

**INTERPRETATIONS**  
**by City Council/Planning Commission**

1. **File No. 1-INT-89:** That an upholstery shop is considered a retail and service commercial use and is therefore allowed in a C-1 zoning district. Planning Commission (December 11, 1989).
2. **File No. 2-INT-89:** That a fast lube and oil facility--while not dispensing fuel--is considered an "automobile service station" in a C-1 zoning district. Planning Commission (January 8, 1990).
3. **File No. 1-INT-90:** That a day care center is a "community service" in a C-1 zoning district; approved. Planning Commission (April 9, 1990).
4. **File No. 2-INT-90:** That Instrument Landing System (ILS) towers for the City of Newport Municipal Airport are similar to transmission towers and are therefore exempt from the height limitations as per Section 2-3-1.010 of the Zoning Ordinance; approved. Planning Commission (January 14, 1991).
5. **File No. 1-INT-91:** That mobile home siting permits are the same thing as building permits; both apply to residences; clarification; approved. Planning Commission (May 28, 1991).
6. **File No. 1-INT-92:** Buffers begin on the property line [Section 2-4-4.010/"Adjacent Yard Buffers"]; approved. Planning Commission (April 27, 1992).
7. **File No. 2-INT-92:** Interrelationship of Sections 2-3-3.005, 2-3-3.010, 2-5-1.045, and 2-5-2.005; Stuart Lofton; denied. Planning Commission (December 28, 1992).  
  
Appealed to City Council; Planning Commission upheld (March 15, 1993).
8. **1-INT-93:** That a carpentry shop--located in an R-4 zone--is an accessory use to a hospital [11-11-8CA--13000]; withdrawn (February 8, 1993).
9. **File No. 2-INT-93:** Section 2-2-1.020 appears to have been intended only as a general guideline to help in understanding the intent of the R-4 zone; it is not a standard that must be applied to land use decisions and, in particular, is not a standard that must be applied in determining whether the application for a conditional use permit has met the "standards of the zone"; approved. City Council (May 3, 1993).
10. **File No. 3-INT-93:** That the addition of the convenience amenities of water and power to specific recreational vehicle parking spaces (i.e., the Elks Lodge), which spaces are a legal nonconforming use, is a **continuation** of the short-term parking of recreational vehicles; approved. Planning Commission (December 13, 1993).
11. **File No. 1-INT-94:** Denies Jim & Cleo Vickers' claim to use a loading dock on N.W. 2nd

Street; upholds Planning Department staff's interpretation of the specified provisions of the Zoning Ordinance and attachment of Condition #1 to Building Permit #9357. Planning Commission (June 23, 1994).

12. **File No. 2-INT-94:** An office space in a warehouse (located in a W-2 zone) is an accessory use to the existing warehouse, and the warehouse is an outright use; Port of Newport re Newport Marina; approved. Planning Commission (May 23, 1994).
13. **File No. 1-INT-95:** A rectory is a normal and customary accessory use to a church, provided the rectory exists on the same lot with the church, which is consistent with the requirement for all accessory uses per Section 2-1-1.101/ "Definitions" of the Zoning Ordinance. Planning Commission (March 27, 1995).
14. **File No. 2-INT-95:** An unroofed elevated walkway or stairs not more than 30 inches above the grade below (not requiring guard rails, according to the Uniform Building Code) may encroach into the required yard. Planning Commission (August 14, 1995).
15. **File No. 3-INT-95:** Assisted living facilities fit more into the multi-family residential use category and are, therefore, allowed uses in the Iron Mountain Impact Area (IMIA) overlay zone (December 19, 1995).
16. **File No. 1-INT-97:** A small food service and gift shop are incidental uses to an aquaculture operation, i.e. Oregon Oyster Farms at the old OrAqua site (April 28, 1997).
17. **File No. 2-INT-97:** The collocation of wireless telecommunications equipment in public zones is a permitted use as long as the property owner gives permission (August 11, 1997).
18. **File No. 1-INT-98:** The use of boats as a bed and breakfast establishment is allowed as a conditional use in a W-1 zone (9-28-98).
19. **File No. 1-INT-00:** The fence, as constructed, complies with the condition number 11 from the approved Planning File #1-CUP-99, if the six-foot portion extends to the northwest corner of the Garrard property where the northwest property line (the old center line of Woody Way) intersects with Ocean Walk (11-27-00).

Appealed to City Council; Planning Commission upheld (4-2-01).

LUBA dismisses appeal.

20. **File No. 2-INT-00:** Shared equity in ownership at the Newport Landing should be considered the same as a condominium hotel; withdrawn (11-27-00).
21. **File No. 1-INT-03:** Private (noncommercial) human burial in a residential zone is not an accessory use that is permitted outright with a residence. Planning Commission (April 14, 2003).

22. **File No. 1-INT-04:** The Planning Commission made the following decisions in regard to the applicant's requests (June 14, 2004):

- (1) A towing operation is a use specified as a conditional use in the C-1/"Retail and Service Commercial" zone under SIC 754 (Automotive Services, Except Repair) in the Newport Zoning Ordinance (No. 1308, as amended) as established in NZO Section 2-2.1.035 (Commercial and Industrial Uses). Because the towing operation use is specified under SIC 754, the applicant's requested interpretation that towing operations are uses permitted outright under SIC 478 (Miscellaneous Services Incidental to Transportation) is denied.
- (2) Interpretation requests involving the Standard Industrial Classifications regarding a minor repair use as being a use permitted outright under SIC 478 or 554, a RV parts and propane sales use as a use permitted outright under SIC 478, and a U-Haul rental use as a use permitted outright under SIC 478 are denied as the proposed interpretation requests are not the appropriate classifications for the proposed uses.
- (3) The applicant has failed to provide sufficient information for the Planning Commission to determine that the requested accessory use interpretations for the minor repair use, sale of RV parts and propane, and U-Haul operations are incidental and subordinate to the main use of the property such that those uses can be considered accessory uses as defined by the Newport Zoning Ordinance definition of accessory use in NZO Section 2-1-1.101 (Definitions).

23. **File No. 1-INT-05:** The Planning Commission made the following decisions in regard to the applicant's requests (June 27, 2005):

- (1) Private cellular facilities for commercial cellular (wireless) providers as an appurtenance to an existing structure such as a light pole, athletic field light, power distribution tower or a building is an accessory structure and therefore a permitted use in the P-1 zoning district up to a height of 100 feet (pursuant to Newport Zoning Ordinance (NZO) (No. 1308 as amended) Section 2-3-1.010 (C) ("General Exceptions to Building Height Limitations").
- (2) There is insufficient information before the Planning Commission to make an interpretation on the requested accessory use interpretation as to whether or not private cell facilities on stand alone towers/monopoles by themselves for commercial (wireless) cellular providers could be permitted outright as accessory structures in conjunction with uses permitted outright in the P-1 zone.
- (3) Telecommunication companies are not considered the same as governmental entities under NZO Section 2-2-1.045 (4) (Public Uses), which allows outright "any building or structure erected by a government entity" in the P-1 zone.

24. **File No. 2-INT-05:** The Planning Commission made the following decision in regard to the applicant's request (July 11, 2005): Tennis courts or any other recreational facility are not considered bondable improvements under the provisions for improvement agreements found in Newport Subdivision Ordinance (No. 1285, as amended) Section 3-6-1.006.

25. **File No. 3-INT-06:** The Planning Commission made the following decision in regard to the applicant's request (April 24, 2006): As a proposed modular structure to be placed on bank property at 909 SE Bay Blvd. will meet applicable building code requirements; and, as the proposed modular building does not meet the general definition of "temporary structure" under NZO Section 2-1-1.01, the proposed modular building is therefore not subject to regulation under NZO Section 2-2-29 and is not considered a temporary structure pursuant to

the NZO Section 2-2-29.010 (C) definition.