

CITY OF NEWPORT

ORDINANCE NO. 2216

AN ORDINANCE AMENDING CHAPTERS 14.01, 14.03, 14.09, 14.15, 14.44, 14.48 AND 14.52 OF TITLE XIV OF THE NEWPORT MUNICIPAL CODE TO IMPLEMENT LAND USE MANDATES FROM THE 2023 OREGON LEGISLATIVE SESSION

(Newport File No. 1-Z-23)

Findings:

1. On October 23, 2023, the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code, to implement land use mandates contained in HB 2898, HB 3167, and HB 3395 adopted during the 2023 Oregon legislative session.
2. The Planning Commission reviewed the bills at an August 14, 2023 work session, and worked with staff on a package of amendments to implement the new laws at a work session on October 23, 2023. The nature of the proposed amendments is more specifically described as follows:
 - a. Newport Municipal Code (NMC) Chapter 14.01, Definitions, is being amended to include definitions for the terms “emergency shelter” and “single room occupancy” both of which are prescribed by statute and implement Sections 7 and 17 of House Bill 3395.
 - b. NMC Chapter 14.03, Zoning Districts, is being amended to add single room occupancy and emergency shelters to the table under Section 14.03.050 that lists permitted uses in residential areas. A single room occupancy use is permitted in all zones subject to the limitations noted in new footnote 4, which align with language contained in Sections 16 and 17 of House Bill 3395. With respect to emergency shelters, the City will allow them in all residential zones subject to a City Council public hearing to confirm that statutory criteria listed in ORS 197.782 are satisfied. Those criteria are also contained in Section 7 of House Bill 3395, and the bill makes it clear that the resulting determination is not a land use decision. The hearing requirement is addressed in the table under new footnote 5. Section 14.03.060 is amended to include emergency shelters under ORS 197.782 as a type of “community service” use and the table in Section 14.03.070 that lists permitted uses in commercial and industrial areas is amended to include a new footnote 7 that requires a Council hearing for emergency shelters to confirm that they meet statutory standards when proposed in C-2 and I-2 zone districts. Staff would perform the review in C-1, C-3, and I-1 zones and shelters would be prohibited in I-3 zones.
 - c. NMC Chapter 14.09, Temporary Uses, is being amended to extend the period of time persons can reside in a recreational vehicle on a lot or parcel where the residence was destroyed by natural disaster. The existing limit of 24-months is being revised to 60-months to comply with requirements of HB 2898.

d. NMC Chapter 14.15, Residential Uses in Nonresidential Zoning Districts, is being amended to allow affordable housing at street grade in commercial areas irrespective of the form of ownership. This change implements Section 2 of House Bill 3395.

e. NMC Chapter 14.44, Transportation Standards, and NMC Chapter 14.48, Land Divisions, are being amended to include an additional type of financial guarantee that can be used to assure performance when an affordable housing developer elects to enter into an agreement to defer required public improvements. The change implements Section 15 of House Bill 3395. A cross-reference is also being added to Section 14.44.050 clarifying that improvement agreements for public improvements that are not associated with a land division are subject to the same requirements as those that are related to a partition or subdivision.

f. Lastly, NMC Chapter 14.52, Procedural Requirements, has been updated to allow legal notices to be published digitally, as allowed by House Bill 3167, and the decision time limits have been amended to provide an additional seven days for land use decisions to be finalized where they involve the approval of residential structures. That change implements Section 4 of House Bill 3395.

3. The Newport Planning Commission held a public hearing on December 11, 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 changes. In making its recommendation, the Commission concluded that the amendments satisfy the City's requirement that legislative amendments be necessary and further the general welfare of the community because they ensure that the Municipal Code provisions that the City enforces align with new state law.

4. The City Council held a public hearing on January 2, 2024 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.

5. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

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. Chapters 14.01, 14.03, 14.09, 14.15, 14.44, 14.48 and 14.52 of Title XIV of the Newport Municipal Code are hereby amended as set forth in Exhibit "A".

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

Date adopted and read by title only: Jan 02, 2024

Signed by the Mayor on JAN 8, 2024.



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 14.01 PURPOSE, APPLICABILITY, AND DEFINITIONS**

14.01.020 Definitions

As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Emergency Shelter. A building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

Single Room Occupancy. A residential development with no fewer than four attached units that are independently rented and lockable and providing living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

Staff: Definitions added as drafted or referenced in Sections 7 and 17 of House Bill 3395. The City did not previously have a definition for a single room occupancy use.

CHAPTER 14.03 ZONING DISTRICTS

14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted uses in the City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of [Section 14.25](#).

"P" = Permitted uses.

"C" = Conditional uses; permitted subject to the approval of a conditional use permit.

"X" = Not allowed.

A.	Residential	R-1	R-2	R-3	R-4
	1. Single-Family	P	P	P	P
	2. Two-family	P	P	P	P
	3. Townhouse	X	P	P	P
	<u>4. Single Room Occupancy</u> ⁴	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>45.</u> Cottage Cluster	X	X	P	P
	<u>56.</u> Multi-family	X	X	P	P
	<u>67.</u> Manufactured Homes ¹	P	P	P	P
	<u>78.</u> Manufactured Dwelling Park	X	P	P	P
B.	Accessory Dwelling Units	P	P	P	P
	(B. was added on the adoption of Ordinance No 2055 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)				
C.	Accessory Uses	P	P	P	P
D.	Home Occupations	P	P	P	P
E.	Community Services				
	1. Parks	P	P	P	P
	2. Publicly Owned Recreation Facilities	C	C	C	C
	3. Libraries	C	C	C	C
	4. Utility Substations	C	C	C	C
	5. Public or Private Schools	C	C	C	P
	6. Family Child Care Home	P	P	P	P
	7. Child Care Center	C	C	C	C
	8. Religious Institutions/Places of Worship	C	C	C	C
	<u>9. Emergency Shelter</u> ⁵	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
F.	Residential Care Homes	P	P	P	P
G.	Nursing Homes	X	X	C	P
H.	Motels and Hotels ^{3.}	X	X	X	C
I.	Professional Offices	X	X	X	C
J.	Rooming and Boarding Houses	X	X	C	P
K.	Beauty and Barber Shops	X	X	X	C
L.	Colleges and Universities	C	C	C	C
M.	Hospitals	X	X	X	P
N.	Membership Organizations	X	X	X	p
O.	Museums	X	X	X	P
P.	Condominiums ²	X	P	P	P
Q.	Hostels	X	X	X	C
R.	Golf Courses	C	C	C	X

S.	Recreational Vehicle Parks	X	X	X	C
T.	Necessary Public Utilities and Public Service Uses or Structures	C	C	C	C
U.	Residential Facility*	X	X	P	P
V.	Movies Theaters**	X	X	X	C
W.	Assisted Living Facilities***	X	C	P	P
X.	Bicycle Shop****	X	X	X	C
Y.	Short-Term Rentals (subject to requirements of Chapter 14.25)	P	P	P	P
Z.	Transportation Facilities	P	P	P	P

¹ Manufactured homes may be located on lots, parcels or tracts outside of a manufactured dwelling park subject to the provisions listed in NMC 14.06.020.

² Condominiums are a form of ownership allowed in all zones within dwelling types otherwise permitted pursuant to subsection (A).

³ Hotels/motels units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone.

⁴ A building with four to six units on a lot or parcel in an R-1 or R-2 zone district, or a combination of buildings of at least four units each subject to the density limitations of an R-3 or R-4 zone district.

⁵ Subject to a public hearing before the Newport City Council to establish compliance with the requirements of ORS 197.782.

Staff: Implements Sections 16 and 17, House Bill 3395, which requires local governments allow single room occupancy development in this manner.

Provisions related to emergency shelters implement Section 7, House Bill 3395, which allows emergency shelters irrespective of zoning subject to specific standards set forth in the statute. At least a couple of the standards are discretionary, such as adequate access to commercial and medical services and whether or not it poses an unreasonable risk to public health or safety. A public hearing is optional and the law makes it clear that any resulting decision is not a land use decision. At its 10/23/23 work session, the Commission elected to require a public hearing before the Council to establish compliance with statutory approval standards. Land use notice standards in NMC Chapter 14.52 will not apply, since the City's determination is not a land use decision.

14.03.060 Commercial and Industrial Districts.

The uses allowed within each commercial and industrial zoning district are classified into use categories on the basis of common functional, product, or physical characteristics.

E. Institutional and Civic Use Categories

3. Community Services

- a. Characteristics. Public, non-profit or charitable organizations that provide local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. Services are ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join. Uses may include shelter or housing for periods of less than one month when operated by a public or non-profit agency or emergency shelters pursuant to ORS 197.782. Uses may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- b. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, religious institutions/places of worship, fire and ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, soup kitchens, and surplus food distribution centers.
- c. Exceptions.
 - i. Private lodges, clubs, and private commercial athletic or health clubs are classified as Entertainment and Recreation. Commercial museums (such as a wax museum) are in Retail Sales and Service.

Staff: All types of emergency shelters might not fall under the existing language, so this change clarifies that

there is an alternate path forward for shelters under ORS 197.782.

14.03.070 Commercial and Industrial Uses.

The following list sets forth the uses allowed within the commercial and industrial land use categories.

“P” = Permitted uses.

“C” = Conditional uses; allowed only after the issuance of a conditional use permit.

“X” = Not allowed.

		C-1	C-2 ¹	C-3	I-1	I-2	I-3
1.	Office	P	X	P	P	P	X
2.	Retails Sales and Service						
	a. Sales-oriented, general retail	P	P	P	P	P	C
	b. Sales-oriented, bulk retail	C	X	P	P	P	C
	c. Personal Services	P	C	P	P	C	X
	d. Entertainment	P	P ²	P	P	C	X
	e. Repair-oriented	P	X	P	P	P	X
3.	Major Event Entertainment	C	C	P	P	C	X
4.	Vehicle Repair	C	X	P	P	P	X
5.	Self-Service Storage ⁶	X	X	P	P	P	X
6.	Parking Facility	P	P	P	P	P	P
7.	Contractors and Industrial Service ⁶	X	X	P	P	P	P
8.	Manufacturing and Production						
	a. Light Manufacturing	X	X	C	P	P	P
	b. Heavy Manufacturing	X	X	X	X	C	P
9.	Warehouse, Freight Movement, & Distribution	X	X	P	P	P	P
10.	Wholesale Sales	X	X	P	P	P	P
11.	Waste and Recycling Related	C	C	C	C	C	C
12.	Basic Utilities ³	P	P	P	P	P	P
13.	Utility Corridors	C	C	C	C	C	C
14.	Community Service ⁷	P	C	P	P	C	X
15.	Family Child Care Home	P	P	P	X	X	X
16.	Child Care Center	P	P	P	P	P	X
17.	Educational Institutions						
	a. Elementary & Secondary Schools	C	C	C	X	X	X
	b. College & Universities	P	X	P	X	X	X
	c. Trade/Vocational Schools/Other	P	X	P	P	P	P
18.	Hospitals	C	C	C	X	X	X
19.	Courts, Jails, and Detention Facilities	X	X	P	C	X	X

20.	Mining						
	a. Sand & Gravel	X	X	X	X	C	P
	b. Crushed Rock	X	X	X	X	X	P
	c. Non-Metallic Minerals	X	X	X	X	C	P
	d. All Others	X	X	X	X	X	X
21.	Communication Facilities ⁴	P	X	P	P	P	P
22.	Residences on Floors Other than Street Grade	P	P	P	X	X	X
23.	Affordable Housing ⁵	P	P	P	P	X	X
24.	Transportation Facilities	P	P	P	P	P	P

1. Any new or expanded outright permitted commercial use in the C-2 zone district that exceeds 2,000 square feet of gross floor area. New or expanded uses in excess of 2,000 square feet of gross floor area may be permitted in accordance with the provisions of Chapter 14.34, Conditional Uses. Residential uses within the C-2 zone are subject to special zoning standards as set forth in Section 14.30.100.

2. Recreational Vehicle Parks are prohibited on C-2 zoned property within the Historic Nye Beach Design Review District.

3. Small wireless facilities shall be subject to design standards as adopted by City Council resolution.

4. Communication facilities located on historic buildings or sites, as defined in Section 14.23, shall be subject to conditional use review for compliance with criteria outlined in Sections 14.23 and 14.34.

5. Permitted as outlined in Chapter 14.15 or, in the case of hotels/motels, the units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone defined in NMC Chapter 14.50.

6. Self-service storage use; salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; and auto and truck salvage and wrecking are prohibited within the South Beach Transportation Overlay Zone, as defined in Section 14.43.020.

7. For emergency shelters subject to ORS 197.782, city staff shall determine if standards listed under ORS 197.782 have been satisfied when the shelter is located in a zone where community service uses are listed as permitted. In those zones where community service uses are listed as conditional, a public hearing shall be held by the Newport City Council to establish compliance with statutory requirements.

Staff: Like the R-1, R-2, and R-3 zones, a shelter in a C-2 or I-2 might have a difficult time satisfying discretionary standards listed in the statute and the Commission might want to have a policymaking body like the City Council determine whether or not the standards are met (as opposed to staff).

CHAPTER 14.09 TEMPORARY USES

14.09.010 Purpose

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

14.09.030 Temporary Living Quarters

- A. Notwithstanding any other restrictions and prohibitions in this code, a recreational vehicle may be used as a temporary living quarters subject to the following conditions:
1. The individual(s) occupying the recreational vehicle are actively engaged in the construction or repair of a building on the premises; and
 2. Any required building permits have been obtained; and
 3. The recreational vehicle is used as a place of habitation for no more than 24-months, or the date that occupancy is granted, whichever is sooner; and
 4. The recreational vehicle used as the temporary living quarters is self-contained for sanitary sewer; and
 5. The location of the temporary living quarters on the site satisfies the vision clearance requirements as set forth in [Section 14.17](#).

- B. Temporary living situations for non-residential projects may use a job shack or other such structure instead of a recreational vehicle as the living quarters and may have a portable toilet instead of a self-contained unit.
- C. A permit is not required to utilize a recreational vehicle as a temporary living quarters as provided in this subsection.
- D. Notwithstanding the occupancy limit set forth in 14.09.030(A)(3), a recreational vehicle may be used as a place of habitation for up to 60-months in circumstances where the construction or repair of a building is in response to damage from a natural disaster, such as a wildfire, earthquake, flood, or severe storm.

Staff: Implements HB 2898, which extended the period of time a recreational vehicle can be occupied while a dwelling is being repaired or rebuilt from 24-months to 60-months. The legislation is limited to circumstances where construction is related to a dwelling that is rendered uninhabitable as a result of a natural disaster. The City's language is more permissive in that it is not limited to repair or replacement of uninhabitable dwellings.

CHAPTER 14.15 RESIDENTIAL USES IN NONRESIDENTIAL ZONING DISTRICTS

14.15.010 Purpose

It is the intent of this section to regulate the placement of residences in nonresidential zoning districts.

14.15.020 Residential Uses in Nonresidential Zoning Districts

Residences shall be allowed in nonresidential zones as follows:

- A. **C-1 zones:** Residences are prohibited at street grade. For floors other than street grade, residences are allowed as an outright permitted use.
- B. **C-2 zones:** For areas outside of the Historic Nye Beach Design Review District, residences are prohibited at street grade. For floors other than street grade, residences are allowed as an outright permitted use. On lands zoned C-2 that are within the

Historic Nye Beach Design Review District, residential uses shall be allowed as specified in Chapter 14.30, Design Review Standards.

- C. **C-3 zones:** Same as the C-1 zone.
- D. **For all I zones:** One residence for a caretaker or watchman as an accessory use is allowed as a permitted use.
- E. **W-2 zones:** Residences are prohibited at street grade. For floors other than street grade, residences are allowed subject to the issuance of a conditional use permit in accordance with the provisions of [Section 14.34](#), Conditional Uses, and [Section 14.52, Procedural Requirements](#).
- F. **For all other nonresidential zones:** Residences are prohibited.
- G. **Affordable Housing:** Notwithstanding other provisions of this section, Affordable Housing ~~on property owned by a public body, or non-profit corporation,~~ shall be permitted at street grade provided:
 - 1. It is situated outside of the Tsunami Hazards Overlay Zone; and
 - a. The property is zoned for commercial or public use, as outlined in Section 14.03.020; or
 - b. The property is zoned I-1, is publicly owned, and is adjacent to land zoned for residential use or a school.
 - 2. Development standards for Affordable Housing under this subsection shall be the same as those that apply to the adjacent residentially zoned property. If there is no adjacent land zoned for residential use, then the development standards of the R-4 zone shall apply.
 - 3. Affordable Housing on property within the Historic Nye Beach Design Review District, shall satisfy the development standards specified in Chapter 14.30, Design Review Standards.

Staff: Implements Section 2, HB 3395, which stipulates that affordable housing is to be allowed at street grade in commercial zones irrespective of whether or not the property is owned by a public body or non-profit.

CHAPTER 14.44 TRANSPORTATION STANDARDS

14.44.020 When Standards Apply

The standards of this section apply to land divisions and new development or redevelopment for which a building permit is required that place demands on public or private transportation facilities and related city utilities. Unless otherwise provided, all construction, reconstruction, or repair of transportation facilities and related utilities shall comply with the standards of this Chapter.

This Chapter applies to the vacation of streets only to the extent that new lots created, consolidated, or modified as a result of such a vacation shall have at least 25 feet of frontage or approved access to a public street.

14.44.050 Transportation Standards

- A. Street Improvement Requirements. Streets within or adjacent to a land division, development of new streets, and planned improvements to existing streets shall satisfy the requirements of Section 14.44.060, and public streets shall be dedicated to the applicable road authority.
- B. Substandard streets. Substandard streets adjacent to existing lots or parcels shall be brought into conformance with the standards of [Section 14.44.060](#) when new development or redevelopment of the lots or parcels will place additional demands on the streets and related city utilities.
- C. Neighborhood Traffic Management. Traffic calming measures such as speed tables, curb bulb outs, traffic circles, and other solutions may be identified as required on-site or off-site improvements for development along Neighborhood Collector or Local Streets.
- D. Guarantee. The city may accept a future improvement guarantee in the form of an improvement agreement as outlined in

14.48.060(B) through (G) cash deposit, surety bond, letter of credit or non-remonstrance agreement, in lieu of street improvements, if it determines that one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
3. The improvement is being carried out prior to certificate of occupancy or it is funded and programmed for construction in an adopted capital improvement plan; or
4. The improvement is associated with an approved land partition or minor replat and the proposed land partition does not create any new streets.

Staff: There is a new form of financial assurance cities are required to accept per Section 15 of House Bill 3395. This impacts Chapters 14.44 and 14.48. The latter describes the substantive requirements for an improvement agreement and guarantee in greater detail, so the new financial assurance language is being added to NMC Chapter 14.48, and a cross-reference is being added to this section. The change to (D)(3) aligns with the City's practice, which is to allow improvements to be deferred via an improvement agreement between the time a building permit is issued and occupancy is sought. This is in addition to deferral of improvements because the City has them programmed in its capital improvement plan.

CHAPTER 14.48 LAND DIVISIONS

14.48.060 Final Plat Requirements

- B. Provision of Improvements. It shall be the responsibility of the developer to install all required improvements and to repair any existing improvements damaged in the development of the property. The installation of improvements and repair of damage shall be completed prior to final plat approval. Except as provided in Subsection C., or where payment in lieu of constructing a required improvement is allowed by the city and has been paid by the developer per Chapter 14.44, the final plat will not be approved until improvements are installed to the specifications of the city and “as constructed” drawings are given to the city and approved by the city engineer. The developer shall warrant the materials and workmanship of all required public improvements for a period of one year from the date the city accepts the public improvements.
- C. Improvement Agreements. If all the required improvements have not been satisfactorily completed before the final plat is submitted for approval, the city may, at its discretion, allow final approval of the plat if the developer enters into a written agreement with the city to provide the required improvements secured by a cash deposit, bond, or letter of credit. The agreement must provide for completion within one year of the approval of the final plat. The agreement shall be acceptable to the city attorney and include provisions that:
1. Authorize the city to complete the required improvements and recover their full cost and expense from the developer if the developer fails to complete the improvements as required.
 2. Authorize the inspection of all improvements by the city engineer and provide for reimbursement to the city of all costs of inspection.
 3. Indemnify of the city, its officials, employees and agents, from and against all claims of any nature arising or resulting from the failure of the developer to comply with any requirement of such agreement.
 4. Ensure compliance with conditions required by the city in approving the final plat prior to completion of all required improvements.
- D. Financial Assurances. A developer that enters into an improvement agreement shall provide financial assurances in the form of one or more of the following:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon and in a form satisfactory to the city attorney, or

2. An irrevocable letter in a form satisfactory to the city attorney, or
3. A cashier's check or money order from a bank or other reputable lending institution, or
4. Certification by a bank or other reputable lending institution that funds are being held, or a line of credit has been established, to cover the cost of required improvements.
5. One or more award letters from public funding sources made to a subdivider who is subdividing property to develop affordable housing, that is or will be subject to an affordability restriction as defined in ORS 456.250 or an affordable housing covenant as defined in ORS 456.270.

Staff: This is an additional form of financial assurance cities are required to accept per Section 15 of House Bill 3395.

- E. Amount of Security. The financial assurances shall be in an amount equal to 110% of the amount determined by the city engineer as sufficient to cover the cost of the improvements, engineering, inspection, and incidental expenses. The financial assurances may provide for reduction of the amount in increments as improvements are completed and approved by the city engineer. However, the number of reductions or disbursements and the amount of retainage required shall be at the discretion of the city engineer.
- F. Post Completion Financial Assurances. On acceptance of all improvements by the city, a financial assurance, as provided in Subsection (D), shall be provided in an amount equivalent to 10% of the construction cost. Such financial assurance shall remain in effect for a period of one year. All deficiencies in construction and maintenance discovered and brought to the attention of the developer within one year of acceptance must be corrected to the satisfaction of the city engineer.
- G. Acceptance of Improvements by City, Guarantee. The city will accept public improvements only if they have received final inspection approval by the city engineer and "as constructed" engineering plans have been received and accepted by the city engineer. The developer shall warrant all public improvements and repairs for a period of one year after acceptance by the city.

CHAPTER 14.52 PROCEDURAL REQUIREMENTS

14.52.060 Notice

The notification requirements in general for the various types of land use actions are identified below. The applicant shall provide city staff with the required names and addresses for notice. Notice of hearings to individual property owners is not required for Type IV legislative actions unless required by state law, such as ORS 227.186 (notice to owners whose property is rezoned). These notification requirements are in addition to any other notice requirements imposed by state law or city ordinance.

- F. Published Notice. Notice of each Type III and Type IV hearing shall be published at least once in a print format or digital newspaper of general circulation in the city at least 5 days, and no more than 14 days, prior to the date set for public hearing. For the purpose of this subsection, a digital newspaper is an online newspaper delivered in an electronic form that is formatted similarly to a printed newspaper and produced in an archivable format.

Staff: Implements HB 3167, which allows publication of legal notices in digital newspapers. It is the City's intent to continue to use the printed News-Times format as long as the paper continues to be published at least once a week.

14.52.110 Decision Time

Once a complete application is received by the City of Newport, the city shall take final action, including resolution of all local appeals, on applications subject to ORS 227.178 within 100 or 120 days, as applicable, unless otherwise waived by the applicant in accordance with state requirements. In circumstances where a land use action involving the development of residential structures has been tentatively approved, the 100 or 120 day time limits shall be extended up to seven additional days to allow for the adoption of a final order affirming the tentative decision.

Staff: Implements a land use procedural change listed in Section 4 of House Bill 3395.