owner will take more care of the property than two renters would. For the protection of the neighborhood, he would like to see owner occupancy of at least one of the units. Rehfuss said that he shared some of Small's views. He said it would be very hard to enforce relationships. He is in favor of ADUs. Fisher said that if this were just one unit, he would say go ahead. He said that he and Small mirror each other. Fisher agrees with everything that Small said. Sarazin said that she did like what was in the presentation today. She is concerned about a two-story next to a single-story, but they are trying to address that as well. Sarazin agrees with Rehfuss that the enforceability of having one unit occupied by the owner will be the biggest constraint, and thinks we will have to steer away from that. She is in favor of ADUs. Patrick is in favor of ADUs as well. He said that maybe the design review committee will take care of size. Typically those organizations really take care. Patrick agrees that the height of the zone should be the height limitation. Let them work out the design. He is in favor of using the guideline for parking of one ADU for every two parking spaces they can identify. He thinks there needs to be some restraint about how far away that can be. He said that he is in favor of having the ADU owner occupied, but has no idea how that is going to be tracked. He is not sure the Commission wants to go there. He noted that the ODOT issue got covered. There was also the comment that the owners association will take care of noises going on in a community like that. That will take care of the design issues and use issues. Patrick said that he could go either way on the owner occupancy requirement. Fisher said that he likes the development too. He doesn't care if it is owner occupied, but he would like one person to be the responsible person and living there. Patrick said that another thing to think about and maybe make a stipulation about is that if they can't have both units rented, an owner may just have someone living there without charging rent. That may get solved by the owners association. He said that with ADUs he is looking for something that can apply to other areas of Newport.

MOTION was made by Commissioner Rehfuss to approve the application with the conditions listed in the staff report. The motion died for lack of a second. Small said that he would like to stipulate owner occupied or family occupied, but enforcement becomes difficult. Fisher said that maybe the Commission should let the applicant come up with a suggestion. He said that the Commission could table this until the next meeting for them to come in with a suggested manner to handle this. Small noted that they did, and that is not to stipulate owner occupied.

MOTION was made by Commissioner Sarazin to approve the application with staff recommended conditions 'A', 'B', 'C', 'E', and eliminating 'D'. Tokos listed some additional things that had been discussed that the Commission may want to add to the motion. The first is that ADUs are limited to Phase 1B and 1C. Also, the applicant had asked that the height limitation not be limited to the size of the primary structure, but to the height of the zone, and that is something that the Commission would need to add. Regarding parking, the applicant had proposed an alternative condition that the off-street spaces be only for the Edge lots. Phase 1B would be limited to 10 ADUs; and moving forward, permit additional ADUs for each two spaces they provide.

Commissioner Fisher seconded Sarazin's motion with the considerations that Tokos suggested. Small asked about adding an acceptable distance for the parking option. Tokos said that staff will work that out with the applicant. Tokos clarified that one additional ADU would be allowed for every two new on-street parking spaces not already identified on the map. In Phase 1B, there are 10 ADUs already shown. Small asked if this motion addressed that ADUs will be compatible to the primary structure, not identical. Tokos said the Commission would want to add "compatible; not required to match". Sarazin said that she would add that to her motion with the staff recommended conditions as amended, which Tokos summarized: Condition 1(a), (b), and (c) would apply, with 1(b) noting that the ADU needs only be compatible to the primary structure, not match. Condition 1 (d) is not included. Number 1 (e) would be modified in line with the applicant's proposal that an off-street parking space is only required for the Edge lots. Phase 1B allows 10 ADUs. As additional on-street parking is provided, the number of ADUs would be increased at one for every two spaces. Staff would work with the applicant on an appropriate distance. The application would also be modified to note the ADU height limit would be that of the zone rather than the primary structure. This package applies only to Phase 1B and 1C. Fisher withdrew his second of the motion. With Sarazin's motion still standing, Commissioner Small seconded the motion saying that he hopes the homeowners association will be addressing any noise and nuisance that may be caused by renting these units. The motion carried unanimously in a voice vote.

Legislative Actions:

1. Continued Hearing on File No. 2-Z-10. As part of the comprehensive Newport Zoning Code update, a request by the City of Newport involving legislative text amendments updating Section 2-2-26 ("Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks"), Section 2-2-27 ("Recreational Vehicles"), and Section 2-2-28 ("Trailer Coaches and Trailer Parks") in order to bring the code into compliance with current statutory language. The Planning Commission held a public hearing on this matter on September 13, 2010, and continued the hearing to tonight's meeting.

Patrick opened the continued hearing at 8:05 p.m. by reading the summary of File No. 2-Z-10 from the agenda. He called for the staff report. Tokos noted that he had included modifications since the last hearing in response to testimony received. There were two significant changes. The first had to do with siting a manufactured dwelling outside parks to meet state statutes. The question had come up about where did the 1,000 square feet and multi-sectional requirement come from. State statutes spell out how strict jurisdictions can be in imposing restrictions on siting manufactured dwellings outside parks. That language is in there to not prevent manufactured dwellings from being located outside parks. Some language in the existing code was stricter than what is allowed. Modifications were made to those standards so that they were in line with statutory language. Tokos said that is the safest place for the city to be. Henson had suggested incorporating a conditional use process as an alternative to clear and fixed standards. That provision has been added. Now if someone has a narrow lot, there is a means to place a single wide that meets current federal housing guidelines on that lot. Tokos noted that we did receive a response from Henson that these modifications addressed his concerns. In response to Mr. Fitts' comments, the square footage of recreational vehicle spaces in parks was reduced from 700 square feet to 600 feet. The Planning Commission removed the language regarding square footage for clothes drying lines. There were no changes to the 5,000 square feet for spaces in manufactured dwelling parks. That is the same as applies to single-family dwellings. To have different standards apply, there is a planned development process. Tokos said that he thinks this addresses the concerns heard at the last hearing, and that this is ready for Planning Commission action. Fisher wondered if where it discusses the requirement for 5,000 square feet, there should be a notation that refers people to the planned development section. He added that he never thought that 5,000 square feet was what should be used. Six units in an acre didn't bother him. Then if they wanted to stay at 5,000 square feet they could or they could have different sized lots under the planned development. Tokos said that it could be done, but we don't do that in the residential districts. We have a stand-alone planned development section. Staff would refer them to that. Cross-referencing makes it more difficult to update when moving forward. Patrick had a question about the temporary use permit for living in an RV. Tokos noted that the RV parking piece of the Municipal Code (Chapter 6.25.010) is part of the package. We do have a temporary use section that covers that.

Proponents, Opponents, or Interested Parties: No one was present wishing to testify.

Patrick closed the hearing at 8:12 p.m. for deliberation. Sarazin said that she sees what Fisher is saying about cross-referencing, but she hears Tokos about the difficulty of updating. She believes all issues have been addressed and we have a good product. The rest of the Commissioners agreed.

MOTION was made by Commissioner Small, seconded by Commissioner Reh fuss, to approve the package of zoning code amendments to Section 2-2-26, regarding manufactured dwellings and recreational vehicles, including the modifications made by staff following testimony; and recommend it to the City Council. The motion carried unanimously in a voice vote.

E. Unfinished Business. There was no unfinished business to discuss.

F. New Business. Tokos said that he is in the process of putting together an advisory committee for studying our housing needs and buildable lands inventory, and has made a pretty good list of ten people; which he listed. Representatives include Will Emery as a land developer, the Housing Authority, the Chamber of Commerce, the Community Development Corporation of Lincoln County, Larry Henson for manufactured dwellings, Lincoln County Homebuilders (hopefully with Gary East taking that role as well as Commissioner), Lincoln County Planning Director Valerie Soiliki, Lincoln County Commission on Children and 4 Planning Commission meeting minutes 10/11/10.

Families, and Matt Spangler of DLCD. If East accepts, Tokos would like to have an additional Planning Commissioner on the list. Patrick volunteered to serve on the committee and said that Tokos may want to look at including a property manager. Fisher noted that Jim McIntyre is always interested, and he would recommend him. Tokos said that, kicking off in November, there should be a meeting a month until May.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Wanda Haney
Senior Administrative Assistant

Derrick Tokos

From: Larry Henson OnSite Manager Longview Hills [longviewhills@charterinternet.com]
Sent: Friday, October 08, 2010 12:05 PM
To: Larry Henson OnSite Manager Longview Hills; Derrick Tokos; Wanda Haney;
omha@omha.com
Subject: Re: Concerning proposed changes by the City of Newport to the Newport Zoning NZO File No. 2-Z-10

Hi All,

I apologize for having the date wrong on the first letter sent out just a minute ago, Obviously this is not Sept but October.

lh

----- Original Message -----

From: "Larry Henson OnSite Manager Longview Hills"

<longviewhills@charterinternet.com>

To: "Derrick Tokos" <D.Tokos@NewportOregon.gov>; <W.Haney@NewportOregon.gov>; <omha@omha.com>

Sent: Friday, October 08, 2010 12:02 PM

Subject: Re: Concerning proposed changes by the City of Newport to the Newport Zoning NZO File No. 2-Z-10

> From: Larry Henson

>

> 6090 NE Evergreen Ln

>

> Newport, OR 97365

>

> EMAIL: longviewhills@charterinternet.com

>

> Voice: 541-265-3576

>

> Fax: 541-265-8782

>

>

>

> Date October 8, 2010

>

>

>

> To: City of Newport Planning Commission and Community Development

> Director

>

> City Hall

>

> 169 SW Coast Hwy

>

> Newport, OR 97365

>

>

>

>

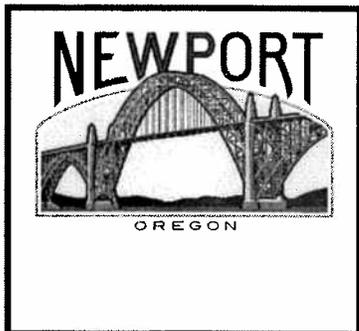
>

> Re:File No. 2-Z-10

>

>

>
>
>
> Greetings,
>
>
>
> Thank you for adding provision B to the NZO 2-2-26.010 Manufactured
> Dwellings on Individual Lots.
>
>
>
> I will be away on the date of the next scheduled meeting but believe
> the language of Section B adequately addresses my concerns.
>
>
>
> "B. A manufactured dwelling constructed in accordance with current
> Federal Manufactured Home Construction and Safety Standards that does
> not meet criteria listed in subsection (A), may be approved by the
> Planning Commission as a Conditional Use pursuant to Section 2-5-3 of
> this Ordinance. Requests of this nature shall be reviewed under a Type
> III decision making process consistent with Section 2-6-1, Procedural
> Requirements."
>
>
>
> Thank You.
>
>
>
> Sincerely,
>
>
>
> Larry Henson
>
> 6090 NE Evergreen Ln
>
> Newport, OR 97365
>
>
>
> CC'd
>
> Wanda Haney
>
> Don Minor - OMHA
>



Agenda Item #
Meeting Date

IX.A.
November 1, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title New Water Treatment Plant & Related Matters

Prepared By: McCarthy Dept Head Approval: _____ City Mgr Approval: [Signature]

Issue Before the Council:

The Council met in Special Session on October 28, 2010 for an update on the new Water Treatment Plant prepared by City staff, the City's Water Treatment Plant Engineer, HDR Engineering, and the City's CM/GC Contractor, Slayden Construction. City staff now present motions for Council consideration relating to the Water Treatment Plant and related matters.

Staff Recommendations:

Staff recommends Council consider the following questions in the order presented:

1. Should the City continue, uninterrupted, the work on the Water Treatment Plant? A yes answer to this question necessitates using the City's current contractors: HDR Engineering, Pall Corporation and Slayden Construction; as re-bidding any of these contracts would cause a delay. If yes, move to question 3 and then to the Proposed Motions below. If no, move to question 2.
2. Should the City stop the Water Treatment Plant project? If yes, the Council should discuss the ramifications of a delay and potentially a plan for re-bidding and re-starting the project.
3. Should the City use internal funding to continue work on the Water Treatment Plant? This is recommended by City staff. If yes, move to question 4. The Council could make the following motion: "I move that the Council direct staff to use internal funding to continue work on the Water Treatment Plant."
4. Should the City seek funding now to begin work on the Agate Beach Reservoir within FY 2011-11? This is not viewed as realistic or recommended by City staff.
5. Should the City look at FY 2012 or FY 2013 to secure funding for the Agate Beach Reservoir? This is viewed as a realistic timeframe and is recommended by City staff. The Council could make the following motion: "I move that the Council direct staff to look at FY 2012 or FY 2013 for funding for the Agate Beach Reservoir."

Proposed Motions to Continue Work on the Water Treatment Plant:

1. I move that the Council approve Amendments 1, 2 and 3 for a total amount of \$417,357, to the Agreement between the City and HDR Engineering for work on the Water Treatment Plant.
2. I move that the Council approve the Contract Change Order Agreement #1 for a deduction in the amount of \$197,100 in the Agreement between Pall Corporation and the City related to the Water Treatment Plant.

3. I move that the Council approve GMP #2 Amendment in an amount not to exceed \$9.048 million, to the Agreement between the Slayden Construction and the City related to the Water Treatment Plant.

4. I move that City staff, HDR Engineering, Pall Corporation and Slayden continue to value engineer to further reduce project costs on the Water Treatment Plant.

Key Facts and Information Summary:

A Water System Master Plan for the City of Newport was developed by Civil West Engineering Services in 2008. The Plan identified the need for a new Water Treatment Plant as Priority #1 for the City's capital water improvements, along with an intake pipeline from the upper reservoir and a water storage tank for the Agate Beach area. A Bond Measure was passed by the citizens of Newport in November, 2008 for up to \$15.88 million to support these capital water improvements in Newport.

The Council appointed individuals to a Water Task Force in 2006. The Water Task Force met on a regular basis until the Bond Measure related to the capital water improvements was passed in November, 2008. After the Bond Measure passed, the Task Force met irregularly; about three times in 2009.

During the course of preliminary design of the Water Treatment Plant, conditions were discovered at the site which required changes in the Master Plan approach. These conditions included: poor soil conditions requiring stabilization, wetlands and flood plains; taste, odor and manganese issues in the upper reservoir; rotten supports in the existing intake; and structural concerns with the existing bridge. The Master Plan also did not address: sufficient space for treatment equipment; provisions for pre-treatment, chemical addition, insufficient clearwell sizing; provisions for taste and odor control and various code concerns including ADA and OSHA and seismic and structural issues. Among other unanticipated challenges, these previously unknown conditions required the re-siting of the Water Treatment Plant and a total of 193 engineering drawings as compared with the 130 originally anticipated.

HDR ENGINEERING

The City executed an agreement with HDR Engineering in March, 2009 for \$1.9 million for design of its new Water Treatment Plant. Because of the conditions not contemplated by the Master Plan, HDR was required to provide additional design and engineering services for the Plant which were not contemplated under its original \$1.9 million agreement with the City and thus requests amendment to the agreement between HDR and the City.

Attachments A, B and C are Amendments 1, 2 and 3, respectively, to the Agreement between the City and HDR:

1. Attachment A – Amendment 1: HDR's consultant – SHN Consulting Engineers and Geologists will provide construction services for the retaining wall and ground improvements for GMP #1. \$45,748.
2. Attachment B – Amendment 2: HDR's consultant – FEI Testing & Inspection, Inc. will provide materials testing and inspection services. This was originally agreed to be paid by the City. \$51,609.
3. Attachment C – Amendment 3: HDR – This amendment will provide for HDR to continue providing services during construction and start-up for the Water Treatment Plant through the end of the construction of the Plant. \$320,000.

At this point in time, if the City intends to continue working with HDR on the Water Treatment Plant, the City should execute Attachments A, B and C. If the Council determines not to continue working with HDR, the City has no further obligation to HDR under the agreement.

PALL CORPORATION

The City executed an agreement with Pall Corporation in June, 2009 for \$3.4 million to provide the City with a membrane filtration system for the new Plant. The membrane filtration system had been recommended for use in the new Plant by the Water Task Force. The Pall Corporation conducted a “pilot” program in the City’s reservoir during the summer of 2009. The results of the program showed that the membrane filtration system could work effectively with the City’s water. Through value engineering by HDR, deductions have been made to the City’s agreement with Pall in the amount of \$197,100. The amendment to the Pall Corporation agreement which allows for these deductions is Attachment D.

At this point in time, Pall Corporation is waiting for the City to issue a Notice to Proceed to begin construction of the membrane filtration system for the new Plant. If the City intends to continue working with Pall in providing the filtration system for the new Plant, the City should provide a Notice to Proceed to Pall within the next few weeks, to avoid a delay in the project. If the Council determines not to continue working with Pall, the City is liable for \$100,000 to Pall for shop drawing preparation as previously agreed upon by the parties. Thereafter, the parties have no further financial obligation to one another under the agreement.

SLAYDEN CONSTRUCTION

The City elected to use a Construction Manager/General Contractor (CM/GC) contracting method to construct the Water Treatment Plant. The City executed a CM/GC agreement with Slayden Construction in January, 2010. Since that time, Slayden has provided pre-construction and related services to the City under several agreements, including an early work amendment, pre-construction agreement and GMP #1. The conditions referenced above that were not contemplated by the Master Plan impacted the scope of work contracted for by Slayden, including the unanticipated design and construction of a retaining wall required by the re-siting of the Plant. City staff, HDR and Slayden have been working on value engineering on GMP #2 (attached as Attachment E) in the past months. GMP #2 is the construction of the Water Treatment Plant. Deductions in the amount of \$890,000 have been made from the GMP #2 proposed in late September.

1. Preconstruction	\$98,260; executed
2. Early Work Order #1	\$225,336; executed
3. GMP #1 – Site Preparation	\$1,569,422; executed
4. GMP #2 – Water Plant Construction	\$9,047,592. not executed

At this point in time, Slayden has completed work under the Preconstruction, Early Work Order #1 and most of the GMP #1 agreements. If the City intends to continue working with Slayden in the construction of the new Plant, the City should execute a GMP #2 with Slayden. If the Council determines not to continue working with Slayden, outstanding invoices from Slayden for work performed will be owed by the City but no further work will be performed by Slayden nor paid for by the City. Slayden will then begin demobilization at the Plant.

City Council Goals: Essential Core Services – “Complete water treatment plant by fall 2011.”

Attachment List:

Attachment A - Amendment 1: HDR’s consultant – SHN Consulting Engineers and Geologists
 Attachment B - Amendment 2: HDR’s consultant – FEI Testing & Inspection, Inc.
 Attachment C - Amendment 3: HDR – Construction & Start-up services
 Attachment D- Pall Corporation - Contract Change Order Agreement #1
 Attachment E – Slayden Construction - GMP #2 – Water Plant Construction

Fiscal Notes: \$15.84 million is available from Bond Proceeds. City staff recommends internal financing of the remaining amount required, \$750K, to complete the Plant. City staff recommends a review of internal and external funding sources for construction of the Agate Beach Reservoir.

AMENDMENT No. 1 TO OWNER-ENGINEER AGREEMENT

1. Background Data:

- a. Effective Date of Owner-Engineer Agreement: February 17, 2009
- b. Owner: City of Newport
- c. Engineer: HDR Engineering Inc.
- d. Project: Newport OR Water Treatment Plant

2. Nature of Amendment

Additional Services to be performed by Engineer
 Increase in size of facility and need to keep road access required earth retaining wall. Poor soils required ground improvements (rammed aggregate piers). This amendment provides for construction phase services required by building codes to construct these improvements planned to be performed by SHN. The cost of the work is anticipated to be \$45,748.

3. Description of Modifications

TERMS OF AGREEMENT

Item 1, Engineer's Scope of Services: Add the following sentence, "Additional construction phase services are described in Amendment 1, Attachment 1".

Item 3, Engineer's Fee and Schedules, A. Basic Fee: replace "\$1,984,460" with "\$2,030,208".

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____.

OWNER:

ENGINEER:

By: Jim Voetberg

By: Michael Downing

Title: City Manager

Title: Vice President

Date Signed: _____

Date Signed: _____

This is **Attachment 1**, consisting of 1 page, to Amendment No. 1, dated October 26th, 2010.

Modifications

1. Engineer shall perform the following Additional Construction Phase Services:

Engineer will authorize their subconsultant SHN Consulting Engineers & Geologists, Inc. ("SHN") to provide the construction services for the retaining wall and ground improvements for GMP#1 Site Preparation Package.

2. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:

SHN will provide construction services with geotechnical expertise during the GMP#1 Site Preparation construction phase for the retaining wall construction.

During the construction of Site Preparation Improvements, SHN's responsibility will be to observe and document geotechnically related activities. These observations will form the basis for consultation with the contractor and project engineer in order to confirm the intent of SHN's geotechnical recommendations, to facilitate adjustments to the design and/or to facilitate the Contractors activities during the construction process. Proposed work scope items are listed below:

1. Drill shafts for soldier piles - SUBTASKS
 - a. Observe drilling operations and document conditions encountered particularly note evidence of free groundwater.
 - b. Evaluate shaft sidewall stability.
 - c. Evaluate potential for "flowing soils".
 - d. Evaluate soil strength parameters in foundation.
 - e. Advise on need for shaft hole stabilization (i.e. casing).
 - f. Advise on adjusting design depth of soldier piles, particularly added depth to provide adequate lateral support.
 - g. Determine soil stratigraphy and strength characteristics relative to unsupported cut height during retaining wall lagging operations. Similarly determine potential for significant stability problems related to groundwater near the base of the retaining wall cut.
 - h. DELIVERABLE: Prepare field reports of inspection activities.
2. Drill holes and install tie back anchors (two phases, five days of investigation) - SUBTASKS
 - a. Observe drilling operations and documents soils and groundwater conditions encountered.
 - b. Evaluate continuity with design criteria assumptions.
 - c. Advise on need to adjust tie back anchor designs or installation processes.
 - d. Conduct soils analysis to confirm design data.
 - e. DELIVERABLE: Prepare field reports of inspection activities.
3. Test tie back anchors for strength and deformation (two phases, five days of investigation) - SUBTASKS
 - a. Observe tests and note variations from expected results.
 - b. Record soldier pile deflections.
 - c. Note measurements (anchor and piles) that could indicate unanticipated geologic conditions that are inconsistent with the intent of the design.
 - d. Advise on potential adjustments to design or installation processes for other sets of anchors.
 - e. DELIVERABLE: Prepare field reports of inspection activities.

4. Excavate membrane building pad to final rough grade (two investigations concurrent with other site activities)
- SUBTASKS
 - a. Observe and record subgrade soil strength and moisture condition.
 - b. Evaluate support characteristics with emphasis on variations from anticipated conditions.
 - c. Advise on need to provide additional underdrain facilities.
 - d. Advise on need for subgrade stabilization, moisture conditioning, over excavation, or ground improvement.
 - e. DELIVERABLE: Prepare field reports of inspection activities.
5. Review/approval of proposed ground improvements design – SUBTASKS
 - a. Review and approve ground improvements design by other consultant under Slayden Construction Group.
6. Excavate/prepare areas to receive fill – SUBTASKS
 - a. Observe extent and character of unsuitable uncontrolled fill or native soil.
 - b. Assist in identifying transition between unsuitable and appropriate subgrade support soils.
 - c. Advise on need for subgrade stabilization and/or subgrade improvement. Particularly focus on areas where geo pier installations are anticipated.
 - d. DELIVERABLE: Prepare field reports of inspection activities.
7. Project Management
 - a. Coordinate SHN activities with Contractor schedule.
 - b. Provide progress report documenting work completed during billing cycle to be attached with each invoice.
 - c. Prepare invoicing of SHN activities.
 - d. Attend three (3) project meetings to review progress of the work.

AMENDMENT No. 2 TO OWNER-ENGINEER AGREEMENT

1. Background Data:

- a. Effective Date of Owner-Engineer Agreement: February 17th, 2009
- b. Owner: City of Newport
- c. Engineer: HDR Engineering Inc.
- d. Project: Newport OR Water Treatment Plant

2. Nature of Amendment

Additional Services to be performed by Engineer
 The original agreement identified that special inspections would be identified and paid for separately by the Owner (scope of services item 1.4.3). This amendment identifies the special inspections scope of services planned to be provided by FEI Testing; and payment. The cost of this work is anticipated to be \$51,609.

3. Description of Modifications

TERMS OF AGREEMENT

Item 1, Engineer’s Scope of Services: Add the following sentence, “Additional design and construction phase services are described in Amendment 2, Attachment 1”.

Item 3, Engineer’s Fee and Schedules, A. Basic Fee: replace “\$2,030,208” with “\$2,081,817”.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____.

OWNER:

ENGINEER:

By: Jim Voetberg

By: Michael Downing

Title: City Manager

Title: Vice President

Date Signed: _____

Date Signed: _____

This is **Attachment 1**, consisting of 1 page, to Amendment No. 2, dated October 26th, 2010.

Modifications

1. Engineer shall perform the following Additional Construction Phase Services:

Engineer will authorize their subconsultant FEI Testing & Inspection Inc. ("FEI") to provide Special Inspection services for the sanitary sewer line, the retaining wall, and ground improvements for GMP#1 Site Preparation Package.

2. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:

FEI will provide Special Inspection services during the GMP#1 Site Preparation construction phase. See attachment for scope of work for FEI.

3. The responsibilities of Owner are modified as follows:

4. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:

The not-to-exceed Upper Limit for FEI Special Inspection the GMP#1 Site Preparation package is sixty one thousand six hundred nine and 00/100 (\$61,609.00)

5. The schedule for rendering services is modified as follows:

Special Inspection services shall commence from August 5th, 2010 through the end of the GMP #1 Construction Phase. All work for GMP#1 to be completed by November 30, 2010. Special Inspection services shall commence throughout the construction of GMP#2.

6. Other portions of the Agreement (including previous amendments, if any) are modified as follows:

FEI TESTING & INSPECTION, INC.
Geotechnical and Construction Services

750 NW Cornell Ave Corvallis, Oregon
Phone (541) 757-4698 / Fax (541) 757-2991

City of Newport - Newport Water Filtration Facility & GMP #1 Site Wall & Force Main
PROPOSAL FOR MATERIALS TESTING & INSPECTION SERVICES

Page 1 of 2

TASK 1 - Density Testing				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
Soil/AC Technician (Field Density Testing)	18	\$52.00	\$936.00	1
Subtotal			\$936.00	
TASK 2 - Reinforced Concrete				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Reinforced Concrete Inspector	24	\$45.00	\$1,080.00	2
Subtotal			\$1,080.00	
TASK 3 - Structural Masonry				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Structural Masonry Inspector	0	\$45.00	\$0.00	3
Subtotal			\$0.00	
TASK 4 - Structural Steel & High-Strength Bolts				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC/AWS Steel Inspector (Shop)	0	\$58.00	\$0.00	4
Ultrasonic Examination (Shop)	0	\$66.00	\$0.00	4
ICC/AWS Steel Inspector (Field)	12	\$58.00	\$696.00	4
Ultrasonic Examination (Field)	0	\$66.00	\$0.00	4
Subtotal			\$696.00	
TASK 5 - Epoxy/Wedge Anchors				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Certified Inspector	0	\$45.00	\$0.00	5
Subtotal			\$0.00	
TASK 6 - Shear Wall and Diaphragm Nailing				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Certified Inspector	0	\$45.00	\$0.00	6
Subtotal			\$0.00	
TASK 7 - Acoustical Ceiling/Seismic Anchoring				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Certified Inspector	0	\$45.00	\$0.00	7
Subtotal			\$0.00	
TASK 8 - Project Management				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
Project Manager	0	\$80.00	\$0.00	8
Subtotal			\$0.00	
TASK 9 - Clerical				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
Clerical	0	\$42.00	\$0.00	9
Subtotal			\$0.00	

FEI TESTING & INSPECTION, INC.
Geotechnical and Construction Services

750 NW Cornell Ave Corvallis, Oregon
 Phone (541) 757-4698 / Fax (541) 757-2991

City of Newport - Newport Water Filtration Facility & GMP #1 Site Wall & Force Main
PROPOSAL FOR MATERIALS TESTING & INSPECTION SERVICES

Page 2 of 2

Project Expenses				
Description	Estimated Quantity	Rate	Estimated Total	Notes
Project Set-Up Fee	1	\$50.00	\$50.00	10
Maximum Specific Gravity (Rice)	2	\$60.00	\$120.00	10
Moisture-Density Curve	1	\$155.00	\$155.00	10
Concrete Compression Tests	12	\$17.00	\$204.00	10
Trip Charge (Testing & Inspection)	16	\$160.00	\$2,560.00	10
Trip Charge (Cylinder Pick-Ups)	3	\$160.00	\$480.00	10
Subtotal			\$3,569.00	10

Subtotal Task 1	\$936.00
Subtotal Task 2	\$1,080.00
Subtotal Task 3	\$0.00
Subtotal Task 4	\$696.00
Subtotal Task 5	\$0.00
Subtotal Task 6	\$0.00
Subtotal Task 7	\$0.00
Subtotal Task 8	\$0.00
Subtotal Task 9	\$0.00
Project Expenses	\$3,569.00
Estimated Probable Cost	\$6,281.00

NOTES:

1. Estimates six (6) trips at three (3) hours per visit to perform field density testing on trench backfill, base rock and asphalt during the force main construction.
2. Estimate assumes three (3) site visits at three (3) hours per visit to check reinforcing steel placement, and three (3) five-hour site visits to observe concrete placement and perform field concrete tests.
3. None anticipated for this project.
4. Estimate assumes four (4) four-hour site visits to perform periodic inspections on field-welded components.
5. None anticipated for this project.
6. None anticipated for this project.
7. None anticipated for this project.
8. None billed for this project.
9. None billed for this project.
10. Estimated associated project expenses, based on the assumptions noted above.

The above project cost was developed from information provided to us by Slayden Construction Co. Actual time and expenses will be invoiced on a 'time-and-materials' basis in accordance with FEI's current rate schedule. Actual project costs may require adjustment (increase/decrease) based on contractor scheduling and overall performance of the work.

Date: September 27, 2010

Proposal No.: 10-6-068

FEI TESTING & INSPECTION, INC.
Geotechnical and Construction Services

750 NW Cornell Ave Corvallis, Oregon
 Phone (541) 757-4698 / Fax (541) 757-2991

Newport Water Filtration Facility & GMP #2
PROPOSAL FOR MATERIALS TESTING SERVICES

Page 1 of 2

TASK 1 - Density Testing				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
Soil/AC Technician (Field Density Testing)	40	\$52.00	\$2,080.00	1
Subtotal			\$2,080.00	
TASK 2 - Reinforced Concrete				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Reinforced Concrete Inspector	160	\$45.00	\$7,200.00	2
Subtotal			\$7,200.00	
TASK 3 - Structural Masonry				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Structural Masonry Inspector	120	\$45.00	\$5,400.00	3
Subtotal			\$5,400.00	
TASK 4 - Structural Steel & High-Strength Bolts				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC/AWS Steel Inspector (Shop)	40	\$58.00	\$2,320.00	4
Ultrasonic Examination (Shop)	20	\$66.00	\$1,320.00	4
ICC/AWS Steel Inspector (Field)	60	\$58.00	\$3,480.00	4
Ultrasonic Examination (Field)	20	\$66.00	\$1,320.00	4
Subtotal			\$8,440.00	
TASK 5 - Epoxy/Wedge Anchors				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Certified Inspector	30	\$45.00	\$1,350.00	5
Subtotal			\$1,350.00	
TASK 6 - Shearwall and Diaphragm Nailing				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Certified Inspector	0	\$45.00	\$0.00	6
Subtotal			\$0.00	
TASK 7 - Mechanical Seismic Anchoring				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
ICC Certified Inspector	40	\$45.00	\$1,800.00	7
Subtotal			\$1,800.00	
TASK 8 - Project Management				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
Project Manager	8	\$80.00	\$640.00	8
Subtotal			\$640.00	
TASK 9 - Clerical				
Staff Type	Estimated Hours	Rate	Estimated Total	Notes
Clerical	40	\$42.00	\$1,680.00	9
Subtotal			\$1,680.00	

FEI TESTING & INSPECTION, INC.
Geotechnical and Construction Services

750 NW Cornell Ave Corvallis, Oregon
 Phone (541) 757-4698 / Fax (541) 757-2991

Newport Water Filtration Facility & GMP #2
PROPOSAL FOR MATERIALS TESTING SERVICES

Page 2 of 2

Project Expenses				
Description	Estimated Quantity	Rate	Estimated Total	Notes
Moisture-Density Curve	1	\$155.00	\$155.00	10
Concrete Compression Tests	100	\$17.00	\$1,700.00	10
Masonry Test Prisms	6	\$55.00	\$330.00	10
Masonry Grout Compression Tests	6	\$18.00	\$108.00	10
Trip Charge (Inspection/Testing Services)	130	\$160.00	\$20,800.00	10
Trip Charge (Sample/Cylinder Pick-Up)	27	\$135.00	\$3,645.00	10
Subtotal			\$26,738.00	10

Subtotal Task 1	\$2,080.00
Subtotal Task 2	\$7,200.00
Subtotal Task 3	\$5,400.00
Subtotal Task 4	\$8,440.00
Subtotal Task 5	\$1,350.00
Subtotal Task 6	\$0.00
Subtotal Task 7	\$1,800.00
Subtotal Task 8	\$640.00
Subtotal Task 9	\$1,680.00
Project Expenses	\$26,738.00

Estimated Probable Cost**\$55,328.00**

NOTES:

1. Estimate assumes sixteen (16) site visits to perform in-place field density testing on backfill and foundation sub-base.
2. Estimate assumes fifteen (15) trips to check reinforcing steel for walls/piers the day prior to the pour and twenty-five (25) trips to the site to check reinforcing steel for footings and slabs, and to observe and obtain concrete test samples during placement of the reinforced structural concrete.
3. Assumes thirty (30) trips to the site to check reinforcing steel prior to grouting and to continuously observe placement during grouting operations.
4. Estimate assumes ten (10) periodic site visits and two (2) full days of continuous inspection and ultrasonic testing at the fabrication shop, and includes ten (10) periodic site visits and two (2) full days of continuous and ultrasonic testing in the field.
5. Assumes ten (10) trips to the site to observe the installation of post-installed anchors.
6. None anticipated for this project.
7. Estimate assumes ten (10) trips to verify installation of mechanical anchors and check completed installation of seismic resisting restraints for HVAC, mechanical units and piping.
8. Estimated time to review reports, attend pre-construction meetings (if required) and complete the project final summary report.
9. Estimated time to prepare field and laboratory test reports and time for distribution to the approved parties.
10. Estimated project expenses, based on the assumptions noted above.

The above estimated hours and associated costs were derived from the information contained in Revision 1 drawings, the preliminary construction schedule and our meeting with Slayden Construction Group, Inc. Actual time and expenses will be invoiced on a 'time-and-materials' basis in accordance with the rates listed above. Actual project costs may require adjustment (increase/decrease) based on contractor scheduling and overall performance of the work.

Date: September 28, 2010

Proposal No.: 10-6-069

AMENDMENT No. 3 TO OWNER-ENGINEER AGREEMENT

1. Background Data:

- a. Effective Date of Owner-Engineer Agreement: February 17th, 2009
- b. Owner: City of Newport
- c. Engineer: HDR Engineering Inc.
- d. Project: Newport OR Water Treatment Plant

2. Nature of Amendment: Additional Services to be performed by Engineer

The design of the water treatment facility increased in process components, size and complexity resulting from some infeasible assumptions in the original plan, unforeseen water quality conditions, and unforeseen geological conditions (see Attachment 1). Therefore the design effort and associated budget increased. The Owner has identified City staff to assist with construction phase services for the project. The Engineer's scope and budget was reduced accordingly (see Attachment 1). The budget is modified as follows:

Total contract amount (original + amendments 1 & 2):	\$2,081,817
Increase associated with additional design:	\$391,601
Decrease associated with reduced construction services Including waiver to 5% sub markup and City 1/2-time employee:	(71,601)
New total contract amount:	\$2,401,817

The Net Contract amount addition is \$320,000.

3. Description of Modifications

TERMS OF AGREEMENT

Item 1, Engineer's Scope of Services: Add the following sentence, "Additional design and construction phase services are described in Amendment 3, Attachment 1".

Item 2, Effective Date and Duration, replace "June 30, 2011" with December 1, 2011".

Item 3, Engineer's Fee and Schedules, A. Basic Fee: replace "\$2,091,817" with "2,411,817".

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____.

OWNER:

ENGINEER:

By: Jim Voetberg

By: Michael Downing

Title: City Manager

Title: Vice President

Date Signed: _____

Date Signed: _____

This is **Attachment 1**, consisting of 1 page, to Amendment No. 3, dated October 21st, 2010.

Modifications to Engineer's Scope of Services

1. Design scope of services: The design of the water treatment plant increased in process components, size and complexity resulting from some infeasible assumptions in the original plan, unforeseen water quality conditions, and unforeseen geological conditions. Therefore the design effort and associated budget increased. The additional design services necessary to complete the project are listed below.

- a. Preliminary design and coordination of earth retaining wall
- b. Site layout and geotechnical investigation neighbor's property as potential plant location
- c. Water quality sampling plan development / coordination
- d. Investigation of existing intake structure including site visits; design of modifications for refurbishment including piles, structure, intake, housing, and mechanical / electrical / instrumentation systems
- e. Additional geotechnical investigations and ground stabilization design required due to poor soils
- f. Development of two-story building design with ADA access elevator due to topography and need to maintain roadway access
- g. Design of a complete new facility instead of re-using rooms in the existing facility (for example: laboratory)
- h. Design of Granular Activated Carbon adsorption contactors and flocculation processes
- i. Access bridge analysis review and coordination
- j. Development of CM/GC contract to greater extent than anticipated
- k. Floodplain and wetlands investigations and accommodation in site design
- l. Separate contractor bid packages (two instead of one)

The original Scope of Work was budgeted for 130 engineering drawings. The final design of the larger, more complex treatment facility required 193 drawings (63 additional) along with additional specification sections.

2. Construction phase scope of services: The Construction phase scope of services is reduced with a corresponding budget reduction as follows. The 5% markup on subconsultants is waived. The City has identified City staff to assist with construction phase services for the project.

- a. The City shall provide a resident project representative (RPR, Melissa) at the construction site at least 1/2 -time during construction. This replaces the Resident Project Rep. 1 in HDR's original budget. The role of the City's RPR is:
 1. Coordinate with HDR's Project Engineer (PE): Verena Winter
 2. Attend weekly construction meetings, take notes, list action items and decisions, and distribute within 24 hours
 3. Receive / log requests for Information (RFIs); resolve them to the extent possible; coordinate with PE for responses to RFIs that can't be readily resolved in the field
 4. Take digital photographs daily and distribute; make field records when on-site
 5. Resolve conflicts in field with Contractor; facilitate resolution of conflicts with PE when needed including scheduling / coordinating meetings; document any field orders
 6. Prepare and execute change orders as required
 7. Receive / log / review / process pay applications
 8. Receive / review Contractor schedules; coordinate shutdowns / deliveries with operator
 9. Call for special inspections
 10. Receive / review contractors completion documents
 11. Verify record drawing markups by Contractor
 12. File all paperwork on-site

Contract Change Order Agreement

Project: City of Newport Date: 10-28-2010
WATER FILTRATION FACILITY

Change Order No. 2 Supplier: Pall Corporation
 HDR Project No.: 107620 Contractor Project No. _____

SUMMARY OF PROPOSED CHANGE: _____
Equipment that has been removed during value engineering procedure of the Water Filtration Facility is listed below. Difference in price resulted in a deduct from the original contract sum of the agreement between the City of Newport and Pall Corporation.

<u>ITEM</u>	<u>\$ ITEM DECREASE</u>	<u>\$ ITEM INCREASE</u>	<u>TOTAL DIFFERENCE</u>
A. 1 Compressor	\$19,200	\$ -	\$-19,200
B. 1 Membrane Rack	\$130,000	\$ -	\$-130,000
C. 1 Strainer	\$26,000	\$ -	\$-26,000
D. 2 Particle Counters	\$13,000	\$ -	\$-13,000
E. 2 pH Analysers	\$3,670	\$ -	\$-3,670
F. 2 ORP Analysers	\$2,030	\$ -	\$-2,030
G. 2 COND Analyzers	\$3,200	\$ -	\$-3,200
		TOTAL	\$-197,100

ORIGINAL CONTRACT AMOUNT (AFTER CHANGE ORDER 1)	<u>\$ 3,437,100.00</u>
DEDUCT	<u>\$ -197,100.00</u>
FINAL CONTRACT PAYMENT	<u>\$ 3,240,000.00</u>

Additional contract time for substantial completion: zero calendar days.

The Contractor accepts the above adjustment to the contract. By accepting this change, the Contractor agrees that it shall be full payment and final settlement of all claims for contract time and for direct, indirect, and consequential costs, including costs of delays related to any work either covered or affected by the change.

SIGNATURES:

Contractor: _____ Date: _____

Engineer: _____ Date: _____

APPROVED BY: _____
 City of Newport Date Authorized Official

**GMP AMENDMENT #2
CITY OF NEWPORT, OREGON WATER TREATMENT PLANT**

THIS AMENDMENT IS BETWEEN:

OWNER: City of Newport, OR

And Slayden Construction Group, Inc.

**CONSTRUCTION MANAGER/
GENERAL CONTRACTOR ("the Contractor"):**

The Project is: CITY OF NEWPORT, OREGON WATER TREATMENT PLANT

Date of Original Contract: January 13, 2010

Date of this Amendment: November 1, 2010

Amendment Number: 2

The Owner and Contractor hereby amend the Contract as set forth below. Capitalized terms used but not defined herein shall have the meanings given in the Contract Documents. Except as amended hereby, the Contract remains in full force and effect.

1. **GMP.** The parties agree that the Contract amount will increase per GMP #2 for the Project, consisting of the GMP #2 Cost of the Work, including the fixed General Conditions, the Reimbursed General Conditions and the CM/GC Fee for GMP #2.

Pre-Construction:	<u>\$ 98,260.00</u>
EWA Amendment #1:	<u>\$ 225,335.74</u>
GMP #1:	<u>\$ 1,569,421.78</u>
Previous Contract Total:	<u>\$ 1,893,017.52</u>
GMP #2 Total:	<u>\$ 9,047,592.27</u>
New Contract Total:	<u>\$ 10,940,609.79</u>

2. **Scope of Services.** Scope of services under this GMP #2 is in accordance with Exhibit "A" on the following sheet.

3. **Substantial Completion Date.** Notwithstanding any provision in the GMP Supporting Documents to the contrary, the required date for Substantial Completion for this work is: January 31, 2012.

4. **Final Completion Date.** Notwithstanding any provision in the GMP Supporting Documents to the contrary, the required date for Substantial Completion for this work is: April 1, 2012.

THIS AMENDMENT is executed in four original copies of which one is to be delivered to the Contractor, and the remainder to Owner.

CONTRACTOR:

SLAYDEN CONSTRUCTION GROUP, INC.
PO BOX 247, STAYTON, OR 97383
CM/GC's Federal Tax I.D. #: 93-1326413
Construction Contractor's Board Registration No.: 157045

Signature of Authorized Representative of Contractor

Title _____

Date _____

OWNER:

CITY OF NEWPORT, OREGON

Signature of Owner's Authorized Representative

Title _____

Date _____

EXHIBIT A - GMP # 2 SUMMARY

10/28/2010

Item #	Description	Qty	Unit	Unit Cost	Item Cost	Total Cost
1	Preconstruction	1	LS	98260.00		98,260.00
2	EWA #1	1	LS	225335.74		225,335.74
3	GMP #1	1	LS	1569421.78		1,569,421.78
4	GMP #2					
Div 1	GMP #2 General Conditions					
1000	General Conditions	1	LS	500859		500,859
Div 2	Site work					
2000	Site Piping	1	LS	736383		736,383
2072	Paving, Grading & Gravel Surfacing	1	LS	95032.69		95,033
2200	Earthwork	1	Allow	23596		23,596
2444	Chain Link Fence and Gates	1	LS	26979		26,979
2950	Landscaping	1	LS	31080		31,080
Div 3	Concrete					
3100	Concrete	1	LS	629176.2		629,176
Div 4	Masonry					
4220	Concrete Masonry	1	LS	350877		350,877
Div 5	Metals					
5120	Structural Steel	1	LS	245478		245,478
5211	Steel Joists	1	LS	65930		65,930
5505	Misc Metals	1	LS	38775		38,775
Div 6	Wood and Plastics					
6200	Finish Carpentry	1	LS		in 7412	
Div 7	Thermal & Moisture Protection					
7210	Building Insulation	1	Allow			35,000
7412	Metal Roofing	1	LS	152790		152,790
Div 8	Doors & Windows					
8110	Metal Doors & Frames and Borrowed Light Frames	1	LS	37388		37,388
8220	FRP Doors and Frames	1	LS	28066		28,066
8332	Steel Rolling Overhead Doors	1	LS	16675		16,675
8410	Storefront	1	LS	7950		7,950
8700	Finish Hardware	1	LS	22326		22,326
8800	Glass and Glazing	1	LS			in 8410
Div 9	Finishes					
9110	Non load-Bearing Wall Framing Systems	1	LS	15677		15,677
9130	Acoustic Suspension System	1	LS	4734		4,734
9250	Gypsum Board	1	LS	31353		31,353
9310	Ceramic Tile	1	LS	5692.95		5,693
9512	Acoustical Materials	1	LS	6810		6,810
9660-5	Resilient Base & Sheet Vinyl	1	LS	3209.05		3,209
9670	Concrete Stain	1	Allow			12,000
9905	Painting and Protective Coatings	1	LS	99200		99,200
Div 10	Specialties					
10100	Whiteboard and Tackboards	1	LS	8489		8,489
10400	Identification Devices	1	ALLOW	5589		5,589
10444	Signage	1	ALLOW	3009		3,009
10500	Metal Lockers and Locker Benches	1	LS	1497		1,497
10520	Fire Extinguishers and Cabinets	1	LS	1972		1,972
10800	Toilet and Bath Accessories	1	LS	2398		2,398
10950	Misc Specialties - Key Boxes	1	LS	136.95		137
Div 11	Equipment					
11000	Equipment Install	1	LS	206586		206,586
11062	Chemical Submersible Non-Clog	1	LS	4602		4,602
11063	Floating Submersible Pump Station	1	LS	11728		11,728
11072	Vertical Turbine (Line Shaft)	1	LS	155693.5		155,694
11075	Vertical Turbine Can Pump	1	LS	193791.5		193,792
11076	Submersible Non-Clog	1	LS	9898		9,898
11082	Peristaltic Pumps	1	LS	70209		70,209
11182	Polyethylene Chemical Tanks	1	LS	66448		66,448
11316	Sampling Pump	1	LS	965		965
11358	Granular Activated Carbon Contactor System	1	LS	465150		465,150
11359	Flocculation System	1	LS	106850		106,850
11500	Storage Totes	1	LS	48637		48,637
11600	Fume Hood	1	LS	8725		8,725
11601	Laboratory Glassware, Apparatus and Ref	1	Allow	10000		10,000
Div 12	Furnishings					
12355	Metal Casework and work bench	1	LS	13000		13,000
12366	Plastic Lam Laboratory Caswork	1	LS	24030		24,030
12500	Window Coverings	1	LS	855		855
12691	Entrance Flooring Systems	1	LS	1876		1,876
Div 13	Special Construction					
13122	Prefabricated Wood Building (including specialties)	1	Allow	40854.85		40,855
13216	Reservoirs: Glass Fused to Steel	1	LS	302800		302,800
13440-13448	I & C	1	LS	212015		212,015
Div 14	Conveying Systems					
14240	Hydraulic Elevators	1	LS	43750		43,750
Div 15	Mechanical					

EXHIBIT A - GMP # 2 SUMMARY

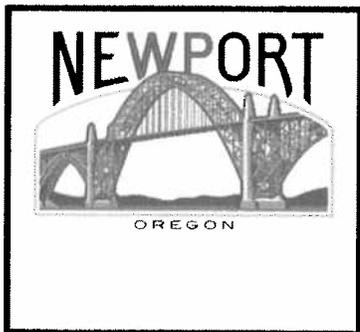
10/28/2010

Item #	Description	Qty	Unit	Unit Cost	Item Cost	Total Cost
15000	Mechanical at Intake	1	Allow	297612.366		297,612
15060	Mechanical	1	LS	867,250		867,250
15440	Plumbing	1	LS	129,550		129,550
15300	Fire Protection Systems	1	LS	40,067		40,067
15605	HVAC	1	LS	439,500		439,500
Div 16	Electrical					
16000	Electrical	1	LS	202,571		2,025,710
SUBTOTAL LUMP SUM						9,044,281
Fee 7.00%						633,100
Contingency						260,252.00
Replace RW Transite Pipe Allowance						200,000.00
GMP #2 Deductions from Below						(1,090,040.73)
TOTAL GMP #2						9,047,592
Precon, EWA #1 and GMP #1						1,893,018
TOTAL CONTRACT						10,940,610

Alt / VE Alternates and Value Engineering

GMP #2 Deductive Alternates

Item	Description	Savings	Notes
A1	Delete one Membrane rack + one Strainer	\$ (21,809)	
A2	Delete one GAC Tank and media	\$ (147,040)	
A3	Delete Generator (install conduit for future install)	\$ (292,875)	
A4	Delete one Raw Water and one High Service Pump	\$ (165,132)	
A5	Delete one Compressor	\$ (3,365)	
A6	Delete Particle Counters		
A7	Delete pH probe (dwg 6I-16 & 6I-13)		
A8	Delete ORP (dwg 6I-16 & 6I-13)		
A9	Delete COND (dwg 6I-16 & 6I-13)		
A10	Delete Calcium Thiosulfate (dechlorination system)	\$ (27,950)	
A11	Reduce 12 fire extinguisher to 5 (use plants existing)	\$ (931)	
A12	Remove landscaping (hydroseed at completion)	\$ (28,580)	
A13	Remove whiteboards and tackboards	\$ (8,489)	
A14	Exposed Piping DI to Cement Lined Steel	\$ (16,072)	
A15	Buried Piping from class 52 to pressure class 250 and 350	\$ (13,225)	
A16	Masonry block materials from heavy weight to medium weight and add exterior CMU Sealant	\$ (1,200)	
A17	Pipe rack and support material (Hot dipped Galv vs SST)	\$ (14,446)	
A18	No paint on copper piping	\$ (2,400)	
A19	Delete Metal Wall Panel exterior insulation	\$ (5,128.00)	
A20	Delete Painting equipment pads	\$ (4,750.00)	
A21	Delete Optional FRP ladders at chemical tanks	\$ (3,791.00)	
A22	Supply only permanent chemical totes	\$ (26,900.00)	
A23	Accept Clearwell Exterior color Cobalt Blue (standard color)	\$ (22,000.00)	
A24	Use SCG forklift to unload Clearwell tank	\$ (1,100.00)	
A25	SCG install Fire main from 5' outside to inside bldg.	\$ (2,965.00)	
A26	Supply 2 Chemical sump pumps, Delete startup and performance testing	\$ (1,512.00)	
A27	Delete chemical storage tank flex connections at upper fittings	\$ (6,852.00)	
A28	Delete UV Transmittance Sensor	\$ (7,694.50)	
A29	Delete main gate automated operator	\$ (10,720.00)	
A30	Delete Metal Work Bench	\$ (5,000.00)	
A31	Delete Metal Shelves	\$ (8,000.00)	
A32	Delete Metal Lockers	\$ (1,497.00)	
A33	Delete asphalt paving and striping from parking lot	\$ (70,283.23)	
A34	Delete Curb and storm drain	\$ (32,469.00)	
A35	Delete GAC sidewalk	\$ (7,604.00)	
A36	Building Insulation - Delete insulation in Chemical and Membrane Rooms	\$ (27,500)	
A37	Possible reduction in electrical cost if crossing at creek and fish ladder is done attached to the existing bridge	\$ (93,011)	
A38	Seal CMU interior in lieu of painting	\$ (7,750)	
Total SCG Deduct			-1,090,041



Agenda Item #
Meeting Date

IX.B.
November 1, 2010

CITY COUNCIL AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Resolution in support of an ODOT Flexible Funds Grant to design and construct bicycle and pedestrian improvements along Oceanview Drive, Coast Street, and Elizabeth Street

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: [Signature]

ISSUE BEFORE THE COUNCIL: Consideration of whether or not the Community Development Department should prepare and submit an application for an ODOT Flexible Funds Grant to construct bike and pedestrian improvements along Oceanview Drive, Coast Street, and Elizabeth Street between Highway 101 and the Yaquina Bay State Park.

STAFF RECOMMENDATION: Staff recommends the Council authorize staff to prepare and submit the grant application.

PROPOSED MOTION:

TO APPROVE: I move the Council adopt Resolution _____, a resolution in support of an Oregon Department of Transportation Grant Application for bike and pedestrian improvements along Oceanview Drive, Coast Street, and Elizabeth Street.

TO DENY: I move that the Council direct staff to forgo further work on the grant request at this time.

KEY FACTS AND INFORMATION SUMMARY: Oceanview Drive is an alternate north-south route to Highway 101 in Newport. It is used on a daily basis by pedestrians and bicyclists for commuting and recreational purposes. Persons traveling along Oceanview Drive must use vehicle lanes. The road lacks defined shoulders, is narrow (10-11 feet), and contains several steeply graded blind curves that make it dangerous for pedestrians and bicyclists. Adding paved shoulders where possible, striping fog lines, installing Share-the-Road bike and pedestrian warning signs, and applying sharrow pavement markings will improve safety and facilitate increased recreational use. Installing these improvements is also consistent with the City's "Complete Streets Policy" that encourages development of non-motorized transportation options (Resolution #3508).

Oceanview Drive offers beautiful views of the Pacific Ocean. It is also designated as an Oregon Coast Bike Route. Constructing these improvements along Oceanview Drive, along with neighboring Coast and Elizabeth Streets, will complete a lighthouse to lighthouse connection and serve the Nye Beach Historic District with its shops, cottages and eateries. This provides an attraction to tourists and general recreational users alike.

Given terrain constraints, a considerable amount of engineering and design work will need to be done to identify a preferred alignment for the improvements and to identify right-of-way needs. Acquisition of right-of-way may also be complicated given the large number of property owners in the area. For these reasons, and recognizing potential limitations in grant funding, this project can be structured in phases, which would include the above steps followed by actual construction.

This is the highest priority project for the Newport Bicycle and Pedestrian Advisory Committee.

OTHER ALTERNATIVES CONSIDERED: None. The City does not have the funds or staff to proceed with this project without grant assistance.

CITY COUNCIL GOALS: This project is in keeping the Council's objective of enhancing community livability.

ATTACHMENT LIST:

Draft Resolution
Resolution #3508

FISCAL NOTES: Total project costs will like be between \$1 and \$1.5 million dollars. A more precise estimate for each project phase will be prepared for the grant application. A 10.27% local match is required. The City of Newport Streets SDC fund is adequate to cover the required match, and the work qualifies for expenditure of SDC funds.

RESOLUTION NO. _____

**A RESOLUTION REQUESTING AN OREGON DEPARTMENT OF TRANSPORTATION
GRANT FOR BIKE AND PEDESTRIAN
IMPROVEMENTS ALONG OCEANVIEW DRIVE,
COAST STREET, AND ELIZABETH STREET**

FINDINGS:

1. Oregon Department of Transportation is accepting applications for the Flexible Funds Program; and
2. City of Newport desires to participate in this grant program to the greatest extent possible as a means of providing needed bicycle and pedestrian enhancements; and
3. Common Council of the City of Newport has identified the installation of bike and pedestrian improvements along Oceanview Drive, Coast Street, and Elizabeth Street between Highway 101 (north end) and Yaquina Bay State Park (south end) as a high priority need in the City of Newport; and
4. Construction of bike and pedestrian improvements along these streets will improve safety, provide recreational users with beautiful views of the Pacific Ocean, and completes a significant section of the Oregon Coast Bike Route between the Yaquina Head and Yaquina Bay Lighthouses; and
5. While the City of Newport desires to proceed with the entire project, it is prepared to phase the work to align with available grant funding; and
6. The City of Newport possesses the funds to provide its matching share for this grant application.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The Community Development Director of the City of Newport is authorized to apply for a Flexible Funds Program Grant from the Oregon Department of Transportation for the design and construction of the project specified above; and

Section 2. This resolution shall be effective immediately upon passage.

Adopted by a _____ vote of the Newport City Council on _____, 2010.

Signed on _____, 2010.

William D. Bain
Mayor

ATTEST:

City Recorder

RESOLUTION NO. 3508
City of Newport

Complete Streets Policy

WHEREAS, "complete streets" are designed and operated to assure safety and accessibility for all the users of our roads, trails and transit systems, including pedestrians, bicyclists, transit riders, motorists, commercial and emergency vehicles and for people of all ages and of all abilities; and

WHEREAS, "complete streets" reduce congestion by providing safe travel choices that encourage non-motorized transportation options, increasing the overall capacity of the transportation network, as well as decreasing consumer transportation costs; and

WHEREAS, "complete streets" support economic growth and community stability by providing accessible and efficient connections between home, school, work, recreation and retail destinations by improving the pedestrian and vehicular environments throughout the community; and

WHEREAS, "complete streets" enhance safe walking and bicycling options for school age children, in recognition of the objectives of the national Safe Routes to School program and the Centers for Disease Control and Prevention's Physical Activity Guidelines; and

WHEREAS, "complete streets" can help reduce crashes and injuries and their costs; and

WHEREAS, "complete streets" is consistent with the Council-approved principles to promote the integration of physical activity into the daily lives of Newport residents;

Now Therefore, BE IT RESOLVED,

That in order to develop and maintain a safe, efficient, balanced and environmentally sound City transportation system for people of all ages and abilities, the City will consider a "complete streets" philosophy that expands transportation choices when updating its plans and applying its codes to development projects; and

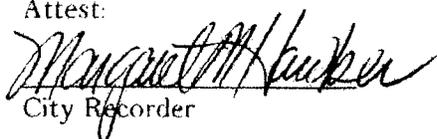
BE IT FURTHER RESOLVED, that the City of Newport City Council encourages other cities, counties, and the state to work together to make "complete streets" a reality throughout Oregon.

This Resolution is effective upon adoption.

Passed by the Newport City Council on May 17, 2010.


 Mayor

Attest:


 City Recorder

NEWPORT URBAN RENEWAL AGENCY
Follows Regular Council Meeting
URBAN RENEWAL AGENCY MEETING AGENDA

I. Call to Order and Roll Call

II. Public Comments

This is an opportunity for members of the audience to bring to the Agency's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

III. Consent Calendar

The consent calendar is an area of the meeting agenda where items of a repeating or routine nature can be considered under a single action. Any person who desires to have an item on the consent agenda removed and considered separately could make it so by merely asking.

- A. Approval of minutes from regular URA meeting of October 18, 2010.....**pgs. 1-2**
(Hawker)

IV. Discussion Items and Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items

V. Public Hearings

VI. Action Items

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances)

- A. Consideration of Seventh (7th) Amendment to the South Beach Urban Renewal Plan & Report.....**pgs. 1 – 29**
(Tokos)

VII. Adjournment

October 18, 2010
6:00 P.M.
Newport, Oregon

The Urban Renewal Agency of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Bain, McConnell, Bertuleit, Patrick, Brusselback, Kilbride, and Obteshka were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Finance Director Marshall, Public Works Director Ritzman, Parks and Recreation Director Protiva, and Police Lieutenant Teem.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the regular Urban Renewal Agency meeting of October 4, 2010;
- B. Report of accounts paid for September 2010.

MOTION was made by McConnell, seconded by Bain, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

DISCUSSION ITEMS AND PRESENTATIONS

Update on Marine Science Drive Lighting. Voetberg reported that staff needed new direction based on the cost ramifications of the previously specified lighting for Marine Science Drive. Tokos reported that different pole styles were discussed, and it was the general view that a similar pole to those used on the Bayfront should be installed. He added that an illumination plan was developed that included 94 fixtures and combined pedestrian and roadway lighting. He noted that LED fixtures were available for the roadway lights but not specifically for the pedestrian lights, although a higher wattage LED light could be used in the pedestrian lighting. A discussion ensued regarding energy savings of LED lighting versus high pressure sodium lighting. MOTION was made by Bertuleit, seconded by Obteshka, to keep the options open by looking at different companies, with a preference for the LED lighting fixtures, and maintaining the same Kelvin characteristic in the lights. Brusselback noted that LED is the direction the city is heading due to sustainability. The motion carried unanimously in a voice vote.

Presentation by Wayne Belmont, Lincoln County Counsel, on Lincoln Land Legacy. Wayne Belmont addressed the URA about the Lincoln Land Legacy program. He distributed a brochure that explained the program and accomplishments. He noted that the program has the ability to create conservation easements that has facilitated the donation of conservation easements throughout Lincoln County. He noted that to accomplish the donation of easements, the county uses funds to partner with folks

willing to donate conservation easements. He reported that the South Beach Ravine and Coastal Dunes Project is a program for which the Lincoln Land Legacy could provide some ancillary costs as a tool to preserve the property. Belmont noted that the transaction with Lincoln Land Legacy can occur after the property is purchased. Obteshka asked how the donation is calculated, and Belmont noted that the amount is up to \$15,000 or 10% of the value of the donated land.

McCarthy reported that at the direction of the URA, she had been talking with Belmont about how the program might work with the South Beach property. She noted that Lincoln County would hold the conservation easement, and that the next step would be to ask an appraiser to value the conservation easement. Lincoln County will provide a letter detailing the costs the program will cover and the elements of the easement. Covered costs might include appraisal, escrow, recording, etc. McCarthy agreed to work with Belmont on a draft easement that should be complete by the November 15, 2010 meeting. MOTION was made by Bain, seconded by Bertuleit, to authorize the city manager, in his role as executive director of the Urban Renewal Agency, to accept the letter offer from Lincoln County to the Urban Renewal Agency for the creation of a conservation easement in the SW 30th Street South Beach property. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

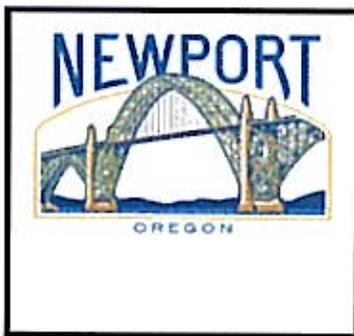
Wendy Engler, representing Nye Beach Merchants Association, addressed the URA regarding potential uses of residual funds from the closing of the North Side Urban Renewal District. She suggested the following possible uses of this funding: a thermal striping machine; aesthetic improvements to the Nye Beach arch; and parking on Dolphin Street, west of the PAC. It was noted that funds need to be committed by mid-December, and that the parameters are the repair, renovation, and refurbishment of property. Obteshka reported that he had sent ten ideas to the city manager. He asked whether bike lockers could be purchased with these funds. McConnell suggested focusing on sidewalks. Patrick suggested starting a list of potential projects that would grow once the availability of funds is reported in the newspaper. Tokos will confirm whether the monies have to be spent or committed by mid-December. McCarthy noted that the projects have to be identified in the URA plan.

ADJOURNMENT

Having no further business, the meeting adjourned at 6:42 P.M.

Margaret M. Hawker, City Recorder

Patricia Patrick-Joling, Chair



Agenda Item #

VLA.

Meeting Date

November 1, 2010

URBAN RENEWAL AGENCY
AGENDA ITEM SUMMARY
 City of Newport, Oregon

Issue/Agenda Title Consideration of a Seventh Amendment to the South Beach Urban Renewal Plan and Report

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: [Signature]

ISSUE BEFORE THE AGENCY : Consideration of a Resolution adopting Minor Amendment Seven to the South Beach Urban Renewal Plan to identify a natural coastal gully and foredune area adjacent to South Beach State Park, which is roughly 2.5 acres in size, as a priority acquisition site so that urban renewal funds can be used to purchase the property.

STAFF RECOMMENDATION: On September 7, 2010 the Newport Urban Renewal Agency expressed a desire to purchase the above referenced property. State law requires that projects be specifically identified in an urban renewal plan. This amendment is necessary if the Urban Renewal Agency wants to use urban renewal funds to purchase the property.

PROPOSED MOTION: I move the Urban Renewal Agency adopt Resolution _____, a resolution adopting Minor Amendment Seven to the South Beach Urban Renewal Plan.

KEY FACTS AND INFORMATION SUMMARY: The City of Newport adopted a South Beach Urban Renewal Plan and Report ("Plan"), dated September 12, 1983, by Ordinance No. 1341, and Lincoln County did subsequently approve the Plan by Resolution 83-26-9. Six amendments to the Plan have been previously adopted with the most recent being Amendment 6, completed May 3, 2010.

The Plan identifies a need for acquisition of neighborhood park and open space sites in South Beach. Newport citizens have requested that the Newport Urban Renewal Agency meet this need, in part, by acquiring a 2.5 acre natural coastal gully and foredune area adjacent to South Beach State Park. The property includes portions of Blocks 7, 8, 10, 11 and 15 of Waggoner's Addition to the South Beach subdivision, as illustrated on the attached map. On September 7, 2010 the Newport Urban Renewal Agency determined that the agency should acquire the property.

ORS 457.085 requires that urban renewal agencies specifically identify in their urban renewal plans the projects that are to be funded. Therefore, the Newport Urban Renewal Agency must amend the South Beach Urban Renewal Plan to specifically identify acquisition of the 2.5 acre natural coastal gully and foredune area as a project before urban renewal funds can be used to purchase the property.

Only a portion of the property is available for purchase at this time, that being Lots 7 through 9, Block 7 Waggoner's Addition to the South Beach subdivision. While it is the Newport Urban Renewal Agency's desire to secure the entire 2.5 acre site, given market conditions and a need for a willing seller, actual acquisition may occur piecemeal over a period of several years. For this reason it is appropriate to identify the gully and foredune area as an acquisition priority for all three of the Urban Renewal Plan's project phases.

OTHER ALTERNATIVES CONSIDERED: Not proceeding with the purchase of the property.

CITY COUNCIL GOALS: Substantial Amendment 5 to the South Beach Urban Renewal Plan identifies a need for neighborhood park and open space sites within the South Beach Urban Renewal District and programmed funds for the purchase of such sites. The amendment is consistent with this objective.

ATTACHMENT LIST:

Draft Resolution

Minor Amendment Seven to the South Beach Urban Renewal Plan and Report

Map Illustrating the 2.5 acre natural coastal gully and foredune area

FISCAL NOTES: Cost estimates for the purchase of neighborhood park and open space sites were prepared with prior amendments to the South Beach Urban Renewal Plan. The estimates are not being changed with this amendment.

RESOLUTION NO. _____**A RESOLUTION APPROVING A SEVENTH AMENDMENT TO THE
SOUTH BEACH URBAN RENEWAL PLAN AND REPORT****FINDINGS:**

1. City of Newport adopted a South Beach Urban Renewal Plan and Report ("Plan"), dated September 12, 1983, by Ordinance No. 1341, and Lincoln County did subsequently approve the Plan by Resolution 83-26-9. Six amendments to the Plan have been previously adopted with the most recent being Amendment 6, completed May 3, 2010.
2. The Plan identifies a need for acquisition of neighborhood park and open space sites in South Beach.
3. Newport Urban Renewal Agency has identified a natural coastal gully and foredune area adjacent to South Beach State Park as a high priority acquisition site. The property is roughly 2.5 acres in size and includes portions of Blocks 7, 8, 10, 11 and 15 of Waggoner's Addition to the South Beach subdivision.
4. Consistent with ORS 457.085 the Urban Renewal Agency must amend the Plan to specifically identify acquisition of the 2.5 acre natural coastal gully and foredune area as a project before urban renewal funds can be used to purchase the property.
5. Only a portion of the property is available for purchase at this time, that being Lots 7 through 9, Block 7 Waggoner's Addition to the South Beach subdivision. While it is the Newport Urban Renewal Agency's desire to secure the entire 2.5 acre site, given market conditions and a need for a willing seller, actual acquisition may occur piecemeal over a period of several years. For this reason it is appropriate to identify the gully and foredune area as an acquisition priority for all three of the Urban Renewal Plan's project phases.
6. Changes to the Plan are outlined in detail in Minor Amendment Seven to the South Beach Urban Renewal Plan and Report, and are consistent with the requirements for minor amendments set forth in Chapter 457 of the Oregon Revised Statutes and the third amendment to the South Beach Urban Renewal Plan and Report, dated September 11, 1991, by Ordinance 91-4, which contains the provisions for amending the Plan. While minor amendments, as opposed to a Substantial Amendments, are not required to be recorded, a copy of this Minor Amendment should nonetheless be filed with the Lincoln County Clerk to maintain a clear record of the amendments to the Plan. Copies of this Minor Amendment should also be provided to taxing entities within the district.
7. The Newport Urban Renewal Agency held a public hearing on Minor Amendment Seven to the South Beach Urban Renewal Plan and Report on November 1, 2010 and voted to approve the Seventh Amendment.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Minor Amendment Seven to the South Beach Urban Renewal Plan and Report is hereby adopted as attached in Exhibit A.

Section 2. The Executive Director of the Newport Urban Renewal Agency is hereby directed to record Minor Amendment Seven to the South Beach Urban Renewal Plan and Report with the Lincoln County Clerk and shall distribute a copy of the adopted document to the governing bodies of the taxing entities within the district.

Section 3. This resolution shall be effective immediately upon passage.

Adopted by the Newport City Council and the Newport City Council acting as the Newport Urban Renewal Agency on _____, 2010.

Signed on _____, 2010.

William D. Bain
Mayor

Patricia Patrick
Chair, Newport Urban Renewal Agency

ATTEST:

City Recorder

CITY OF NEWPORT
MINOR AMENDMENT SEVEN TO THE SOUTH BEACH URBAN
RENEWAL PLAN AND REPORT

Exhibit A, City of Newport Resolution No. _____

November, 2010

Consultants:

The Benkendorf Associates Corp.
909 SW St. Clair, Suite 9
Portland, Oregon 97205

Johnson Reid, LLC
319 SW Washington, Suite 1020
Portland, Oregon 97204

MINOR AMENDMENT VI URBAN RENEWAL PLAN & REPORT

TABLE OF CONTENTS

I.	URBAN RENEWAL PLAN AMENDMENTS.	2
II.	URBAN RENEWAL REPORT MINOR AMENDMENT VI	4
III.	RELATIONSHIP BETWEEN THE PROJECTS TO BE UNDERTAKEN WITH THE AMENDMENT AND THE EXISTING CONDITIONS IN THE AREA	5
IV.	PROJECT COSTS AND TIMING	6
	A. PROJECTS PHRASES	6
	B. PROJECTS AND COST ESTIMATES	7
	C. ESTIMATED COMPLETION DATE	10
V.	FINANCIAL ANALYSIS OF THE AMENDMENT	11
	A. ANTICIPATED TAX INCREMENT FUNDS	11
	B. ESTIMATED AMOUNT OF MONEY REQUIRED UNDER ORS 457	12
	C. ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED	14
	D. PROJECT REVENUES AND EXPENDITURES	14
	E. STATEMENT OF FISCAL IMPACT ON OTHER JURISDICTIONS UNDER ORS 457.420-457.440	14
	F. IMPACTS ON TAXPAYERS	17
	APPENDIX	18
	NOAA MARINE OPERATIONS CENTER TAX REVENUE IMPORTS	19

I. URBAN RENEWAL PLAN AMENDMENTS

The South Beach Urban Renewal Plan was adopted in 1983. Since its adoption, the Urban Renewal Agency has executed two minor (Amendments 3 and 6) and four substantial amendments (1, 2, 4 and 5). The purpose and date of adoption for each amendment is noted below.

Amendment I Newport Urban Renewal Agency April 8, 1987
 Lincoln County Commission Feb 25, 1987

Provides a project outline for:

- Site acquisition of the public viewing aquarium,
- Land acquisition for Highway 101 access roads.
- Site acquisition and construction of the Wastewater Treatment Plant
- Airport frontage road improvements, and
- Site acquisition and construction of an Exhibition Building.

Amendment II Newport Urban Renewal Agency October 14, 1987
 Lincoln County Commission September 16, 1987

Deletes two land areas from the District:

- South Beach State Park/South Jetty area (411.16 acres)
- Newport Airport and a portion of forested land north of the airport. (565.14 acres)
- Total area removed from the Urban Renewal District: 976.30 acres

Amendment III (Minor) Newport Urban Renewal Agency
 September 11, 1991

Proposes to finance the Plan through tax increment financing and that no bonded indebtedness shall be issued after December 31 2010. Defines Substantial Amendment as equivalent to a Major Amendment and defines Minor Amendments.

Amendment IV Newport Urban Renewal Agency May 13, 1998
 Lincoln County Commission April 29, 1998

Established a maximum level of indebtedness in the amount of \$38,750,000 and selected Option "One" for the method to collect ad valorem property taxes

Amendment V Newport Urban Renewal Agency February 2, 2009
 Lincoln County Commission January 14, 2009

The purpose of Substantial Amendment V was to reduce or eliminate the blighted conditions in the district and extend the effective period of the plan from 2010 to 2020. The blighted conditions in the district include:

- Sub-Standard street improvements, rights of way and traffic signalization and management.
- Incomplete pedestrian/bicycle circulation systems and Tsunami evacuation routes.
- Inadequate water storage capacity and distribution lines.
- Under sized or absent sanitary sewer collection service lines.
- Incomplete winter storm water management systems
- Inadequate neighborhood recreation facilities and open space.

New projects were identified based on more recent planning and engineering plans. A new revenue forecast, revenue bond strategy and phased implementation program was prepared.

Amendment VI (Minor) Newport Urban Renewal Agency May 3, 2010

Revised the phasing and financing of the projects in Substantial Amendment 5 to improve ingress and egress to the new NOAA Pacific Marine Operations Center and adjacent existing attractions. The amendment also included revisions to the tax increment revenue forecast, as well as a new schedule of existing debt service obligation resulting from refinancing said debt.

II. URBAN RENEWAL REPORT MINOR AMENDMENT VII

The South Beach Urban Renewal Plan includes funds for neighborhood park and open space site acquisition. On March 22, 2010, the Newport City Council identified the acquisition of a natural coastal gully and foredune area adjacent to South Beach State Park as a high priority need in the City of Newport. The property is roughly 2.5 acre in size and includes portions of Blocks 7, 8, 10, 11 and 15 of the Waggoner's Addition to South Beach subdivision.

A portion of the property, identified as Lots 7 through 9, Block 7 Waggoner's Addition to South Beach, is available for sale. The City applied for an Oregon Parks and Recreation Department grant to purchase the property; however, that application was unsuccessful.

In a public meeting on September 7, 2010, the Newport Urban Renewal Agency met to discuss acquisition of the property and directed staff to pursue the acquisition of the above referenced lots. At that time, the Urban Renewal Agency advised the public of its intent to adopt Minor Amendment 7 to facilitate the acquisition. Minor Amendment 7 adds acquisition of the gully and foredune area as an acquisition priority for all three Urban Renewal Plan Phases. Cost estimates for parks and open space acquisition for each phase are as they were established with Minor Amendment 6. The amendment and related information was made available to the public via the City's website prior to the City's action.

III. RELATIONSHIP BETWEEN THE PROJECTS TO BE UNDERTAKEN WITH THE AMENDMENT AND THE EXISTING CONDITIONS IN THE AREA

The physical and economic conditions described in the original Environmental Assessment and the Supplemental Report have improved within the past twenty-five (25) years. However, many areas remain deficient relative to vehicular and pedestrian circulation, utility services, especially storm water management, and public recreation and open space.

As summarized in Section II of this plan amendment, the Urban Renewal Plan identifies a need for neighborhood park and open space sites in the South Beach area. This amendment identifies the 2.5 acre natural coastal gully and foredune site adjacent to South Beach State Park as an acquisition priority and authorizes the expenditure of urban renewal funds for that purpose.

IV. PROJECT COSTS AND TIMING

A. PROJECT PHASES

The projects proposed to implement the South Beach Urban Renewal Plan are organized into three phases consistent with Substantial Amendment 5.

1. Phase 1 – 2009/12

The 2.5 acre natural coastal gully and foredune area adjacent to the South Beach State Park is listed as an acquisition priority. A total of \$350,000 is programmed for acquisition projects during this plan phase.

2. Phase 2 – 2013/16

The 2.5 acre natural coastal gully and foredune area adjacent to the South Beach State Park is listed as an acquisition priority. A total of \$200,000 is programmed for acquisition projects during this plan phase.

3. Phase 3 – 2017/20

The 2.5 acre natural coastal gully and foredune area adjacent to the South Beach State Park is listed as an acquisition priority. A total of \$200,000 is programmed for acquisition projects during this plan phase.

3. PROJECTS AND COST ESTIMATES

1. Phase I – 2009/12

PUBLIC RIGHTS OF WAY	Cost Estimate	URA Portion
Streets		
Ash St. Design & Construct	425,000	425,000
Coho/Brant Area – Plan and Design	70,000	70,000
Coho/Brant Area – Construct	850,000	850,000
SE 35 th & Ferry Slip Road	464,000	390,000
Marine Science Dr.	2,304,000	1,138,000
Realign Rogue & 25 th	448,000	448,000
Pacific Way Improvements	251,000	251,000
Sidewalks		
OSU Dr. to Marine Sc. Dr.	70,000	0
OSU Dr. (Abalone to Ferry Slip)	67,500	67,500
Acquisition		
TSP Projects - right of way 350,000	500,000	
UTILITIES		
Water		
Hwy 101 – 40 th to 50 th	320,000	320,000
Sanitary Sewer line-same ROW	300,000	300,000
PUBLIC AMENITIES		
Neighborhood Park/Open Space Site Acquisition (OPRD grant \$150,000), including the 2.5 acre coastal gully & foredune site adjacent to South Beach State Park	500,000	350,000
ACQUISITION/DEVELOPMENT	0	0
COMMUNITY IMPROVEMENT PROGRAMS	0	0
SPECIAL PROJECT IDEAS		
Wetland Planning/Mitigation Bank	200,000	200,000
Trails – easement acquisitions	100,000	100,000
South Jetty Trail	317,000	317,000
Total:	\$6,986,500	\$4,761,500
Revenue Estimate (7.1% growth)		\$4,774,000

2. Phase 2 – 2013/16

PUBLIC RIGHTS OF WAY	Cost Estimate	UR Portion
Streets		
35 th St. – 101 to Ferry Slip Road	\$750,000	\$750,000
Commercial Street Prototype		
Anchor Way 35 th to 40 th	750,000	750,000
40 th & 101 Traffic Signal	506,000	0
(Offer SDC Credit as alternative)		
Sidewalks		
OSU Dr./Abalone (Moved to Ph. 1)	0	0
Ferry Slip Rd (29 th to SE OSU Dr.)	91,000	91,000
Acquisition/Development		
TSP Projects - right of way	250,000	250,000
Existing Street/ROW improvements including: paving, storm water, pedestrian/bicycle paths and landscaping	350,000	350,000
UTILITIES		
Sewer		
101 Gravity line south to Airport	1,000,000	1,000,000
Utility Lines		
Bury existing/new lines underground	300,000	300,000
PUBLIC AMENITIES		
Neighborhood Park Development	350,000	350,000
Neighborhood Park/Open Space		
Acquisition, including the 2.5 acre coastal gully & foredune site adjacent to South Beach State Park	200,000	200,000
ACQUISITION/DEVELOPMENT		
Strategic Site Acquisition for Re-Use	250,000	250,000
Site Prep for Re-Use	100,000	100,000
Strategic Site Acquisition for Economic Development, Community Facilities and Affordable Housing	500,000	500,000
SPECIAL PROJECT IDEAS		
South Jetty Trail (Moved to Phase 1)	0	0
Tsunami Evacuation Route		
Improvements	200,000	200,000
Wetland Mitigation Bank	100,000	100,000
Total:	\$5,547,000	\$5,191,000
Revenue Estimate (7.1% growth)		\$5,370,000

3. Phase 3 – 2017/20

PUBLIC RIGHTS OF WAY	Cost Estimate	UR Portion
Streets		
50 th & 101 Intersection Improvements	\$1,450,000	\$1,450,000
Sidewalks		
Abalone St. (OSU Dr. to 101)	100,000	100,000
35 th St. (Ferry Slip to Estuary turn)	337,500	200,000
Acquisition/Development	250,000	250,000
Existing Street/ROW improvements including: paving, storm water, pedestrian/bicycle paths and landscaping	846,000	846,000
UTILITIES		
Water		
12" Bay Under-crossing Pipeline	995,000	795,000
King Ridge Reservoir (15% of Cost)	196,200	196,200
Sewer		
Henderson Creek Piping	280,000	280,000
Henderson Creek Lift Station	323,000	323,200
Storm		
Project 5a – Redirect Drainage	1,480,000	1,480,000
Utility Lines		
Bury existing/new lines underground	200,000	200,000
PUBLIC AMENITIES		
Landscape		
Street Tree and Public Open Space Planting	100,000	100,000
Street Furniture	50,000	50,000
Gateway to South Beach	700,000	100,000
Neighborhood Park/Open Space Acquisition, including the 2.5 acre coastal gully & foredune site adjacent to South Beach State Park	200,000	200,000
ACQUISITION/DEVELOPMENT	0	0
COMMUNITY IMPROVEMENT PROGRAMS		
Fund Storefront Facade Loan/Grant Program	100,000	100,000
SPECIAL PROJECT IDEAS		
Trails – Acquire and Develop	300,000	300,000
Tsunami Evacuation Route Improvements	200,000	200,000
Wetland Mitigation Bank	100,000	100,000
Total:	\$8,070,200	\$7,270,200
Revenue Estimate (7.1% growth)		\$7,360,000
Grand Total for Phases 1 through 3 Projects		\$17,678,700

C. ESTIMATED COMPLETION DATE

The projects planned to be accomplished within the next ten years are expected to be awarded no later than December 31, 2020 and completed in a timely manner. The projects are divided in to three phases. The agency may adjust the design and construction of specific projects depending on the needs of the community and the urban renewal district as a whole.

- Phase 1 2009-2012
- Phase 2 2013-2016
- Phase 3 2017-2020

The three phases will enable the agency to plan and implement the financial plan in Section V.

A. ANTICIPATED TAX INCREMENT FUNDS

As stated in Oregon Revised Statutes Chapter 457 (ORS 457), tax increment funds are anticipated from growth in assessed value within the Area over the course of the Plan. Growth in assessed value is projected to occur through appreciation in property values ("appreciation percentage"), limited to no more than three percent annually, and through changes in property that add value that are "excepted" from the three percent limit. Such "exception value" results from factors such as subdivision or rezoning of land and from construction of improvements.

Table V-1 shows the projections of growth in tax increment funds. The table shows total expected tax increment revenue. The projections are based on reasonable expectations of near-term future development and have been prepared utilizing conservative assumptions about residential and commercial development that are likely to occur in the South Beach Urban Renewal District. The projections assume average annual growth of 7.1%, the average growth rate in the South Beach Urban Renewal District (SB-URD) from 2009 to 2027. The growth rate assumes a temporary 75% reduction due to the current residential development slowdown. The projections also assume a tax collection rate of 94.2%.

**Table V-1:
Urban Renewal Area Tax Increment Revenue Estimates**

Year	SB-URD Annual Revenue	SB-URD Cumulative Revenue
2009-10	\$1,759,905	\$1,759,905
2010-11	\$1,968,155	\$3,728,060
2011-12	\$2,119,834	\$5,847,894
2012-13	\$2,113,542	\$7,961,436
2013-14	\$2,274,723	\$10,236,159
2014-15	\$2,447,350	\$12,683,509
2015-16	\$2,621,111	\$15,304,620
2016-17	\$2,807,210	\$18,111,830
2017-18	\$3,006,522	\$21,118,353
2018-19	\$3,219,985	\$24,338,338
2019-20	\$3,255,682	\$27,594,020
2020-21	\$3,486,836	\$31,080,856
2021-22	\$3,734,401	\$34,815,257
2022-23	\$3,999,544	\$38,814,800
2023-24	\$4,283,511	\$43,098,311
2024-25	\$4,587,640	\$47,685,952
2025-26	\$4,913,363	\$52,599,315
2026-27	\$5,262,212	\$57,861,526

SOURCE: Lincoln County Assessor's Office and Johnson Reid, LLC

Unlike many urban renewal districts in Oregon, the SB-URD geographically spans six distinct property tax codes rather than one. For instance, the vast majority of assessed value in the District is within City of Newport jurisdiction (85%), but that portion only represents two of the six tax codes and combinations of local public service providers. Therefore, there are six different Measure 50 SB-URD tax code rates and six different projected assessed values. The tax increment projections are based on the combined value of the property tax codes and applicable tax rates for each affected taxing jurisdiction.

B. ESTIMATED AMOUNT OF MONEY REQUIRED UNDER ORS 457

The total expected tax increment revenue that is not committed to previous incurred debt, through 2027, is \$43,970,572. This revenue will be used to repay indebtedness incurred to finance the projects in this Plan Amendment. Table V-2 below shows the expected increment revenue and debt service schedule for the Plan Amendment. Fiscal year 2020-21, when the District is scheduled to cease incurring debt for new projects, is highlighted.

Table V-2:
Projected Revenues, Debt Service and Other Expenditures

Year	(A) URD Incremental Revenue	(B) Total Existing Debt Service	(C) Remaining Uncommitted Revenue	(D) Phase I Debt Service	(E) Remaining Uncommitted Revenue	(F) Phase II Debt Service	(G) Remaining Uncommitted Revenue	(H) Phase III Debt Service	(I) Remaining Uncommitted Revenue
2010-11	\$1,968,200	\$1,189,903	\$778,297	\$648,581	\$0		\$0	\$0	
2011-12	\$2,119,800	\$1,182,531	\$937,269	\$648,581	\$158,972		\$158,972	\$158,972	
2012-13	\$2,113,500	\$1,178,534	\$1,098,707	\$648,581	\$320,410		\$320,410	\$320,410	
2013-14	\$2,274,700	\$1,186,660	\$1,418,062	\$648,581	\$639,765		\$639,765	\$639,765	
2014-15	\$2,447,300	\$1,181,819	\$1,924,439	\$648,581	\$1,146,142	\$729,700	\$270,502	\$270,502	
2015-16	\$2,621,100	\$1,173,666	\$1,726,052	\$648,581	\$947,755	\$729,700	\$72,115	\$72,115	
2016-17	\$2,807,200	\$1,176,828	\$1,704,650	\$648,581	\$926,353	\$729,700	\$50,713	\$50,713	
2017-18	\$3,006,500	\$1,176,347	\$1,882,387	\$648,581	\$1,104,090	\$729,700	\$228,450	\$228,450	
2018-19	\$3,220,000	\$745,199	\$2,710,105	\$648,581	\$1,931,808	\$729,700	\$1,056,168	\$1,056,168	
2019-20	\$3,255,700	\$317,940	\$4,025,613	\$648,581	\$3,247,316	\$729,700	\$2,371,676	\$1,000,000	
2020-21	\$3,486,800	\$317,410	\$4,582,216		\$4,582,216	\$729,700	\$3,706,576	\$1,000,000	
2021-22	\$3,734,400	\$311,282	\$6,004,891		\$6,004,891	\$729,700	\$5,129,251	\$1,000,000	
2022-23	\$3,999,500	\$147,799	\$7,898,830		\$7,898,830	\$729,700	\$7,023,190	\$1,000,000	
2023-24	\$4,283,500	\$0	\$10,281,386		\$10,281,386	\$729,700	\$9,405,746	\$1,000,000	
2024-25	\$4,587,600	\$0	\$13,039,518		\$13,039,518		\$13,039,518	\$1,000,000	
2025-26	\$4,913,400	\$0	\$17,108,104		\$17,108,104		\$17,108,104	\$1,000,000	
2026-27	\$5,262,200	\$0	\$21,647,547		\$21,647,547		\$21,647,547	\$1,000,000	
Term of Loan (Years)				10		10		10	
Total Amount Borrowed				\$4,773,611		\$5,370,656		\$7,360,087	

SOURCE: Seattle-Northwest Securities, Lincoln County Assessor's Office, City of Newport, and Johnson Reid, LLC

Individual columns of financial projections in Table V-2 are labeled and described as follows:

- (A): Annual tax increment collected by the District.
- (B): Estimated, annual existing District debt service obligation as a result of debt refinancing by the District to realize more favorable terms.
- (C): Annual revenue remaining after existing debt service obligation is met.
- (D): Planned, new annual debt service to adequately fund projects identified in Phase I of this amendment.
- (E): Annual revenue remaining after existing and new, Phase I debt service obligation and reserve requirement are met.
- (F): Planned, new annual debt service to adequately fund projects identified in Phase II of this amendment, scheduled to begin in FY 2014-15.
- (G): Annual revenue remaining after existing and new, Phases I and II debt service obligation and reserve requirement are met.
- (H): Planned, new annual debt service to adequately fund projects identified in Phase III of this amendment, scheduled to begin in FY 2019-20.
- (I): Annual, cumulative District funds that are uncommitted after all existing and planned, new debt service obligation and reserve requirement are met each year.

Based on projections in Table V-2, revenues are expected to be sufficient to enable retirement of planned debt as early as FY 2023-24. To the extent that additional debt is taken on by the District in later years for circumstances currently unseen, substantial unobligated revenues expressed in Column (I) of

Table V-2 would be reduced accordingly and retirement of all debt would be delayed to no later than FY 2026-27.

C. ANTICIPATED YEAR IN WHICH INDEBTEDNESS WILL BE RETIRED

Table V-2 shows the anticipated schedule debt payment for existing debt and the Plan Amendment. All debts are scheduled to be retired by year 2027, though anticipated incremental revenues would be sufficient to retire all planned debt as early as fiscal year 2023-2024.

D. PROJECTED REVENUES AND EXPENDITURES

Table V-2 shows the annual anticipated revenues and expenditures for the Plan Amendment. The revenues result from tax increment revenue that is not already committed to financing existing debt. The total debt service for existing debt is \$12,130,828. Expenditures are based on potential debt schedules to finance the projects described in Section VII of this Plan Amendment. The total project costs and the Plan's share of those costs are also shown in Section V. For conservative revenue estimates, in addition to incremental tax revenues the District is assumed to realize 3% annual return on uncommitted revenues carried forward to the subsequent fiscal year.

E. STATEMENT OF FISCAL IMPACT ON OTHER JURISDICTIONS UNDER ORS 457.420-457.440

The use of tax increment financing creates a fiscal impact on the taxing districts (e.g. the City, the County, the Community College) that levy taxes within the Area. This impact consists of those districts foregoing the taxes that would have been levied on the increase in assessed value within the Area while tax increment financing is in effect.

In order to project these impacts, it is necessary to estimate the growth in assessed value that would have occurred without the Plan. The Plan's projects are anticipated to create assessed value growth that would not occur but for the Plan. Therefore the taxes that are foregone are those resulting from projected development without the public improvements developed under the Plan. It should be noted that revenue estimates in Tables V-1 and V-2 are lower than projections in Table V-3 due to realized property tax collection loss at approximately 6%.

Table V-3 shows the revenues foregone by the affected taxing districts, through 2027. The revenues foregone by the taxing districts equal their permanent tax rates times the projected incremental assessed value, plus the tax rates associated with general obligation bonds approved by voters before October 2001 times the bonding district's incremental assessed value. Note that the property tax revenues foregone by the Lincoln County School District do not result in revenue losses to the School District because of the system of state funding of K-12 education. The impacts are shown to illustrate what they would be if the school funding system is materially changed and property tax revenues become directly relevant.

The tax increment revenues terminate after 2027, and the additional revenues that are available to these taxing districts are projected to repay the districts for revenues foregone during the Plan.

**Table V-3:
Projected Property Tax Revenues Foregone**

Fiscal Year	Tailoring District														Total Tax Revenue													
	City of Newport		Lincoln County School		Lincoln County		Newport RPD		Pacific Communities		Lincoln County		Lincoln County Extension			Linn-Benton-Lincoln ESD		Port of Newport		Water-Seal Rock								
	Permanent Rate	GO Bond	GO Bond	Permanent Rate	GO Bond	Permanent Rate	GO Bond	Permanent Rate	GO Bond	Permanent Rate	GO Bond	Permanent Rate	GO Bond	Permanent Rate		GO Bond	Permanent Rate	GO Bond	Permanent Rate	GO Bond	Permanent Rate	GO Bond						
2009-10	5.5938	0.4348	\$47,558	\$101,066	4.9092	0.7854	\$96,788	\$601,914	0.0177	2.8202	\$345,783	\$4,622	0.9108	\$12,019	0.3625	\$44,446	\$1,947	0.0974	\$11,947	0.0451	\$5,530	0.3049	\$37,384	0.0629	\$7,467	0.1259	\$2,285	\$1,950,452
2010-11	\$611,842	\$655,035	\$50,915	\$108,201	\$644,407	\$109,621	\$370,194	\$0	\$12,868	\$47,584	\$5,920	\$23,063	\$1,947	\$12,785	\$5,920	\$40,023	\$7,694	\$13,757	\$14,798	\$6,370	\$6,802	\$43,065	\$8,602	\$9,252	\$2,989	\$7,446	\$2,088,547	
2011-12	\$705,241	\$4,819	\$116,497	\$694,379	\$111,498	\$0	\$14,425	\$1,201	\$14,425	\$51,201	\$3,914	\$4,837	\$1,947	\$13,757	\$6,370	\$43,065	\$8,602	\$14,798	\$14,798	\$6,802	\$6,802	\$46,323	\$9,252	\$9,252	\$2,989	\$7,446	\$2,248,668	
2012-13	\$759,032	\$0	\$125,379	\$745,641	\$0	\$428,485	\$0	\$16,091	\$55,074	\$4,365	\$4,365	\$0	\$16,091	\$55,074	\$4,365	\$4,365	\$0	\$16,091	\$14,798	\$14,798	\$6,802	\$6,802	\$46,323	\$9,252	\$9,252	\$2,989	\$7,446	\$2,411,153
2013-14	\$846,589	\$0	\$134,888	\$861,989	\$0	\$440,771	\$0	\$17,876	\$59,270	\$4,849	\$4,849	\$0	\$17,876	\$59,270	\$4,849	\$4,849	\$0	\$17,876	\$17,104	\$17,104	\$7,920	\$7,920	\$49,830	\$9,549	\$10,695	\$3,612	\$7,900	\$2,411,173
2014-15	\$878,231	\$0	\$145,069	\$862,102	\$0	\$495,254	\$0	\$19,786	\$63,658	\$5,367	\$5,367	\$0	\$19,786	\$63,658	\$5,367	\$5,367	\$0	\$19,786	\$18,312	\$18,312	\$8,471	\$8,471	\$53,543	\$11,450	\$11,450	\$3,867	\$8,471	\$2,593,195
2015-16	\$940,730	\$0	\$155,330	\$722,982	\$0	\$530,216	\$0	\$21,183	\$68,152	\$5,746	\$5,746	\$0	\$21,183	\$68,152	\$5,746	\$5,746	\$0	\$21,183	\$19,605	\$19,605	\$9,078	\$9,078	\$61,370	\$12,258	\$12,258	\$4,140	\$9,078	\$2,972,255
2016-17	\$1,006,606	\$0	\$166,274	\$986,119	\$0	\$567,647	\$0	\$22,679	\$72,964	\$6,152	\$6,152	\$0	\$22,679	\$72,964	\$6,152	\$6,152	\$0	\$22,679	\$20,869	\$20,869	\$9,719	\$9,719	\$65,702	\$13,123	\$13,123	\$4,432	\$9,719	\$3,182,083
2017-18	\$1,077,668	\$0	\$178,032	\$1,067,876	\$0	\$620,721	\$0	\$24,780	\$78,115	\$6,586	\$6,586	\$0	\$24,780	\$78,115	\$6,586	\$6,586	\$0	\$24,780	\$22,470	\$22,470	\$10,465	\$10,465	\$70,341	\$14,050	\$14,050	\$4,745	\$10,465	\$3,406,724
2018-19	\$1,151,744	\$0	\$190,379	\$1,137,558	\$0	\$690,623	\$0	\$25,974	\$83,627	\$7,051	\$7,051	\$0	\$25,974	\$83,627	\$7,051	\$7,051	\$0	\$25,974	\$24,057	\$24,057	\$11,319	\$11,319	\$75,307	\$15,042	\$15,042	\$5,080	\$11,319	\$3,441,191
2019-20	\$1,232,395	\$0	\$203,395	\$1,238,109	\$0	\$745,728	\$0	\$27,933	\$95,854	\$8,081	\$8,081	\$0	\$27,933	\$95,854	\$8,081	\$8,081	\$0	\$27,933	\$25,755	\$25,755	\$11,926	\$11,926	\$80,623	\$16,304	\$16,304	\$5,438	\$11,926	\$3,686,265
2020-21	\$1,315,696	\$0	\$215,751	\$1,309,750	\$0	\$804,373	\$0	\$29,877	\$102,670	\$8,652	\$8,652	\$0	\$29,877	\$102,670	\$8,652	\$8,652	\$0	\$29,877	\$27,573	\$27,573	\$12,767	\$12,767	\$86,314	\$17,240	\$17,240	\$5,822	\$12,767	\$3,946,489
2021-22	\$1,402,698	\$0	\$230,348	\$1,392,897	\$0	\$865,075	\$0	\$31,840	\$109,865	\$9,243	\$9,243	\$0	\$31,840	\$109,865	\$9,243	\$9,243	\$0	\$31,840	\$29,520	\$29,520	\$13,669	\$13,669	\$92,408	\$18,457	\$18,457	\$6,233	\$13,669	\$4,225,300
2022-23	\$1,497,896	\$0	\$247,253	\$1,480,643	\$0	\$935,075	\$0	\$33,861	\$117,621	\$9,917	\$9,917	\$0	\$33,861	\$117,621	\$9,917	\$9,917	\$0	\$33,861	\$31,604	\$31,604	\$14,634	\$14,634	\$98,931	\$19,760	\$19,760	\$6,673	\$14,634	\$4,593,379
2023-24	\$1,595,896	\$0	\$266,348	\$1,569,348	\$0	\$1,015,718	\$0	\$35,914	\$125,975	\$10,617	\$10,617	\$0	\$35,914	\$125,975	\$10,617	\$10,617	\$0	\$35,914	\$33,815	\$33,815	\$15,667	\$15,667	\$105,916	\$21,155	\$21,155	\$7,144	\$15,667	\$4,842,709
2024-25	\$1,699,896	\$0	\$287,318	\$1,695,718	\$0	\$1,088,836	\$0	\$38,003	\$134,814	\$11,366	\$11,366	\$0	\$38,003	\$134,814	\$11,366	\$11,366	\$0	\$38,003	\$36,223	\$36,223	\$16,774	\$16,774	\$113,398	\$22,847	\$22,847	\$7,649	\$16,774	\$5,184,583
2025-26	\$1,809,896	\$0	\$309,318	\$1,794,618	\$0	\$1,162,880	\$0	\$40,061	\$144,332	\$12,168	\$12,168	\$0	\$40,061	\$144,332	\$12,168	\$12,168	\$0	\$40,061	\$38,780	\$38,780	\$17,957	\$17,957	\$121,398	\$24,238	\$24,238	\$8,188	\$17,957	\$5,550,397

F. IMPACTS ON TAXPAYERS

This amendment to the phasing and financing of projects in Substantial Amendment 5 will not change the SB-URD's impact on taxpayers. General obligation bonds approved by voters before October 2001 are subject to the division of tax. There are five such general obligation bonds in the SB-URD. They are all scheduled to retire by 2019, prior to the previously scheduled sunset of the SB-URD. These bonds will continue to be subject to the division of tax, regardless of any extension to the SB-URD plan.

Any general obligation bonds approved after October 2001 are not subject to the division of tax.

NOAA MARINE OPERATIONS CENTER TAX REVENUE IMPACTS

NOAA MARINE OPERATIONS CENTER TAX REVENUE IMPACTS

The National Oceanic and Atmospheric Administration (NOAA) recently reconfirmed its decision to award the Port of Newport, Oregon its long-term lease decision for its Pacific Marine Operations Center (MOC). In response to this decision, the potential property tax revenue implications of this decision to Newport's South Beach Urban Renewal Area were evaluated.

METHODOLOGY & LIMITATIONS

This analysis quantifies the tax revenue impacts for specific jurisdictions resulting from economic activity generated by NOAA's decision to relocate its Pacific MOC to Newport. At this time, little information is available regarding anticipated spending by the facility for on-going operations, repairs, etc. As such, we relied on secondary sources where possible, using our best estimate of historical operations activity in the Seattle area, the former home of the Pacific MOC.

Finally, in light of present uncertainty, where specific measures were not available, we established defensibly conservative estimates designed to err on a lower level estimate.

FINDINGS

ESTIMATING PRIVATE MOC SPENDING LOCALLY

It was assumed that NOAA's Pacific MOC will spend roughly \$80 million annually on various operations, repair/maintenance activity, and various federal contracts related to these activities annually. This assumption was based on a July 2009 editorial in the Seattle Times co-authored by representatives from the Port of Seattle, Seattle City Council, the University of Washington, and a major NOAA MOC contractor in Seattle.¹ The editorial declared annual direct and indirect economic activity related to NOAA's MOC at roughly \$180 million annually. This figure was evaluated in light of other available information about other NOAA investments in the Seattle area to arrive at a more conservative estimate of \$80 million in direct activity, specifically in Newport.

TABLE 1: BASELINE CONTRACT SPENDING
BASELINE MOC SPENDING ASSUMPTIONS

Total Estimated Direct Spending 1/:	\$80,000,000
Private Share 2/:	33%
Spending to Private Firms:	\$26,400,000
Newport's Capture of Private Spending 2/:	50%
Spending to Private Firms in Newport:	\$13,200,000

1/ Based on editorial in the Seattle Times, July 2009. Contributors included Jean Godden, Seattle City Council; Bill Bryant, Port of Seattle Commissioner, Steve Welch, CEO of Pacific Shipyards; and Mark Emmert, President of the University of Washington.

2/ Conservative assumptions made by Johnson Reid, LLC

¹ "NOAA Should Keep its Marine Operations on Lake Union." *The Seattle Times* July 30, 2009. Editorial Contributors included Jean Godden, Seattle City Council; Bill Bryant, Port of Seattle Commissioner, Steve Welch, CEO of Pacific Shipyards; and Mark Emmert, President of the University of Washington.

To estimate the *private development* impacts of this spending, we assumed that one-third of spending activity took the form of private contracts. This assumption is considered conservative based on our professional opinion.

Finally, we assumed that the Newport economy could capture half of the private contract spending of the Pacific MOC. This assumes that the remaining half of the activity would leak to other communities such as Portland, Astoria, or remain in Seattle. This process results in an approximation of \$13.2 million in annual contract spending estimated to be captured in the Newport economy.

TRANSLATING CONTRACT SPENDING INTO JOBS

Estimates of direct and secondary (indirect/induced) job impacts were developed by utilizing impact multipliers from IMPLAN² (Impacts for PLANing) economic impact analysis model. Developed by the Forest Service to assist in land and resource management planning, IMPLAN is an economic impact model designed for analyzing the effects of industry activity upon all other industries in an economic area.

Utilizing this methodology, we estimate a total of 100 private, permanent jobs resulting from NOAA spending in Newport, at least 63 of which would be direct employment due to federal contract awards for the local private sector.

² Minnesota IMPLAN Group (MIG), Inc., Stillwater, Minnesota

TABLE 2: JOB IMPACTS OF CONTRACT SPENDING

Contract Spending, Jobs, and Multipliers		
Direct Private Contract Spending 1/:	\$13,200,000	Multiplier
Direct Jobs 2/:	63.4	4.8 jobs/\$1 million
Indirect & Induced 2/:	37.0	2.8 jobs/\$1 million
Contract. Jobs:	100.3	
Jobs By Industry Type		
<u>Direct:</u>		Jobs
NOAA Contractors (Ship repair, research, etc.)		63.4
<u>Indirect/Induced 2/:</u>		
Food services and drinking places:		4.0
Real estate establishments:		2.6
Wholesale trade businesses:		2.6
Employment services:		1.3
Accounting, tax preparation, bookkeeping, and payroll services		1.3
Offices of physicians, dentists, and other health practitioners:		1.3
Private hospitals:		1.3
Civic, social, professional, and similar organizations:		1.3
Retail Stores - Food and beverage:		1.3
Other Retail/Commercial Services:		19.8

1/ From Table 1

2/ Jobs Multipliers generated by IMPLAN.

CALCULATING THE SHARE OF JOBS CAPTURED BY SOUTH BEACH

The industries identified in Table 2 into general land use types are based on the typical space utilization of each industry. This translates into roughly 66 industrial jobs, 25 commercial jobs, and 9 office jobs. Secondly, we apply a 20% capture factor for the South Beach district which translates into an estimate of approximately 20 jobs supported in the district.

TABLE 3: SOUTH BEACH CAPTURE OF JOB IMPACTS BY LAND USE TYPE

Space Type	Total Newport Jobs Impacts 1/	South Beach Jobs Impacts 2/
Industrial	66.0	13.2
Commercial	25.1	5.0
<u>Office</u>	<u>9.2</u>	<u>1.8</u>
TOTAL:	100.3	20.1

1/ From Table 2

2/ Assumes a conservative 20% capture rate for South Beach, Johnson Reid, LLC

CONVERSION OF JOBS TO DEVELOPED SPACE

We then multiplied the number of estimated jobs captured in the South Beach District by a typical square footage per job by land use type. These assumptions are based on the U.S. Department of Energy's Commercial Building Energy Consumption Survey. This process yields an estimate of roughly 25,200 private, developed square feet supported by NOAA contract spending in South Beach.

TABLE 4: PRIVATE EMPLOYMENT IMPACT DEVELOPMENT IN THE SOUTH BEACH

Space Type	South Beach Jobs Impacts 1/	Est. Sq. Ft. per Job 2/	Est. Development Impacts (Sq. Ft.)
Industrial	13.2	1,510	19,932
Commercial	5.0	883	4,429
Office	1.8	468	865
TOTAL:	20.1	N/A	25,226

1/ From Table 3

2/ Calculated as a weighted average across industries based on Newport's existing distribution. Derived from The U.S. Department of Energy's Commercial Building Energy Consumption Survey. (2003)

CONVERSION OF NEW DEVELOPMENT TO MARKET VALUE & TAXABLE ASSESSED VALUE

In Table 5, the supportable space was translated into land by standard Floor Area Ratios (FAR) by land use type, yielding an estimate of 2.0 improved acres. Secondly, we apply per acre development costs by land use type to each land/space estimate to calculate replacement cost of improvements. This analysis conservatively assumes market value is equal to replacement cost.

TABLE 5: ESTIMATED MARKET VALUE GENERATED BY NOAA'S CONTRACT SPENDING LOCALLY

Space Type	NOAA Impact	Assumed F.A.R 2/	Improved Acres	Per Acre Improvement Cost 3/	Est. Market Replacement Value	2009-10 CPR 4/	Taxable Assessed
Industrial	19,932	0.30	1.53	\$1,511,500	\$2,305,419	1	\$2,305,419
Commercial	4,429	0.25	0.41	\$1,971,000	\$801,636	0.58	\$464,949
Office	865	0.35	0.06	\$2,361,500	\$133,961	0.58	\$77,698
TOTAL:	25,226	N/A	2.0	N/A	\$3,241,016	N/A	2,848,065

1/ From Table 4

2/ Assumes a typical, low-rise development profile with 4 parking spaces per 1,000 square feet of space.

3/ RS Means Construction Cost Estimator

4/ Changed Property Ratio: The adjustment made from new improvement market value to taxable assessed value under Measure 50.

SOURCE: Lincoln County Assessor's Office and Johnson Reid, LLC

We then applied the Lincoln County 2009-10 Changed Property Ratio (CPR) by land use type, which revealed an estimated increase in taxable assessed value of \$2.85 million. Therefore, \$13.2 million in locally captured economic activity resulting from NOAA Pacific MOC decision is expected to translate into an

increase of \$2.85 million in new, taxable assessed value in the South Beach Urban Renewal District.

CONTRIBUTION TO SOUTH BEACH URBAN RENEWAL DISTRICT GROWTH

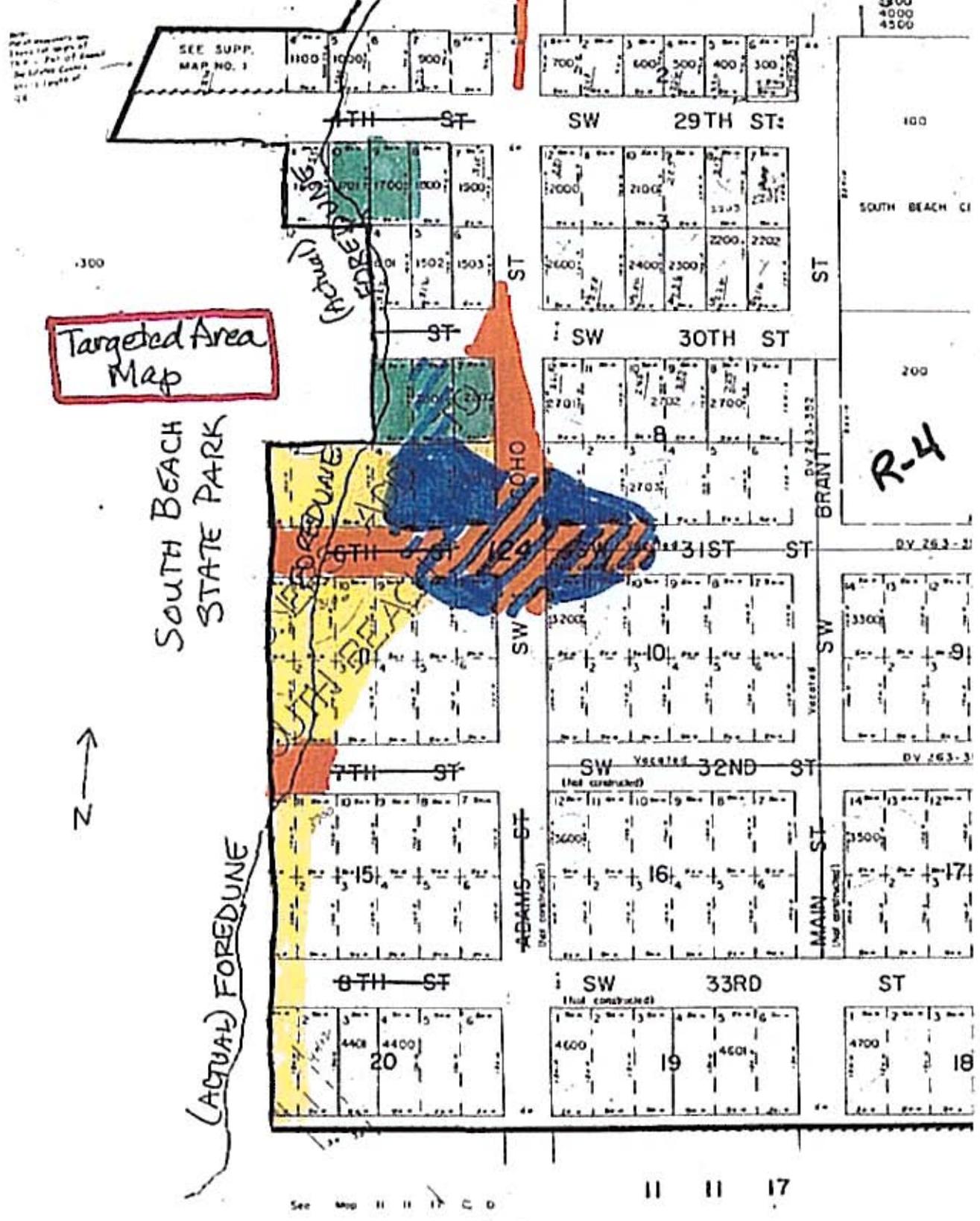
The estimated \$2.85 million in new, taxable assessed value as a result of NOAA facility-induced economic growth will directly contribute to the South Beach Urban Renewal District total, taxable assessed value and by extension, annual incremental tax revenue. The increase in assessed property value is equivalent to 2.9% of existing District value in 2009.

For purposes of conservative District revenue forecasting, we assumed the new, taxable assessed value would be constructed and enter the tax rolls in equal increments over a four year period. Therefore, in fiscal years 2011-12 through 2014-15, the District is assumed to grow by \$712,000 annually due solely to NOAA facility impact growth. Detailed projections of District property tax revenue growth are found in Table V-1 of the plan amendment report.

South Beach Urban Renewal Plan
 PHASE I - Public Amenities:
 OPEN/GREEN SPACE SITE ACQUISITION

- wooded lots in existing neighborhood
- coastal gully
- foredune land and eastern slope not within State Park boundary
- dedicated right-of-way

LINCOLN COUNTY
 SOUTH JETTY ROAD 1" = 100'
 NE 1/4 SW 1/4 Section 17 T11S



Targeted Area Map

SOUTH BEACH STATE PARK



(ACTUAL) FOREDUNE

See Map 11 17 C D

11 11 17