

PORT OF NEWPORT COMMISSION REGULAR MEETING

Tuesday, October 24, 2023, 6:00 p.m.

Administration Building

600 SE Bay Blvd.

Newport, OR 97365

This will be a hybrid meeting, which means you can attend in-person, or you can view the livestream of this meeting on our website: <https://www.portofnewport.com/2023-10-24-commission-meetings-2023-oct-24-2023-6-00-p-m>

Anyone interested in making public comment must complete the form on our website and submit it by 11:00 a.m. on Monday, October 23, 2023: <https://www.portofnewport.com/2023-10-24-commission-meetings-2023-oct-24-2023-6-00-p-m>

I. Call to Order

II. Changes to the Agenda

III. Public Comment (3-minute limit per person)

IV. Consent Calendar

2023

- A. Minutes.....Sept. 26 and Oct. 4Page 3
- B. Financial Reports.....Page 10
- C. Accounts Paid.....Page 29

V. Old Business

- A. City of Newport Bayfront Parking Update – *Derrick Tokos*Page 31
- B. Approval Commercial Marina Parking Rates – *Bretz*.....Page 92
- C. Appointment of Commissioner Liaisons – *Miranda*.....Page 97
- D. Approval of DSL Lease Assignment from Goplen–Port Dock 1 - *Miranda*...Page 100
- E. Approval of Amendment to DOWL Contract for Army Corps Cap
Section 107 Sediment Sampling – *Bretz*.....Page 106
- F. Approval of Policy Regarding RV Park Stays and Discounts – *Brown*.....Page 112

VI. New Business

- A. Employee Recognition – Jim Durkee – 20 Year Anniversary
- B. Approval of NOAA Facility Painting Contract – *Bretz*Page 119

VII. Staff Reports

- A. Executive Director’s Report – *Miranda*.....Page 120
 - 1. Director of Finance and Business Services – *Brown*Page 123
 - 2. Director of Operations – *Bretz*Page 128

VIII. Commissioner Reports

IX. Calendar/Future Considerations 2023

Fishermen Appreciation Day.....November 17, 2023
Next Commission Meeting.....November 21, 2023

X. Public Comment

XI. Adjournment

September 26, 2023
6:00 P.M.
Newport, OR

PORT OF NEWPORT COMMISSION MINUTES

This is not an exact transcript. The video of the session is available on the Port's website.

The Port of Newport Commission met on the above date and time at the Administration Building, 600 SE Bay Blvd., and virtually via Microsoft Teams. In attendance were Commissioners Retherford, Ruddiman, Chuck, Lackey, and Sylvia. Also in attendance were Executive Director Paula Miranda, Director of Business and Finance Services Mark Brown, Operations Director Aaron Bretz, Administrative Assistant Gloria Tucker, PR Consultant Angela Nebel, and Kern and Thompson Representative Eric Zehntbauer.

CONSENT CALENDAR

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

OLD BUSINESS

Approval of the 2021-2022 Audit. Sylvia introduced the agenda item. Zehntbauer overviewed the audit included in the packet.

MOTION was made by Lackey, seconded by Rether, to accept the audit report. The motion carried unanimously in a voice vote.

Adoption of Resolution 2023-03 a Resolution Replacing the Authority of the General Manager to the Executive Director throughout the Port of Newport. Sylvia introduced the agenda item. Miranda reported the ordinance passed last month changed the bylaws, and this resolution allows all references to General Manager throughout the Port to be changed to Executive Director.

MOTION was made by Retherford, seconded by Ruddiman, to adopt Resolution 2023-03 a Resolution Replacing the Authority of the General Manager to the Executive Director throughout the Port of Newport. The motion carried unanimously in a voice vote.

NEW BUSINESS

Legislative Changes to Public Meetings Report – HB 2805. Sylvia introduced the agenda item. Miranda overviewed HB 2805 included in the packet. Sylvia confirmed with staff this has to do with enforcement of grievances to public meetings.

STAFF REPORTS

Executive Director's Report. Miranda reported she wanted to go through the Commissioner liaison appointments. She stated she would send the list to the Commissioners and bring that to the October Commission meeting. She overviewed the cash flow and projects report included in the packet. Sylvia asked did the cash flow require any tough choices

or place the Port in a risky position. Miranda replied the Port has not been put in a risky situation, but decisions are based on things staff can live with pushing off and others that give no choice. Bretz stated his biggest concern is the Port Dock 7 project. He noted not being able to do all the Port Dock 7 sampling puts the Port behind. Miranda stated she would not like to push that project too long in completion. She explained staff are trying to split Port Dock 7 and the Army Corps project so the Port can do the sampling for the Army Corps. Bretz noted the most critical part is the Corps part, to keep them interested. Sylvia clarified with staff the cost for sampling.

Miranda reported that next week Commission will have a work session to discuss the RV Park plan. She noted she is still working with the state on the loan for the NIT crane. She stated the RORO Dock project will likely be next budget year due to Congress' lack of funding, which affected the Congressional Direct Spending Request originally approved by the House Committee. She indicated she doesn't know if the Port was awarded the grant for the equipment at the Terminal yet. Bretz reported another critical project coming is the RV Park Annex. He noted the Port will have the conceptual plan in hand, and if construction doesn't get going, then the Port will lose capability to keep it open. Miranda added she has been talking to the state about how funding is going into tourism marketing, but not tourism infrastructure.

Miranda reported South Beach has been busy, and a position is open for the RV Park Supervisor. She noted staff are coordinating with NOAA on survey work. She stated permits are ongoing for South Beach and NIT dredging. She indicated the Port has conditional approval from the federal government but is still waiting on the state. She added she will be working with Regional Solutions so economic development doesn't stop.

Miranda reported she is the president of OPPA this year. She stated she expects to bring parking in the Commercial Marina to the October meeting. She noted she is closing on 343 SW Bay Blvd property today, which should bring in around \$105,000. She added the RORO Dock project is waiting on the grant.

Lackey asked what is the \$800,000 loan for a new building and siding listed on the cash flow report. Miranda replied that would only happen if the Port had a tenant that can show return on investment. She explained the Port would not build a new building without that. She noted in South Beach there may not be the space if NOAA expands. Lackey confirmed with staff the interest rate for the NIT crane will be less than 4 percent. Lackey clarified with staff the interest rate for the Administration Building. He asked is there any possibility for the criteria to decrease for the sampling. Bretz replied nothing can be cut. He explained the sampling will be used for geotechnical, dredging method, and dredging spoils. He added none of the information the Port has so far indicates there will be a problem dredging.

COMMISSIONER REPORTS

Retherford reported Representative Gomberg and Midwater Trawlers will have a listening session on wind energy on Friday from 4-6 p.m. at the Yacht Club. She added they are doing three more listening sessions on the south coast.

Chuck reported he and Lackey attended a BOEM task force meeting last week. He stated the meeting was unsatisfactory as usual, especially on the subject of local job creation. He noted he asked for a joint meeting between California users and the Oregon task force. He explained there are a lot of folks who have no idea what others are doing. He added he asked them to share the fishing information that the California fishermen have done. Lackey added this is not going

well on the east coast, and rising costs have been passed to customers. Retherford added there was a 60-day comment period, and people are asking for 30 more days to comment.

Sylvia confirmed with Commission that he has authority to reply to constituents on behalf of the Commission. Miranda requested moving up the March Commission meeting by a week.

ADJOURNMENT

Having no further business, the meeting adjourned at 7:36 p.m.

October 4, 2023
12:00 P.M.
Newport, OR

PORT OF NEWPORT COMMISSION WORK SESSION MINUTES

This is not an exact transcript. The video of the session is available on the Port's website.

The Port of Newport Commission met on the above date and time at the Administration Building, 600 SE Bay Blvd., and virtually via Microsoft Teams. In attendance were Commissioners Retherford, Ruddiman, Chuck, Lackey, and Sylvia. Also in attendance were Executive Director Paula Miranda, Director of Business and Finance Services Mark Brown, Operations Director Aaron Bretz, Administrative Assistant Gloria Tucker, Harbormaster Kody Robinson, and Accountant I Susan Taylor.

DISCUSSION REGARDING RV PARK PLAN POLICIES

Miranda noted an email the Commission received from James Taneri on the subject of RV Park stays. Sylvia stated Taneri's key objective for the RV Park is for the park to provide financial support for local business. He noted that is not the only concern for the Commission, but he found it a valid point. Miranda stated that is true in part from the staff point of view. She explained long-term users often make a big purchase where they are from before they come to the coast. She noted the short-termers are tourists, and they go to restaurants and shop locally. She indicated if a stay is under one month, they have to pay the hotel tax, and over a month they don't. She added that's one less thing that helps the city.

Sylvia stated that's one goal, but the Port has to make sure revenues meet its financial needs. He noted Taneri grouped the types of people who use the Park, those who around most of the time vs those who aren't in the space and use it as storage. Miranda noted another point in the proposed policies is to make it a requirement for people to use spaces 70 percent of their stay. She explained it is fine to explore the area for a day or two, but the Port doesn't want people to use the RV Park as a resort and park here but only come here on the weekends. She indicated that hurts the whole business community. She added basically, if someone wants to use the RV Park, they have to be here seven out of ten days.

Brown overviewed the definitions included in the packet. He reported an option not included in the packet is to charge long-term stays the daily rate, and not provide a discount. Miranda noted that does not address the need for more short-term stays and the city's hotel tax. She added it would help the Port to reduce the discount during the peak season. Sylvia asked if the simple goal was to optimize returns back to the Port, what would be the policy. Brown replied that would be no discount at all and would result in \$1 million in revenues. Miranda noted the Port needs to be careful in the off season, because demand is not as high. Brown noted even in the plan provided, the Port will need to monitor how many guests it is losing. He explained going through the reservation system, the number of people that logged in and didn't create a reservation in the last three months was hundreds. He stated they could not find a spot. He added he left the off season alone in the proposed policy.

Retherford stated she knows there needs to be an overhaul. She noted charges need to cover not just employees, but utilities and maintenance. She asked if money is being put away to upgrade the place, and if deep discounts mean the Port is not covering basic costs. Brown replied the Port would not survive without the RV Park because that is the cash generating entity. He stated the

revenues cover all the maintenance. Miranda noted the Port is not putting money aside for replacement. She explained the RV Park is a huge offset for other Port expenses including the marina and pavement in South Beach. She added money was not set aside for upgrades to the Annex, and that's no different for the RV Park.

Sylvia stated, hopefully, when the Port redoes the Strategic Plan, the Commission will have this discussion again. He noted he thinks this touches on the fundamentals of financial policies and how that supports fixed costs and infrastructure costs relative to operational costs. He indicated the Commission is in a difficult place because they don't have the revenue stream to pay for fixed and infrastructure costs. He added a lot of Ports are in that position.

Sylvia asked what does the Port lose or gain financially from this policy. Miranda replied staff had to balance that a lot of long-term folks are moorage holders, and they spend most of their time in the Park in the summer. She stated the Port doesn't want to shoot itself in the foot because moorage holders can go somewhere else with their boat. She explained the policy still gives them a discount, but not as heavy a discount as before. She indicated the policy slowly removes long-term stays for non-moorage holders. She emphasized the RV Park is not a mobile park, and the Port's mission is to support tourism, not housing. Retherford noted she stays in Cottage Grove two weeks at a time, and she hits up Costco prior to going. She added people don't go unprepared to the coast because options for buying are limited. She suggested staff overview each year in the proposed policy.

Brown reported the Port does not want to make such a drastic change in year one that no one comes back. He stated staff want to give them an opportunity to plan for future years. He noted in year one, if someone has a slip and RV space, they receive a maximum discount of 40 percent, and can stay up to six months. He explained this reduces the discount from 51 to 40 percent. He indicated those without a marina slip, have only a 35 percent discount and can stay for three months maximum. He added people can leave for a week and then stay another three months.

Brown reported the facility code allows marina slips to be reserved six months in advance, but it is silent on RV spaces. He stated staff applied the same policy to both. He noted the other requirement in year one is to require people to be in the park 70 percent of the time, seven out of ten days in a one-month period.

Sylvia asked how that is enforced. Miranda replied if someone made a reservation and is not there after three days, staff would notify them that they are cancelling their reservation, and then return a portion of the fee (if it falls within the return policy). Brown noted in many state parks, people have to arrive within two days of their reservation, and if they don't arrive, they lose their spot and they don't get a refund. Miranda stated staff will bring back the enforcement details and make it part of the Facilities Code. Bretz stated it is hard to catch people who are skirting the edge of it, but at least this policy gives staff a mechanism for cancelling reservations of egregious violations. Miranda added staff constantly get calls and emails from people who are trying to do a short stay and they are frustrated because they come to the RV Park and see open spaces.

Sylvia asked how many people aren't staying the whole time. Brown replied staff haven't had a reason to keep track since it's not a current regulation. Lackey asked if the complaints are more about empty spaces or empty RVs. Bretz replied it is more about spaces, but staff get complaints about both. Ruddiman asked are all the spaces over there reservable, or are there any first come, first serve. Brown replied they are reservable. Miranda replied the Port could offer some first come, first serve, but that is too difficult now during peak season.

Brown stated part of this policy is no lottery system. He explained as people leave; they make a reservation for the next year for up to 50 percent of the park. Retherford suggested requiring

if people make a reservation and do not come here in three days, then that reservation is gone. Brown added there are no changes to the off season in any of the policy years.

Brown reported in year two, for those with an RV space and marina slip, they can still stay six months. He stated instead of 40 percent, it's a 35 percent discount. He explained for those with just an RV space, it's a 30 percent discount and only three month stays. He indicated they still must spend 70 percent of the time in the Park. He added the amount of long-term stays in the Park will be reduced from 50 percent to 40 percent, meaning an increase for the short-term stays.

Rutherford stated 5 percent doesn't seem much of a discount change. Miranda replied staff are trying to be considerate and don't want to put too much on people. Brown replied the Port doesn't want to give undue hardship. He added a small change at the marina is a big increase in price.

Brown reported in year three, there is a 30 percent discount for those who have RV and moorage. He stated the discount for non-moorage holders is eliminated. He noted the number of available spaces for long-term stays is reduced to 35 percent. He explained the moorage holders occupy 30-35 percent of the Park. Sylvia asked what the percentage of users is who have RV and moorage. Brown replied it is around 50 percent. Miranda added those users are not all long-term stays. Brown overviewed the question and answers section included in the packet.

Lackey asked does Brown anticipate staff time to go up with more short-term stays. Brown replied people who stay long-term do take less staff time, but short-term stays that are made online require even less staff time. Miranda replied there may be a little more work, but sometimes the folks who stay longer can take a lot of time too. Brown noted the RV Park has three fulltime staff members, plus the supervisor. He added it may not be easy to change, but it can be planned for. Miranda noted for the Annex, it is a good idea to have a plan in place before the new site comes. Bretz noted a reduction in occupancy is a benefit. He explained the Park is functionally full at 85 percent, and when occupancy is above that, staff can't keep up on maintenance or turnover. Brown added during peak season, the occupancy has been 100 percent in the RV Park.

Sylvia asked if this plan balances the needs of revenue for the Port's fixed costs and the economic needs of the community. He asked does it contribute to net dollars in tourism and does it cover the cost of staff. He noted as a Commissioner, he would be very concerned if the Port was trading off \$300-\$400,000 of revenue to meet economic development needs of the community. He asked is the Port giving up significant revenue to have this plan. Brown replied the opposite is true, and the Port will gain revenue by implementing this plan. Sylvia asked is the plan optimal. Brown replied if there were no discounts, the Port would lose a significant population of customers and revenues would be worse. Miranda stated the Port does need to have analysis throughout the Port on all its costs and potential costs. Discussion ensued on the need for a long-term analysis on the financials of the Port. Miranda added the RV Park is a critical revenue generator for the Port, and staff never want to do anything to a point where it loses the customer base.

Rutherford stated there are not a whole lot of costal RV Parks to choose from in Oregon. She noted there is an advantage to having a RV park on the middle of the Oregon coast. She indicated it's going take gas to go other places, and the same fishing is not available everywhere. She added there is an advantage to this RV Park, and the Port needs to think forward about future customers. Sylvia summarized this is a unique Port with unique attributes and characteristics that make it valuable. He noted pricing and stay policies need to take advantage of that. Discussion ensued on the importance on keeping up on the costs to infrastructure improvements. Sylvia requested in the future, staff provide policy alternatives.

Retherford asked if anything would change in the off season after three years. Miranda replied the off season discount is a marketing tool. She stated the Port is trying to recruit people to come here in the winter months. Brown stated the biggest thing the Port can do during the off season is to find events like the Seafood and Wine Festival and charge a surcharge. Bretz noted when the Annex gets redeveloped, that will change the rates and occupancy as well. Retherford confirmed with staff the same fees will apply throughout the RV Park and Annex. She asked if long-term stays will be allowed in the new Annex. Brown replied staff are still discussing that.

Lackey recommended simplifying the seven out of ten days to three or four days in a row, something cut and dry. Chuck asked if the Port could limit users subleasing spaces. Bretz replied he believes that is already in the Code. Retherford suggested requiring people who don't show up for reservations within a certain length of time to have their reservation cancelled.

ADJOURNMENT

Having no further business, the meeting adjourned at 1:26 p.m.



PON BALANCE SHEET

Period: 07/01/23..09/30/23

Port of Newport

**GENERAL OPERATING
FUND**

Description	Balance
Assets	
Current Assets	
Cash Deposits	770,506.69
Cash on hand - Petty Cash	550.00
Cash on hand - Cash Drawers	825.00
Accounts Receivable	553,658.28
Property Tax Receivable	0.00
Grants Receivable	11,286.00
Allowance for Bad Debt	(50,000.00)
Interfund Activity Receivable	356,236.79
Prepaid Expenses	137,317.40
Total Current Assets	1,785,888.93
TOTAL FIXED ASSETS	48,191,548.10
Deferred Outflows of Resources	
Advanced Refunding (DOR)	0.00
PERS NPA(L)	(1,038,515.00)
PERS Deferred Outflow	262,672.00
Total Deferred Outflow Resrcs	(775,843.00)
TOTAL ASSETS	49,201,594.03
LIABILITIES	
Current Liabilities	
Accounts Payable	192,294.38
Credit Cards Payable	(29,617.24)
Accrued Lodging Taxes	(35,745.72)
Accrued Property Tax	1,252.05
Unclaimed Property	75,514.92
Interfund Activity Payable	358,287.57
Payroll Payable	45,145.02
Compensated Absences	71,030.89
Accrued Payroll Taxes	(38,589.50)
Retirement Payable	6,357.73
Garnishment Payable	439.56
Benefit Payable	58,137.29
Accrued Interest	11,368.00
Deposits - SB	99,080.32
Deferred Revenue	(431,655.33)
Current Portion - Notes Payable	454,043.00
Current Portion - Bonds Payable	235,000.00
Total Current Liabilities	1,072,342.94
Non-current Liabilities	
Long-term Debt	6,655,260.24
Less Current Portion - Long-term Debt	(689,043.00)



PON BALANCE SHEET

Period: 07/01/23..09/30/23

Port of Newport

Fiscal Start Date: 07/01/23

Fund Filter: 100

All amounts are in USD.

Description	Balance
Bond Premiums	70,965.00
Total Non-current Liabilities	6,037,182.24
Deferred Inflows of Resources	219,726.00
Total Liabilities	7,329,251.18
Equity (Fund Balance)	
Restricted Fund Balance	1,140,000.00
Committed Fund Balance	0.00
Assigned Fund Balance	667,000.00
Unrestricted Fund Balance	34,986,426.98
Contributed Capital	7,130,788.00
Prior Period Adjustment	0.00
Total Equity (Fund Balance)	43,924,214.98
Retained Earnings	262,831.98
Net Assets	41,872,342.85
Total Liabilities and Equity	49,201,594.03



Period: 07/01/23..09/30/23

Port of Newport

GENERAL OPERATING FUNDS - ALL DEPTS

Description	Actual	Budget	Variance
OPERATING REVENUE			
Lease Revenue	216,063.43	201,194.57	14,868.86
Moorage	686,050.61	679,880.06	6,170.55
Services	46,655.71	98,848.89	(52,193.18)
Cargo	17,572.75	2,300.00	15,272.75
RV Park Space Rentals	638,655.29	562,400.00	76,255.29
Fees	246,549.58	202,819.89	43,729.69
Property Tax Revenue	1,256.48	0.00	1,256.48
Discounts and Refunds	(7,024.33)	0.00	(7,024.33)
Miscellaneous Operating Revenue	49,214.08	11,825.22	37,388.86
Total Operating Revenue	1,894,993.60	1,759,268.63	135,724.97
OPERATING EXPENSES			
Personnel Services	677,714.22	734,509.74	(56,795.52)
Materials, Services	687,948.54	950,897.56	(262,949.02)
Total Operating Expenses	1,365,662.76	1,685,407.30	(319,744.54)
OPERATING INCOME (LOSS)	529,330.84	73,861.33	455,469.51
NON-OPERATING REVENUES			
Grant Revenue	32,245.00	32,245.00	0.00
Loans	0.00	560,000.00	(560,000.00)
Interest	9,508.75	1,624.97	7,883.78
Gain/Loss on Sale of Assets	107,450.00	0.00	107,450.00
Total Non-operating Revenues	149,203.75	593,869.97	(444,666.22)
Debt Service	343,147.33	4,992.00	338,155.33
Capital Outlays	43,000.66	2,600,712.75	(2,557,712.09)
Transfers Out to Other Funds	10,660.66	0.00	10,660.66
Total Non-Operating Expenses	396,808.65	2,605,704.75	(2,208,896.10)
Non-Operating Income (Loss)	(247,604.90)	(2,011,834.78)	1,764,229.88
Net Income (Loss)	281,725.94	(1,937,973.45)	2,219,699.39
GAAP Adj - Debt Service Principal	230,898.53	0.00	230,898.53
Total GAAP Adjustments	(230,898.53)	0.00	(230,898.53)
Net Income (Loss)	50,827.41	(1,937,973.45)	1,988,800.86

Financial Report - Budget Vs. Actual

Port of Newport

Period 07/01/23..09/30/23

DEPARTMENT: 000-Unallocate

Description	Actual	Budget	Variance
OPERATING REVENUE			
OPERATING EXPENSES			
Personnel Services			
Materials, Services		26,583.75	(26,583.75)
Total Operating Expenses		26,583.75	(26,583.75)
OPERATING INCOME (LOSS)		(26,583.75)	26,583.75
NON-OPERATING REVENUES			
Grant Revenue			
Debt Service	341,064.00	4,992.00	336,072.00
Total Non-Operating Expenses	341,064.00	4,992.00	336,072.00
Non-Operating Income (Loss)	(341,064.00)	(4,992.00)	(336,072.00)
Net Income (Loss)	(341,064.00)	(31,575.75)	(309,488.25)
GAAP Adj - Debt Service Principal	215,545.40		215,545.40
Total GAAP Adjustments	(215,545.40)		(215,545.40)
Net Income (Loss)	(556,609.40)	(31,575.75)	(525,033.65)



Financial Report - Budget Vs. Actual

Port of Newport

Period 07/01/23..09/30/23

DEPARTMENT: 100-Administra

Description	Actual	Budget	Variance
OPERATING REVENUE			
Property Tax Revenue	1,256.48		1,256.48
Discounts and Refunds	793.00		793.00
Total Operating Revenue	2,049.48		2,049.48
OPERATING EXPENSES			
Personnel Services	256,812.72	282,166.98	(25,354.26)
Materials, Services	184,597.34	257,553.78	(72,956.44)
Total Operating Expenses	441,410.06	539,720.76	(98,310.70)
OPERATING INCOME (LOSS)	(439,360.58)	(539,720.76)	100,360.18
NON-OPERATING REVENUES			
Grant Revenue			
Interest	9,508.75	1,624.97	7,883.78
Gain/Loss on Sale of Assets	107,450.00		107,450.00
Total Non-operating Revenues	116,958.75	1,624.97	115,333.78
Debt Service	2,083.33		2,083.33
Total Non-Operating Expenses	2,083.33		2,083.33
Non-Operating Income (Loss)	114,875.42	1,624.97	113,250.45
Net Income (Loss)	(324,485.16)	(538,095.79)	213,610.63
Total GAAP Adjustments			
Net Income (Loss)	(324,485.16)	(538,095.79)	213,610.63



Financial Report - Budget Vs. Actual

Port of Newport

Period 07/01/23..09/30/23

DEPARTMENT: 300-Commerci

Description	Actual	Budget	Variance
OPERATING REVENUE			
Lease Revenue	48,940.55	38,750.01	10,190.54
Moorage	212,896.69	163,750.03	49,146.66
Services	34,411.39	49,698.86	(15,287.47)
Fees	77,255.52	38,749.89	38,505.63
Discounts and Refunds	(6,098.59)		(6,098.59)
Miscellaneous Operating Revenue	(375.16)	3,000.00	(3,375.16)
Total Operating Revenue	367,030.40	293,948.79	73,081.61
OPERATING EXPENSES			
Personnel Services	143,782.20	157,638.19	(13,855.99)
Materials, Services	119,468.23	107,999.96	11,468.27
Total Operating Expenses	263,250.43	265,638.15	(2,387.72)
OPERATING INCOME (LOSS)	103,779.97	28,310.64	75,469.33
NON-OPERATING REVENUES			
Grant Revenue	32,245.00	32,245.00	
Total Non-operating Revenues	32,245.00	32,245.00	
Capital Outlays	18,075.50	15,138.00	2,937.50
Total Non-Operating Expenses	18,075.50	15,138.00	2,937.50
Non-Operating Income (Loss)	14,169.50	17,107.00	(2,937.50)
Net Income (Loss)	117,949.47	45,417.64	72,531.83
Total GAAP Adjustments			
Net Income (Loss)	117,949.47	45,417.64	72,531.83

Financial Report - Budget Vs. Actual

Port of Newport

Period 07/01/23..09/30/23

DEPARTMENT: 500-Internation

Description	Actual	Budget	Variance
OPERATING REVENUE			
Lease Revenue	44,354.81	43,694.53	660.28
Moorage	9,206.75	55,000.03	(45,793.28)
Services	12,244.32	49,000.03	(36,755.71)
Cargo	17,482.48	2,300.00	15,182.48
Fees	61,474.21	71,250.00	(9,775.79)
Discounts and Refunds	217.28		217.28
Miscellaneous Operating Revenue	49,611.75	499.97	49,111.78
Total Operating Revenue	194,591.60	221,744.56	(27,152.96)
OPERATING EXPENSES			
Personnel Services	56,330.98	72,753.79	(16,422.81)
Materials, Services	69,794.07	86,700.08	(16,906.01)
Total Operating Expenses	126,125.05	159,453.87	(33,328.82)
OPERATING INCOME (LOSS)	68,466.55	62,290.69	6,175.86
NON-OPERATING REVENUES			
Grant Revenue			
Loans		560,000.00	(560,000.00)
Total Non-operating Revenues		560,000.00	(560,000.00)
Capital Outlays	1,675.00	1,483,074.75	(1,481,399.75)
Total Non-Operating Expenses	1,675.00	1,483,074.75	(1,481,399.75)
Non-Operating Income (Loss)	(1,675.00)	(923,074.75)	921,399.75
Net Income (Loss)	66,791.55	(860,784.06)	927,575.61
Total GAAP Adjustments			
Net Income (Loss)	66,791.55	(860,784.06)	927,575.61



Financial Report - Budget Vs. Actual

Port of Newport

Period 07/01/23..09/30/23

DEPARTMENT: 700-South Bea

Description	Actual	Budget	Variance
OPERATING REVENUE			
Lease Revenue	122,768.07	118,750.03	4,018.04
Moorage	462,622.21	461,130.00	1,492.21
Services		150.00	(150.00)
Cargo	90.27		90.27
RV Park Space Rentals	638,655.29	562,400.00	76,255.29
Fees	105,247.69	92,820.00	12,427.69
Discounts and Refunds	(2,734.34)		(2,734.34)
Miscellaneous Operating Revenue	(22.51)	8,325.25	(8,347.76)
Total Operating Revenue	1,326,626.68	1,243,575.28	83,051.40
OPERATING EXPENSES			
Personnel Services	196,241.09	221,950.78	(25,709.69)
Materials, Services	309,762.80	472,059.99	(162,297.19)
Total Operating Expenses	506,003.89	694,010.77	(188,006.88)
OPERATING INCOME (LOSS)	820,622.79	549,564.51	271,058.28
NON-OPERATING REVENUES			
Grant Revenue			
Capital Outlays	23,250.16	1,102,500.00	(1,079,249.84)
Transfers Out to Other Funds	10,660.66		10,660.66
Total Non-Operating Expenses	33,910.82	1,102,500.00	(1,068,589.18)
Non-Operating Income (Loss)	(33,910.82)	(1,102,500.00)	1,068,589.18
Net Income (Loss)	786,711.97	(552,935.49)	1,339,647.46
Total GAAP Adjustments			
Net Income (Loss)	786,711.97	(552,935.49)	1,339,647.46



PON BALANCE SHEET

Period: 07/01/23..09/30/23

Port of Newport

NOAA Lease Revenue Fund

Description	Balance
Assets	
Current Assets	
Cash Deposits	3,346,848.71
Property Tax Receivable	0.00
Grants Receivable	0.00
Interfund Activity Receivable	420,989.02
Prepaid Expenses	62,698.87
Total Current Assets	3,830,536.60
TOTAL FIXED ASSETS	20,152,506.18
Deferred Outflows of Resources	
Advanced Refunding (DOR)	390,615.04
PERS NPA(L)	(54,658.00)
PERS Deferred Outflow	13,824.00
Total Deferred Outflow Resrcs	349,781.04
TOTAL ASSETS	24,332,823.82
LIABILITIES	
Current Liabilities	
Accounts Payable	7,507.08
Interfund Activity Payable	982,456.86
Compensated Absences	13,657.27
Accrued Payroll Taxes	3,210.38
Retirement Payable	6,592.13
Benefit Payable	1,577.48
Accrued Interest	164,613.00
Current Portion - Bonds Payable	1,380,000.00
Total Current Liabilities	2,559,614.20
Non-current Liabilities	
Long-term Debt	12,515,000.00
Less Current Portion - Long-term Debt	(1,380,000.00)
Total Non-current Liabilities	11,135,000.00
Deferred Inflows of Resources	11,565.00
Total Liabilities	13,706,179.20
Equity (Fund Balance)	
Restricted Fund Balance	1,761,721.00
Committed Fund Balance	432,000.00
Assigned Fund Balance	432,000.00
Unrestricted Fund Balance	8,082,423.78
Contributed Capital	0.00
Prior Period Adjustment	0.00
Total Equity (Fund Balance)	10,276,144.78
Retained Earnings	(1,029,500.16)
Net Assets	10,626,644.62



PON BALANCE SHEET

10/16/2023
Page 2 / 2
MBROWN

Period: 07/01/23..09/30/23

Port of Newport

Fiscal Start Date: 07/01/23

Fund Filter: 500

All amounts are in USD.

Description	Balance
Total Liabilities and Equity	24,332,823.82

Period: 07/01/23..09/30/23

Port of Newport

NOAA LEASE REVENUE FUND

Description	Actual	Budget	Variance
OPERATING REVENUE			
Lease Revenue	646,796.22	644,310.00	2,486.22
Total Operating Revenue	646,796.22	644,310.00	2,486.22
OPERATING EXPENSES			
Personnel Services	28,759.60	57,031.71	(28,272.11)
Materials, Services	70,511.40	117,281.20	(46,769.80)
Total Operating Expenses	99,271.00	174,312.91	(75,041.91)
OPERATING INCOME (LOSS)	547,525.22	469,997.09	77,528.13
NON-OPERATING REVENUES			
Grant Revenue	0.00	0.00	0.00
Interest	22,563.19	1,625.00	20,938.19
Total Non-operating Revenues	22,563.19	1,625.00	20,938.19
Debt Service	1,577,534.87	1,578,100.00	(565.13)
Capital Outlays	2,516.25	20,000.00	(17,483.75)
Total Non-Operating Expenses	1,580,051.12	1,598,100.00	(18,048.88)
Non-Operating Income (Loss)	(1,557,487.93)	(1,596,475.00)	38,987.07
Net Income (Loss)	(1,009,962.71)	(1,126,477.91)	116,515.20
GAAP Adj - Debt Service Principal	1,380,000.00	0.00	1,380,000.00
Total GAAP Adjustments	(1,380,000.00)	0.00	(1,380,000.00)
Net Income (Loss)	(2,389,962.71)	(1,126,477.91)	(1,263,484.80)



PON BALANCE SHEET

Period: 07/01/23..09/30/23

Port of Newport

**NOAA CAPITAL
RESERVE FUND**

Description	Balance
Assets	
Current Assets	
Cash Deposits	1,938,521.83
Property Tax Receivable	0.00
Grants Receivable	0.00
Interfund Activity Receivable	354,985.17
Total Current Assets	2,293,507.00
Deferred Outflows of Resources	
Advanced Refunding (DOR)	0.00
PERS NPA(L)	0.00
PERS Deferred Outflow	0.00
Total Deferred Outflow Resrcs	0.00
TOTAL ASSETS	2,293,507.00
LIABILITIES	
Current Liabilities	
Interfund Activity Payable	3,526.14
Accrued Payroll Taxes	261.24
Retirement Payable	549.13
Total Current Liabilities	4,336.51
Non-current Liabilities	
Total Non-current Liabilities	0.00
Deferred Inflows of Resources	0.00
Total Liabilities	4,336.51
Equity (Fund Balance)	
Restricted Fund Balance	2,278,074.94
Committed Fund Balance	0.00
Assigned Fund Balance	0.00
Unrestricted Fund Balance	0.00
Contributed Capital	0.00
Prior Period Adjustment	0.00
Total Equity (Fund Balance)	2,278,074.94
Retained Earnings	11,095.55
Net Assets	2,289,170.49
Total Liabilities and Equity	2,293,507.00

Period: 07/01/23..09/30/23

Port of Newport

NOAA RESERVE FUND

Description	Actual	Budget	Variance
OPERATING REVENUE			
OPERATING EXPENSES			
Personnel Services	3,526.14	0.00	3,526.14
Materials, Services	0.00	0.00	0.00
Total Operating Expenses	3,526.14	0.00	3,526.14
OPERATING INCOME (LOSS)	(3,526.14)	0.00	(3,526.14)
NON-OPERATING REVENUES			
Grant Revenue	0.00	0.00	0.00
Interest	14,621.69	0.00	14,621.69
Total Non-operating Revenues	14,621.69	0.00	14,621.69
Total Non-Operating Expenses	0.00	0.00	0.00
Non-Operating Income (Loss)	14,621.69	0.00	14,621.69
Net Income (Loss)	11,095.55	0.00	11,095.55
Total GAAP Adjustments	0.00	0.00	0.00
Net Income (Loss)	11,095.55	0.00	11,095.55



PON BALANCE SHEET

Period: 07/01/23..09/30/23

Port of Newport

BONDED DEBT FUND

Description	Balance
Assets	
Current Assets	
Cash Deposits	150,361.02
Accounts Receivable	33,838.43
Property Tax Receivable	0.00
Grants Receivable	0.00
Total Current Assets	184,199.45
TOTAL FIXED ASSETS	139,746.00
Deferred Outflows of Resources	
Advanced Refunding (DOR)	553,083.64
PERS NPA(L)	0.00
PERS Deferred Outflow	0.00
Total Deferred Outflow Resrcs	553,083.64
TOTAL ASSETS	877,029.09
LIABILITIES	
Current Liabilities	
Current Portion - Bonds Payable	435,000.00
Total Current Liabilities	435,000.00
Non-current Liabilities	
Long-term Debt	10,815,000.25
Less Current Portion - Long-term Debt	(435,000.00)
Bond Premiums	572,487.00
Total Non-current Liabilities	10,952,487.25
Deferred Inflows of Resources	0.00
Total Liabilities	11,387,487.25
Equity (Fund Balance)	
Restricted Fund Balance	(10,520,959.61)
Committed Fund Balance	0.00
Assigned Fund Balance	0.00
Unrestricted Fund Balance	0.00
Contributed Capital	0.00
Prior Period Adjustment	0.00
Total Equity (Fund Balance)	(10,520,959.61)
Retained Earnings	10,501.45
Net Assets	(10,510,458.16)
Total Liabilities and Equity	877,029.09



Period: 07/01/23..09/30/23

Port of Newport

Bonded Debt Fund

Description	Actual	Budget	Variance
OPERATING REVENUE			
Property Tax Revenue	8,502.55	0.00	8,502.55
Total Operating Revenue	8,502.55	0.00	8,502.55
OPERATING EXPENSES			
Personnel Services	0.00	0.00	0.00
Materials, Services	0.00	0.00	0.00
Total Operating Expenses	0.00	0.00	0.00
OPERATING INCOME (LOSS)	8,502.55	0.00	8,502.55
NON-OPERATING REVENUES			
Grant Revenue	0.00	0.00	0.00
Interest	1,998.90	0.00	1,998.90
Total Non-operating Revenues	1,998.90	0.00	1,998.90
Debt Service	0.00	197,028.00	(197,028.00)
Total Non-Operating Expenses	0.00	197,028.00	(197,028.00)
Non-Operating Income (Loss)	1,998.90	(197,028.00)	199,026.90
Net Income (Loss)	10,501.45	(197,028.00)	207,529.45
Total GAAP Adjustments	0.00	0.00	0.00
Net Income (Loss)	10,501.45	(197,028.00)	207,529.45



PON BALANCE SHEET

Period: 07/01/23..09/30/23

Port of Newport

**Facilities Maintenance
Fund**

Description	Balance
Assets	
Current Assets	
Cash Deposits	552,252.26
Property Tax Receivable	0.00
Grants Receivable	0.00
Total Current Assets	552,252.26
Deferred Outflows of Resources	
Advanced Refunding (DOR)	0.00
PERS NPA(L)	0.00
PERS Deferred Outflow	0.00
Total Deferred Outflow Resrcs	0.00
TOTAL ASSETS	552,252.26
LIABILITIES	
Current Liabilities	
Interfund Activity Payable	19,889.60
Total Current Liabilities	19,889.60
Non-current Liabilities	
Total Non-current Liabilities	0.00
Deferred Inflows of Resources	0.00
Total Liabilities	19,889.60
Equity (Fund Balance)	
Restricted Fund Balance	0.00
Committed Fund Balance	0.00
Assigned Fund Balance	486,571.78
Unrestricted Fund Balance	31,060.00
Contributed Capital	0.00
Prior Period Adjustment	0.00
Total Equity (Fund Balance)	517,631.78
Retained Earnings	14,730.88
Net Assets	532,362.66
Total Liabilities and Equity	552,252.26



Period: 07/01/23..09/30/23

Facilities Maintenance Fund

Description	Actual	Budget	Variance
OPERATING REVENUE			
OPERATING EXPENSES			
Personnel Services	0.00	0.00	0.00
Materials, Services	0.00	0.00	0.00
Total Operating Expenses	0.00	0.00	0.00
OPERATING INCOME (LOSS)	0.00	0.00	0.00
NON-OPERATING REVENUES			
Grant Revenue	0.00	0.00	0.00
Interest	4,070.22	0.00	4,070.22
Transfers In from Other Funds	10,660.66	0.00	10,660.66
Total Non-operating Revenues	14,730.88	0.00	14,730.88
Total Non-Operating Expenses	0.00	0.00	0.00
Non-Operating Income (Loss)	14,730.88	0.00	14,730.88
Net Income (Loss)	14,730.88	0.00	14,730.88
Total GAAP Adjustments	0.00	0.00	0.00
Net Income (Loss)	14,730.88	0.00	14,730.88



PON BALANCE SHEET

Period: 07/01/23..09/30/23
Port of Newport

Construction Fund

Description	Balance
Assets	
Current Assets	
Cash Deposits	13,167.82
Property Tax Receivable	0.00
Grants Receivable	0.00
Total Current Assets	13,167.82
Deferred Outflows of Resources	
Advanced Refunding (DOR)	0.00
PERS NPA(L)	0.00
PERS Deferred Outflow	0.00
Total Deferred Outflow Resrcs	0.00
TOTAL ASSETS	13,167.82
LIABILITIES	
Current Liabilities	
Total Current Liabilities	0.00
Non-current Liabilities	
Total Non-current Liabilities	0.00
Deferred Inflows of Resources	0.00
Total Liabilities	0.00
Equity (Fund Balance)	
Restricted Fund Balance	0.00
Committed Fund Balance	0.00
Assigned Fund Balance	0.00
Unrestricted Fund Balance	13,146.21
Contributed Capital	0.00
Prior Period Adjustment	0.00
Total Equity (Fund Balance)	13,146.21
Retained Earnings	21.61
Net Assets	13,167.82
Total Liabilities and Equity	13,167.82



Period: 07/01/23..09/30/23

Port of Newport

Construction Fund

Description	Actual	Budget	Variance
OPERATING REVENUE			
OPERATING EXPENSES			
Personnel Services	0.00	0.00	0.00
Materials, Services	0.00	0.00	0.00
Total Operating Expenses	0.00	0.00	0.00
OPERATING INCOME (LOSS)	0.00	0.00	0.00
NON-OPERATING REVENUES			
Grant Revenue	0.00	0.00	0.00
Interest	21.61	0.00	21.61
Total Non-operating Revenues	21.61	0.00	21.61
Transfers Out to Other Funds	0.00	14,695.00	(14,695.00)
Total Non-Operating Expenses	0.00	14,695.00	(14,695.00)
Non-Operating Income (Loss)	21.61	(14,695.00)	14,716.61
Net Income (Loss)	21.61	(14,695.00)	14,716.61
Total GAAP Adjustments	0.00	0.00	0.00
Net Income (Loss)	21.61	(14,695.00)	14,716.61

Check Date	Check No.	Description	Amount
10/13/2023	EFT240004	PERS	19,564.98
10/12/2023	EFT240003	OR Dept of Rev	5,989.99
10/6/2023	EFT-230915	Asure - ***AUT	26,965.77
10/6/2023	12369	Special Districts	20,225.79
10/6/2023	12368	OR Dept of Stat	39,434.16
10/6/2023	12367	Pacific Source A	502.08
10/6/2023	12366	TCB Security Se	13,109.00
10/6/2023	12365	Streamline	535.00
10/6/2023	12364	Spiro Landscap	1,545.00
10/6/2023	12363	Pioneer Connec	446.38
10/6/2023	12362	Keller Supply Cc	7,728.99
10/6/2023	12361	Hyak	672.00
10/6/2023	12360	Ground FX Land	369.00
10/6/2023	12359	Good Work Arc	10,205.10
10/6/2023	12358	Bergerson Cons	239,850.00
10/6/2023	12357	Astound CoastC	1,992.68
10/6/2023	12356	AlSCO Inc	65.90
10/6/2023	12355	Kern & Thomps	5,000.00
10/6/2023	12354	Copeland Lumb	344.47
10/6/2023	12353	Coastal Marine	3,621.82
10/6/2023	12352	Ben's Diving	9,075.00
10/6/2023	12351	Barrelhead Supl	581.43
10/6/2023	12350	Amazon Capital	1,555.47
10/6/2023	12349	TWGW Inc NAP	23.98
10/6/2023	12348	Timber Supply C	450.00
10/6/2023	12347	Staples Advant	469.47
10/6/2023	12346	Sherwin-Willian	111.73
10/6/2023	12345	Power Motors I	53.10
10/6/2023	12344	Newport Ace Hi	136.88
10/6/2023	12343	Les Schwab Tire	544.77
10/6/2023	12342	Economic Deve	5,000.00
10/6/2023	12341	IconiPro Securit	261.96
10/5/2023	EFT240001	Asure - ***AUT	26,800.56
10/4/2023	EFT1296	Windcave	175.00
10/2/2023	12332	Newport Ace Hi	38.54
10/2/2023	12331	Yaquina Boat Ec	571.56
10/2/2023	12330	Verizon Wireles	488.31
10/2/2023	12329	ULINE	1,042.71
10/2/2023	12328	T & L Chemical	1,380.00
10/2/2023	12327	Simply Design S	250.00
10/2/2023	12326	Sierra Springs	195.86
10/2/2023	12325	Arthur Rogers	141.37
10/2/2023	12324	Port of Toledo f	380.79
10/2/2023	12323	Platt Electric Su	59.69
10/2/2023	12322	Patrick Bishop	375.00
10/2/2023	12321	NW Natural	156.01

10/2/2023	12320	Newport News	109.00
10/2/2023	12319	Newport Rental	261.24
10/2/2023	12318	Lincoln County	363.03
10/2/2023	12317	Jim Durkee	4.18
10/2/2023	12316	Grainger Inc	2,385.83
10/2/2023	12315	Englund Marine	332.54
10/2/2023	12314	Critical Repairs	5,624.71
10/2/2023	12313	Copeland Lumb	444.60
10/2/2023	12312	Coastal Paper &	282.62
10/2/2023	12311	Century Link	40.85
10/2/2023	12310	Central Coast E	700.00
10/2/2023	12309	Bill's Pest Contr	135.00
10/2/2023	12308	Barrelhead Supl	207.29
10/2/2023	12307	Amazon Capital	989.37

Memorandum

To: Port of Newport Port Commission
From: Derrick I. Tokos, AICP, Newport Community Development Director
Date: October 17, 2023
Re: Implementation of the Bayfront Parking Management Solution

Thank you for providing us time on your agenda to share with you progress the City of Newport has made toward implementing a meter/permit parking management program along the Bayfront, and the work that still needs to be done before the changes go into effect. Some of the information that I am passing along will be up for discussion at our Parking Advisory Committee meeting on October 18, 2023 and could change as a result.

The City's plan for managing parking is to establish paid parking, paid/permit, and permit/timed parking areas along the Bayfront streets and parking lots. The plan is based upon a parking study that the City completed with stakeholder input in 2018, and which was formally adopted in 2020. The objective is to increase vehicle turnover in high demand public parking areas so that more parking is available to Bayfront users, reducing congestion and improve public safety. Attached is a PowerPoint that provides an overview of how we got to the point where this is the solution the city is implementing. I'll be prepared to cover it at the meeting.

While we had hoped to implement at the end of October, it has become evident that the timeline needs to be pushed back as the City is still working with its parking vendor T2 Systems Inc., to configure the electronic payment, permitting and enforcement software. There is also additional hardware and signage that needs to be installed along with fee and process adjustments that are being made as a result of stakeholder feedback. Our Parking Advisory Committee is making final adjustments to the permit program and may carve out free parking in areas that are not in as high of demand. Enclosed is a map of the meter, meter/permit, and timed permit areas and potential free parking areas.

The City is now looking at a soft launch with parking pay stations going live after the first of the year. They would be operational on weekends only. At the same time, the City would offer free courtesy permits in areas designated for paid permit parking. The courtesy permits would be valid through April. This will provide a period of time for folks to setup their parking accounts and we can debug any issues that come up. It also provides time for us to coordinate with those that will be doing fleet management to help them get setup. The courtesy permits would be setup with an automatic email notice to advise permit holders when the "paid" permits will be available for purchase. Bayfront businesses paid a business license surcharge when renewing their business licenses earlier this year. That surcharge will go away when the meter / paid permit program is fully implemented meaning they will not have to pay it in 2024. Using the courtesy permit in this manner allows businesses to not have to pay two fees in short succession. Instead, businesses will be able to take what they would otherwise have reserved for the parking business license surcharge in 2024 and apply it to parking permits instead.

With respect to administrative steps the City needs to take to move ahead with the meter / paid permit program, the City Council adopted Ordinance No. 2214 on 10/2/2023 (enclosed). It includes the requisite municipal regulatory provisions to run a parking meter/permit program. Ordinance No. 2215 was approved by the City Council at its 10/16/23 meeting. That ordinance includes land use changes reducing off-street parking requirements for new development or redevelopment in metered areas. This was a trade-off the City Council agreed to implement, with property owners getting more flexibility to expand or develop anew in areas where demand management (i.e. meters) are being deployed. The final item will be a fee resolution the Council will need to adopt to set the meter, parking permit, and related rates. That document will be considered by the Council in November.

Attachments

PowerPoint Presentation

Updated Bayfront Parking Large Format Map

Ordinance No. 2214 (approved)

Draft Ordinance No. 2215 (Approved on 10/16/23)



Bayfront Parking Management Solution

PORT COMMISSION
OCTOBER 24, 2023



HISTORY OF PARKING MANAGEMENT IN NEWPORT

- Payment in Lieu Era – 1983 to 2009
 - New development and redevelopment allowed to pay a fee in lieu of constructing off-street parking

- Parking District Era – 2009 to 2019
 - Businesses in special parking areas pay fee to support public parking and receive exemption from off-street parking requirements for modest development projects

- Demand Management Era – 2020 – Present
 - Seek to change user behavior to free up public parking in high demand areas through metering and permit programs. Revenue to support public parking and related improvements and enforcement



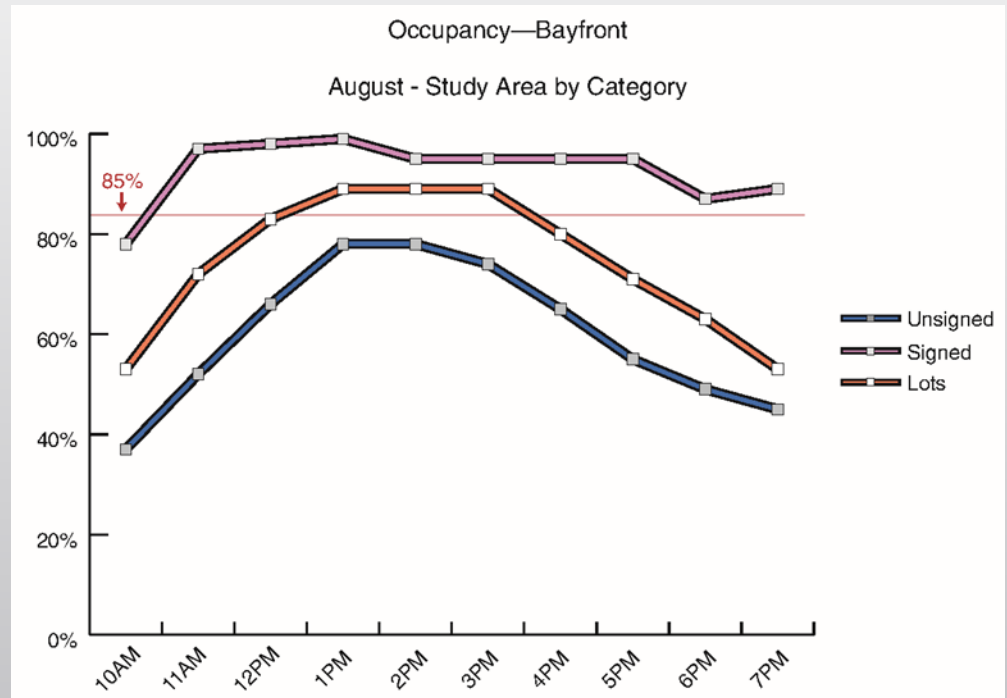
2018 PARKING STUDY

Parking Advisory Committee, Staff, and Selected Contractor:

- Assess parking conditions in the Nye Beach, Bayfront, and City Center areas
- Conduct public outreach to identify opportunities to improve availability of parking, transit and/or vanpool services as well as constraints “barriers” to effective parking management
- Perform field surveys to establish utilization and turnover rates of parking spaces during peak and off-peak periods
- Identify capital improvements needed to maintain and improve available parking, including possible upgrades to transit service
- Develop financing strategies to fund needed improvements

BAYFRONT STUDY RESULTS

- Observed parking occupancies exceeded 85 percent during peak periods of use
- This level of activity was greater than that of Nye Beach and City Center and is considered “functionally full,” where users perceive that there are no available spaces
- Functionally full parking leads to:
 - High instances of illegal parking
 - Congestion attributed to vehicles cruising for parking
 - Other undesirable behavior from frustrated drivers





2020 COUNCIL ADOPTED BAYFRONT RECOMMENDATION

- Implement a “pay to park” program along the Bayfront to increase vehicle turnover, reducing congestion, and improving public safety
- Goal is to maximize the available parking supply to support a vibrant working waterfront and retail-oriented, tourist commercial businesses
- Program is to include pay stations (“metering”), hybrid meter/permit zones, and hybrid timed parking/permit zones
- Proceeds will support parking enforcement and create a revenue stream to maintain and enhance bayfront parking assets or fund transit/vanpool options

COVID PANDEMIC



Parking Management Vendor Selection

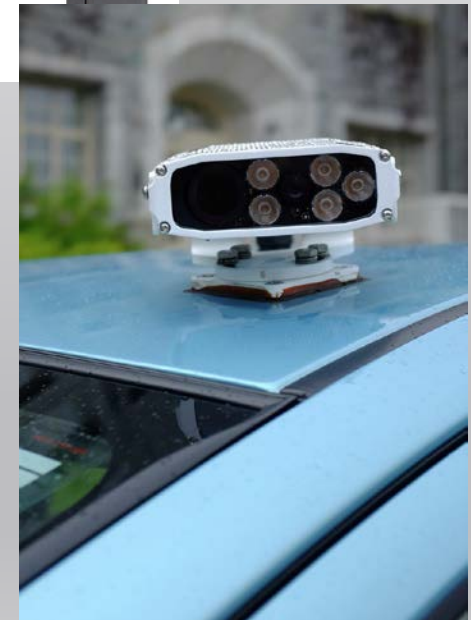
- Parking Advisory Committee Reformed
- Request for Proposals Issued
- Vendor Responses Reviewed and Scored
- Preferred Vendor T2 Systems Selected
- Contract Negotiated and Signed



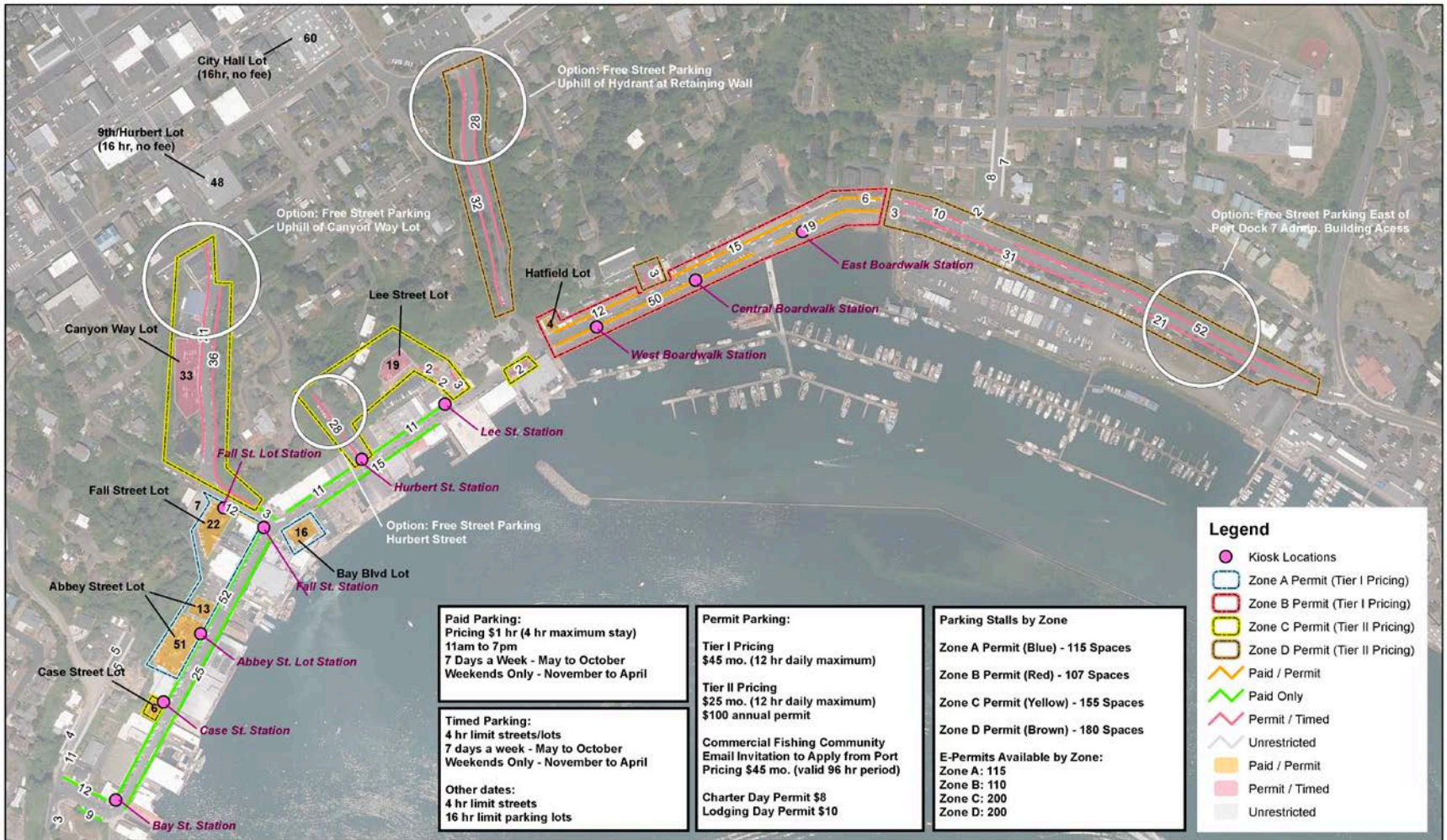


Parking Management Solutions by T2 Systems

- Integrated solar powered wireless coin/card and coupon code pay stations
- Mobile "text to pay" option
- Electronic permit and ticket payment through a linked online portal
- Parking citation solution using license plate recognition technology to improve enforcement capabilities



Parking Management Alternative



Paid Parking:
 Pricing \$1 hr (4 hr maximum stay)
 11am to 7pm
 7 days a week - May to October
 Weekends Only - November to April

Timed Parking:
 4 hr limit streets/lots
 7 days a week - May to October
 Weekends Only - November to April

Other dates:
 4 hr limit streets
 16 hr limit parking lots

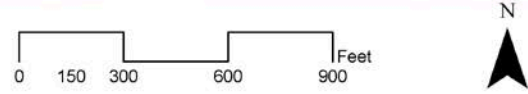
Permit Parking:
Tier I Pricing
 \$45 mo. (12 hr daily maximum)
Tier II Pricing
 \$25 mo. (12 hr daily maximum)
 \$100 annual permit

Commercial Fishing Community
 Email invitation to Apply from Port
 Pricing \$45 mo. (valid 96 hr period)
Charter Day Permit \$8
Lodging Day Permit \$10

Parking Stalls by Zone
Zone A Permit (Blue) - 115 Spaces
Zone B Permit (Red) - 107 Spaces
Zone C Permit (Yellow) - 155 Spaces
Zone D Permit (Brown) - 180 Spaces
E-Permits Available by Zone:
 Zone A: 115
 Zone B: 110
 Zone C: 200
 Zone D: 200

Legend

- Kiosk Locations
- Zone A Permit (Tier I Pricing)
- Zone B Permit (Tier I Pricing)
- Zone C Permit (Tier II Pricing)
- Zone D Permit (Tier II Pricing)
- Paid / Permit
- Paid Only
- Permit / Timed
- Unrestricted
- Paid / Permit
- Permit / Timed
- Unrestricted



Parking Regulatory Sign Changes



Paid (Meter Only) Areas
Green Streets on Map

Paid/Permit Streets
Orange Streets on Map

Paid/Permit Lots
Orange Lots on Map

Permit/Timed Streets
Pink Streets on Map

Permit/Timed Lots
Pink Streets on Map





Exemptions

The following activities will be exempt from parking meter requirements:

- Circumstances where a driver is obeying the direction of a law enforcement or parking enforcement officer
- When authorized by a vehicle parking permit
- Emergency vehicles may stop or park in any metered space at any time while serving an emergency
- City and franchise utility vehicles engaged in construction or repair work
- Vehicles performing work within a public parking lot or right-of-way under the terms of a City issued right-of-way permit
- Vehicles with an official state-issued disabled person registration or “wheelchair user” plate, placard, permit or decal



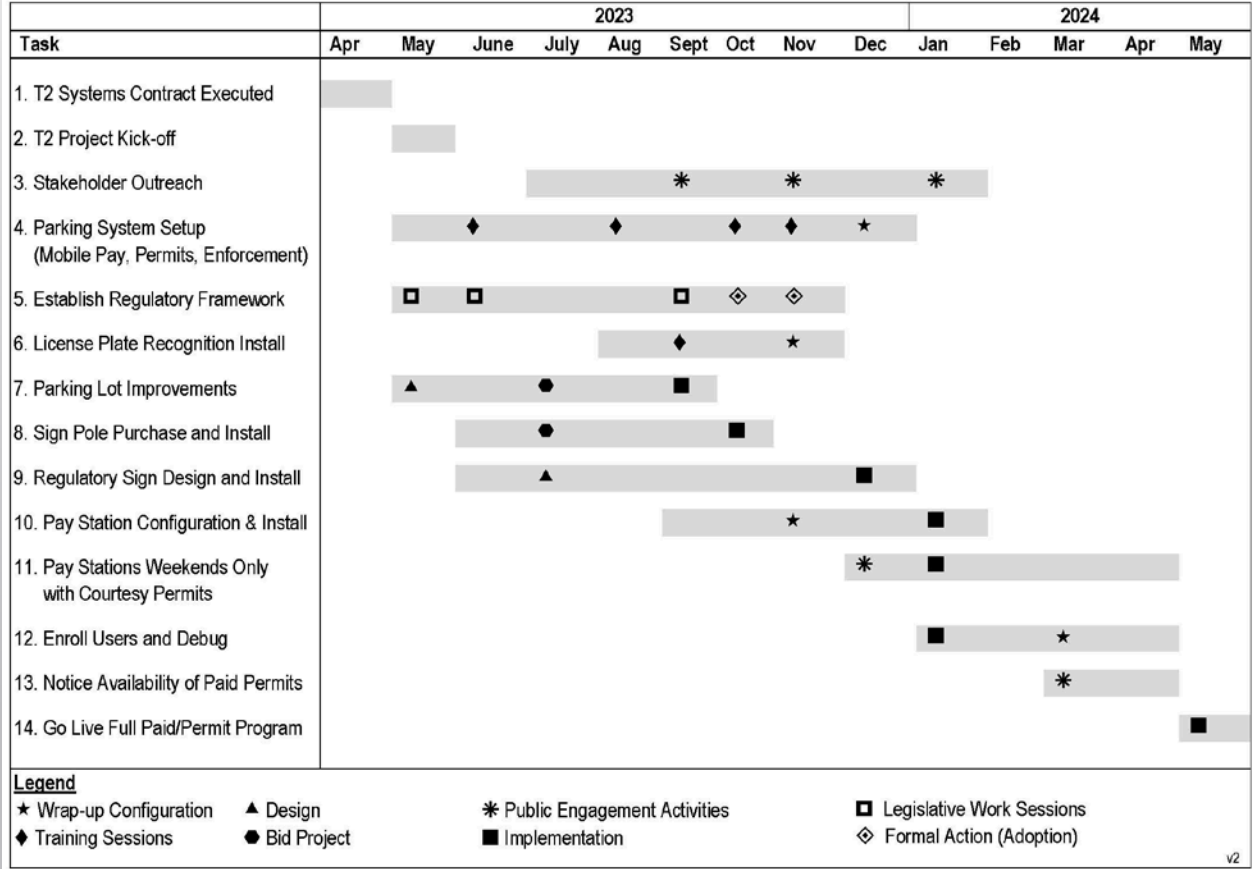
Implementation Schedule

Public Engagement on Implementation Options:

- Commercial Fishing Users (9/6/23)
- Seafood Processors (Managers 9/6/23) (Bornstein Staff 11/1/23)
- Bayfront Businesses (9/19/23)
- Rotary Club (9/21/23)
- Port of Newport Commission (10/24/23)



Bayfront Parking Management Implementation Schedule





Adjustments Based on Stakeholder Feedback

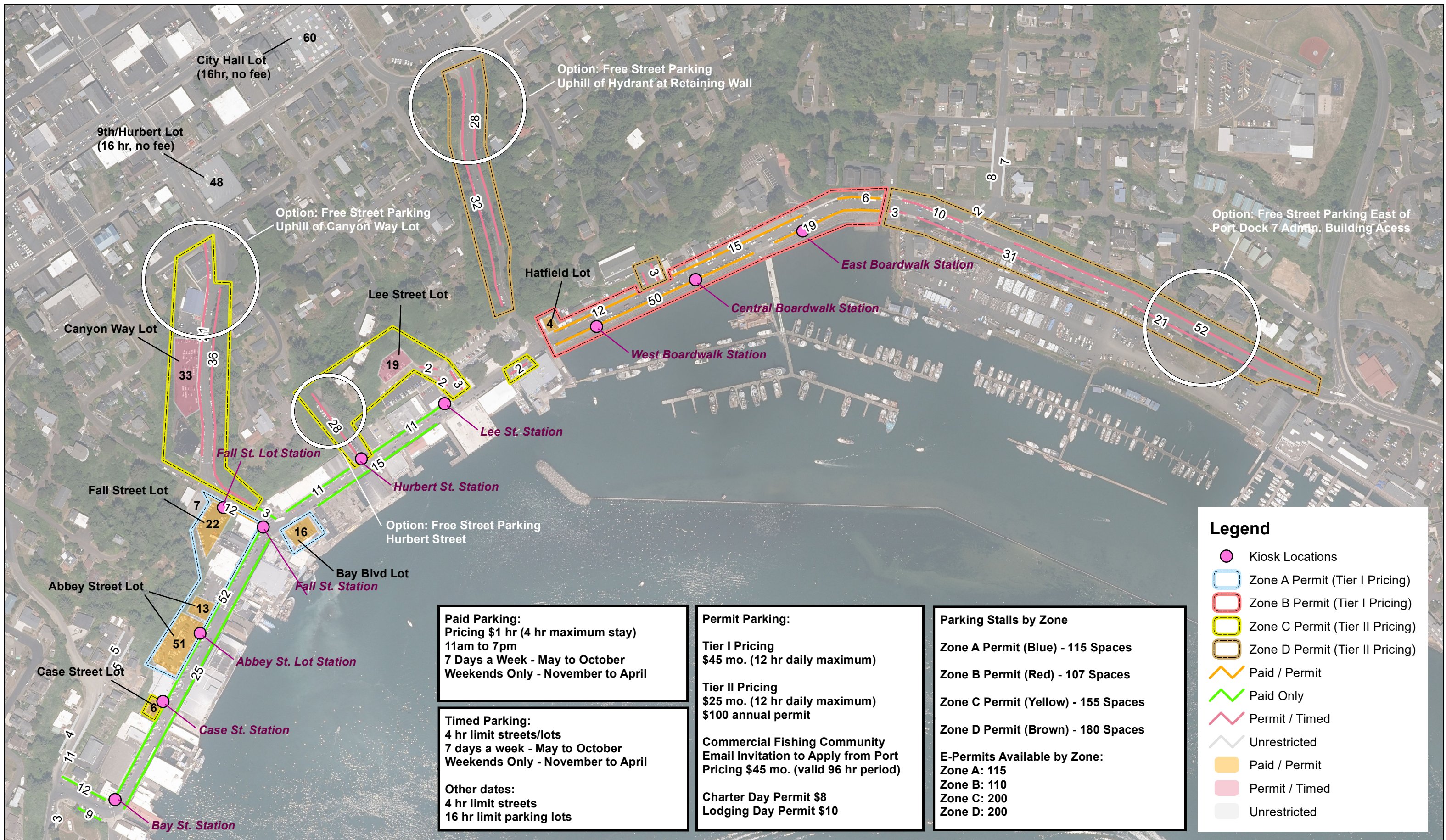
Changes the Parking Advisory Committee has made, or is considering, in response to stakeholder feedback:

- Offer fleet management as an e-permitting option so that commercial fishing vessel owners/operators and Bayfront businesses can self manage parking permits
- Adjusted parking time limit for Commercial Fishing Permits in Zones B and D from 72 hours to 96 hours
- Will prepare informational materials explaining e-chalk rules so that users understand how enforcement will work
- Created a discounted annual permit at \$100 for the less desirable Tier II parking areas
- Exploring options for providing “where to park” maps by permit type
- Considering a soft launch with pay stations going live in January with free courtesy permits valid through April to ease users into the permitting system

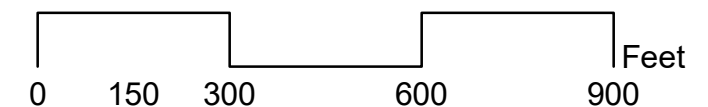
QUESTIONS?



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Draft Bay Front Parking Management Alternative



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

CITY OF NEWPORT

ORDINANCE NO. 2214

**AN ORDINANCE AMENDING THE NEWPORT MUNICIPAL CODE
TO ESTABLISH AN ADMINISTRATIVE FRAMEWORK FOR
METERING PUBLIC PARKING AREAS**

Findings:

1. On March 2, 2020, the Newport City Council adopted Ordinance No. 2163, implementing recommendations of a 2018 Parking Study by Lancaster StreetLab, as amended by the City's Parking Advisory Committee. Among other things, Ordinance No. 2163 included policy direction to pursue metered zones, hybrid paid/permit, and hybrid permit/timed zones along the Bayfront to increase vehicle turnover in public parking areas, reducing congestion and improving public safety.
2. The City of Newport is not currently using meters or paid parking permits to influence parking behavior and there are no provisions in the Newport Municipal Code to provide guidance or direction on how such a program should be operated.
3. Recognizing the need for an administrative framework to effectively operate and enforce a meter and paid permit program for public parking areas, the Newport Parking Advisory Committee took up a package of Newport Municipal Code (NMC) amendments at its June 21, 2023 meeting, and further refined them at its September 20, 2023 meeting. The Newport Planning Commission and City Council reviewed the changes and provided feedback at their May 22, 2023 and June 20, 2023 work sessions, respectively. The result of that effort are set of proposed amendments, more specifically described as follows:
 - a. NMC Chapter 1.50, Penalty, is being amended to establish that traffic citation and vehicle impound fees will be set by City Council resolution and that proceeds from parking related penalties are to be directed to the City's Parking Fund.
 - b. NMC Chapter 6.15, Parking in Rights of Way, is being retitled "Parking in Rights of Way and City Parking Lots" and the chapter is being amended to include standards for city parking lots in Chapter 6.20, freeing that chapter up for reuse.
 - c. NMC Chapter 6.20, City Parking Lots, is being repealed and replaced with a new Chapter 6.20, Metered Parking Zones. The new chapter authorizes the use of parking meters to increase vehicle turnover in public parking spaces, to encourage short-term parking in metered areas, and to improve safety in the public right-of-way (NMC 6.20.005). It further designates metered parking zones as those defined geographically under NMC 14.14.100 that have been designated by the City Council

for placement of parking meters (NMC 6.20.010). The City Manager is designated as the party responsible for the installation, function, and maintenance of meters (NMC 6.20.015) and the new chapter sets out parameters for enforcement of metered spaces (NMC 6.20.020 through 6.20.030). The regulations also address obstruction of meters (NMC 6.20.035); vandalism, theft, invalid receipts (NMC 6.20.040); unintentional violations due to meter failure (NMC 6.20.045); use of courtesy permits and coupon codes (NMC 6.20.050); meter collection responsibilities (NMC 6.20.055); disposition of meter proceeds (NMC 6.20.060); and that fees and time limits are to be established by City Council resolution (NMC 6.20.065).

d. NMC Chapter 6.25, Recreational Vehicle Parking, is amended to include a cross-reference to the Special Event Permit Chapter (NMC Chapter 9.80) with respect to overnight parking of recreational vehicles.

e. Lastly, NMC Chapter 6.65, Impounding Vehicles, Inventory, is being amended to indicate that vehicles located in a public parking space in violation of posted time limits, meter requirements, or other posted parking regulations may be towed or impounded.

4. The City Council held a public hearing on October 2, 2023 regarding the question of the proposed changes, and determined that they are necessary and furthers the general welfare of the community.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The findings set forth above are hereby adopted in support of the amendments to Title I and VI of the Newport Municipal Code adopted by Sections 2 through 6 of this Ordinance.

Section 2. Chapter 1.50, Penalty, of Title I of the Newport Municipal Code is hereby amended as set forth in Exhibit "A".

Section 3. Chapter 6.15, Parking in Right-of-Way, of Title VI of the Newport Municipal Code is hereby amended as set forth in Exhibit "B".

Section 4. Chapter 6.20, City Parking Lots, of Title VI of the Newport Municipal Code is hereby repealed in its entirety and replaced with a new Chapter 6.20 titled "Metered Parking Zones," as set forth in Exhibit "C".

Section 5. Chapter 6.25, Recreational Vehicle Parking, of Title VI of the Newport Municipal Code is hereby amended as set forth in Exhibit "D".

Section 6. Chapter 6.65, Impounding Vehicles, Inventory, of Title VI of the Newport Municipal Code is hereby amended as set forth in Exhibit "E".

Section 7. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: October 02, 2023

Signed by the Mayor on October 3, 2023.



Jan Kaplan, Mayor

ATTEST:



Erik Glover, Asst. City Manager/City Recorder

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

CHAPTER 1.50 PENALTY

1.50.010 Default Penalty

Except as otherwise specified, the penalty for violation of any provision of this code or other ordinance shall be a civil penalty of \$500. If the violation is of a code provision or ordinance that is identical to a state statute, the city may elect to proceed on the basis of the state violation or the city violation. Each calendar day on which violation occurs or remains uncorrected constitutes a separate violation.

1.50.020 Traffic Citation Assessment and Vehicle Impound Fee

- A. Except as provided in Subsection B. of this section, all persons who are issued a traffic citation to appear in the Newport Municipal Court shall pay a traffic citation assessment fee ~~of \$10.00 per citation as specified by resolution of the City Council~~. All persons who recover a vehicle from a vehicle impoundment shall pay a vehicle impound assessment fee ~~of \$10.00 per to partially off-set City's cost of impoundment impounding the vehicle. These amounts~~The vehicle impound assessment fee shall be in an amount set by City Council resolution, and shall be in addition to any other penalty, assessments, or payment.
- B. If the municipal court determines that the person issued the citation did not commit the offense or has established an affirmative defense, no traffic citation assessment fee or vehicle impound assessment fee shall be imposed.
- C. The amount of the traffic citation assessment fee and vehicle impound assessment fee shall be added to any bail amount for those who do not contest the citation and shall be included as part of the judgment for all those who contest the citation and are determined to have committed the offense.
- D. Proceeds from payment of ~~the parking~~ traffic citation assessment and vehicle impound assessment fees shall be ~~used for the police department's cost associated~~directed to the City's Parking Fund, and may be used for parking enforcement, parking improvements and/or enhancements, and related purposes, with maintaining traffic safety. Proceeds from payment of other traffic citation assessment and vehicle impound assessment fees shall be used to offset police department costs associated with maintaining traffic safety.
- E. Vehicles with three or more unpaid parking traffic citations may not utilize parking meters and are ineligible for parking permits.

Staff: The City is now setting its traffic citation fees by resolution and this chapter of the Municipal Code needs to be amended to align with that practice. The chapter

is also being edited to indicate that proceeds from parking related citations are to be directed to the City's Parking Fund and that vehicles with three (3) or more unpaid parking traffic citations may not utilize parking meters and are ineligible for parking permits.

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CHAPTER 6.15 PARKING IN RIGHTS OF WAY AND CITY PARKING LOTS

6.15.005 Method of Parking

- A. ~~Street Parking~~ parking is permitted only parallel with the edge of the street, headed in the direction of lawful traffic movement, except where the street is marked or signed for angle parking. Where parking spaces are marked, vehicles shall be parked within the marked spaces. Parking in angled spaces shall be with the front head-in to the curb, except that vehicles delivering or picking up goods may be backed in. Where curbs exist the wheels of a parallel-parked car shall be within 12 inches of the curb, and the front of an angle-parked car shall be within 6 inches of the curb.
- B. If possible, parked cars shall be removed by their owners in the event of an emergency such as a fire.

Staff: The method of parking described in the first sentence above is specific to street parking so that clarification has been made to the code. Other parking options exist in city parking lots.

6.15.010 Parking of Oversized Vehicles

Any vehicle which, because of its size or shape, cannot be parked as provided by Section 6.15.005 may be parked outside the restricted or limited parking area of the city in a manner which will not impede or interfere with vehicular traffic. No vehicle may be parked to impede or interfere with a vehicle travel lane.

6.15.015 Prohibited Parking

- A. No person shall park a vehicle:
1. On a bridge, viaduct or other elevated structure used as a street, unless permitted by authorized signs.
 2. Obstructing a street so as to prevent or interfere with orderly two-way traffic.

3. In any alley except to load or unload persons or materials not to exceed 30 minutes, and then only in such a manner as to leave available space for another vehicle to pass the parked vehicle;
4. On a street for the principal purpose of:
 - a. Displaying the vehicle for sale.
 - b. Greasing or repairing the vehicle, except repairs necessitated by an emergency.
 - c. Displaying a sign from the vehicle.
 - d. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the ordinances of the city.
 - e. Storage in a street right-of-way for more than 72 consecutive hours, unless authorized by a valid permit. Storage includes any parking in excess of 72 consecutive hours.

Staff: Change provides the Council the option of creating parking permits with timeframes longer than 72 hours. The Parking advisory Committee is considering recommending a 96 hour permit for the commercial fishing community.

5. In a manner contrary to any sign posted regulating parking in a city parking lot, and in no circumstances for more than 16 hours in a city parking lot unless authorized for camping, pursuant to Chapter 9.50 or as a Special Event pursuant to Chapter 9.80.

Staff: This 16 hour maximum parking allowance in city parking lots is being merged over from Chapter 6.20.

56. And leave the vehicle without stopping the engine and effectively setting the brake. Police officers are authorized to turn off any vehicles left running and unattended and remove the key. The officer shall leave information as to how to claim the key.
67. In a location or at times where parking is prohibited as indicated by authorized signs or curb markings.

- B. No person shall park a truck other than a pick-up on a street at any time between the hours of ~~9:00~~10:00 P.M. and 7:00 A.M. in front of or adjacent to a residence, motel, apartment house, hotel or other sleeping accommodation.
- C. No person shall park a vehicle between ~~11:00~~10:00 P.M. and 7:00 A.M. leaving any audible auxiliary motor or engine running. For purposes of this section, "audible" means audible to humans in any public right of way or on any private residential property other than private property where the vehicle is parked with the permission of the owner, and "running" means either continuously or intermittently running, whether controlled by a thermostat, timer, or other means.

Staff: The restrictions above relate to noise, and the time limits have been adjusted so that they are consistent with the City's noise ordinance.

- D. Parking is prohibited ~~in streets~~ immediately adjacent to yellow-marked curbs. Parking or stopping is prohibited in streets or other public areas immediately adjacent to red-marked curbs. The above prohibitions apply unless parking or stopping is necessary to comply with traffic signs and signals, or if traffic does not permit continued movement. No other sign or wording is needed to make the prohibitions effective. The prohibitions established by this section apply if the yellow or red markings are visible, even though faded or partially obliterated. Public areas include private property designated or required as a fire lane. Curbs may be painted red on public or private property only to indicate a fire lane or other area where parking and stopping is prohibited.

Staff: This change is necessary because the chapter now applies to city parking lots in addition to streets.

- E. No person may park a vehicle in a handicapped parking space without a handicapped license or permit properly displayed on or in the vehicle.

6.15.020 Removal of Illegally Parked Vehicles

- A. The city may remove any illegally parked vehicle that is unattended or that is not removed after a request is made to the owner or person in charge of the vehicle, in

compliance with state and city law regulating towing of vehicles by the city.

- B. The ~~registered owner of an illegally parked vehicle shall be provided 24 hour notice prior to the~~ city shall not remove ~~anytowing the~~ vehicles that were originally legally parked unless the vehicle has remained illegally parked for a period three times longer than the time originally allowed for the vehicle to be parked, unless removal is needed in case of an emergency or to allow the orderly movement of traffic, ~~or the vehicle has been parked for more than 72 hours.~~

Staff: The 24 hour notice is consistent with existing language in NMC 6.50.040 that is applicable to towing of immobilized vehicles. Allowing vehicles to stay three times the legal length of stay is inconsistent with other towing related language and would prevent the City from reasonably enforcing parking regulations, and maintaining public parking areas. Therefore, that language has been removed.

6.15.025 Loading Zone

No person shall stop, stand, or park a vehicle in a loading zone other than to (i.) load or unload materials; or (ii.) service machinery or equipment.

A.— Stopping, standing, or parking a vehicle in a loading zone for the purpose of loading and unloading shall be only for the amount of time reasonably necessary to load and unload the vehicle and perform tasks ancillary to the loading and unloading, and the total time parked shall not exceed 30 minutes ~~or the time limit identified on the sign.~~

~~B. Any person using a loading zone for parking while servicing machinery or equipment must first obtain a permit from the Newport Police Department authorizing the vehicle to park in a loading zone for a period greater than 30 minutes. The permit must be displayed in the windshield of the vehicle while parked in a loading zone. Permits may be issued on a yearly, monthly, weekly, or daily basis. The fee for the permit shall be set by City Council resolution. Pending a fee resolution, the annual fee shall be \$50.00.~~

Staff: Language is being added to reference time limits on loading zone signs, since they vary throughout the city (as opposed to a fixed 30 minutes). The Police Department has indicated that they are not issuing permits for extended use of loading zones; therefore, that option is being eliminated.

6.15.030 Passenger Loading Zone

No person shall stop, stand, or park a vehicle in a passenger loading zone other than to load and unload passengers. The maximum time to be stopped or parked in a passenger loading zone is five minutes, unless actual loading and unloading requires additional time.

6.15.035 Buses and Taxis

No person may park or stand a bus or taxi on any street in any business district at any place other than at a bus stand or taxicab stand, respectively. This section does not prohibit the driver of any taxi from temporarily stopping for the purpose of loading or unloading of passengers.

6.15.040 Restricted Use of Bus and Taxicab Stands

No person shall stop, stand or park a vehicle other than a bus in a bus stand or other than a taxicab in a taxicab stand, except that the driver of a passenger vehicle may temporarily stop therein while actually engaged in loading or unloading passengers when the stopping does not interfere with any bus or taxi.

6.15.045 Parking Time Limited in Certain Areas

When signs are erected in any block, or within any public parking lot, limiting permissible parking time, no person shall park a vehicle within the block, or parking lot, for longer than the time posted on the sign. Movement of a vehicle to a parking space on either side of the same street within the area between the intersections at each end of the block shall not extend the time limits for parking. Movement of a vehicle to another parking space within the same parking lot shall not extend the time limits for parking. After a vehicle has been moved from the posted block, or parking lot, for more than one hour, a new time limitation shall apply.

6.15.050 Parking Permits

The City Manager may put in place a program for issuing parking permits to reserve public right-of-way areas or parking lots for use by designated parties. Parking permits may apply in timed parking areas, or elsewhere depending upon the specifications of the permit.

- A. Parking permits may be obtained electronically or in hardcopy form. A hardcopy permit areis to be displayed on a vehicle in the manner specified on the permit, and shall include a description of the authorized activity, license number of the benefited vehicle, and the date or dates within which the permit is effective.
- B. Permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

Staff: Changes recognize that permits can be issued for public parking lots in addition to on-street spaces. The edits also recognize that electronic permitting may be utilized.

6.15.055 Exemptions

The following activities are exempt from the provision of this chapter:

- A. City and public franchise utility vehicles are exempt from this chapter while in use forengaged in construction or repair work or other authorized use.
- B. Mail delivery vehicles are exempt from this chapter while in use for the collection, transportation, or delivery of United States mail.
- C. Circumstances where the driver is obeying the direction of a law enforcement or parking enforcement officer.
- D. When authorized by a vehicle parking permit.
- E. Emergency vehicles while serving an emergency.
- F. Vehicles performing work within a public parking lot or right-of-way under the terms of a right-of-way permit issued pursuant to Chapter 9.10.

G. Vehicles parked in a marked parking space with an official state-issued disabled person registration or "wheelchair user" plate, placard, permit or decal, provided the length of stay adheres to the storage limitations of Section 6.15.015.

Staff: The exemptions listed are common, and they align with those that will apply to metered parking zones which the Parking Advisory Committee reviewed.

6.15.060 Owner Responsibility

The owner of a vehicle parked in violation of a parking restriction shall be responsible for the violation, except where the use of the vehicle was secured by the operator without the owner's consent. Nothing in this section prevents an owner from recovering the cost of any penalty from the driver or other person responsible for the illegal parking.

6.15.070 Citation on Illegally Parked Vehicle

Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this Chapter, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation for the operator to answer to the charge against the owner, or pay the penalty imposed within seven days during the hours and at the place specified on the citation.

6.15.080 Registered Owner Presumption

In the prosecution of a vehicle owner, charging violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a disputable presumption that the registered owner was then the owner in fact.

6.15.090 Failure to Comply with Traffic Citation Attached to a Parked Vehicle

If the operator does not respond to a traffic citation affixed to such vehicle within a period of ten days, the Municipal Court may send to the registered owner of the vehicle, to which the traffic citation was affixed, a letter informing them of the violation and warning them that, any fine associated with the traffic citation is subject to an increase based on the number

of days the traffic citation remains unpaid, and based on the city's master fee schedule set by Council resolution.

6.15.100 Penalty

Penalties for violation of this Chapter are set by Council resolution and contained in the city's master fee schedule. Penalties assessed in a traffic citation for a violation of the provisions of this Chapter shall be imposed unless the Municipal Court finds reasonable grounds exist for either increasing or reducing the penalties.

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

~~CHAPTER 6.20 — CITY PARKING LOTS~~

~~6.20.005 — Parking in City Owned Parking Lots~~

~~Vehicles may park in marked spaces in city-owned parking lots, subject to compliance with authorized signs limiting the allowable time for parking in the city-owned parking lot. The maximum amount of time a vehicle shall be parked in a city-owned parking lot is 16 hours. Vehicles parking in city-owned parking lots in violation of the posted time limits, or other posted regulations, may be towed, subject to the same restrictions applicable to towing of vehicles from private parking lots.~~

~~6.20.010 — Parking Lots — Publicly Owned/Operated~~

~~No vehicle may be parking in a parking lot owned or operated by a governmental entity contrary to the regulations of the parking lot operator or contrary to any sign posted regulating parking in the parking lot. Vehicles parked in violation of this section may be towed, subject to the same restrictions applicable to towing vehicles from private parking lots.~~

Staff: Repeal existing chapter in its entirety, and replace with new Chapter 6.20 titled "Metered Parking Zones." Relevant language from the repealed chapter has been incorporated into Chapter 6.15.

(This is a new chapter to the Newport Municipal code. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 6.20 METERED PARKING ZONES

6.20.005 Purpose

Parking meters are authorized by the City of Newport as a means to increase vehicle turnover in parking spaces, to encourage short-term parking in the metered area, and to improve safety in the public right-of-way.

Staff: Authorizes use of parking meters within the City of Newport and explains the purpose for using them consistent with the parking study element of the Newport Comprehensive Plan.

6.20.010 Parking Meter Zone Designated

The public areas, streets or portions of such streets within a special area defined in Section 14.14.100 that have been designated by the City Council for placement of parking meters shall be considered parking meter zones.

Staff: Indicates that Section 14.14.100, Special Parking Areas, includes the geographic boundaries of parking meter zones and notes that only those areas designated by the City Council for placement of parking meters shall be considered parking meter zones. At this time, only the Bayfront has been designated for meters with the Parking Study adopted with Ordinance No. 2163.

6.20.015 Installation, Function, and Maintenance of Parking Meters

The City Manager will be responsible for the regulation, control, operation, maintenance and use of parking meters, including the establishment of areas within a meter zone where fees are applicable.

Staff: City Manger is charged with the regulation, control, operation, maintenance and use of parking meters.

6.20.020 Enforcement of Metered Parking Spaces

A. Parking meters are in effect during all hours indicated on the meter and/or sign.

- B. All vehicles must adhere to parking meter regulations while stopped or parked in an officially designated metered parking space; except:
1. Circumstances where the driver is obeying the direction of a law enforcement or parking enforcement officer.
 2. When authorized by a vehicle parking permit.
 3. Emergency vehicles while serving an emergency.
 4. City and franchise utility vehicles engaged in construction or repair work.
 5. Vehicles performing work within a public parking lot or right-of-way under the terms of a right-of-way permit issued pursuant to Chapter 9.10.
 6. Mail delivery vehicles while in use for the collection, transportation, or delivery of United States mail.
 7. Vehicles with an official state-issued disabled person registration or "wheelchair user" plate, placard, permit or decal, provided the length of stay adheres to the storage limitations of Section 6.15.015.
- C. It is unlawful to store nonvehicular property in a metered parking space. Any nonvehicular property stored in a metered parking space may be summarily abated as a nuisance if there is an immediate danger to human life, health, or safety, or immediate danger or substantial damage to property pursuant to Section 8.10.200. Otherwise, nonvehicular property stored in a metered parking space shall be subject to removal as if it were an illegal campsite under the provisions of Chapter 9.50.

Staff: Section addresses enforcement of metered spaces. Exemption language is consolidated into this section and sync'd up with similar language contained in NMC 6.15.055 that applies to timed parking/permit parking areas.

Summary abatement under the City's nuisance code is limited to circumstances where there is an immediate risk to life, health and safety. Otherwise, the City needs to treat non-vehicular property as if it were an illegal campsite and provide required notice. Language to that end has been added.

6.20.025 Compliance with Time Limit Required

- A. It is unlawful for any person to park any vehicle in any metered parking space during the hours of operation of the meter without paying the parking meter or parking permit fee, or to allow any vehicle in their control or custody to remain in any parking meter space longer than the time designated time limit.
- B. Upon expiration of the designated time limit indicated by the parking meter or parking permit, a citation may be issued if a vehicle remains parked or stopped within the same fee area or zone.
- C. A vehicle may not be parked in any space with a broken or "out of order" meter for a period of time longer than the time limit indicated on the meter. Payment or a valid receipt is required at all metered spaces regardless of whether the closest device is functioning.

Staff: Requires compliance with parking time limits. Reference to "zones" aligns with information that will be depicted on the regulatory signs that the City will be installing. In metered areas vehicles must move to another zone when the 4-hour time limit is exceeded, unless they have a valid permit.

6.20.030 Payment of Meter Fees

A sign or legend which indicates the interval of time for which parking is permitted and the fee payable for the time interval must be posted in all meter areas. The parking meter fee must be paid with U.S. coins, payment card or any other authorized payment method by the person within the vehicle, except:

- A. During all the days and the hours that a meter fee is not required.
- B. A vehicle with a current parking permit authorizing parking at a meter without payment of the meter fee.
- C. A vehicle, for the sole purpose of loading/unloading passengers, for a period not to exceed 5 minutes.
- D. A vehicle exempt from enforcement pursuant to Section 6.20.020(B).

Staff: Requires proper notice of areas that are to be metered along with the time interval and fee. Meter fee is payable where noticed, unless one of the limited exemptions applies.

6.20.035 Obstruction of Meters

No vehicle or other property may obstruct access to a parking meter in a manner which prevents deposit of coins in the meter, visibility of the meter instructions or time limit, or visibility of any mounted signs. A vehicle in violation of this section is subject to being towed and impounded pursuant to Chapter 6.65. Other property may be subject to summary abatement pursuant to Section 8.10.200 or removal as if it were an illegal campsite under the provisions of Chapter 9.50.

Staff: Prohibits vehicles from obstructing meters, which are likely to be limited to pay stations. Cross reference added to Municipal Code Chapter that addresses towing and impounding of vehicles. Removal of "other property" is subject to summary abatement or removal as if it were an illegal campsite, as appropriate.

6.20.040 Vandalism, Theft, Invalid Receipts

A. It is unlawful for any person to deface, injure, tamper with, willfully break, destroy, or impair the usefulness of any parking meter installed in public streets, public places, or elsewhere in the City, or to open or remove the same without lawful authority.

B. It is unlawful for any person without lawful authority to remove any coin box or the money content of such coin box or the contents of any parking meter or part thereof.

C. It is unlawful for any person to knowingly manufacture, duplicate, possess, or use any tool, key, implement or device designed to force, break, unlock, or otherwise gain entry to any parking meter maintained by the City unless authorized to do so by the City Manager.

D. Injury to or theft from each meter as described in Subsection A and possession of each item described in Subsections B and C is a separate offense. For each such offense, in addition to the penalties otherwise provided in this Code, a court may order restitution to the City of the damages incurred for repair or re-keying parking meters as a result of injury to the meters or the use or possession of the items described in Subsection C.

E. It is unlawful for any person to duplicate, copy, use or otherwise falsify a parking payment receipt.

F. It is unlawful for any person to damage, deface, or remove a space reservation device.

Staff: Section deals with vandalism, theft and invalid receipts. Provisions are comparable to those used by other jurisdictions (e.g. Hood River and Portland).

6.20.045 Unintentional Violation Due to Meter Failure

Any unintentional violation of a provision of this chapter by reason of a mechanical failure of a parking meter is not an offense within the meaning of this chapter once the mechanical failure is verified by the City or where there is a hood covering the meter that states "out of order."

Staff: Establishes that an unintentional violation due to a verified meter failure is not a violation of the chapter.

6.20.050 Courtesy Permits and Coupon Codes

The City Manager may issue parking meter courtesy permits or coupon codes valid for a period not to exceed seven (7) days, authorizing the permittee to park a vehicle without regard to time limits and without having to pay the meter fees in any parking space. Such courtesy permits or coupon codes are limited to the following:

- A. Vehicles associated with a special event permit authorized pursuant to Chapter 9.80 where the specifically identifies affected parking spaces.
- B. City sponsored promotional events to enhance business access and foster economic activity.
- C. Circumstances where a parking meter malfunctions or an error otherwise occurs in the application of the metering program.

Staff: Changes allow for use of coupon codes and courtesy permits at parking meter pay stations, with limitations. Includes options for promotional activities and addressing malfunctions should they arise.

6.20.055 Meter Collection Duty

It shall be the duty of the City Manager to direct the collection of all coins deposited in parking meters.

Staff: Pay stations the City is deploying include a coin payment option, and this provision notes that it is the City Manger's responsibility to direct how collections are to occur. The software will alert the City when a coin box is close to being full, and the plan is for the City's parking enforcement officer to perform collection duties.

6.20.060 Disposition of Meter Proceeds

Parking meter proceeds will be deposited in the City of Newport Parking Fund to provide for maintenance and improvement of parking areas and for the proper regulation, control and inspection of traffic upon the public streets and lots within parking special areas as defined in Chapter 14.14.100. This includes covering the cost of supervising, regulating and inspecting the parking of vehicles as provided for in this chapter, the cost of placing and maintaining lines or markings designating parking spaces and expenses associated with the installation, operation, maintenance, control and use of the parking meters installed under this chapter and other related expenses.

Staff: Section calls for revenues to be directed to the Parking Fund where they will be used to pay for parking enforcement and enhance public parking areas.

6.20.065 Establishment of Fees and Maximum Time Limits

Parking meter fees and maximum time limits shall be established by resolution of the City Council.

Staff: Establishes that fees and maximum time limits will be set by Council resolution. City staff and the Parking Advisory Committee are working with Bayfront stakeholders to finalize these, and a draft resolution with the results of that effort will be brought forward for City Council consideration at a future meeting.

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

CHAPTER 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 use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

6.25.010 Parking of Recreational Vehicles

- A. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot between the hours of 11:00 P.M. and 5:00 A.M., except in areas where camping is permitted as identified in Section 9.50.015 or as part of a Special Event Permit approved pursuant to Chapter 9.80.

Staff: Since this chapter applies to both public and private parking areas, it is not being merged into NMC 6.15. The only change is a cross-reference to the Special Event Permit Chapter (NMC Chapter 9.80) with respect to overnight parking of recreational vehicles

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CHAPTER 6.65 IMPOUNDING VEHICLES, INVENTORY

6.65.010 Purpose and Scope

This chapter provides the procedures for towing a vehicle by or at the direction of the Newport Police Department and for conducting inventories of personal property in an impounded vehicle. This policy shall not be interpreted as limiting any legal authority that police officers may have to search persons or to search or seize property. Failure to follow the policy does not give rise to a claim against the city, the police department, or any individual, but may be grounds for disciplinary action by the city.

6.65.020 Vehicle Impounds

Police officers impound vehicles in the following circumstances:

- A. Abandoned vehicles.
- A. Vehicles left in or partially in a vehicle travel lane that block or restrict traffic.
- B. Vehicles that need to be moved from their current location when the owner is arrested, cannot be located, or is incapable of caring for the vehicle.
- A. Recovered stolen vehicles.
- E. Vehicles disabled in a collision.
- F. Vehicles seized as evidence in a criminal investigation.
- G. Vehicles seized as instrumentalities of a crime such as:
 - 1. Vehicular Assault
 - 2. Attempting to Elude
 - 3. Reckless Driving.
- H. Under any statutory authority, including:

1. Driving while suspended or revoked.
2. Operating a motor vehicle without driving privileges or in violation of license restrictions.
3. Driving under the influence of intoxicants.
4. Driving uninsured.

I. Vehicles located in a public parking space in violation of posted time limits, meter requirements, or other posted parking regulations.

A police officer may order the towing of impounded vehicles.

Staff: Language added to authorize towing and impoundment for vehicles that violate City parking regulations. It syncs up with existing language in NMC Chapters 6.15 that authorizes illegally parked vehicles to be towed. The new language is crafted to make it clear that vehicles can be towed if they violate meter requirements.

6.65.030 Definitions

The following definitions apply in this chapter:

A. Valuables means:

1. Cash money of an aggregate amount of \$50 or more;
or
2. Individual items of personal property with a value of \$500.00 or more.

B. Open Container means a container that is unsecured or incompletely secured in such a fashion that the container's contents are exposed to view.

C. Closed Container means a container whose contents are not exposed to view.

D. Police Officer means any police officer employed or acting at the direction of or in collaboration with the Newport Police Department.

6.65.040 Inventories of Impounded Vehicles

- A. The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:
 - 1. If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or
 - 2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.
- B. The purpose for the inventory of an impounded vehicle will be to:
 - 1. Promptly identify property to establish accountability and avoid spurious claims to property;
 - 2. Assist in the prevention of theft of property;
 - 3. Locate toxic, flammable, or explosive substances;
 - 4. Reduce the danger to persons and property.
- C. Inventories of impounded vehicles will be conducted according to the following procedure:
 - 1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;
 - 2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:

- a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car-top containers; and
 - b. Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
3. Unless otherwise provided in this chapter, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes, except a closed container in the vehicle or vehicle compartment will have its contents inventoried when:
 - a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle, or secure police holding room;
 - b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or
 - c. The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.
4. Upon completion of the inventory, the police officer will complete a report.
5. Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if that person is present. The valuables will be maintained in a secure manner until they can be released to the owner or other authorized person, subject to any right of the city to

seize or hold the valuables as evidence or to otherwise retain the valuables.

CITY OF NEWPORT

ORDINANCE NO. 2215

AN ORDINANCE AMENDING CHAPTER 14.14 OF THE
NEWPORT MUNICIPAL CODE RELATED TO OFF-STREET PARKING
REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT
IN SPECIAL PARKING AREAS

(Newport File No. 3-Z-22)

Findings:

1. On August 14, 2023, the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code, to reduce minimum off-street parking requirements for new development or redevelopment in special parking areas where public parking is managed with meters or a combination of parking meters and permits.

2. The amendments carry out implementation measures listed in the parking study the City Council adopted in 2020 with Ordinance No. 2163, which reads as follows:

“Implementation Measure 1.3.1: Pursue metered zones, hybrid paid/permit, and hybrid permit/timed zones for high demand areas along the Bayfront; and”

“Implementation Measure 3.2.3: Reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones.”

3. The City is rolling out a meter and a combination meter and paid parking permit program for the Bayfront, with full implementation anticipated by the end of the year. At that time, the City will shift to demand management, using pricing to influence parking behavior in order to realize better vehicle turnover, reducing congestion and improving safety. In exchange, the City has agreed to reduce or eliminate off-street parking requirements for new development and redevelopment in these high demand areas. Existing off-street parking requirements have been an impediment to economic growth because it is not practical (or in some cases even possible) to construct off-street parking because of terrain constraints.

4. The draft amendments were developed in consultation with the Parking Advisory Committee at its May 17, 2023 and August 16, 2023 meetings, the Planning Commission at work sessions on May 22, 2023 and August 14, 2023, and the City Council at a work session on June 20, 2023. Proposed substantive changes are more specifically described below:

a. Newport Municipal Code (NMC) Section 14.14.100, Special Parking Areas, applies to Nye Beach, City Center, and the Bayfront. It is being amended to include a new subsection 14.14.100(B), which provides that uses within a special area where meters are utilized, in all or part of the special area, may pay a one-time fee in lieu of providing the off-street parking that would otherwise be required, provided the parking demand does not exceed 20 spaces. Such fee shall be in an amount established by Council resolution. Uses with a parking demand in excess of 20 spaces must provide off-street parking sufficient to accommodate the excess demand. Parking ratios in subsection 14.14.030 or a parking demand analysis authorized under subsection 14.14.040 are to be used to determine a use(s) parking demand.

b. A new subsection 14.14.100(C) is created, establishing that existing uses that provide off-street parking in order to comply with the provisions of this section, or prior parking ordinances, shall not be required to retain such parking if they are located within a special area where public parking meters are utilized, in all or part of the special area. This amendment addresses an equity concern where, over the years, some Bayfront users were required to provide off-street parking on valuable real estate whereas others were not. Large users, that generate a demand for more than 20 parking spaces, will not be able to take full advantage of this provision because NMC 14.14.100(B) requires they provide off-street parking.

c. A new subsection 14.14.100(D) provides that uses within a special area shall be subject to a "Parking District Business License Annual Fee" in an amount set by Council resolution, unless the City requires payment for the use of public parking in all or part of the special area. This codifies the fee authorized with Council Resolution No. 3864. Once this language is in place, and metering is operational, then the Bayfront will no longer be subject to a Parking District Business License Annual Fee. Similarly, if Nye Beach implements a paid parking permit program at some point in the future, then it would also no longer be subject to a parking district business license fee.

d. Lastly, NMC Section 14.14.030, which states "for reconstruction or change of type of use, credit be given to the old use so that the required parking shall be based on the increase of the new use," is being amended to clarify that "old use" is any use or structure on a property within the last 10 years. This aligns with the period of time an individual can claim System Development Charge credits for a prior use (NMC 12.15.065).

5. The Newport Planning Commission held a public hearing on September 25, 2023 to consider public testimony and comment on the draft amendments and, at the conclusion of the hearing, passed a motion recommending the City Council adopt the amendments.

6. The City Council held a public hearing on October 16, 2023 regarding the question of the proposed amendments, and, after considering the recommendation of the Planning

Commission and evidence and argument in the record, adopted the ordinance, concluding that it is necessary and furthers the general welfare of the community.

7. 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.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Findings. The findings set forth above are hereby adopted in support of the amendments to Title XIV of the Newport Municipal Code adopted by Section 2 of this Ordinance.

Section 2. Municipal Code Amendment. Chapter 14.14 of Title XIV of the Newport Municipal Code is hereby amended as set forth in Exhibit "A".

Section 3. Effective Date. This ordinance shall take effect 30 days after adoption.

Adopted by the Newport City Council on: _____

Signed by the Mayor on _____, 2023.

Jan Kaplan, Mayor

ATTEST:

Erik Glover, Asst. City Manager/City Recorder

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CHAPTER 14.14 PARKING AND LOADING REQUIREMENTS

14.14.010 Purpose

The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

14.14.020 Definitions

For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

14.14.030 Number of Parking Spaces Required

- A. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first.
- B. For any expansion, reconstruction, or change of use, the entire development shall satisfy the requirements of [Section 14.14.050](#), Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. For the purpose of this section “old use” is any use or structure on a property within the last 10 years.
- C. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately.
- D. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise.
- E. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.
- F. Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

1.	General Office	1 space/600 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf

4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump
9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf
12.	Waterport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces/ <u>1,000 sf</u>
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence	2 spaces/dwelling
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Townhouse	1.5 spaces/unit
24.	Cottage Cluster	1 space/unit
25.	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
26.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
27.	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses shall be calculated separately)
28.	Park	2 spaces/acre
29.	Athletic Field	20 spaces/acre
30.	Recreational Vehicle Park	1 space/RV space +

		1 space/10 RV spaces
31.	Marina	1 space/5 slips or berths
32.	Golf Course	4 spaces/hole
33.	Theater	1 space/4 seats
34.	Bowling alley	4 spaces/alley
35.	Elementary/Middle School	1.6 spaces/classroom
36.	High School	4.5 spaces/classroom
37.	Community College	10 spaces/classroom
38.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
39.	Day Care Facility	1 space/4 persons of license occupancy
40.	Hospital	1 space/bed
41.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified)

Staff: Section 14.14.030 has been broken up into distinct regulatory concepts. The language requiring that “for reconstruction or change of type of use, credit be given to the old use so that the required parking shall be based on the increase of the new use” is silent about whether or not a use that has ceased operation counts as an “old use.” Clarifying language is being added indicating that, for the purpose of this section, “old use” is any use or structure on a property within the last 10 years. That aligns with the period of time an individual can claim System Development Charge Credits for a prior use (NMC 12.15.065). A typo is being corrected for the industrial use parking ratio.

14.14.040 Parking Requirements for Uses Not Specified

The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in [Section 14.14.030](#) or a separate parking demand analysis prepared by the applicant and subject to a Type I decision making procedure as provided in [Section 14.52](#), Procedural Requirements.

14.14.050 Accessible and Electric Vehicle Parking

Parking areas shall meet all applicable accessible parking and electric vehicle charging infrastructure requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons, and sufficient electric vehicle parking infrastructure for future users.

14.14.060 Compact Spaces

For parking lots of five vehicles or more, 40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.

14.14.070 Bicycle Parking

Bicycle parking facilities shall be provided as part of new multi-family residential developments of five units or more; new retail, office, and institutional developments; and park-and-ride lots and transit transfer stations.

A. The required minimum number of bicycle parking spaces is as follows, rounding up to the nearest whole number:

Parking Spaces Required	Bike Spaces Required
1 to 4 ^a	1
5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/25

a. Residential developments less than 5 units are exempt from bicycle parking requirements.

B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.

C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.

E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

14.14.080 Shared Parking

The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

14.14.090 Parking Lot Standards

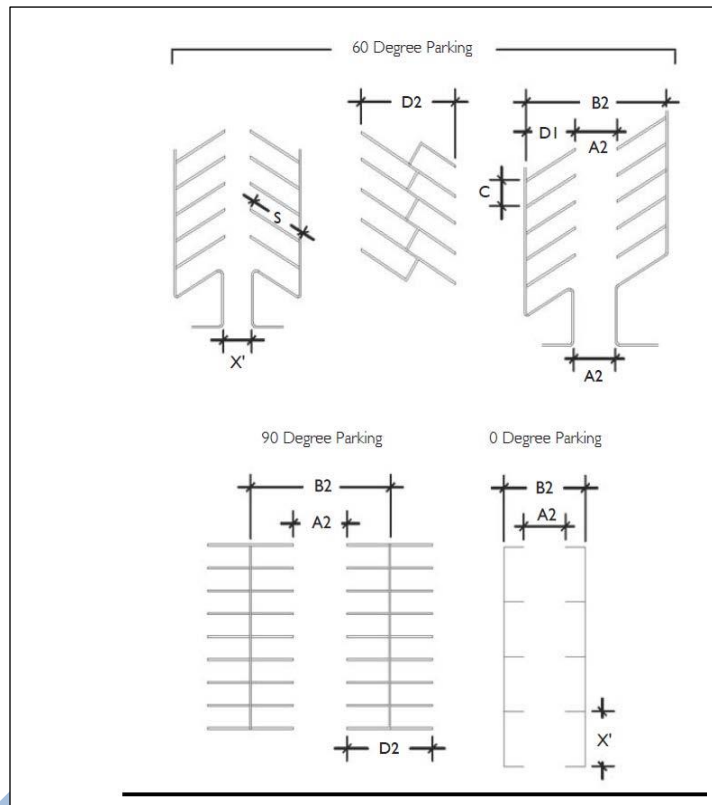
Parking lots shall comply with the following:

A. Parking Lot Minimum Standards. Parking lots shall be designed pursuant to the minimum dimensions provided in Table 14.14.090-A and Figure 14.14.090-A.

Table 14.14.090-A. Parking Lot Minimum Dimensions for Standard Space

PARKING ANGLE ≤°	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
		SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Figure 14.14.090-A. Parking Lot Minimum Dimensions



B. Surfacing.

1. All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and dust may be approved by the City Engineer if an equivalent level of stability is achieved.
2. Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such

street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.

3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings.

C. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.

D. Satellite Parking.

1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.

2. All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.

3. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.

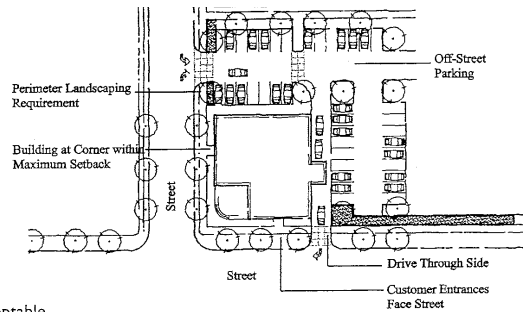
4. Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.

E. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to

apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

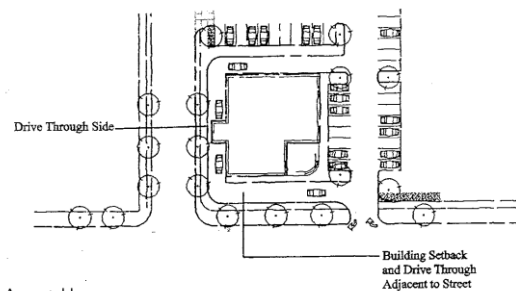
F. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

Figure 1 – Drive-Up and Drive-Through Facilities



Acceptable

1. The drive-up/drive through facility shall orient to an alley, driveway, or interior parking area, and not a street; and
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.



Not Acceptable

G. Driveway Standards. Driveways shall conform to the requirements of Chapter 14.46.

H. Landscaping and Screening. Parking lot landscaping and screening standards must comply with Section 14.19.050.

- I. Preferential Carpool/Vanpool Parking. Parking areas that have designated employee parking and more than 20 vehicle parking spaces shall provide at least 10% of the employee parking spaces, as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA accessible parking spaces.

14.14.100 Special Area Parking Requirements

A. The boundary of the ~~These~~ special areas are defined as follows:

A1. Nye Beach. That area bounded by SW 2nd Street, NW 12th Street, NW and SW Hubert Street, and the Pacific Ocean.

B2. Bayfront. That area bounded by Yaquina Bay and the following streets: SE Moore Drive, SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.

C3. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, SW 10th Street, SW Angle Street, SW 11th Street, SW Hubert Street, and SW 10th Street.

B. Uses within a special area where public parking meters are utilized, in all or part of the special area, may pay a fee in lieu of providing the off-street parking required in this section provided the parking demand does not exceed 20 spaces. Such fee shall be in the amount established by Council resolution. Uses with a parking demand in excess of 20 spaces must provide off-street parking sufficient to accommodate the excess demand. Parking ratios in subsection 14.14.030 or a parking demand analysis authorized under subsection 14.14.040 shall be used to determine a use(s) parking demand.

Staff: The proposed language responds to Parking Study Comprehensive Plan Implementation Measure 3.2.3, which calls for the City to reduce or eliminate minimum off-street parking requirements for new development or redevelopment

in metered and meter/permit zones. It is a combination of Options B.2 and B.3, presented to the Parking Advisory Committee on May 17, 2023, the Planning Commission on May 22, 2023, and the City Council on June 20, 2023. Blending the two options was the clear preference coming out of the meetings, with Option B.2 requiring a one-time fee in lieu of a developer constructing off-street parking to serve their project and Option B.3 capping the amount of parking a new development or redevelopment can place on the public parking system before the requirement for new off-street parking is triggered.

The draft code provisions outlined above would allow smaller scale development (i.e. that which generates a demand for less than 20 parking spaces) to occur without requiring they construct new off-street parking. Larger projects that generate a demand for more than 20 parking spaces would have to construct off-street parking to accommodate the additional demand. A one-time fee will be charged for new development or redevelopment that generate a demand for up to 20 parking spaces. This would create a modest amount of funding to help pay for new public parking, transit, etc. in concert with metering revenues. It is justifiable because new development or redevelopment places additional strain on the finite amount of parking available in these areas. The fee would be scaled to disincentivize development that places significant new demand on the public parking spaces. Here is an example of what that could look like:

Additional Demand:

<i>Spaces 1 to 5</i>	<i>\$0 ea.</i>
<i>Spaces 6 to 10</i>	<i>\$5,000 ea.</i>
<i>Spaces 11 to 15</i>	<i>\$7,500 ea.</i>
<i>Spaces 16 to 20</i>	<i>\$10,000 ea.</i>

At the Planning Commission meeting it was suggested that there be no fee for the first 5 required off-street spaces. That is consistent with the existing fee resolution that allows the first 5 spaces to be exempted where a parking business license surcharge is in place. That surcharge will go away though once a meter/permit program is in place.

Here are examples of how the one-time fee would play out:

Example 1: Convert 1,400 sf of retail to restaurant (About the size of the retail building where Noble Estates offered wine tasting (146 SW Bay Blvd)

9.33 spaces (new restaurant) - 4.67 spaces (existing retail) = 4.66 (5 spaces). \$0 fee.

Example 2: 12,000 sq. ft. of waterfront industrial with 4,000 sq. ft. of warehouse space (at old California Shellfish site 411 SW Bay Blvd).

20 spaces (new industrial/warehouse). No existing use credits. \$112,500 fee. While significant, this cost is less than what it would take to construct a lot of this size and could potentially be absorbed as part of the development costs.

Example 3: Construct 47 room hotel, 2,626 sf retail (Abbey Hotel project) on site previously occupied by a nightclub, restaurants, and retail. (836 - 856 SW Bay Blvd).

65 spaces (new hotel/retail use) - 49 spaces (credit for old use) = 16 spaces. Old use provided 20 off-street spaces, so impact of new project is 36 spaces. 43 parking spaces provided off-street. No fee.

Example 4: Construct 47 room hotel, 2,626 sf retail on a site where there was no prior use. 49 space impact. \$112,500 fee for first 20 spaces and developer would be required to construct 29 off-street parking spaces.

This language would only apply in special parking areas where meters are deployed, which is the plan for the Bayfront. It would not apply to Nye Beach or City Center.

C. Existing uses that provide off-street parking in order to comply with the provisions of this section, or prior parking ordinances, shall not be required to retain such parking if they are located within a special area where public parking meters are utilized, in all or part of the special area.

Staff: This language is needed to make it clear that the few businesses currently providing off-street parking in a meter or meter/permit area will no longer be bound to do so, meaning they can develop these properties. Accessible parking

standards, electric vehicle parking requirements, and bicycle parking provisions key off of the number of off-street spaces provided. The City will need to consider accommodating those needs in public rights-of-way. The draft language has been revised to limit its applicability to metered areas, which for the time being is the Bayfront. Such change aligns with Parking Study Comprehensive Plan Implementation Measure 3.2.3, which calls for the City to reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones. Metered parking and meter/permit zones are not currently planned for Nye Beach and City Center.

D. Uses within a special area shall be subject to a “Parking District Business License Annual Fee” in an amount set by Council resolution, unless the City requires payment for the use of public parking in all or part of the special area. The annual business license fee established under this subsection shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces. Uses that generate a demand for more than five (5) off-street parking spaces shall provide the additional spaces in accordance with the provisions of this section.

Staff: This subsection is needed for the Nye Beach and City Center special areas, where metered and meter/permit zones are not being implemented. It codifies language that is currently in Council Resolution No. 3864, a resolution that would be repealed if this language is adopted. Once this language is in place, and metering is operational, then the Bayfront will no longer be subject to a Parking District Business License Annual Fee. If Nye Beach implements a paid parking permit program at some point in the future, then it would also no longer be subject to a parking district business license fee.

14.14.110 Loading and Unloading Areas

Off-street loading and unloading areas shall be provided per this section.

A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered

to or shipped from that use, a sufficient off-street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.

- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table 14.14.110-A, Required Loading Spaces

Square footage of Building	Number of Loading Spaces
0-19,999	0
20,000 – 79,999	1
80,000 – 119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the Planning Commission may waive the requirements of this section.
- F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and unloading

facility shall be screened per unloading facility shall be screened per [Section 14.18](#).

14.14.120 Variances

Variances to this section may be approved in accordance with provisions of [Section 14.33](#), Adjustments and Variances, and a Type III Land Use Action decision process consistent with [Section 14.52](#), Procedural Requirements.*

DRAFT



OLD BUSINESS

DATE: October 18, 2023
RE: Parking Fees
TO: Paula Miranda, General Manager
ISSUED BY: Aaron Bretz, Director of Operations

BACKGROUND

The City of Newport adopted a plan to implement parking demand management on the Bayfront in 2020, which consists of implementation of paid/permit parking. After experiencing delays due to COVID, the City has moved ahead and is now preparing to implement their plans. The Port has relatively extensive parking assets on the Bayfront, with the largest lot near the new administration building at Port Dock 7.

Because of the City's expected fees, the Port should adjust our fees for parking passes on the north side of the Port to keep pace with the City's but still incentivize the type of parking practices that will fit in well with other parts of the Bayfront.

DETAIL

Attached is a report I submitted to the Commercial Fishing User Group that shows the locations and inventory of Port parking assets on the Bayfront. The City's plan for parking on Bay BLVD near Port Dock 5 employs a time limit for parking in that area of 96 hours. This means that the Port's parking assets on the Bayfront are best used for long-term parking, particularly in the large lot near Port Dock 7.

Port parking passes on the north side are currently sold for \$27.81 per year each. The City will charge \$25 monthly (or \$100 for an annual pass) to park on Bay BLVD from the old Fern Plant platform eastward. They will charge \$45 monthly for parking passes along Bay BLVD nearest Port Docks 3 & 5.

We currently have only one pass for the north side, and our signage is set up for only one pass. We are in the process of installing new signs with the intent to clarify for the public where the Port's parking areas exist to lessen confusion by those who purchase City of Newport passes. I recommend adopting an rate for Port passes on the north side for a fee of \$100 per year each, and \$25 monthly, which is in keeping with the City's Tier II rate.

Additionally, we will need to extend the offer to purchase these permits to Port tenants (such as the Yacht Club, Oregon Boating Foundation, Chelsea Rose, etc.).

Because of the shift in the City's parking management practices, we stand to experience a sharp increase in requests for Port parking passes, and one of the reasons for our increase in rate is to keep pace with the City so that we don't experience unintended use of our facilities.

I recommend waiting at least two months so that we can provide some notice of the change, but the increase should generally coincide with the City's launch of their parking changes on the Bayfront.

BUDGET IMPLICATIONS

This will not result in any adverse budget implications.

RECOMMENDED MOTION:

"I MOVE TO APPROVE THE EXECUTIVE DIRECTOR OR HER DESIGNEE TO INCREASE THE PARKING RATE FOR ANNUAL PASSES ON THE NORTH SIDE OF THE PORT TO \$100 PER YEAR AND \$25 PER MONTH EFFECTIVE ON JANUARY 1ST."



OLD BUSINESS

DATE: August 31, 2023
RE: Port Parking Assets
TO: Commercial Fishing User Group
ISSUED BY: Aaron Bretz, Director of Operations

BACKGROUND

The City is preparing to implement paid/permit parking along Bay BLVD on the Bayfront. This will likely increase demand on Port Parking assets. To consider how this will affect the Port's parking assets, see the attached overhead view showing the Port's parking assets along with a count of the spaces.

DETAIL

The Port Dock 3 lot's capacity is about 10 parking spaces.

The Port Dock 5 lot's capacity is about 15 parking spaces.

The parking at the west end of the Commercial Marina lot is 12 parking spaces.

The parking lot at Port Dock 7 has room for at least 130 parking spaces.

The City's plan is intended to create more parking turnover, which is done both by pricing and by ordinance changes. We need to be cognizant of those prices and regulatory changes and consider how that will affect the Port's lots. Bay BLVD will consist of several tiers of prices, and those who wish to purchase City passes can choose which area is the best option for them. See the City's maps to determine what that mix of prices are, and what the time limits will be.

The Port Dock 3 and Port Dock 5 lots are not owned by the Port of Newport. The Port leases them at a nominal fee at both locations. The terms of one lot include a duty to cut brush on the hillside, and at the other location, the lease does not address this issue. Cutting the brush on both hillsides is not a minor undertaking, given the angle of those hillsides.

Enforcement in the parking areas is a contentious issue that the Port shoulders year-round. We field complaints that range from there not being enough enforcement to those who get tickets appealing and claiming that they're being "harassed" simply for parking in an available space where there was none elsewhere. The entire Port only has a security officer on duty during the daytime for four days per week due to cost. It would cost the Port about \$50K a year to have partial day coverage 7 days a week, and that would only give us one officer on call for the entire Port. This officer gets split between South Beach, the Commercial Marina, and the Terminal,

Standard parking stalls are 160 square feet (8' X 20'). The Port offers storage at a monthly rate of \$0.35 per square foot. The storage rate for a parking space would be \$56 per month. This is important when looking at space in the Commercial marina because storage space vs parking space is an important consideration. The Port considers storage space to be an extremely important service provided to users because it acts both as staging for upcoming fisheries, and long-term storage for those who don't own real estate off Port Property to keep their gear. The inability to store gear can be a barrier for entry into the commercial fishing industry, and when balanced against extra parking space, the Port favors storage both from a service standpoint as well as a revenue standpoint.

The fees for Port parking passes will have to be adjusted to even out some of the disparity between the Port's prices and the City's prices, but we will need to consider the differences between the types of parking:

The Port's parking has no time limit. It's there for those who are getting underway on boats for extended periods, and it's also there for those who are coming down to the docks daily to perform work on their boats prior to getting underway or after coming back from a trip.

85% of the Port's available parking spaces are on the Port's Commercial Marina Lot. There are a select few spots available on the leased lots at PD3 and PD5.

As the City begins to manage the street parking more actively, there will be more pressure put on the Port's parking assets both by authorized users and by those looking to avoid parking on the street. Additionally, we expect some people to be confused about the difference between City of Newport parking assets and Port of Newport parking assets. Different passes are required between these two different areas; the Port is purchasing different signage to try and better label these areas. Any additional enforcement efforts or infrastructure changes on the part of the Port above and beyond what we're currently fielding must be funded somehow.

Additional security is not currently in the budget, so our plan currently is to focus as much of the existing enforcement effort on the Port's Commercial Fishing parking assets as possible during the rollout of the City's parking changes. We also are adding signage in the Port parking areas to make them more discernable to the public so that those who are unaware can see that these areas are for holders of Port parking passes for Commercial Fishermen. The Port is considering what increase in annual parking rates is necessary to decrease the disparity between the Port's rates and the City's new rates in the coming months.

Port Parking Lots
 Port Dock 3 Lot capacity is about 10 parking spaces
 Port Dock 5 Lot capacity is about 15 parking spaces
 Commercial Marina West End
 12 spaces
 Port Dock 7 Lot capacity is about 130 parking spaces. Distance from Port Dock 5 Pier is 520 yards

- Legend**
- Feature 1
 - Newport Elks Lodge #2105
 - Local Ocean Seafoods
 - Newport Elks Lodge #2105
 - Oregon Coast Glassworks
 - Pacific Maritime Heritage Center
 - Port Dock
 - Port Dock 3 Parking
 - Port Dock 5 Parking
 - Port Dock 7 Parking
 - Port of Newport Hoist Dock
 - Walk from Port Dock 7 Lot to Port Dock 5
 - Yaquina View Elementary School





DATE: *October 28, 2023*
RE: *Appointment of Commissioner Liaisons*
TO: *Port of Newport Board of Commissioners*
ISSUED BY: *Paula J. Miranda, Executive Director*

BACKGROUND

In the past Commissioners and directors have represented the Port in various boards and associations. It has been a couple of years since we have made any changes. With some commissioners gone and new commissioners in, it is a good idea to revisit the spreadsheet attached and see if we can allocate representatives of the Port, so we can better serve our community and the needs of the Port. I have shared this information previously. Hopefully, you have found some interest in areas you would like to serve.

RECOMMENDATION

I recommend we assign a liaison to each of the areas listed on the spreadsheet or eliminate those areas we no longer find a need for Port attendance.



600 S. E. BAY BOULEVARD,
NEWPORT, OREGON 97365
PHONE (541) 265-7758
FAX (541) 265-4235
www.portofnewport.com

Affiliations & Memberships

Organization	Liaison(s)	Meetings
AMERICAN ALBACORE FISHING ASSOCIATION www.americanalbacore.com	Aaron Bretz	none
ASSOCIATION OF PACIFIC PORTS (APP) www.pacificports.org	Paula Miranda; _____ (alt)	Annual Conf (Jul), Winter Conf (Jan), Seminar (Nov)
CASCADES WEST AREA COMMISSION ON TRANSPORTATION www.ocwcog.org	_____; _____ (alt.); alternate may be staff	4th Thu every other month, 5 - 7 pm
CASCADES WEST COUNCIL OF GOVERNMENTS www.ocwcog.org	Gil Sylvia; Walter Chuck (alt); must be elected	2nd Tue every month, 12 - 1:30 pm
CASCADES WEST ECONOMIC DEVELOPMENT DISTRICT www.ocwcog.org	Paula Miranda; _____ (alt.)	3rd Fri every other month
COMMERCIAL FISHING USERS GROUP COMMITTEE www.portofnewport.com	_____; _____ (alt.)	as scheduled
DAS OPS ORCPP, Procurement Services www.oregon.gov/DAS/Procurement	Aaron Bretz; Mark Brown (alt.)	none
ECONOMIC DEVELOPMENT ALLIANCE OF LINCOLN COUNTY (EDALC) - www.coastbusiness.info	Paula Miranda; Aaron Bretz (alt.)	quarterly as scheduled
GREATER NEWPORT CHAMBER OF COMMERCE (NCOC) www.newportchamber.org	Paula Miranda	Fridays 12 - 1 pm
MIDCOAST WATERSHEDS COUNCIL www.midcoastwatersheds.org	_____; _____ (alt.)	1st Thu every month 6:30 pm
NEWPORT CITY COUNCIL www.newportoregon.gov/citygov/mayorcouncil.asp	_____; _____ (alt.)	1st and 3rd Mondays every month, 6 pm
NEWPORT VISION 2040 ADVISORY COMMITTEE https://www.newportoregon.gov/citygov/comm/v2040a.asp	Gil Sylvia (currently education member); _____ (alt.)	monthly as scheduled
OCEAN POLICY ADVISORY COUNCIL (OPAC) https://www.oregon.gov/LCD/OCMP/Pages/OPAC.aspx	_____	Twice a year
Organization	Liaison(s)	Meetings

OREGON COASTAL ZONE MANAGEMENT ASSOCIATION (OCZMA) www.oczma.org	_____; Aaron Bretz (alt.) alternate may be staff	Twice a year
OREGON ECONOMIC DEVELOPMENT ASSOCIATION (OEDA) https://oeda.biz	Paula Miranda	Annual Conference
OREGON PUBLIC PORTS ASSOCIATION (OPPA) www.oregonports.com	Paula Miranda; Aaron Bretz (alt.)	Annual Conf; quarterly ports meeting
PACIFIC COAST CONGRESS OF HARBORMASTERS AND PORT MANAGERS (PCCHPM) - www.pccharbormasters.org	Kody Robinson; Aaron Bretz (alt.)	Fall Conf; Spring Conf
PACIFIC NORTHWEST WATERWAYS ASSOCIATION (PNWA) www.pnwa.net	Paula Miranda; _____ (alt.)	Mission to DC (Feb); Summer Conf; Annual Conf; Regional Meeting
SPECIAL DISTRICTS ASSOCIATION OF OREGON (SDAO) www.sdao.com	Paula Miranda	Annual Conf (Feb)
WESTERN FISHBOAT OWNERS ASSOCIATION www.wfoa-tuna.org	Aaron Bretz	Annual Meeting
YAQUINA BAY ECONOMIC FOUNDATION (YBEF)	Paula Miranda; _____ (alt.)	Last Wed of the month



Port of Newport
OLD BUSINESS

DATE: *October 28, 2023*
RE: *DSL Lease Assignment from Goplen – Port Dock 1*
TO: *Port of Newport Board of Commissioners*
ISSUED BY: *Paula J. Miranda, Executive Director*

BACKGROUND

Back on July 30, 2021, the Port authorized the execution of a Memorandum of Understanding (MOU) between the Port and the Goplens' (Owners of Clearwater Restaurant), which are the upland owners of the property in front of Port Dock 1.

In the past we had gone back and forth with the Department of State Lands (DSL) on a lease for the dock portion. Because of their rules, they have to first offer the property to the upland owner. The Goplens' agreed to enter into a lease with DSL (through the MOU) and assign it back to the Port. The documents attached will provide for such assignment.

RECOMMENDATION

I recommend "A MOTION ALLOWING THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTATION NECESSARY TO COMPLETE THE ASSIGNMENT FROM GOPLEN TO THE PORT, AS ATTACHED."



Oregon

Tina Kotek, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

October 13, 2023

State Land Board

SN410VAPP0063887

PORT OF NEWPORT

ATTN: PAULA MIRANDA

600 SE BAY BLVD

NEWPORT, OR 97376

Tina Kotek

Governor

LaVonne Griffin-Valade

Secretary of State

Sent via email to: PMIRANDA@PORTOFNEWPORT.COM

RE: Assignment of State Waterway Lease 63887-ML

Tobias Read

State Treasurer

Dear Paula Miranda:

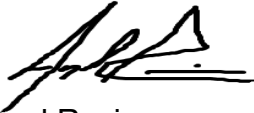
To promptly assign a state waterway lease from the current holder to a purchaser (see OAR 141-082-0300) the following outline of the process describes what is needed:

1. The form "Assignment of Lease" Form properly filled out and signed by both the seller and purchaser. Additionally, the purchaser is required to provide a Certificate of Liability Insurance appropriate to cover the provisions made in Exhibit B, enclosed, of the lease agreement.
2. There is an administrative processing fee of \$750.00 to assign this lease, see OAR 141-082-0300 (2)(b). If paying by check, please reference the lease number and mail payment to **Department of State Lands, 775 Summer St. NE, Suite 100, Salem Oregon, 97301** or you may pay online at <https://www.oregon.gov/dsl/Pages/payments.aspx>
3. When the Department receives the Waterway Lease Assignment Application and processing fee, as well as the insurance certificate and a signed "Assignment of Lease" Form, the Application will be reviewed for completeness. If the purchaser/applicant is a corporation or limited liability company, the required accompanying documents will be reviewed to ensure the applicant is adequately qualified to perform under the lease. **Note: we received your Assignment Application on October 9, 2023.**
4. If approved, the Department will assign the rights and interest of the Lease to the purchaser for the remaining term.

5. If a new lease term is requested by the purchaser, a Waterway Lease Application will need to be filled out and returned to the Department accompanied by an additional administrative fee of \$750.00. A new term requires circulation to other federal, state and local agencies and adjacent landowners. After the Public Review has been completed and comments successfully addressed, the Department will mail the lease documents to the purchaser for signature. The purchaser is responsible for returning the signed lease documents to the Department for execution. An executed original lease document will then be mailed back to the purchaser.

Thank you for your assistance and patience in this process. Please feel free to contact me if you have any questions or concerns.

Sincerely,



Angel Rovira
Proprietary Coordinator
Mid-West Region
ANGEL.C.ROVIRA@dsl.oregon.gov
971-707-2068

Enclosure: Assignment of Lease Form 63887-ML
Exhibit B

EXHIBIT B

Insurance Requirements

(Any capitalized terms used but not defined in this Exhibit shall have the same meaning as in the Agreement to which this Exhibit is attached.)

During the Term of the Agreement, Lessee shall maintain in force, at its own cost and expense and in accordance with Section 5 below, each insurance item noted below,

1. Workers' Compensation

(Required if Lessee has one or more workers, as defined by ORS 656.027)

All employers, including Lessee, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Lessee shall require and ensure that each of its sublessees (if permitted) complies with these requirements.

2. Commercial/General Liability Coverage

- Required by State**
 Not required by State

Commercial/General Liability coverage, insuring against claims for bodily injury, death and property damage. Coverage shall include contractual liability coverage for the indemnity provided under the Agreement. The commercial/general liability insurance coverages required under the Agreement shall include the State of Oregon and its agencies, departments, divisions, commissions, branches, officers, employees, and agents as additional insureds (See Section 5 below).

Lessee shall provide proof of liability or commercial general liability insurance in not less than the following amounts:

Bodily Injury/Death:

\$1,000,000/\$2,000,000 combined single limit per occurrence/aggregate limit for all claims per occurrence.

or

\$2,000,000/\$4,000,000 combined single limit per occurrence/aggregate limit for all claims per occurrence.

or

\$ _____

3. **Marine Protection and Indemnity Coverage**

- Required by State
 Not required by State

Lessee shall obtain, at Lessee's expense, and keep in effect during the Term of the Agreement, marine protection and indemnity coverage. Shall not be less than \$_____.

4. **Pollution Liability**

- Required by State
 Not required by State

Lessee shall obtain at Lessee's expense, and shall keep in effect during the Term of the Agreement, pollution liability insurance covering Lessee's liability for bodily injury, property damage and environmental damage resulting from sudden accidental and gradual pollution and related cleanup costs incurred by Lessee, all arising out of Lessee's lease of the Premises. Shall not be less than \$_____

5. **General Requirements**

(a) **“Tail” Coverage.** If any of the required liability insurance is on a “claims made” basis, Lessee shall maintain either “tail” coverage or continuous “claims made” liability coverage, provided the effective date of the continuous “claims made” coverage is on or before the effective date of the Agreement, for a minimum of twenty-four (24) months following the termination or expiration of the Agreement.

(b) **Certificates of Insurance.** As evidence of the insurance coverages required by the Agreement, Lessee shall furnish acceptable insurance certificates to State prior to commencing any work to be performed under the Agreement. The certificate shall specify all of the parties who are additional insureds. If requested, complete copies of insurance policies, trust agreements, etc. shall be provided to State. Lessee shall pay for all deductibles, self-insured retention, and self-insurance.

(c) **Additional Insureds.** Any coverage required by this Exhibit, except for Workers' Compensation, shall include the State of Oregon, and its agencies, departments, divisions, commissions, branches, officers, employees, and agents as additional insureds, but only with respect to Lessee's activities to be performed under the Agreement. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

(d) **Change in coverage or cancellation.** Lessee shall notify Lessor when a change in coverage or cancellation occurs. Lessee shall provide Lessor copies of new coverage upon effect of change. Lessee shall maintain the required insurance coverage over the Term of the Agreement.

**STATE OF OREGON
DEPARTMENT OF STATE LANDS
Assignment of Lease
63887-ML**

For good and valuable consideration received, Hans Goplen (the "Assignor") hereby assigns to Port of Newport (the "Assignee") all right, title, and interest in the attached lease number 63887-ML (the "Lease") dated March 27, 2023 by and between the State of Oregon, acting by and through the Department of State Lands, as Lessor, and Hans Goplen, as Lessee, covering the use of the real property and improvements described therein, situated in Lincoln County, State of Oregon. **This assignment is not valid until the Department of State Lands issues its written consent.**

Dated this _____ day of _____, 20____.

ASSIGNOR

Signature

Printed Name

Assignee hereby accepts assignment of the Lease and hereby assumes and agrees to strictly perform all of the Lessee's obligations under the Lease arising from and after the date hereof. Assignee further:

1. Agrees to fully comply with the requirements of Oregon Administrative Rule 141-082-0000 et. seq.
2. Certifies under penalty of perjury that the undersigned is authorized to act on behalf of Assignee and that Assignee is, to the best of the undersigned's knowledge, not in violation of any Oregon Tax Laws. For purposes of this certification, "Oregon Tax Laws" means a state tax imposed by ORS 320.005 to 320.150 (Amusement Device Taxes), 403.200 to 403.250 (Tax For Emergency Communications), 118 (Inheritance Tax), 314 (Income Tax), 316 (Personal Income Tax), 317 (Corporation Excise Tax), 318 (Corporation Income Tax), 321 (Timber and Forest Land Taxation) and 323 (Cigarettes And Tobacco Products) and the elderly rental assistance program under ORS 310.630 to 310.706 and any local taxes administered by the Department of Revenue under ORS 305.620.
3. Agrees to fully comply with the following special conditions of this Assignment:
(none).

Dated this _____ day of _____, 20____.

ASSIGNEE

(Address)

Signature

(City) (State) (Zip)

Printed Name

(Phone Number)

Title

For and in consideration of representations made by Assignor and Assignee, Assignee's assumption of Assignor's obligations under the Lease, and the payment of an administrative processing fee required under OAR 141-082-0300, the State of Oregon, acting by and through the Department of State Lands hereby consents to the above assignment of lease.

Dated this _____ day of _____, 20____.

STATE

Signature

Printed Name

Title



DEPARTMENT OF STATE LANDS
775 Summer St, Suite 100
Salem, OR 97301
503-986-5200



OLD BUSINESS

DATE: October 18, 2023
RE: Army Corps Section 107 Sediment Sampling
TO: Paula Miranda, General Manager
ISSUED BY: Aaron Bretz, Director of Operations

BACKGROUND

We've discussed approaching the sediment sampling and geotechnical exploration for the entire Port Dock 7 replacement and associated mitigation project, as well as the CAP Section 107 project together in an effort to save on mobilization and setup costs.

We've also discussed the idea of splitting apart the work in different ways to reduce the immediate cost and keep things moving along.

I've received updates scope and fee for the work, and the cost of the options will look approximately similar to this:

CAP Section 107 sampling work for the Corps ONLY: \$636K

Port of Newport geotechnical exploration and sampling ONLY: \$764K

Combined cost of those options when performed SEPERATELY: \$1.4M

CAP Section 107 and Port of Newport geotechnical exploration and sampling COMBINED: \$1.1M

These costs have not been adjusted for projected inflation, so any delays in work should be assumed to be more expensive than expressed here. All these figures are cost to the PORT.

DETAIL

I consider the Army Corps CAP Section 107 work to be of the highest priority because of the future savings for the Port associated with the construction phase of the dredging work, which would be 90% funded by the Corps. Additionally, we want to continue the momentum of this project, which has had most of the feasibility work already done.

However, if cash flows permit during this fiscal year, I recommend proceeding with 100% of the work as quickly as possible. We've received word that Connect Oregon funding will be coming back around, and having this level of planning completed will allow us to scope the project so that it can be competitive in the competition for state funds. The type of sampling and testing that has to be completed will take several months, and the longer we are forced to wait, the further back our projects

will be pushed. At the current point, we cannot progress planning past the conceptual phase, which makes many of the details necessary to request funding impossible to specify. The ideal situation is the Executive Director can be authorized to complete the work if cashflow permits.

RECOMMENDED MOTION:

“I MOVE TO APPROVE THE EXECUTIVE DIRECTOR OR HER DESIGNEE TO AMEND THE DOWL CONTRACT UP TO AND INCLUDING WORK FOR PORT DOCK 7 PLANNING TO INCLUDE THE ARMY CORPS CAP SECTION 107 PROJECT SEDIMENT SAMPLING SCOPE OF WORK IN AN AMOUNT NTE \$1.4M.”

AMENDMENT 2 – STATEMENT OF WORK

SCOPE OF SERVICES

This amendment includes additional coordination, permitting, geotechnical and sediment investigation, laboratory testing and design work related to the US Army Corps of Engineers CAP 107 Navigation improvement project. The tasks listed under this Scope of Services have been prepared based on CONSULTANT understanding of the proposed project in accordance with the scope of work provided by and discussion with Port staff. The Corps provided a general outline of the proposed work in an email dated 5/23/23, which is included as an informational attachment to this scope. Reference is made herein to several figures provided in the 5/23/23 attachment (the “attachment”).

TASK 3 Environmental Coordination and Support

Task 3.8 Geotechnical Permits

Consultant will prepare an Oregon Department of State Lands (DSL) -General Authorization (GA) application and a US Army Corps of Engineers (Corps) - Nationwide #6 (survey activities) application for the proposed borings. The applications will include graphics that will clearly show where the borings are going to be located and other information necessary to be approved by both agencies. We may also need to address DEQ and DLCD requirements.

Consultant will coordinate with state and federal agencies to facilitate the permitting process. In addition to the Corps and DSL, the coordination may be with the Oregon Department of Environmental Quality (DEQ), the National Marine Fisheries Service (NMFS), and the Oregon Department of Land Conservation and Development (DLCD).

Task 3.8 Assumptions / Exclusions:

- Water quality certification from DEQ is not required if the bore pits are not refilled
- Coordination with National Marine Fisheries Services (NMFS) will be handled by the corps through their coordination on the Endangered Species Act. Formal consultation with NMFS is not included.
- A site visit will not be required
- Coordination with the Department of Land Conservation and Development may be required to address compatibility with the Coastal Zone Management Act
- Permit fees will be paid for by the Port of Newport

Task 3.8 Deliverables:

- Oregon Department of State Lands (DSL) - General Authorization Permit
- US Army Corps of Engineers (Corps) - Nationwide #6 Permit

TASK 6 Geotechnical Exploration and Preliminary Design

Task 6 Assumptions / Exclusions:

- The Corps scope designates the sonic drill method for the CAP 107 work. A total of 15 boring “locations” in 5 separate work areas (dredge material management units – “DMMU”s) are required.
- We have budgeted assuming one location can be completed per day during periods of slack tide and favorable water conditions, with 2 mobilization days (17 total budgeted full work days).
- Due to the very large amount of sample required for the environmental bioassay testing (80 liters or approximately 21 gallons) we anticipate one or more supplemental borings at each of the “locations” the work areas may be required to achieve the necessary sample volumes.
- One boring in each of the work areas will be a “double use” boring for geotechnical and environmental sampling. The other two locations in each work area will be for environmental sampling.
- Discussions with the barge and drilling subcontractors note that work will likely need to be suspended with swells approaching 2 ft and sustained winds over 20 mph.
- We assume the fishing pier work (if authorized) will be completed during the same barge mobilization as the CAP 107 and Port Dock 7 work.

Task 6.1.1 Port of Newport CAP 107 Geotechnical Investigation (Corps Scope)

Field Investigation

A geotechnical investigation will be completed near the end of the breakwater and dredge Areas shown on Figure 3 of the attachment. The purpose of the work is to establish a federal channel and access to the Port of Newport Marina.

- Area 1 shall have two borings; one located near the end of the breakwater, and one located within the region to have the greatest depth/volume of dredged material as outlined in the attachment.
- Areas 2 to 5 shall each have one boring within the region to have the greatest depth/volume of dredged material as outlined in the attachment.
- Borings shall be completed with a sonic drill rig on a barge. Explorations shall extend to elevation -30 ft mean low low water (MLLW) and a minimum 15 ft below mudline (into silt/sand bay sediment or sedimentary rock)
- A draft and final Geotechnical Work Plan will be prepared to document the proposed field activities. The intent will be to follow the detailed procedures outlined in the 5/23/23 attachment. We assume no more than two team revisions to the work plan.

Note: The subcontractor exploration costs for this task are included in the BOC for task 6.2 (along with the sediment characterization borings)

Laboratory Testing

Laboratory testing will be completed on samples collected from the borings. The testing for each boring will include grain size, Atterberg limits, and one direct or triaxial shear. The testing will be completed by PSI, Inc., a Corps validated laboratory. Details regarding the laboratory testing program will be provided in the Geotechnical Work Plan.

Geotechnical Report

A data report will be prepared to document the investigation, and laboratory testing to support dredging in Areas 1 to 5 and federal channel and access to the Port of Newport Marina. The Corps scope report will be separate from the Port design report for Dock 7 and the new Fishing Pier.

Task 6.1.1 Deliverables:

- Draft Geotechnical Report will be included at the time of the Preliminary Design Report (Task 5.4). Final Geotechnical Report to be provided within 4 weeks of receipt of team comments.

Task 6.2 Sediment Sampling Plan, Analyses, Report

Sediment sampling task will include work associated with the CAP 107 project. Deliverables for task 6.2 will include a single report.

Task 6.2.1 CAP 107 Sediment Sampling

Sampling and Analysis Plan (SAP)

Consultant will prepare a Sampling and Analysis Plan (SAP) for the proposed dredge Areas 1 to 5 shown on the attachment for submittal to the Corps. The SAP will include a historical information review in accordance with the current Sediment Evaluation Framework (SEF) adopted in 2018.

The SAP will be specific to the volume of material to be dredged. If appropriate, Consultant will revise the plan to incorporate review comments and resubmit to the Corps. The major content for the SAP has been provided in the 5/23/23 attachment which will be followed to the extent practical. Some variations to the detail in the attachment was discussed in the Team call on 6/14/23 and those variations will be described/discussed in the draft SAP. A total of twelve (12) chemical and physical samples will be collected from the dredge material management units and the Nye Mudstone. We assume no more than two team revisions to the draft SAP. Based on team discussion on 7/25/23, tissue testing for PCBs and pesticides is not anticipated based on past chemical testing in the Newport bay area.

Sampling and Testing

Following approval of the SAP, Consultant will complete sediment sampling of the project area using a sonic drill from a marine barge platform. We anticipate the sampling work will require about 15 field days.

One additional background sample from the King Slough area will be collected from a small boat using a Van Veen-type grab sampler.

Chemical and physical samples will be delivered under chain-of-custody to ALS Laboratories, Inc., in Kelso, Washington.

Six (6) marine substrate samples for biological testing will be delivered under chain-of-custody to EcoAnalysts, of Port Gamble, Washington. Supplemental tissue sample analyses will be managed by EcoAnalysts who will subcontract the testing to Analytical Resources, LLC (ARI) of Tukwila, Washington.

Sediment Characterization Report (SCR)

The results of the sediment sampling and analysis will be summarized in an SCR to be submitted to the Agencies for review. Chemical results will be compared to the marine screening levels provided in the SEF. Sediment chemical data will be compared to the SEF SLs. Tissue chemical data will be compared to target tissue levels provided in the SEF. Two comparisons that will be made to inform the dredged material suitability determination: 1) comparing sediment chemical results to the SEF marine screening levels, and 2) comparing tissue chemical results to the SEF target tissue levels. The report will be signed and stamped by an Oregon-licensed certified engineering geologist. An electronic copy of the project report will be provided for your use.

Task 6.2 Assumptions / Exclusions:

- We anticipate the field work can be scheduled within about 6 to 8 weeks of SAP approval. GRI will check in with the PSET group bi-weekly during the SAP review process to establish approval timing and provide advance planning for the field work.

Task 6.2 Deliverables and Schedule

- Draft SAP to be submitted within 6 weeks of NTP. Final SAP to be submitted within 2 weeks of receipt of all Team comments.
- Draft SCR to be submitted within 6 weeks of receipt of all laboratory data. Final stamped SCR to be submitted within 4 weeks of receipt of all Team comments.



Staff Report –RV Park Stays and Discounts

DATE: October 24, 2023
TO: Paula Miranda, General Manager
ISSUED BY: Mark Brown, Director of Finance and Business Services

In a work session the Port staff recommended a plan to reduce the number of long-term customers that stay in the RV park. No financial analysis was completed for that presentation. Below you will find some preliminary financial analysis for modification to the discount rates. The dates of stays or capacity of the RV Park was not considered in this analysis.

Assumptions:

- All current Customers holding an RV Space and a slip continue to rent at the higher rates.
- The length of stay for last year will be the same as next year.
- A monthly Customer receives a 51% discount from the Daily Rate.
- This model ignores any inflationary price increases.

Background:

There was a total of 58 customers that stayed in the RV park, 1 month or more during the current year that also had a slip in the Marina.

A total of 117 RV Park customers stayed in the RV park from January through September 2023 for one month or more without a vessel.

In order to fully analyze I would need to review the dates of stays and determine when each guest is in the park, then review stay percentages to determine how full the park is. This was not done.

.....

Analysis:

Changes in revenues from those staying the RV Park with a Marina Slip

	Base year		Year 1	Year 2	Year 3
Total Revenue	\$ 154,554		\$ 206,116	\$ 223,292	\$ 240,468
Increase	\$ -		\$ 51,562	\$ 68,738	\$ 85,914

Changes in revenue for those without a Marina Slip

Total Revenue	\$ 309,417		\$ 345,882	\$ 423,492	\$ 604,988
Increase	\$ -		\$ 36,465	\$ 114,075	\$ 295,572

Combined changes in Revenue

Total Revenue	\$ 463,971		\$ 551,998	\$ 646,784	\$ 845,457
Increase			\$ 88,027	\$ 182,813	\$ 381,486

By implementing this change, without factoring in additional nightly stays, conservatively the park could see revenues of \$652,325 over the next 3 years from this modification.

Recommendation:

Port staff recommends a motion:

I move to adopt the 3-year RV park plan to reduce long term stays in the RV Park, as attached.



RV PARK:

Three Year Plan to reduce long term stays

- Definitions:
 - Long Term Stay – A stay in the RV park and/or Marina which is more than 30 days or more, this makes the reservation room tax exempt.
- Peak Season – April 1 to October 31, as in the Rates and Fee Schedule.
- Off Season – November 1 to March 31, as in the Rates and Fee Schedule.
- RV Space – Single space in the RV park.
- Marina Slip - a single slip in the RV park.
- Combo Rental – rent an RV Space and a Marina Slip
- Single Rental – rent either an RV Space and or Marina Slip (not both)

Background:

The Port of Newport is a public entity and provides services for all sectors of the public. A portion of the Port's Mission and Values are to consider that it is a steward of Public Resources and manage the properties in a responsible manner. The Port must maintain its capital facilities in working order, the Port will manage the funds entrusted to it wisely, prudently, and ethically. The Port will serve as the Premier Oregon Coast port for the Commercial fishing fleets, for recreational fishing and tourism, and for Ocean Observation and marine research. The Port will be one of the top two Oregon Coastal Ports for waterborne commerce.

During the busiest season (April to September) the Port RV Park and Marina turn away 10 to 30 tourists per day, as the RV park is full of long-term guests.

Year 1

Peak Season

6-month maximum stay with a 40% discount, this applies to those with an RV space and a Marina Slip.

Those desiring to stay without a Marina Slip will receive a discount of 35% and can stay for a maximum of 3 months. They must be gone a minimum of 1 week prior to returning to the RV Park. Priority will be given to those with a Marina Slip.

The one-month deposit paid in advance will be applied to the last month of the rental and is non-refundable, exceptions must be approved at the Director level or above. When the customer arrives, they will need to pay the first month of the rental (unless they are staying for just one 1-month, where deposit will be applied).

Those staying in the RV Park, must spend 70% or more of their time in the RV park. That is to say, they cannot be gone for more than three (3) consecutive days.

Long-term Renters must show up to their arrive and be in their RV space within 72-hours of the start of the reservation. Short term Renters have 48 (2-days) hours. If they fail to show up, the spot will be considered no longer reserved, and the deposit fully forfeited.

The RV Park will be limited to no more than 50% of RVers staying longer than 1 month.

If those with a RV space and Marina Slip do not reserve a spot as they leave, they lose their spot, but can make a reservation for the next year.

Giving a customer the option to make next year's reservation as they are leaving saves time for both staff and the customer. This also relieves customer anxiety about which space they will get next year.

The Port has made consideration for those with a long-term stay that is less than 6 months and would like to make a reservation for the following year. The Facilities Code (Chapter 5, Section 29 (a)) limits the vessel registration (for moorage) to 6 months in advance. For consistency purposes the Port has limited RV reservations to 6 months in advance. However, for long-term reservations, an exception is being made, allowing the customer to make the reservation in November to the maximum percentage specified for the RV Park each year.

Offseason

Allow a stay up to 150 days (5 months)

Rate would continue to be discounted at 50%.

Year 2

Peak Season

6 -month maximum stay, with a 35% discount on stays of 30 days or more for those with an RV space and a Marina Slip.

Those desiring to stay without a Marina Slip will receive a discount of 30% and can stay for a maximum of 3 months. They must be gone a minimum of 1 week prior to returning to the RV Park. Priority will be given to those with a Marina Slip.

The one-month deposit paid in advance will be applied to the last month of the rental and is non-refundable, exceptions must be approved at the Director level or above. When the customer arrives, they will need to pay the first month of the rental (unless they are staying for 1-month).

Those staying in the RV Park, must spend 70% or more of their time in the RV park. That is to say, they cannot be gone for more than three (3) consecutive days.

Long-term Renters must show up to their arrive and be in their RV space within 72-hours of the start of the reservation. Short term Renters have 48 (2-days) hours. If they fail to show up, the spot will be considered no longer reserved, and the deposit fully forfeited.

The RV Park will be limited to no more than 40% of RVers staying longer than 1 month.

Allow those with a long term stay and moorage to sign up for their space prior to leaving the park.

Off Season

Allow a stay up to 150 days (5 months)
Rate would continue to be discounted at 50%.

Year 3

Peak Season

6-month maximum stay, with a 30% discount on stays of 30 days or more for those with an RV space and a Marina Slip. The monthly rental rate in the RV park will only be offered to those with a Marina Slip.

The one-month deposit paid in advance will be applied to the last month of the rental and is non-refundable, exceptions must be approved at the Director level or above. When the customer arrives, they will need to pay the first month of the rental (unless they are staying for 1-month).

Those staying long-term in the RV Park, must spend 70% or more of their time in the RV park. That is to say, they cannot be gone for more than three (3) consecutive days.

Long-term Renters must show up to their arrive and be in their RV space within 72-hours of the start of the reservation. Short term Renters have 48 (2-days) hours. If they fail to show up, the spot will be considered no longer reserved, and the deposit fully forfeited.

Allow those with a long term stay and moorage to sign up for their space prior to leaving the park. Maximum amount of park filled with stays of 30-days, or more is limited to 35% of the RV Park.

Off Season

Allow a stay up to 150 days (5 months)
Rate would continue to be discounted at 50%.

Questions and Answers:

I rent several spaces, one for my RV and a Marina Slip, and RV spaces for my family (or friends) for this same period of time. How would I be charged?

In this case, one (1) space is a Combo rental, and the remaining spaces are considered single rentals.

Is this all about the revenue?

Revenue is part of the consideration. The Port has over \$63 million (excluding NOAA) in projects to accomplish; over \$18 million are in South Beach, this excludes Black top replacement and replacement of the Docks and Piers (A-J). But there are more considerations; Daily we receive complaints and turn away many customers wanting to stay short term, as a majority of our spaces are filled with long-term guests, some who are only in the park 2-4 days per week.

We have evaluated other public RV parks around the State and currently most of them do not provide long term stays during the busy months. We also have evaluated the revenue provided by the few short-term guests, and compared this to the long-term guest revenue, the short-term guests generate more revenue than long-term guest, although the long-term guests are semi-guaranteed revenue. The Port does not want to eliminate long-term guests, just limit the number, so we serve the entire population of guests wanting to use the RV park.

How will payment be made?

*Terms of payment for Long Term RV stays are deposit of 1-month payment at the time of the reservation. Payment must be paid in full at the time of check in or account set up for auto-payment. The Deposit is for the **LAST MONTH** of the Stay. No refund of 1-month deposit, the exceptions would be a major illness or death. The question is would we be willing to apply this as a credit to their account, if we say yes, the credit would be good for a maximum of a 1-year period, other cancellation fees would then apply.*

Are we going to have a lottery system?

No, effective immediately the lottery system is eliminated, those with an RV space and Marina slip can sign up for a space as they leave the RV park. For those that have already left the RV Park and Marina, Park staff will contact them to get their reservation information, if they so desire.

Those wanting to stay in the RV Park Long Term without a Moorage Slip, will be allowed to do so in November, by calling the RV park office, first come first served, up to the occupancy specified in each year.



NOAA PAINTING CONTRACT

DATE: October 18, 2023
RE: 2023 NOAA Facility Interior Painting
TO: Director of Operations
ISSUED BY: Jim Durkee– NOAA Facilities Manager

BACKGROUND

1. NOAA Facility Manager developed and distributed RFQ for painting of the NOAA Facility.
2. The Bid was posted on the Oregon State Procurement web site.
3. Seven bids were received.

PURPOSE, SCOPE AND DETAIL

The painting of the demised areas in the NOAA facility is mandated every four years and the public areas every three years per the SFO. This is year twelve so we're doing both.

The bid is for repainting of approximately 53,000 square feet of walls to match existing color and finish per specifications. Contractor is to patch, repair, texture and prime damaged drywall, if any, within the scope of work as necessary. Removal and replacement of detachable items such as electrical plates, dry erase boards, wall hangings, movable furnishings and other items as necessary for a professional paint job.

In order to complete the process, the facility manager is requesting that the commission authorize a contract not to exceed \$44,000 with Tri Coast Construction, LLC.

BUDGET IMPLICATIONS

Money was allocated in the 2023/24 budget for this project and the final price is well within expectations.

RECOMMENDATION

Authorize a contract for NOAA Painting 2023 – Tri Coast Construction not to exceed of \$44,000.00.



GENERAL MANAGER MONTHLY REPORT

DATE: 10/28/23
PERIOD: 09/20/23 – 10/19/23
TO: Board of Commissioners
ISSUED BY: Paula J. Miranda, Executive Director

OVERVIEW

Typically, this time of the year is conference month. I attended the Oregon Infrastructure Summit in Corvallis and the Oregon Public Ports Association in Astoria (which I am the president this year). Thanks Commissioner Retherford for joining me on those two conferences. I also attended the Annual PNWA Conference in Vancouver, WA (which I am the current treasurer). Thanks President Sylvia for joining me at that conference.

Here are some of the highlights for the month:

South Beach

RV Park Annex Plan: We have received the market analysis from the consultant, but we are still waiting for the rest of the plan. Hopefully we will have something to share during our November meeting.

RV Park: As you know, we have been working on a plan to address long term uses and maximizing our revenues to the park. Today we will be presenting the plan followed by our last Work Session.

RV Park Supervisor: We have promoted Susan Taylor, as our new RV Park Supervisor. Susan already has knowledge of our system, and she will do well on her new role, hopefully bringing a bit of stability to the park. I wish to congratulate Susan on her new role.

NOAA Dredging: NOAA dredging mostly completed.

Rogue Seawall: We have received the 60% engineering plans and hope to get a Request for Proposal for the construction out soon. We are currently holding \$1.1 million we received from the State to complete the work.

North Commercial

Port Dock 7 Plan/ Commercial Marina Channel Dredging Sediment Plan: As you can see per today's report, we are trying our best not to lose momentum on the US Army Corps project, but we also need to get PD7 Plan ready, so we can take advantage of the upcoming ConnectOregon grant, which we expect to be open sometime soon. I will work with Finance in determining when funds are available without causing shortage to our cash flow.

Commercial Marina Parking: After we met with the Fishermen Users Group on September 6th to discuss Commercial Marian Parking/City Street Parking, Aaron continued to attend additional City

Parking Committees. Derrick Tokos will be presenting during this meeting. We are also presenting our new fee structure, not only to be in tune with the City's plan, but also to catch up on Port's cost for maintaining the parking lots. We typically have spent around \$20K a year between maintenance, staff and security, but only have received a little over \$5K a year for parking permits. We can't continue to lose funds on provided services. The new fees will be equivalent to \$0.27 per day. Although we heard complaints, this is not unreasonable.

Commercial Marina Moorage Holder Restrooms: We had a lot of vandalism in the past and we are looking into curing that with a change to access key to the moorage holder restrooms. This will eliminate anyone who shouldn't be there from having access. We have also recently installed new cameras to keep track of any future vandalism. Although it may be inconvenient to some moorage holders, at the end of the day, they will have a much better facility and the Port will not need to spend thousands of dollars every year repairing issues caused by vandalism.

Newport International Terminal

RORO Dock Piling Assessment: Permit reviewing by the USACE is underway, but that will be pending funding through the Congress for the appropriations request, assisted by Congresswoman Val Hoyle. If you have followed the news, you may see that there is a good chance that this will not go through right now.

MARAD Grant: We are still waiting to hear from MARAD on the PIDP (Ports Infrastructure Development Plan) grant.

Business Oregon Gran Loan for NIT Crane: We are still working with Business Oregon on the detail of the funding. We have signed an agreement to hold the crane while we finalize the funding. We should have the funds within the next couple of weeks. We will then turn around and sell the other crane, which will help replenish our cash availability.

Miscellaneous:

Finances: We are doing better on our cash flow, but still watching our finances to make sure we assure not to touch our reserve funds while still moving forward with our projects.

Newsletter: We are trying to finalize our next newsletter. Hopefully, this will come out before Thanksgiving.

Meetings/Trainings/Summits:

- 09/26/23 - Operations Recurring Meeting
- 09/26/23 - Commission Meeting
- 09/27-28/23 - Oregon Infrastructure Summit
- 09/28-29/23 - Oregon Public Ports Association Annual conference (Astoria)
- 10/04/23 - Meeting with OSU's Coastal Oregon Marine Experiment Station
- 10/04/23 - RV Park Work Session
- 10/05/23 - EDALC Board of Directors

- 10/09/23 - Operations Recurring Meeting
- 10/09/23 - Finance Recurring Meeting
- 10/10/23 - Dept. Heads Meeting
- 10/11/23 - PNWA Executive Committee
- 10/11-13/23 - PNWA Annual Convention
- 10/13/23 - PNWA Board of Directors
- 10/16/23 - Operations Recurring Meeting
- 10/16/23 - Finance Recurring Meeting
- 10/17/23 - Directors Monthly Meeting
- 10/20/23 - Communications Meeting

Upcoming Schedule:

- 10/23/23 - Operations Recurring Meeting
- 10/23/23 - Finance Recurring Meeting
- 10/24/23 - Meeting w/ Michale Moses/DLCD
- 10/24/23 - Commission Meeting
- 10/25/23 - Yaquina Bay Economic Foundation
- 10/30/23 - Operations Recurring Meeting
- 10/30/23 - Finance Recurring Meeting
- 10/31/23 - SDAO Bylaws Committee
- 11/02/23 - Commercial Crew Meeting
- 11/02/23 - Meeting with Courtney Flathers/Governor's Regional Solution
- 11/02/23 - Chamber Open House (75 Years Celebration)
- 11/03/23 - Communications Meeting
- 11/06/23 - Operations Recurring Meeting
- 11/06/23 - Finance Recurring Meeting
- 11/06/23 - Meeting with Margaret Barber - Business Oregon new Port's Program Manager
- 11/09/23 - North Commercial Crew Meeting
- 11/10/23 - Veteran's Day - Office Closed
- 11/13/23 - Operations Recurring Meeting
- 11/13/23 - Finance Recurring Meeting



FINANCE DEPARTMENT MONTHLY REPORT

DATE: October 23, 2023
PERIOD: July 1 to September 30, 2023
TO: Paula Miranda, General Manager
ISSUED BY: Mark Brown, Director of Finance and Business Services

Financial Reports are included through August 31, 2023 for all funds.

Issues of Importance

Audit

- Work on the 2022-2023 audit has begun, staff are putting together information as requested by the Auditors.
- A question arose last year regarding a response to an Audit RFP, why did the Port only get a single response. I have learned that many auditors are leaving the municipal audit field, those that are staying are specializing in specific areas of municipal audit.

RV Park and Marina

- In August 2023 Occupancies were as follows:

Main RV Park	102.28%
Annex	76.09%
Dry Camp	35.74%
The Marina	90.23%
- We have hired one staff member to replace the two that left the RV Park and Marina, and Susan Taylor, and accountant 1 for the Port has been named the New RV Park and Marina Supervisor.

Employee Handbook

- This is being delayed, the legislative session brought about many changes in the law, the handbook template is being updated by HR Answers, once the new handbook template is available, editing the handbook will begin.

Fiscal Manual

- We have started work on the Fiscal manual; the fiscal manual is a complete rewrite as there are many missing elements (such as procurement) and is based on the State of Oregon Fiscal Manual.

Cash Flow

- A 5-year cashflow has been developed, using previous years data. The cashflow includes all projects for the Port and estimated year of completion.
- Based on the analysis the Port will need to defer some of its projects to future years.

Balance Sheet Equity Section

- Equity section of the balance sheet shows critical fund information required by GASB (Governmental Accounting Standards Board) 54:
 - Restricted**
 - Funds that the Donor or Grantor gave the Port with restrictions. The 1.14 million is grant money from the State of Oregon that can only be used for the Rogue Seawall.
 - Committed –**
 - Funds that the “Governing Body” restricted, in our case the Port Commission. Port Staff cannot use these funds without authorization of the Port Commission.
 - Assigned**
 - If someone below the Port Commission (Executive Director, Director of Finance) they are setting aside funds for a future product, those funds become assigned. The Port can use these funds without further authorization. The \$667,00 are Grant Match funds, we have specific details of each assignment in the Chart of Accounts.
- **Unassigned**
Funds that do not fit into the other three categories, they can be used as needed. This includes cash and other equity the Port has.

Profit and Loss -

The financial reports through September 2023 are attached for your review and are included in the commission packet.

The month-to-month budget is based on a straight line forecast of revenues and expenditures. Revenue is recognized differently in the Commercial Marina from previous years. Revenue is spread across the term of the Moorage License agreement instead of immediately recognized. This means lower revenues during the transition period.

**General Operating Fund
Balance Sheet**

As of September 30, 2023 the Port General Fund has a cash balance of \$2,655,203, \$1,140,000 is restricted and can be used only for the Rogue Seawall (State of Oregon Grant), leaving an available cash balance of \$1,515,203.

* Is different from the Financial statement, but is the correct reconciled balance.

Based on the current cash situation, I have requested that no new projects be started, we need to complete the existing projects, and only move forward on projects that are funded fully or partially by grant/loan funds.

General Operating Funds (GOF) FY 2023-24– Budget Vs Actual:

All Departments

- **Operating Revenue** is favorable by \$135,725
- **Operating expenses** are favorable by \$319,745
- **Operating Income** is favorable by \$455,470
- **Non-Operating Revenue** is favorable by \$444,666
- **Non-Operating Expenses** are favorable by \$2,208,896
- **Non-Operating Income** is favorable by \$1,764,230
- **Net income** is favorable by \$2,219,699

The Non-operating favorable expenses vs budget is due to scheduled projects not yet occurring. This will reallocated to future months.

Unallocated (000)

- This department is for all Debt Service and Fund transfers that occur within the GOF and is required by the Department of Revenue.
- Operating Income is Positive \$26,584
- Non-Operating Expense is unfavorable \$336,072

*The Debt Service budgeted payment is in a future period, this will balance out.

Administration (100)

- **Operating Revenue** is favorable by \$ 2,049
- **Operating Expenses** are favorable by \$ 98,311
- **Operating Income** is favorable by \$ 100,360
- **Non-Operating Revenue** is favorable by \$ 115,334
- Non-Operating Expenses are unfavorable* \$ 2,083
- **Non-Operating Income** is favorable by \$ 113,250
- **Net income** is favorable by \$ 213,610

*This will be moved to Unallocated 000

Commercial Marina

• Operating Revenue is favorable by	\$ 73,081
• Operating expenses are favorable by	\$ 2,388
• Operating Income is favorable by	\$ 75,469
• Non-Operating Revenue is Neutral	\$
• Non-Operating Expenses are unfavorable by	\$ 2,938
• Non-Operating Income is favorable by	\$ 2,938
• Net Income is favorable by	\$ 72,532

International Terminal

• Operating Revenue is unfavorable by	\$ 27,153
• Operating expenses are favorable by	\$ 33,329
• Operating Income is favorable by	\$ 6,175
• Non-Operating Revenue is unfavorable*	\$560,000
• Non-Operating Expense is favorable	\$1,481,400
• Non-Operating Income is favorable by	\$ 921,400
• Overall, Net income is favorable by	\$ 927,576

Capital Outlay and Grant Revenue budget will be reallocated in coming months, this will change the non operating expense.

South Beach

• Operating Revenue is favorable by	\$ 83,051
• Operating expenses are favorable by	\$ 188,007
• Operating Income is favorable by	\$ 271,058
• Non-Operating Revenue is Neutral	\$
• Non-Operating income is Neutral	\$
• Non-Operating Expense is favorable	\$ 1,068,589
• Overall, Net income is favorable by	\$ 1,339,647

Capital outlays will be reallocated in future months, this will make non-operating income more in line with expenses.

NOAA Lease Revenue Fund Balance Sheet

As of August 31, the NOAA Lease revenue Fund had a cash balance of * \$3,136,655 with an available balance of \$1,374,934; the remaining \$1,761,721 is reserved for the annual maximum debt service payment on bonds, as required in the bond contract.

* Is different from the financial statement, but is the correct reconciled balance.

Income Statement

Budget vs. Actuals

• Operating Revenue is favorable by	\$ 2,486
• Operating expenses are favorable by	\$ 75,042
• Operating Income is favorable by	\$ 77,528
• Non-Operating Revenue is favorable by	\$ 20,938
• Non-Operating Expenses are favorable by	\$ 18,048
• Non-Operating Income is favorable by	\$ 38,987
• Net income is favorable by	\$116,515
•	

NOAA Capital Reserve Fund

- Cash available \$1,938,522

**Bonded Debt Fund:
Balance Sheet**

- Cash available \$150,361

Construction Fund:

- Cash available \$13,168

Facility Maintenance Fund:

- Cash available \$552,253

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DIRECTOR OF OPERATIONS REPORT

DATE: 10/18/2023
PERIOD: August 2023-September 2023
TO: Paula J. Miranda, General Manager
ISSUED BY: Aaron Bretz

OVERVIEW DIROPS

Summary:

The Port's facilities have been filling up this month as space begins to get tight going into the fall (just as it does every year). We have had to deal with a great deal of shuffling and moving people around in the Commercial Marina, International Terminal, and the NOAA Pier as we finish up the ongoing dredging project. As the weather kicks up, vessels come in off the water, and this season is busy for transiting yachts and sailboats moving along the coast heading to winter moorages elsewhere. We've been challenged managing several abandoned and derelict vessels this month, and we continue to try and those vessels aligned for the winter.

Detail:

- **Army Corps CAP Section 107 Project (Commercial Marina Channel Dredging) and Port Dock 7 Planning**

See attached report.

- **RORO Dock Piling Assessment**

We submitted additional information requested by the Corps as part of our Joint Permit Application; the State required us to apply for a removal fill permit, and we completed that this month as well.

- **Dredging**

By the time of the Port Commission meeting, Dredging should be practically complete. We performed a midway survey this month to check dredging progress and to identify areas where another sweep was needed in the berths the contractor already completed. They have finished cleaning up those areas so that other NOAA Vessels can come into the Pier. Even with the change in schedule for this dredging project, ships visiting have been a major challenge for us to work around. NOAA has used the pier substantially less than they would in the winter, but they have still had several ships call during our project and we've needed to work around them and schedule surveys around their schedule as well.

- **RV Park Annex Redesign**

I've received the market analysis for the RV Park, but am awaiting the rest of the consultants work, including a comparison of the two potential redevelopment locations as well as the analysis. I expect to have those recommendations prior to the upcoming meeting, but not in time to get it

included in this meeting packet.

- **Change in Commercial Marina Moorageholder Restrooms**

We noticed moorage holders in mid-September that we would be shifting away from traditional keys on the moorage holder restrooms at Port Dock 7 to a proximity card and PIN operated lock. Due to a very high increase in vandalism and observations that indicated people other than moorage holders were accessing those restrooms, we re-keyed and are issuing access cards to the vessels rather than attempting to issue keys to individuals. This alleviates the problem of checking credentials for those who request access to the moorage holder restrooms, and also the need to revoke access upon termination of employment for those who are no longer active fishermen. We are continuing with a replacement of fixtures in these restrooms as well as re-epoxy and finishing of the walls and floors. We also installed several cameras to better respond to those who are vandalizing the exterior doors, locks, and doorframes. With proximity cards, we can remotely disable access by those users who are associated with acts of vandalism. The new locking system will also automatically lock and unlock the single public restroom on a set schedule.

- **Rogue Seawall**

We have received the 60% engineering plans for the Rogue Seawall repair and are reviewing.

Newport International Terminal- Don Moon, Supervisor

Billable Services Performed this Period (june)

Forklift –40.5 hrs

Moorage – 60 Days

30 Ton Hydraulic Crane -29.5 hrs

Hoist Dock Tie Up –51 hrs

Labor – 69.5 hrs

120V power – 0 hrs

Other Overtime Billed 4.5 hrs

208V power – 59 Days

Commercial Marina / South Beach Marina Harbormaster- Kody Robinson

Billable Services Performed this Period:

South Beach Marina

We had 1973 launches @ \$17760 between 9/1/2023-10/1/2023

Lift station pump failed, and the port has never had a back up pump to replace it with. The crew has been closely monitoring the level with the one working pump. Plan is in place to deal with pulling and installing new ones once ordered.

One New pump has been installed, waiting on quote to have system upgraded.

Crew will be starting to rebuild the bad end finger on J-dock in the next week or so.

J-Dock finger is 2/3rd complete, ran out of time and crew. Finger is complete and good team building from both sides came from it as well. Finger is complete. Crew will be leveling and tightening other fingers on same dock as well.

We are still trying to source more 30 amp GFI breakers and it is becoming extremely difficult. We are starting to have to install 20 amp GFI breakers due to the scarcity of 30 amp breakers.

Scheduling with contractor to have the wind damaged flashing on the west end of stage 1 at the rouge facility. We are on the schedule/books to have this started. We have a date for this work to be done.

Commercial Marina:

Crew did an extensive emergency repair on the side ties of PD7. Crew also did a emergency piling hoop repair on the swedes shack as well. Repairs are done.

We are going to be doing what we can on the cranes due to there overall condition, the main hoist crane failed inspection due to extreme rust in spots which we will be repairing. Crane as been welded on and hydraulic repairs are currently happening. Once work is completed we will have another inspection done to get the crane checked off. We are waiting on a couple hydro parts and mane crane will be complete.

Every week when time allows, we have the crew working on getting the storage yard cleaned up and better organized. The yard is shaping up and with the old office being removed, will allow us to better organize and more rentable space. The customs building has been removed and area cleaned ready for more storage. The available space is making a difference in organization. The Yard is looking much better prior to the restructuring.

Still working on getting the shop, tools, equipment, and other important items on our JSA/maintenance logbooks.

Will be having signs made for the parking lot for moorage holders/port users. One sign has been made for sample, Newport signs will be getting the rest made up. All signs made up, crew will be installing in the next week.

PD7 bathrooms are in the process of, getting painted, new hand dryers, new shower inserts, and new door lock system all due to vandalism. Work should be complete by end of October.

Staffing:

We are planning to turn south beach and commercial marinas seasonal positions into one full time floating position. This will allow us to have a little bit better coverage during each sides busy seasons. Still working through this at the moment. With as slow of movement that we are getting on this we will just end up bringing on seasonal for the winter crab push to fill these spots.

NOAA MOC-P Jim Durkee, Maintenance Supervisor

Special Projects:

Vessels Using the Facility Since My Last Report – NOAA vessels Hi’ialikai, Bell M. Shimada & Reuben Lasker, R/V Thomas G. Thompson, R/V Robert Gordon Sproul.

Cleaning up landscaping along fence perimeter & parking areas.

Dredging.

Annual Backflow Device testing.

Facility Painting walkthrough.