



PLANNING COMMISSION WORK SESSION AGENDA

Monday, January 27, 2020 - 6:00 PM

City Hall, Conference Room A, 169 SW Coast Hwy, Newport, OR 97365

The meeting location is accessible to persons with disabilities. A request for an interpreter for the DEAF AND HARD OF HEARING, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER

2. UNFINISHED BUSINESS

2.A FY 2020/2021 Goal Setting Discussion.

[Memorandum](#)

[Preliminary Report on City Council 20/21 Goals](#)

2.B Final Review of Draft Amendments to the Sewer Facilities Element of the Comprehensive Plan.

[Memorandum](#)

[Draft Comprehensive Plan Amendments](#)

[Existing Public Facilities Goals and Policies](#)

[Minutes from 11-9-18 Planning Commission Work Session](#)

3. NEW BUSINESS

3.A Review of Potential Amendments Related to Car Camping.

Memorandum

City Manager Report

9-3-19 City Council Minutes

ORS 203.082

DLCD Model Code Definition

Lincoln City Ordinance No. 2016-18

Google Maps of Religious Institutions

Flyer - US Dept of Justice

NMC Chapters 6.25, 9.50, and 14.06

Commissioner Eudaly Statement

City of Portland Zoning Code Information Guide

"Tiny Home Regulation" from OR BCD

4. ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick I. Tokos, AICP, Community Development Director 

Date: January 22, 2020

Re: Fiscal Year 2020-2021 Goal Setting Discussion

Enclosed is a preliminary report listing the City Council's priorities from their 2020-2021 Goal Setting session. Please take a moment to review the document, as they are looking for City Department and Advisory Committee input before finalizing the goals. A portion of the work session will be dedicated to framing any comments the Planning Commission wants to share with the Council.

Additionally, I'll put together a list of your goals from last year, along with some suggested adjustments, as a starting point for a discussion regarding the Commission's goals for the coming year. Please drop me a note, individually, if there is a specific item you want added to the list. I'll have the information queued up on a laptop so that we can work through the goals interactively.

Attachments

- Preliminary Report on the City Council's 2020-2021 Goals

**PRELIMINARY REPORT ON THE JANUARY 13, 2020 CITY COUNCIL GOAL
SETTING SESSION.**

Background

On Monday, January 13, 2020 the City Council met from 9 AM to 3 PM to identify various goals and objectives for the City Council for the 2020-2021 Fiscal Year and beyond. This meeting was to focus on the Vision 2040 strategies and identify potential goals or objectives to pursue during the coming fiscal year, and over the next five year period. The Council identified various ideas and concepts that were then compiled and prioritized by the City Council. I would ask the Council to review this list to determine whether it reflects the priorities of the Council for issuing a draft report of possible goals and objectives.

It is my intent to take this list as revised, and create a combination of five-year goals, with specific objectives to be accomplished during the 2020-2021 Fiscal Year for review by Council at the March 2 work session. This report will also be sent to Department Heads and Advisory Committees for their review, as well, to provide further input to Council. Time will be reserved on the work session on March 2, 2020 to make adjustments to this report as the Council sees fit, and then to propose the plan for a public hearing which would be held on March 16, 2020 for adoption.

City Council Ideas for Goals for the 2020-2021 Fiscal Year

The goals prioritized by the City Council are identified in the numbered items (i.e. 20.A.1 20.B.2, etc.). The goals are categorized by the Vision 2040 focus areas and are further divided by individual strategies throughout the course of this report. The figure is immediately following the goal number is the strategy of the goal it is related to. The number at the end of the goal is the number Councilors who identified that goal as a priority. Items marked as (c) were agreed upon by the Council on a consensus basis for inclusion in this report. The primary purpose of the draft report is to convey the thoughts of the Council to the Department Heads and Advisory Committees as to priorities.

A) ENHANCING A LIVABLE REGION

- 20.A.1 (A1) - Continue with reinvestment in the City's drinking water system (c).
- 20.A.2 (A1) - Develop a proactive system to identify and repair potholes in City streets (4).
- 20.A.3 (A2) - Update the City's buildable land inventory (c).
- 20.A.4 (A2) - Educate property owners to promote and encourage homeowners to consider building for accessory dwellings on their principal homestead property (4).
- 20.A.5 (A3) - Develop a plan to revitalize US 101 and US 20 corridors as a gateway to the community (c).
- 20.A.6 (A5) - Develop a plan to revitalize the City's center (c).
- 20.A.7 (A5) - Establish a City gathering spot as part of the City Center Renewal Plan (4).

20.A.8 (A10) - Utilize extensive community engagement and complete the North Side Transportation Plan in collaboration with the Oregon Department of Transportation (c).

20. A.9 (A11) - Build a sidewalk from 35th Street north to Surf View Apartments (4).

20.A.10 (A4) - Hire a landscape architect full time or at least three-quarters time for the City (3).

20.A.11 (A11) - Complete a sidewalk from Don Davis Park to the corner of Elizabeth and Government Streets (3).

20.A.12 (A11) - Restripe the pedestrian crosswalks on a more regular basis (3).

20.A.13 (A1) - Pursue mean to acquire property in the City's Big Creek watershed (3).

Other ideas identified by the Council during the goal setting session but not prioritized as a goal for the 2020-2021 fiscal year, were as follows:

- (A1) Pave SW 7th Street between Hurbert and Alder Streets (1).
- (A1) Add fees to industrial water users to create a sinking fund to help pay for the replacement of Big Creek Dam.
- (A1) Consider implementing a water rate structure that charges more per unit for large users versus small users.
- (A1) Work toward a no spray policy in the Big Creek watershed.
- (A2) Encourage apartment building by reducing SDC charges.
- (A2) Consider developing a Yaquina River houseboat community to assist with the housing shortage.
- (A2) Consider expanding mobile or recreational parks to provide opportunities for permanent housing options for residents.
- (A3) Pursue a one-way couplet through the center of town in the Deco District (1).
- (A3) Work with ODOT to determine the future replacement of the Yaquina Bay Bridge.
- (A3) Start public engagement on downtown couplet versus elimination of parking on US 101.
- (A3) Improve traffic flow at Harney and 7th Streets near the middle school.
- (A4) Implement the tree plan with robust funding, citizen committees and input from the Landscape Specialist. (2).
- (A4) Light the bridge (1).
- (A4) Proceed with landscaping/hardscaping and rebuilding the Nye Beach Turnaround (1).
- (A4) Encourage business owners to improve blighted buildings.
- (A4) Encourage large retailers to have better plans to manage litter.
- (A4) Have City Council adopt the first mile of US 20 for clean-up efforts.
- (A4) Install flower baskets and pots in the Bayfront and City Center.
- (A4) Plant a live Christmas tree at City Hall.
- (A4) Work toward undergrounding utilities on US 101 from US 20 north.

- (A8) Address problems with short-term rental parking by restricting parking on the east side of NW Spring Street from 12th to 17th Streets.
- (A8) Increase cap on VRDs and VRD zones (1).
- (A10) Place additional speed signs along Oceanview and Elizabeth Streets (1).
- (A10) Purchase additional speed display signs (1).
- (A10) Improve US 20 and Harney Street intersection utilizing Urban Renewal funding.
- (A10) Add a flashing yellow light at the US 101 and NW 25th Street intersection.
- (A11) Install a pedestrian crossing lights on US 20 at Eads Street (1).
- (A11) Reduce speed at the Agate Beach crosswalk (from 35 to 25 mph) or have flashing crossing lights (1).
- (A11) Place additional 'slow' signs and 'pedestrian' signs on NE Big Creek Road.
- (A16) Consider a water taxi to shuttle people from South Beach to the Bayfront (1).
- (A16) Expand the frequency of service for public transportation in Newport (1).
- (A16) Relocate the transit center removing it from the front of City Hall.
- (A16) Consider a shuttle from the Bayfront and Nye Beach to address tourism traffic and parking issues (1).
- (A16) Acquire a larger vehicle for transporting customers of the 60+ Center.
- (A18) Prepare regulations to address micro communication towers and 5G for the City.

B) PRESERVING AND ENJOYING OUR ENVIRONMENT

20.B.1 (B1) - Continue with upgrades to the sanitary sewer system (c).

20.B.2 (B1) - Continue with upgrades to the storm sewer system (c).

20.B.3 (B1) - Modernize and upgrade the waste water treatment plant (c).

20.B.4 (B3) - Identify priorities from the Parks and Recreation Master Plan for implementation (c).

20.B.6 (B3). - Establish a foundation to support City parks and recreation programs (4).

20.B.7 (B3) - Sell bricks to repave the entrance to the recreation center (3).

20.B.8 (B4) - Pursue the mountain bike collaborative agreement to develop trails with the NEWTS (c).

20.B.9 (B5) - Explore the development of Dark Sky outdoor lighting plan for the City (5).

20.B.10 (B6) - Discuss with heavy industrial users of water the implementation of conservation practices (4).

20.B.11 (B7) - Explore the development of a plastic reduction policy/ordinance for the City or Countywide (3).

20.B.12 (B9) - Develop a long-term climate action plan for the City (c).

Other ideas identified by the Council during the goal setting session but not prioritized as a goal for the 2020-2021 fiscal year, were as follows:

- (B1) Explore ways to reuse processed water from high water users
- (B1) Develop a plan at the airport to reduce DEQ violations (1).
- (B1) Explore gray water diversion code.
- (B3) Develop bocce ball at locations such as Wilder Park or on or near the fairgrounds. (1)
- (B3) Approve signage for the walking trail at Forest Park (1).
- (B3) Assist with the boardwalk bench revitalization project.
- (B3) Pursue lighting at the skate park (1).
- (B3) Work with State Parks to improve beach access at the Agate Beach Wayside.
- (B3) Extend lighting at the Agate Beach Wayside/US 101 entry points for the tunnel and stairways on both sides of US 101.
- (B3) Install LED lighting for Betty Wheeler Field.
- (B3) Conduct trail repairs for Lucky Gap Beach Access.
- (B3) Make playground improvements at NW 60th in Big Creek Park (2)
- (B3) More Wayfinding signs for the Newport Aquatic Center, Performing Arts Center and Visual Arts Center.
- (B3) Develop plans for the addition to Don Davis Park.
- (B3) Improve signage for the Newport Aquatic Center.
- (B5) Utilize appropriate LED street light fixtures throughout the city.
- (B5) Work with the business community and PUD for creating electric charge stations (1).
- (B5) Work with the developers to place an electric charging stations at the new Surf View Housing development.
- (B6) Eradicate scotch broom in the City limits (1).
- (B6) Ivy control at the east 'Welcome to Newport' sign.
- (B6) Develop a plan for managing all forest lands within the City and City-owned land.
- (B6) Conduct an education campaign around water conservation.
- (B6) Develop an invasive plant volunteer core to address various invasive species in the City.
- (B7) Work with the Port of Newport to develop a sustainability plan and a refuse reduction plan (1).
- (B7) Promote aggressive and early water conservation messages for the public.
- (B8) Consider the development of a solar farm and battery backup at a location in the City such as the airport or other appropriate locations.
- (B8) Install solar panels on other City buildings (2).
- (B9) Limit use of water from the Siletz River.

C) CREATING NEW BUSINESSES AND JOBS

20.C.1 (C3) – Update the City’s commercial/industrial buildable lands inventory (c).

20.C.2 (C4) - Pursue sewer and adequate fire flows for the municipal airport to foster further development at that location (3).

20.C.3 (C9) - Modify the Newport Municipal Code eliminating restrictions for operation of food carts (5).

Other ideas identified by the Council during the goal setting session but not prioritized as a goal for the 2020-2021 fiscal year, were as follows:

- (C1) Work with the Port to add Bayfront parking between Docks 5 and 7.
- (C4) Consider leasing the fixed base operating building.
- (C6) Hold an annual City-wide garage sale as a tourist event and to promote the re-use of items (1).
- (C6) Financially support the purchase of ADA wheelchairs in collaboration with the private sector for use on the beach (1).
- (C12) Consider the development of a community orchard on City property (1).
- (C) Encourage Costco, Home Depot and Trader Joe’s to come to Newport.
- (C) Prepare for Uber and Amazon Delivery businesses coming to Newport.
- (C) Utilize the Urban Renewal site in South Beach for a grocery store perhaps including a gas station and electric charging station (2).

D) LEARNING, EXPLORING AND CREATING NEW HORIZONS

20.D.1 (D3) - Continue funding and support for public art (c).

Other ideas identified by the Council during the goal setting session but not prioritized as a goal for the 2020-2021 fiscal year, were as follows:

- (D2) Work with various entities to increase training in the trades.
- (D3) Consider doing some sort of memorial statute honoring the life of Rick Bartow.
- (D3) Increase funding for murals within the City (1).
- (D3) Establish a foundation for public arts, acquisitions, and maintenance (1).
- (D3) Develop a Newport mural passport project that would encourage visitors and residents to view and capture images of murals to get discounts at local businesses (1).
- (D3) Consider a requirement to obtain one percent of construction costs for the arts on all new building construction within the City.
- (D3) Expand art offerings in public spaces.

E) IMPROVING COMMUNITY HEALTH AND SAFETY

20.E.1 (E5) - Continue efforts to identify funding to replace the Big Creek Dams (c)

20.E.2 (E5) - Continue resiliency planning efforts for the community through emergency preparedness (c).

20.E.3 (E7) - Implement recommendations from the Homelessness Task Force (c).

20.E.4 (E6) - Increase the number of active fire department volunteers (4).

20.E.5 (E6) - Purchase additional radar speed signs for use throughout the community (4).

20.E.6 (E) - Collaborate and partner with health in all actions to guide impacts for creating a healthy community (3).

Other ideas identified by the Council during the goal setting session but not prioritized as a goal for the 2020-2021 fiscal year, were as follows:

- (E5) Hire a part time bilingual staff member for emergency preparedness (1).
- (E5) Continue efforts to supply emergency caches in each neighborhood (1).
- (E6) Pursue the development of a new public safety building.
- (E6) Purchase a fire boat.
- (E6) Support more direct interaction of the police department with the community (1).
- (E6) Consider implementation of a public safety tax (2).
- (E6) Implement cameras to issue red light tickets (1).
- (E7) Make a commitment to house all unsheltered veterans.
- (E7) Build 24/7 permanent public restrooms near City Hall and bus stop.
- (E7) Keep the fairgrounds open seven days a week for shelter (1).
- (E8) Produce Council packets in English and Spanish.
- (E8) Provide a Spanish language version of housing development incentives.
- (E8) Continue funding for CERT and LISTOS (1).
- (E8) Contract with Spanish language services for both translation for written materials and spoken language (2).
- (E9) Promote accessible and affordable childcare and support provider forums (1).
- (E9) Support and partner with the County to expand Head Start for ages 3-5 and add early Head Start for ages 0-3.
- (E11) Support County goals to expand the juvenile department to provide additional foster care capacity.
- (E12) Promote opportunities in stores to have locally produced and fresh produce available

F) FOSTERING COLLABORATION AND ENGAGEMENT

20.F.1 (F2) - Hire and facilitate the work for Vision Coordinator to keep the Vision as a foundational document for the Greater Newport Area (c).

20.F.2 (F7) - Have a joint work session with the Port at least twice per year (3).

20.F.3 (F9) - Establish a youth council (3).

Other ideas identified by the Council during the goal setting session but not prioritized as a goal for the 2020-2021 fiscal year, were as follows:

- (F1) Utilize a reader board in front of City Hall outlining daily events for the City such as Council meetings, Committee meetings, etc. (2).
- (F1) Continue efforts to involve families in opportunities to interact with the police at forums and other events.
- (F1) Issue more police press releases.
- (F4) Provide childcare opportunities for parents attending City Council meetings and City activities.
- (F4) Contract with captioning services to caption City Council meetings.
- (F5) Establish a human rights committee.
- (F5) Offer differential pay for bilingual employees in public facing positions (1).
- (F5) Hold a Newport Latinx celebration/party.
- (F5) Develop implicit biased training for the police department (2).
- (F5) Consider developing a diversity advisory board (2).
- (F5) Expand diversity on City committees by appointing at least one bilingual and bicultural member on each committee.
- (F5) Develop a bilingual Facebook page (2).
- (F9) Invite high school and middle school students to City Council meetings.
- (F9) Develop a Newport Police Department Explorer Program.
- (F9) Consider establishing an internship program through the high school.
- (F) Provide home sharing information in Spanish.

G) OTHER ORGANIZATIONAL ISSUES

20.G.1 - Implement recommendations from the City Finance Work Group to address the structural budget deficit (c).

20.G.2 - Consider the implementation of a restaurant tax with a portion of the funds being used for road resurfacing (4).

20.G.2 - Pursue electric vehicle charging stations at City facilities and worksites for employee use (3).

Other ideas identified by the Council during the goal setting session but not prioritized as a goal for the 2020-2021 fiscal year, were as follows:

- Purchase electric cars for City fleet, where practical.
- Develop a philanthropic committee to encourage donations to City projects.
- Implement an Aumsville budget projection template for assisting the Budget Committee and staff in developing the City budget.
- Establish a goal to reduce printing on a City-wide basis.
- Convert to an e-payroll system (1).

- Increase the percentage of e-pay users.
- Provide the same information on both e-bills and paper statements.
- Flail mow the road to the beach at SW Naterlin Drive three or four times per year.
- Review Council meeting structure to see if meetings can be run more efficiently with a goal of ending at 9 PM.
- Annex all properties in South Beach down to the airport (1).
- Consider modifying the Recreation Center benefit for the City of Newport employee to include the employees and one extra, not limited to family.
- Contract for a special grant writer for smaller grant efforts (1).
- Provide a system for reviewing exit interviews by Council (1).
- Expand employment announcements to a more diverse job listing sites and provide additional opportunities for Spanish language applicants.
- Identify ways to increase retention of employees.
- Considering creating an Assistant City Manager position.

This report contains the raw data from the day-long goal setting session held on Monday, January 13. Once the Council has accepted as a preliminary report, it will be my intent to develop, at a staff level, with the assistance of our advisory committees a structure that would include primary goals over a five-year period and objectives to achieve that goal for a presentation to the City Council at a work session on March 2. Please note that the items identified as City Council goals may appear in the final report as either goals or objectives. Based on the definitions that were discussed at the work session with goals being typically broader in scope identifying an intended outcome concerning one or more functions for the organization, while objectives help translate goals into actionable items with specific deliverables and budget resources necessary to achieve that goal.

Memorandum

To: Planning Commission/Commission Advisory Committee
 From: Derrick I. Tokos, AICP, Community Development Director 
 Date: January 24, 2020
 Re: Supplemental Review of Amendments to Wastewater Element of the Newport Comprehensive Plan

Draft amendments to the wastewater element of the Newport Comprehensive Plan were presented and reviewed at the November 12, 2019 work session (minutes enclosed). There was discussion about whether or not the wastewater treatment plant possesses adequate capacity to meet anticipated future needs. It was my understanding at the time that Brown and Caldwell considered future capacity issues at the wastewater treatment plant when they prepared the 2018 Sanitary Sewer Master Plan. After discussing the issue with the City Engineer, I understand that a separate facility plan is being prepared for the wastewater treatment plant and that the Sanitary Sewer Master Plan, and recommended projects, now before the Planning Commission relate solely to the condition of the wastewater distribution system. Funding to prepare a facility plan for the wastewater treatment plant is included in the FY 2019-20 budget.

Basic descriptive language for the wastewater treatment plant has been added to the proposed amendments. More detailed information, and updated policies will be prepared after the facility plan is completed. Other changes to the draft include revisions to Table 5 to remove inadvertent references to footnotes, and updates to the policies in response to feedback from Commission members.

A request was made to add language requiring properties connect to sewer when it is extended to within 200 feet of a property. The Newport Municipal Code currently requires that properties connect when they are within 250 feet. That language reads as follows:

5.15.020 Connection Required

A. All structures containing sanitary facilities that are located within 250 feet of a collection sewer or intercepting sewer other than a force main must be connected to the sewer system. Connection to the public sewer system for new buildings or structures is required prior to the issuance of a certificate of occupancy. Any building served by a private sewage disposal system shall be connected to the city sewer system within 60 days of the date that a city sewer line is extended to within 250 feet of the property and is available for connection. At the request of the property owner of an existing structure, the City Council may allow deferral of the connection if connection would impose an undue hardship on the property owner. In determining what constitutes an undue hardship, the Council may consider the following factors:

- 1. Whether the property owner is contributing to the cost of extending the main.*
- 2. The cost of connection.*
- 3. The condition and capacity of the private sewage disposal system.*

Deferral shall be allowed only if the existing structure is served by a private sewage disposal system in good condition and adequate to serve the sanitary facilities on the property. Council may require proof that the disposal system is properly and regularly maintained and pumped, and routinely

inspected by the county. The Council's decision shall be by written order with findings. Any deferral allowed by the Council may be revoked by the Council at any time.

If sewer connection is deferred, the deferral is automatically revoked and sewer connection must occur within 30 days of:

- 1. Failure of the private sewage disposal system;*
- 2. Failure of the private sewage disposal system to comply with all applicable state and county standards and requirements;*
- 3. Sale of the property; or*
- 4. Any determination by the state or county that the private sewage disposal system presents a health or environmental risk.*

There should be a policy to support such a code provision, and a new one has been added for your consideration (new Policy No. 3). Please note that this requirement only applies to property located inside the city limits. Properties outside the city, but inside the urban growth boundary, would connect at such time as they are annexed. The City cannot compel annexation because sewer service is available to a property unless they wish to connect.

A request was made to amend Policy 5 (then Policy 4) to include language requiring the wastewater collection and treatment system have sufficient capacity to meet current and future needs of various users. This is already addressed in Goal 1. The policy implementing that goal requires the City consider normal daily and seasonal use of various users when determining whether or not there are capacity issues within the system. The policy has been amended so that it is clearer in this regard. Lastly, a request was made to add "health and safety" into the last policy and that concept has been woven into the current draft.

This work session is an opportunity for you to review and provide feedback on the draft amendments. If the Commission is comfortable with the language, then it can initiate the process for amending the Comprehensive Plan by motion at the regular meeting. City Engineer, Tim Gross, is planning to attend the work session to answer questions members may have about the 2018 Sanitary Sewer Master Plan, or the upcoming facility plan for the wastewater treatment plant.

Attachments:

Draft Comprehensive Plan Amendments
Existing Public Facilities Goals and Policies
Minutes from 11/9/18 Planning Commission Work Session.

WASTEWATER FACILITIES

The City of Newport (City) provides wastewater collection system services for more than 10,000 people and businesses spread across an area of approximately 11.2 square miles. The City owns over 62.5 miles of gravity pipelines ranging in size from approximately 3 to 36 inches in diameter, 1,400 manholes, 9 major pump stations, 16 minor pump stations, and 12 miles of sanitary force mains. A majority of the sewer system was built after 1950 and is concrete, while much of the newer pipe is polyvinyl chloride (PVC).

Detailed information on the historical, functional, and environmental factors relevant to the City’s wastewater system can be found in the document entitled, "Final Sanitary Sewer Master Plan, by Brown and Caldwell, dated February 9, 2018" (hereinafter, the "Sanitary Sewer Master Plan").

Existing Wastewater System:

The primary components of the wastewater system are the Wastewater Treatment Plant (WWTP), gravity sewer mains, force mains, and pump stations. The WWTP was built by the City of Newport in 2002 at an initial cost of \$42 million dollars. The plant is located in South Beach, and has the hydraulic capacity to bypass 15 million gallons of wastewater per day (untreated). The WWTP is permitted to treat up to 5 million gallons per day, and typically receives flows of 2 million gallons per day. The plant uses a biological process to treat wastes known as activated sludge. This process creates two products from wastewater. The main product is clean water, which is treated and pumped into the ocean off Nye Beach. The other product produced at the plant is Class A Biosolids. The Sanitary Sewer Master Plan evaluated the condition and future needs of the wastewater distribution system (i.e. gravity lines, force mains and pump stations). A separate facility master plan is being prepared for the WWTP.

The topography of Newport has required that pump stations be used to serve a number of areas throughout the city. Major pump stations are those that are critical to the operation of the entire collection system. Minor pump stations and individual septic tank effluent pump (STEP) systems serve targeted populations. Should minor facilities fail, the immediate population they serve would be impacted; however, the balance of the collection system would be operational. Table 1 below summarizes the design data for the City’s major pump stations.

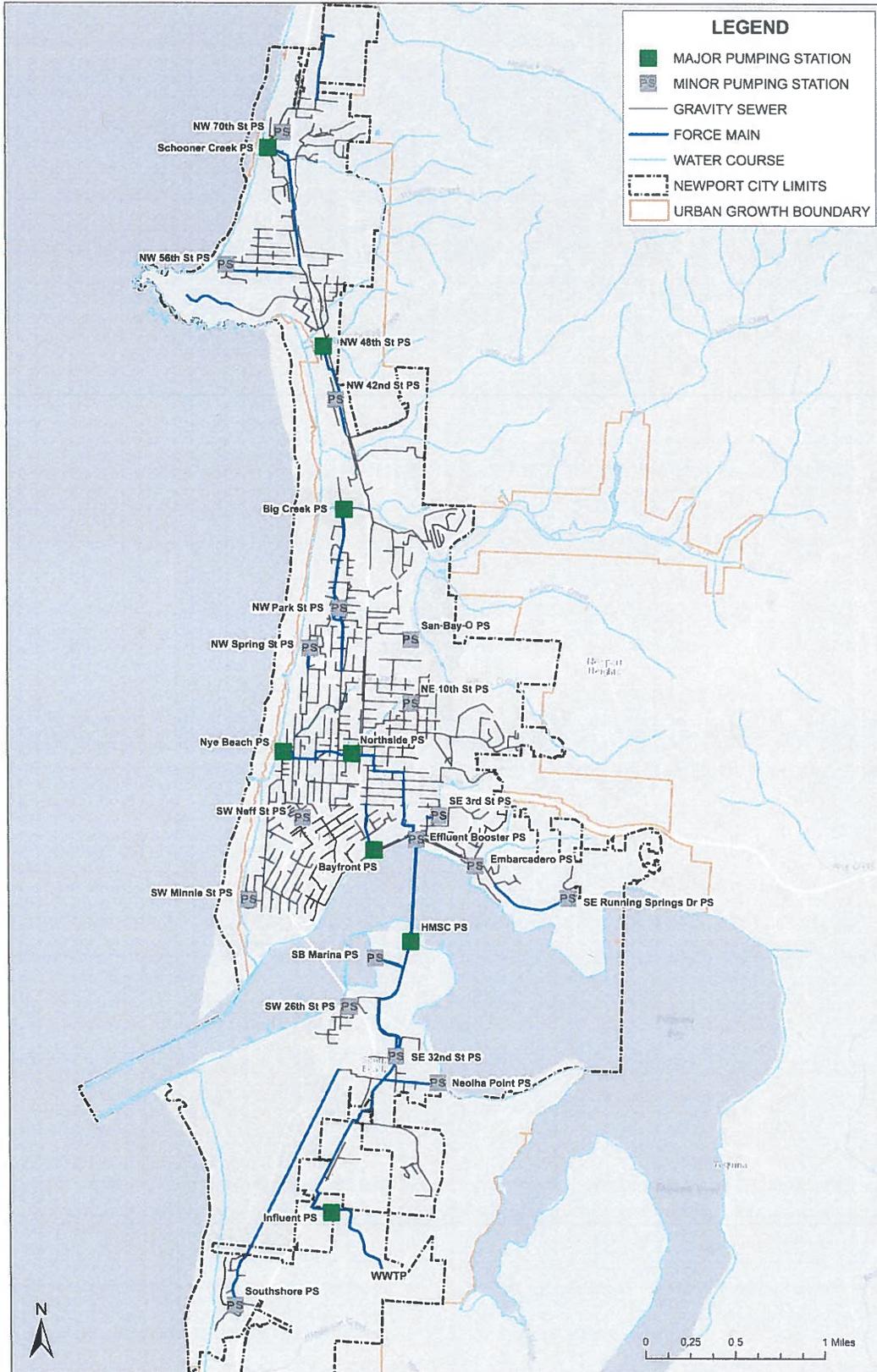
Table 1: Pump Station Summary

| Pump Station | Capacity (gpm) ^a | Number of Pumps | Force Main Size (in) | Force Main Material | Force Main Length | Year Upgraded ^b |
|-------------------------------------|-----------------------------|-----------------|----------------------|---------------------|-------------------|----------------------------|
| Bayfront | 1,200 | 2 | 8 | PVC | 1,370 | 2001 |
| Big Creek | 2,430 | 3 | 14 | HDPE | 5,040 | 2016 |
| HMSC | 1,390 | 2 | 8 | | 35 | 2001 |
| Influent | 850 | 2 | 24 | HDPE | 3,000 | 2001 |
| | 3,500 | 4 | | | | |
| Northside | 3,000 | 3 | 20-24 | Steel / DI / HDPE | 142,000 | 2001 |
| NW 48 th St ^c | 1,215 | 2 | 10 | PVC | 1,564 | 2018 |
| Nye Beach | 1,400 | 2 | 12 | PVC / AC | 2,200 | - |
| Schooner Creek ^c | 660 | 2 | 8 | PVC | 3,779 | 2018 |
| SE Running Springs Dr | 153 | 2 | 4 | PVC | 2,505 | - |

Note: gpm = gallons per minute.

- a. Figures represent firm pumping capacity, and are based upon pump station operation without use of redundant pumps.
- b. Year upgraded is based upon record drawings where available.
- c. The NW 48th Street pump station, Schooner Creek Pump Station, and Schooner Creek force main are currently being upgraded as part of the Agate Beach Wastewater Improvement Project. Values listed represent planned improvements.

Figure 1: Existing Wastewater Distribution System



Development Assumptions:

Land use and zoning provide the basis for developing future unit wastewater flows and overall wastewater flow projections for buildout conditions. Understanding the nature and distribution of the various land use classifications is important for accurate identification of future wastewater flow rates and the phasing of required improvements. This section describes both the existing and proposed future land uses for the study area. Land use and zoning are largely governed by the local topography and by decisions made by the City, its citizens, and the Oregon Department of Land Conservation and Development (DLCD). Expansion of the Urban Growth Boundary (UGB) must be approved by the DLCD before such actions can be adopted.

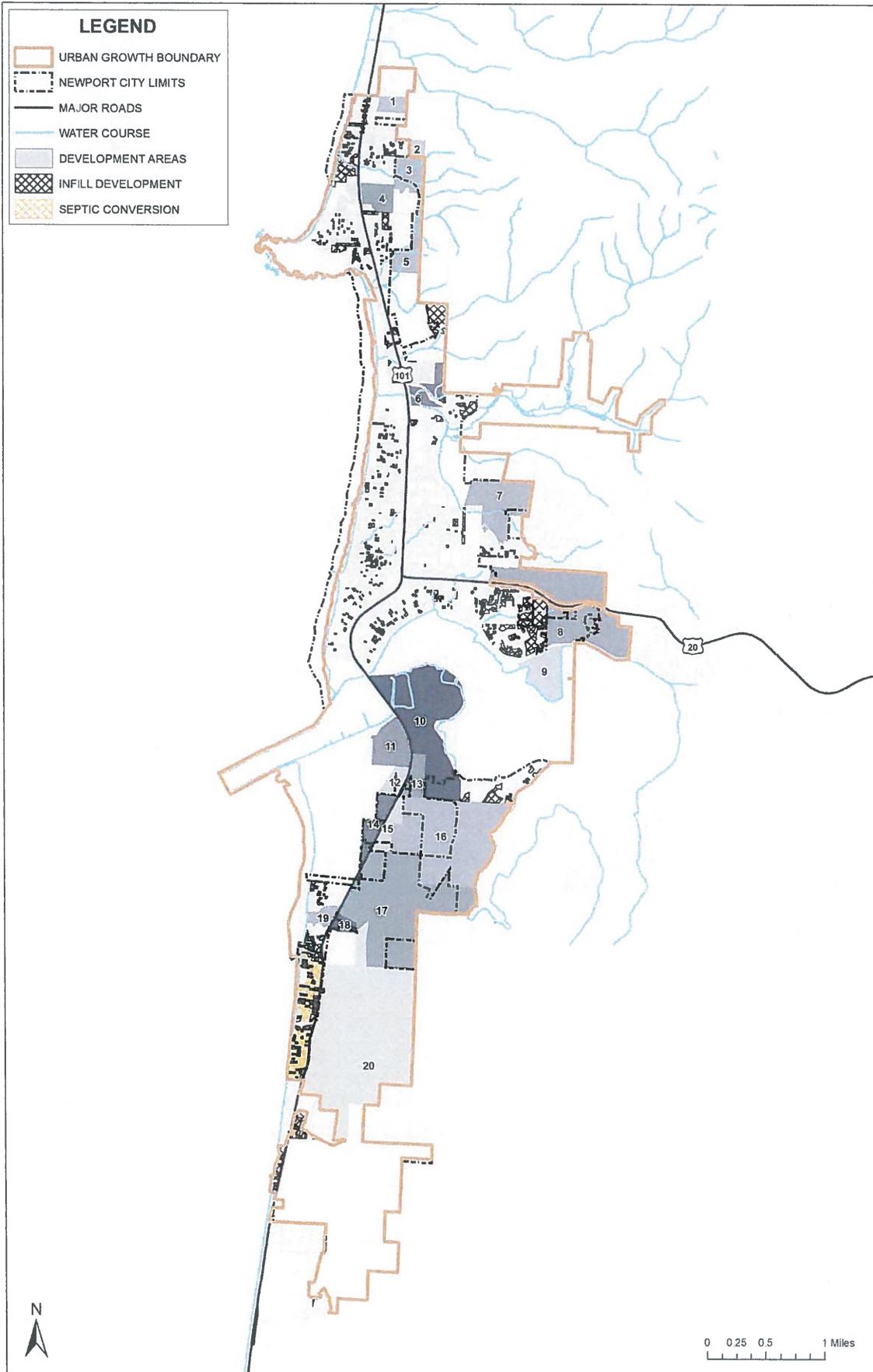
Information on current land use was obtained from GIS data provided by the City. In addition, the City maintains a buildable lands inventory (BLI). The BLI was developed in two parts. A Housing Needs and Buildable Lands Study provides land capacity estimates for low, medium and high density residential development (ECONorthwest, 2011 and 2014). An Economic Opportunities Analysis includes the same information for commercial and industrial properties, estimate land capacity in terms of dwelling unit equivalencies (ECONorthwest 2012). Buildable parcels are identified as “infill development” in Figure 2, below. The City’s Community Development Department provided 20-year and buildout development conditions considering these studies. That information is listed in Table 2 below. The development identifier (ID) corresponds to the development area on Figure 2. Detailed views of the development areas are provided in Appendix B of the Sanitary Sewer Master Plan.

Table 2: Development Assumptions

| Development ID | 20-year Development Conditions | Buildout Development Conditions ^c |
|--------------------|---|--|
| 1 | 30-acre light industrial development ^a | |
| 2 | 6-acre annexation for 48-unit assisted living facility | |
| 3 | 50 Low Density Residential (LDR) units | 50 LDR units |
| 4 | 170 Medium Density Residential Units 120-unit assisted living facility | |
| 5 | 50 LRD units | 50 LDR units |
| 6 | 22.5 acres High Density Residential (HDR) development ^a | 12.5 acres HDR development ^a |
| 7 | 38.5 acres LDR development ^a | 38.5 acres LDR development ^a |
| 8 | 135 acres LDR development ^b | 135-acres LDR development ^b |
| 9 | 9-acre log yard, 1.1 acre light industrial, 1.2 acre water dependent industrial | 12-acre water dependent industrial |
| 10 | 1.4 acre industrial, 3.4 acre research/classroom, 0.2 acre commercial | |
| 11 | 2.3 acre commercial, OMSI 250 occupants, 60 MDR units | |
| 12 | 0.2 acres commercial, 0.2 acres light industrial | |
| 13 | 4.1 acres commercial development | |
| 14 | 1.1 acres light industrial, 1.1 acres commercial | |
| 15 | 1.0 acre commercial | |
| 16 | 9.3 acres commercial, 350 LDR units, OSU (500 students) | 3 acres commercial, 650 LDR units |
| 17 | 1.1 acres light industrial development | 2.2 acres light industrial development |
| 18 | 0.5 acres commercial, 3 LDR units | |
| 19 | 18 LDR units | |
| 20 | 0.5 acres light industrial, 5 acres airport commercial | |
| Infill Development | 215 residential parcels | 501 residential parcels |
| Septic Conversion | 184 LDR units | |

- a. Assume 80% infill to account for roads and right-of-way.
- b. Assume 40% infill to account for steep sloped terrain, roads, and right-of-way
- c. 20-year development conditions not are not included in buildout conditions.

Figure 2: 20-year and Buildout Conditions



Recommended Sanitary Sewer Projects:

Chapters 4 and 5 of the Sanitary Sewer Master Plan include flow projections, system modeling and hydraulic analysis to forecast anticipated demand based upon the 20-year and buildout scenarios. The results of that future condition assessment informed the development of a list of recommended capital improvements listed in the tables and figures below. Where capital projects are recommended from other facility plans, the source documents are noted.

Gravity Main Replacement

Sections of the existing gravity sewer mains along NE Avery Street and NW Nye Street lack capacity for 20-year buildout, and must be upsized to prevent excessive surcharging that could lead to basement backups and/or flooding. Individual sewer replacements are broken out into distinct sub-projects so that they can be designed bid and constructed incrementally or collectively based upon available funding, as outlined in Table 3 and graphically depicted in Figure 3.

Table 3: Recommended Gravity Main Replacements

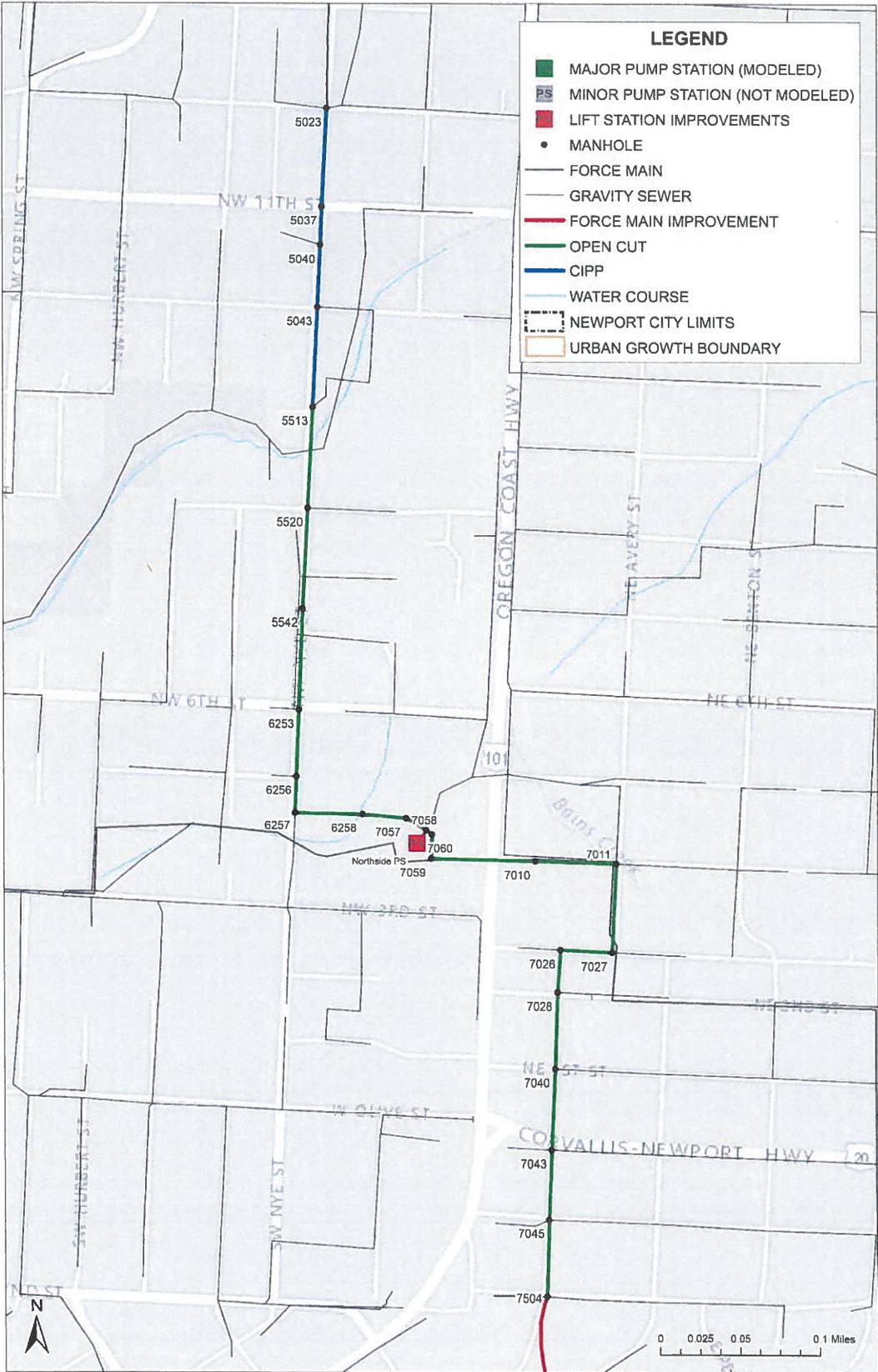
| Gravity Sewer Mains (2016 dollars) | | | | | | |
|--|-------------|------------------------|--|------------|-----------------------------|--------------------|
| Pipe ID | Length,(lf) | Existing Diameter (in) | Recommended Diameter (in) ^a | Solution | Estimated Cost ^b | Total Project Cost |
| NE Avery Street (Upsize gravity sewer from the Bayfront force main to the Northside pump station) | | | | | | |
| 7504 – 7045 | 258 | 14 | 18 | Open cut | \$137,000 | \$1,230,000 |
| 7045 – 7043 | 234 | 14 | 18 | Open cut | \$124,000 | |
| 7043 – 7040 | 264 | 14 | 18 | Open cut | \$140,000 | |
| 7040 – 7028 | 251 | 12 | 18 | Open cut | \$133,000 | |
| 7028 – 7026 | 140 | 12 | 18 | Open cut | \$74,000 | |
| 7026 – 7027 | 170 | 12 | 18 | Open cut | \$90,000 | |
| 7027 – 7011 | 293 | 10 | 18 | Open cut | \$155,000 | |
| 7011 – 7010 | 268 | 12 | 18 | Open cut | \$142,000 | |
| 7010 – 7059 | 345 | 12 | 18 | Open cut | \$183,000 | |
| 7059 – 7060 | 80 | 12 | 18 | Open cut | \$42,000 | |
| 7060 - 7058 | 23 | 12 | 18 | Open cut | \$12,000 | |
| NW Nye Street (Upsize and rehabilitate gravity sewer from the Big Creek force main to the Northside pump station) | | | | | | |
| 5023 – 5037 | 330 | 15 | 13.5 | CIPP | \$109,000 | \$1,140,000 |
| 5037 – 5040 | 122 | 15 | 13.5 | CIPP | \$40,000 | |
| 5040 – 5043 | 204 | 15 | 13.5 | CIPP | \$67,000 | |
| 5043 – 5513 | 329 | 15 | 13.5 | CIPP | \$109,000 | |
| 5513 – 5520 | 340 | 15 | 18 | Pipe burst | \$163,000 | |
| 5520 – 5542 | 328 | 15 | 18 | Pipe burst | \$157,000 | |
| 5542 – 6253 | 333 | 15 | 18 | Pipe burst | \$159,000 | |
| 6253 – 6256 | 225 | 15 | 18 | Pipe burst | \$108,000 | |
| 6256 – 6257 | 109 | 15 | 18 | Pipe burst | \$52,000 | |
| 6257 – 6258 | 80 | 16 | 18 | Pipe burst | \$38,000 | |
| 6258 – 7057 | 145 | 16 | 18 | Pipe burst | \$69,000 | |
| 7057 – 7058 | 76 | 16 | 18 | Pipe burst | \$36,000 | |
| 7058 – Northside | 53 | 20 | 21 | Open cut | \$31,000 | |

Note: CIPP = cured in place pipe.

a. Pipe diameter reduction of 10% assumed for CIPP rehabilitation

b. Estimated costs include a 30% allowance for construction contingencies and a 20% allowance for engineering design and administration. Appendix E to the Sanitary Sewer Master Plan includes unit costs tables. Assumes a depth of 10-feet per cost condition and 2-feet for gravity sewers.

Figure 3: NE Avery and NW Nye Street Gravity Sewer Replacement



Pump Station and Force Main Improvements

Four of the nine major pump stations were found to lack firm capacity for conveying the future buildout conditions peak flows: Nye Beach, Bayfront, Northside, and SE Running Springs. One pump station was identified to be at risk from unstable soil conditions.

The force main along the Bayfront will require upsizing, and replacing the force main and pump station at the same time would be beneficial from economy of scale pricing. Alternatively, the City may want to postpone installation of the new force main until later in the planning period once the buildout condition is met. Currently, the Bayfront force main is appropriately sized but nearing the upper limit of acceptable peak velocities. The HMSC force main appears to be undersized; however, flow is expected to be reduced in this area, which may mitigate concerns related to elevated force main velocities. A summary of the costs required to provide the necessary improvements is listed below.

Table 4: Recommended Pump Station and Force Main Improvements

| Pump Station | Description of Improvements | Source | Estimated Cost (2016 dollars) |
|----------------------------|--|---------------------------------|-------------------------------|
| Nye Beach | Upgrade pump station firm capacity to 2.74 mgd | 2018 Sanitary Sewer Master Plan | \$2,828,000 |
| Bayfront | Upgrade pump station firm capacity to 3.24 mgd | 2018 Sanitary Sewer Master Plan | \$3,224,000 |
| Bayfront | Upgrade force main capacity to 14-inches | 2018 Sanitary Sewer Master Plan | \$490,000 |
| Northside | Upgrade pump station firm capacity to 9.2 mgd | 2018 Sanitary Sewer Master Plan | \$2,780,000 |
| SE Running Springs Dr | Upgrade pump station firm capacity to 9.2 mgd | 2018 Sanitary Sewer Master Plan | \$1,178,000 |
| SE Running Springs Dr | Realign 4-inch force main | 2018 Sanitary Sewer Master Plan | \$330,000 |
| NW 56 th Street | Study pump station and upgrade | 2018 Sanitary Sewer Master Plan | \$1,347,000 |
| SE 62 nd Street | Construct new pump station | 2006 South Beach Nbhd Plan | \$1,000,000 |

Note: MGD = millions of gallons per day.

New Gravity Mains (i.e. Sewer Extensions)

Sewer extensions are required to provide service to those areas that do not have City sewer service. Areas without sewer service include homes on septic systems, areas within the current UGB to be developed, and miscellaneous properties inside the city boundary that are not located near existing sewers. Generally, sewer extensions are not funded by rates. Instead, most sewer extensions are funded by developers with potentially some of the costs being SDC-reimbursable. In partially developed areas of the city not currently connected to the sewer, Local Improvement Districts (LIDs) and special assessment districts may need to be formed to fund the projects. New gravity mains needed to serve new development areas include:

Table 5: Gravity Mains Needed to Serve New Development

| New Gravity Sewer Mains (2016 dollars) | | | | |
|--|---------------|---------------------------|------------------------------------|--------------------|
| Project | Length,(lf) | Recommended Diameter (in) | Source Document | Total Project Cost |
| NE Harney Street | 1,400 | 8 | 1990 Public Facilities Plan | \$740,000 |
| NE 52 nd Street | 4,000 | 8 | 1990 Public Facilities Plan | \$259,000 |
| NE 70 th Place | 1,400 | 8 | 1990 Public Facilities Plan | \$371,000 |
| Yaquina Heights Dr | 5,800 | 8 | 1990 Public Facilities Plan | \$1,426,000 |
| Benson Road | 4,400 | 8 | 1990 Public Facilities Plan | \$1,722,600 |
| Harborton to SE 50 th | 3,400 | 12 | 2006 South Beach Neighborhood Plan | \$754,800 |
| SE 50 th to SE 62 nd | 3,000 / 2,900 | 12 / 6 | 2006 South Beach Neighborhood Plan | \$1,979,500 |
| Wilder Phase 5 | 2,800 | 8 | 2006 South Beach Neighborhood Plan | \$1,206,000 |

Septic Conversion and Airport Sewer

In the southern portion of the city, the Newport Municipal Airport and the Surfland neighborhood are currently served by septic sewer systems. The City plans on extending its sewer service out to the Surfland neighborhood and the Newport Municipal Airport. The scope and extent of the improvements are listed in the table below.

Table 6: Surfland Septic Conversion – Airport Sewer Extension

| Description of Improvements | Source | Estimated Cost (2016 dollars) ^a |
|-----------------------------------|---------------------------------|--|
| Gravity sewer distribution system | 2018 Sanitary Sewer Master Plan | \$4,620,000 |
| Sewer force main | 2018 Sanitary Sewer Master Plan | \$612,000 |
| Sewer pump station | 2018 Sanitary Sewer Master Plan | \$1,000,000 |

a. Estimated costs include a 30% allowance for contingency and a 20% allowance for engineering design and administration.

Rehabilitation and Replacement Program:

As a collection system ages, the structural and operational condition of the sewer system will decline as the number and type of defects in the piped system increase. If unattended, the severity and number of defects will increase along with an increased potential of sewer failure. Sewer failure is defined as an inability of the sewer to convey the design flow. It is manifested by hydraulic and/or structural failure modes. Hydraulic failures can result from inadequate hydraulic capacity in the sewer. Loss of hydraulic capacity can result from a reduction of pipe area because of accumulations of sediment, gravel, debris, roots, fats, oil, and grease, and structural failure. Also, a major loss of hydraulic capacity can be the result of excessive infiltration/inflow (I/I) or inappropriate planning for future growth that results in flows in excess of pipe capacity. Structural defects left unattended can lead to catastrophic failures that can have a significant negative impact on the community and the environment.

The City should implement a repair and rehabilitation (R&R) program to address its aging collection system. While the focus of many R&R programs is to restore the structural integrity of existing sewers, such activities will also help reduce the amount of infiltration that finds its way into the collection system. Elements of the collection system should be repaired or replaced based upon their structural condition with Grade 1 lines being in the best condition and Grade 5 being in the poorest condition. Factors used to determine the condition grade of the collection system are shown in the table below.

Table 7: Structural and Operational Condition Grades of Sewers

| Condition Grade | Grade Description | Defect Description | Structural Condition Grade Implication | Operational Condition Grade Implication |
|-----------------|---------------------|--|---|--|
| 5 | Immediate Attention | Defects have led to failure | Collapsed or collapse imminent | Unacceptable infiltration or blockages; surcharging of pipe during high flow with possible overflows |
| 4 | Poor | Severe defects that will continue to degrade with likely failure in 5-10 years | Collapse likely in 5-10 years | Pipe at or near surcharge condition during high flow; overflows still possible at high flows |
| 3 | Fair | Moderate defects that will continue to deteriorate | Collapse unlikely in near future; further deterioration likely | Surcharge or overflows unlikely but increased maintenance required |
| 2 | Good | Minor and few moderate defects | Minimal near-term risk of collapse, potential for further deterioration | Routine maintenance only |
| 1 | Excellent | No defects, condition is like new | Good structural condition | Good operational condition |

The City should budget approximately \$1M per year in 2016 dollars to the R&R program, assuming that 2 percent of its system per year will be rehabilitated. The table below presents a more detailed break-down of the recommended R&R implementation strategy. The assumption that 2 percent will be re-habilitated is an approximate estimate based on information gathered from existing condition assessment information.

Table 8: Recommended R&R Schedule

| Work Item | R&R Pipe (LF) | 2016 – 2031 R&R Activities (2016 dollars) | | | |
|------------------------------|---------------|---|--------------------|--------------------|--------------------|
| | | 2016 - 2019 | 2020 - 2023 | 2024 - 2027 | 2028 - 2031 |
| Grade 5 (known) | 4,990 | \$1,248,000 | - | - | - |
| Grade 4 (known) | 2,395 | \$359,000 | - | - | - |
| Grade 5 (assumed) | 22,954 | \$1,081,000 | \$2,329,000 | \$2,329,000 | - |
| Grade 4 (assumed) | 11,017 | \$311,000 | \$671,000 | \$671,000 | - |
| Grade 1, 2 or 3 ^a | 288,644 | - | - | - | \$3,464,000 |
| Force Mains ^b | 46,500 | \$930,000 | \$930,000 | \$930,000 | \$930,000 |
| Total Cost | | \$3,929,000 | \$3,930,000 | \$3,930,000 | \$4,394,000 |
| Annual Cost | | \$982,000 | \$983,000 | \$983,000 | \$1,099,000 |

- a. Over time, pipes that are currently grade 1, 2, or 3 will escalate to being a Grade 4 pipe. It is estimated that the City will need to rehabilitate 2% of current Grade 1-3 pipes to maintain a sustainable inspection program. This is an estimated value; it is recommended that the City continues to evaluate the results of their inspection program to determine a refined R&R rate.
- b. The force main R&R scope does not include the cost of replacing the Big Creek FM, NW 48th St FM, or Schooner Creek FM. These force mains were recently evaluated as part of the Agate Beach Improvement Project. In addition, the Northside, SE Running Springs Dr, and Bayfront force mains were excluded, as they are included as individual CIPs.

Years 1 through 16 should focus on the most severely deteriorated sewers, the Grade 5 sewers identified by the closed-circuit television (CCTV) inspections. The less deteriorated Grade 4 sewers should be addressed during years 5 through 16. As future inspections are conducted, additional Grade 4 and Grade 5 sewers will be identified. The LF listed in Table 6-8 for the unknown (i.e., yet to be inspected) Grade 4 and 5 sewers are estimated based on the distribution of grades for sewers inspected to date. These sewers are identified for R&R during years 1 through 16. The future inspections may find that the actual LF for each grade may vary from these projections. Also, the City should anticipate that additional R&R will be required in the future as the collection system ages. A recommended annual inspection and minor pump station repair program is outlined in the table below.

Table 9: Recommended Annual Inspection Pump Station Repair Program

| Work Item | Quantity | Assumptions | Annual Estimated Cost (2016 dollars) |
|--|--------------------|---|--------------------------------------|
| CCTV Inspections | 47,000 LF per year | 7-year inspection cycle. Assumes an average of \$2.50/LF | \$117,000 |
| Pump Station Inspections | 25 total | Inspect pump stations (excluding SE 3 rd Street PS), with smaller stations costing \$10,000 and large stations costing \$20,000. Assume an average of \$15,000 per station. | \$15,000 |
| Force Main Inspections | 9,300 LF per year | 7-year inspection cycle. Assume an average of \$20/LF | \$186,000 |
| Minor Pump Station Repair and Rehabilitation Program | 20 years | A schedule should be established to conduct these improvements on an annual basis. Priority pump stations include, but are not limited to Embarcadero, SW Minnie, Bayfront, and NE 10 th Street. | \$200,000 |
| Total | | | \$518,000 |

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT

GENERAL

Goal: To assure adequate planning for public facilities to meet the changing needs of the City of Newport urbanizable area.

Policy 4: Essential public services should be available to a site or can be provided to a site with sufficient capacity to serve the property before it can receive development approval from the city. For purposes of this policy, essential services shall mean water, sanitary sewer (i.e. wastewater), storm drainage and streets.

~~> Sanitary Sewers~~

~~> Water~~

~~> Storm Drainage~~

~~> Streets~~

Development may be permitted for parcels without the essential services if:

>a. The proposed development is consistent with the Comprehensive Plan; and

>b. The property owner enters into an agreement, that runs with the land and is therefore binding upon future owners, that the property will connect to the essential service when it is reasonably available; and

>c. The property owner signs an irrevocable consent to annex if outside the city limits and/or agrees to participate in a local improvement district for the essential service, except that annexation shall be required before property that is contiguous to the city limits can receive sanitary sewer service.

WASTEWATER

Goal 1: To provide a wastewater collection and treatment system with sufficient capacity to meet the present and future needs of the Newport urbanizable area in compliance with State and Federal regulations.

Policy 1: Improve and maintain the wastewater collection system as identified in the 1990 Public Facilities Plan for the City of Newport, by CH2MHILL, as amended by the following updates:

A. 2006 South Beach Neighborhood Plan (Ord. No. 1899)

B. Sanitary Sewer Master Plan, by Brown and Caldwell, dated February 9, 2018

Policy ~~12~~: On-site sewer systems or holding tanks shall not be allowed unless the city's sanitary sewer system is greater than 250 feet away. In any case, a subsurface permit from the Lincoln County Sanitarian must be obtained prior to any development that will rely on an on-site sewer system or holding tank.

Policy 3: Existing structures within the city limits that contain sanitary facilities shall connect to the city's sanitary sewer system at such time as a gravity main or equivalent wastewater collection system is extended to within 250 feet of the property.

Policy ~~24~~: City wastewater services may be extended to any property within the urban growth boundary. Except for the very limited circumstances allowed by state law and regulations, the city will not generally provide wastewater services outside the urban growth boundary. The city may require a consent to annexation as a condition of providing wastewater service outside the city limits and shall require a property to annex before providing wastewater service if it is contiguous to the city limits. Nothing in this policy obligates the City to provide wastewater services outside of the city limits. For property outside the city limits but within the urban growth boundary, wastewater services may be provided at the City's discretion only for:

~~a)A.~~ residentially zoned lands as allowed by county zoning without full-urban services, and

~~b)B.~~ commercial and industrial zoned lands to existing lawful uses as of the date (9/4/07) of this amendment as allowed by county zoning at the scale of development in existence on September 4, 2007.

Policy ~~35~~: When designing~~The city will design and develop~~ the wastewater collection and treatment system to ensure there is sufficient capacity to meet current and future needs of the community, the City shall consider in a way that addresses the demands of ~~the~~ various users under normal and predictable daily and seasonal patterns of use.

Policy 6: When undertaking capital improvement planning, priority shall be given to projects that will repair, replace or upsize wastewater infrastructure with known condition or capacity limitations in order to minimize discharges that could compromise public health and safety, damage real property, or harm the environment.

GOALS AND POLICIES

PUBLIC FACILITIES ELEMENT

GENERAL

Goal: To assure adequate planning for public facilities to meet the changing needs of the City of Newport urbanizable area.

Policy 1: The city shall develop and maintain public facilities master plans (by reference incorporated herein). These facility plans should include generalized descriptions of existing facilities operation and maintenance needs, future facilities needed to serve the urbanizable area, and rough estimates of projected costs, timing, and probable funding mechanisms. Public facilities should be designed and developed consistent with the various master plans.

Policy 2: In order to assure the orderly and cost efficient extension of public facilities, the city shall use the public facilities master plans in the capital improvement planning.

Policy 3: The city shall work with other providers of public facilities to facilitate coordinated development.

Policy 4: Essential public services should be available to a site or can be provided to a site with sufficient capacity to serve the property before it can receive development approval from the city. For purposes of this policy, essential services shall mean:

- > Sanitary Sewers
- > Water
- > Storm Drainage
- > Streets

Development may be permitted for parcels without the essential services if:

- > The proposed development is consistent with the Comprehensive Plan; and
- > The property owner enters into an agreement, that runs with the land and is therefore binding upon future owners, that the property will connect to the essential service when it is reasonably available; and
- > The property owner signs an irrevocable consent to annex if outside the city limits and/or agrees to participate in a local improvement district for the essential service.

Policy 5: Upon the annexation of territory to the City of Newport, the city will be the provider of water and sewer service except as specified to the contrary in an urban service agreement or other intergovernmental agreement.

Policy 6**: Local Improvement Districts (LIDs) should be evaluated as a means of funding public facilities where the construction of such facilities is expected to enhance the value of properties that are adjacent or proximate to the planned improvements.

For LIDs in developed residential areas, the aggregate assessment amount within a prospective LID should be no more than 10% of the assessed value of properties within the boundaries of the proposed district. The aggregate assessed value may be higher for other types of LIDs, such as developer initiated districts; however, in no case should it exceed 50% of the assessed value of the affected property.

When considering a new LID, the City should proceed with preparing an engineer's report that sets out the likely cost of constructing the improvement.

Consideration should be given to bundling LID projects with other capital projects that the City secures bond funds to construct. For an LID to proceed, it must have a reasonable chance of being self-financing, with adequate reserves to ensure that payments are made on bonds/loans regardless of the property-owners' repayment.

If an LID project is considered by the City Engineer to be a partial improvement (less than ultimate planned design), the City should require that interim improvements conform to current City standards in a manner which will allow for completion of the total facility at such time that resources are available.

New LIDs may be initiated by petition or resolution of the City Council.

Formation of an LID by Petition

The City Council shall evaluate new LIDs proposed by petition to determine if City resources should be expended to formulate an engineer's report. Only those projects with substantial public support should proceed. An LID petition that includes non-remonstrance agreements and/or petitions of support from property owners representing 75% of the benefited area shall be presumed to

have substantial public support.

If an LID petition seeks to leverage other funding to achieve 100% of the project costs then the City Council should consider the likelihood of whether or not those funds will be available within the timeframe that they would need to be committed for construction.

When the City receives petitions for multiple LIDs, priority should be given to prospective LIDs with the highest level of documented support, as measured by recorded non-remonstrance agreements and/or petitions in the benefit area in question.

The cost of completing the engineer's report should be included in the total LID assessment. The City should update its fee schedule to include a non-refundable LID Application Fee to be paid by LID petitioner(s) for petition-initiated LIDs.

City Council Initiated LIDs

The City Council on its own motion or upon recommendation by the City Manager may initiate an LID without a petition. In doing so the City Council shall consider the following factors:

- Project purpose and need, including whether or not the improvement addresses an immediate health and safety risk or if it has been identified as a priority improvement in an adopted public facility plan.
- Whether the improvement will address existing deficient infrastructure that is chronically failing.
- Capital cost of the improvement.
- Project cost contingencies and related construction risk factors, such as the need to acquire new public right-of-way, unique construction challenges, or environmental issues.
- Nature of the area benefited, including its existing condition.
- The amount of potential non-LID funding that is expected to be leveraged by the LID, if any. This may include, but is not limited to, federal or state grants, sewer or other types of service charges, urban renewal funds, revenue or general obligation bonds, and reimbursement districts.
- Percentage of properties within the benefit area that have prerecorded non-remonstrance agreements or have owners that favor formation of an LID.

When considering multiple City-initiated LIDs, priority should be given to the LID that addresses the greatest number of factors identified above.

Policy 7**: The City may use various means to finance, in whole or in part, improvements to public services in order to maintain public facility service levels and to carryout improvements identified in public facility plans, and adopted city goals and policies. This includes but is not limited to consideration of federal or state grants; water, sewer, storm drainage and other types of service charges; urban renewal funds, revenue or general obligation bonds, local improvement districts, and reimbursement districts.

WATER

Goal: To provide the City of Newport with a high quality water system that will supply residents and businesses with adequate quantities for consumption and fire protection.

Policy 1: The city will comply with state and federal laws concerning water quality and will take appropriate steps consistent with those laws to protect and maintain drinking water source areas.

Implementation Measure 1: The City shall work to establish a source water protection buffer in the Big Creek Watershed. The City declares the Big Creek Watershed a public facility consistent with the definition of Public Facility Systems in OAR 660-011-0005(7)(a)(A). The City will work to establish a source water protection buffer that is consistent with the findings of the Oregon Department of Environmental Quality / Oregon Health Department source water assessment report (PWS #4100566).

Policy 2: The water system will be designed and developed to satisfy the water demand of the various users under normal and predictable daily and seasonal patterns of use, and at the same time provide sufficient supplies for most emergency situations.

Policy 3: The city may extend water service to any property within the city’s urban growth boundary, and may extend water service beyond the urban growth boundary if the extension of service is not inconsistent with an urban service agreement or other intergovernmental agreement. The city may require a consent to annexation as a condition of providing water service outside the city limits.

Policy 4: The city will acquire lands within the municipal watershed when available or necessary to protect water quality or improve its water system.

Policy 5: The city will reconstruct its municipal raw water storage and distribution facilities to address identified structural deficiencies to Big Creek Dam #1 and Big Creek Dam #2.

Implementation Measure 1: The city shall conduct necessary and appropriate engineering studies to determine the safest and most cost-effective approach to ensure the integrity of the municipal water supply. The studies shall identify the cost and timing of needed capital projects to address identified structural deficiencies and comply with Policy 2 of this section.

Implementation Measure 2: The city shall explore financing mechanisms, and prepare a financing plan to fund construction needed to resolve the structural deficiencies by 2030.

Implementation Measure 3: The city shall use data and findings from Implementation Measures 1 and 2 of this section to update the Water Supply section of the Public Facilities element of the Newport Comprehensive Plan to reflect new information as a result of the engineering and finance studies.

WASTEWATER

Goal: To provide a wastewater collection and treatment system with sufficient capacity to meet the present and future needs of the Newport urbanizable area in compliance with State and Federal regulations.

Policy 1: On-site sewer systems shall not be allowed unless the city's sanitary sewer system is greater than 250 feet away. In any case, a subsurface permit from the Lincoln County Sanitarian must be obtained prior to any development that will rely on an on-site sewer system.

Policy 2: City wastewater services may be extended to any property within the urban growth boundary. Except for the very limited circumstances allowed by state law and regulations, the city will not generally provide wastewater services outside the urban growth boundary. The city may require a consent to annexation as a condition of providing wastewater service outside the city limits. Nothing in this policy obligates the City to provide wastewater services outside of the city limits. For property outside the city limits but within the urban growth boundary, wastewater services may be provided at the City's discretion only for:

- a) residentially zoned lands as allowed by county zoning without full services, and
- b) commercial and industrial zoned lands to existing lawful uses as of the date (9/4/07) of this amendment.

Policy 3: The city will design and develop the wastewater collection and treatment system in a way that addresses the demands of the various users under normal and predictable daily and seasonal patterns of use.

TRANSPORTATION

Transportation Goals and Policies repealed by Ordinance No. 1802 (January 4, 1999).

STORM WATER DRAINAGE

Goal: To provide a storm water drainage system with sufficient capacity to meet the present and future needs of the Newport urbanizable area.

Policy 1: The city will comply with state and federal laws concerning water quality.

Policy 2: The city will use existing, natural drainage systems to the greatest extent possible.

AIRPORT

Goal 1: Strive to provide for the aviation needs of the City of Newport and Lincoln County.

Policy 1: City will ensure that the airport will be able to operate safely and efficiently.

Implementation Measure 1.1.1: Periodically review municipal codes and zoning codes to see that they are in line with the needs of the airport.

Implementation Measure 1.1.2: Maintain training and best management operational practices.

Policy 2: City will cooperate with state and federal agencies in the development of the airport.

Implementation Measure 1.2.1: Staff will attend aviation conferences, participate in collaborative meetings, keep abreast of changes in personnel, and network with aviation engineering consultant to ensure quality relationships with key players in industry, state and federal agencies.

Policy 3: City will assess airport neighboring properties that will benefit aviation in the future for potential purchase.

Implementation Measure 1.3.1: Use the 2017 Airport Master Plan, approved FAA Airport Layout Plan, and recommendations from the Planning

consultants to determine which areas surrounding the airport should be considered and why and prioritize acquisitions.

Goal 2: Pursue recognition by the Oregon Department of Aviation (ODA) as the coastal lifeline in emergency/disaster situations.

Policy 1: City of Newport will assess the seismic stability of the Newport Municipal Airport for readiness to support the region during and after a Cascadia Event.

Implementation Measure 2.1.1: City of Newport shall conduct a seismic stability study of the airport including the financial requirements necessary to upgrade or stabilize any weaknesses discovered during the seismic study.

Implementation Measure 2.1.2: City of Newport will work with regional and national bodies to develop a plan to finance and implement any recommended improvements coming out of the seismic study.

Policy 2: The City of Newport will continue to investigate recommendations listed in Section F of the Report from the City of Newport Regional Airport Review Task Force (17 February 2016, Roumagoux, et al.): In the event of a natural disaster, the airport could play a critical role in meeting the emergency needs of individuals on the central coast.

Implementation Measure 2.2.1: City will work with the Coast Guard to evaluate the USCG airport facility to determine its stability in the event of a major Cascadia event.

Implementation Measure 2.2.2: City will contact FEMA to see what they need to establish an emergency supply depot facility at the airport.

Implementation Measure 2.2.3: City will work with the Oregon Department of Aviation, FEMA, the FAA and other governing agencies for recognition as a regional emergency response facility.

Goal 3: Achieve financial sustainability.

Policy 1: Develop a finance strategy for airport improvements.

Implementation Measure 3.1.1: City of Newport will continue to investigate co-partnering with other government bodies to manage the airport.

Policy 2: The City of Newport will continue to investigate recommendations listed in Section C of the Report of the Regional Airport Review Task Force: "The City of Newport provides a subsidy to the airport for its operation....it is important for the city to review increasing revenue opportunities as well as reducing expenditures."

Implementation Measure 3.2.1: City will assess economical and practical ways of building access to the east side and back area of the airport to allow

for commercial development of those properties.

Implementation Measure 3.2.2: City will look for ways to utilize leasing land on the east side of the airport designated for non-aviation Development, and explore ways to facilitate non-aviation development on the west side of the airport in areas designated appropriate for such development.

Goal 4: Strive for a clear understanding of aviation impacts on land use adjacent to the Airport, such as noise, surface transportation, height restrictions, and others.

Policy 1: The Airport will work with neighboring property owners to maintain a safe aviation boundary around the airport.

Implementation Measure 4.1.1: Evaluate impact to surrounding private properties when developing airport alternatives.

Implementation Measure 4.1.2: Develop airport facilities and alternatives with adherence to environmental regulations.

Implementation Measure 4.1.3: Balance the needs of airport infrastructure with protection of the environment.

Implementation Measure 4.1.4: City will evaluate impacts to neighboring property owners when establishing or modifying Imaginary Surfaces and update aviation easements whenever there is a navigation change at the airport necessitating changes to Imaginary Surfaces.

Policy 2: City of Newport will continue to investigate recommendations listed in Section E of the *Report of the Regional Airport Review Task Force*: “The airport, city, and its partners need to explore opportunities to enter into economic development ventures or partnerships that encourage the development potential in and around the airport and act as a catalyst to ensure the airport is positioned for future economic or business development.”

Implementation Measure 4.2.1: City will explore potential economic development incentives for businesses desiring to locate at the airport.

Implementation Measure 4.2.2: City will continue obtaining buildable fill materials as available and test placed material for structural stability.

Goal 5: Establish and maintain aviation easements to ensure all pertinent FAA Imaginary Surfaces are free of obstacles and supported by appropriate documentation allowing the City to maintain applicable Imaginary Surfaces.

Policy 1: City of Newport will update current aviation easements surrounding the airport.

Implementation Measure 5.1.1: Update existing aviation easements based on

current and presently foreseen navigation needs.

Implementation Measure 5.1.2: With the installation of new navigation aids at the airport, review existing easements for needed upgrade to maintain new navigation requirements.

Policy 2: City will establish easements where needed for proper maintenance of the Airport.

Implementation Measure 5.2.1: Conduct a survey of all easement needs adjacent to the airport. Periodically review aviation easements to ensure easement negotiation happen concurrent with airport development.

Implementation Measure 5.2.2: Negotiate aviation easements where none exist but are required by FAA design standards.

Goal 6: Secure commercial service when economically feasible.

Policy 1: Look for independent commuter service opportunities in a changing commercial air service industry moving away from rural airports to hub connections.

Implementation Measure 6.1.1: Collaborate with the Oregon Department of Aviation (ODA) to identify strategies for securing economically feasible commuter service to rural airports throughout Oregon.

Policy 2: Maintain airfield to safety standards required for commuter service.

Implementation Measure 6.2.1: Complete further study to determine if the 139 Certification is necessary to the Airports success in drawing a commercial airline.

Implementation Measure 6.2.2: Retain ARFF facilities & equipment for airport and community safety.

Policy 3: The City of Newport will continue to investigate recommendations listed in Section A of the *Report of the Regional Airport Review Task Force*, which states that providing commercial passenger air service into Newport would clearly be a significant tool to continue support of the marine research community, commercial fishing, and tourism economies in Lincoln County.

Implementation Measure 6.3.1: Craft a marketing strategy (three or four key elements); have strategy reviewed by regional experts from a variety of sectors (business, recreation, personal travelers).

Implementation Measure 6.3.2: Establish a steering committee to work with a consultant selected to perform a feasibility study. Committee will ensure study findings are representative of the local community. Summarize results of the study and include in a package provided to potential carriers.

Implementation Measure 6.3.3: Craft a strategy to entice air service providers. Include answers key questions: What is the return on investment? What risks are there and what are the actions needed to mitigate that risk? What support can providers expect from the city and the community?

Goal 7: Maximize or fully leverage airport footprint for aviation use.

Policy 1: Upgrade Airport facilities as warranted to maintain a safe and useful airfield.

Implementation Measure 7.1.1: Continue to assess airport facilities—including apron redesign and correction of non-standard geometry—for future role of airport.

Policy 2: Future development shall comply with FAA regulations, maintain existing airfield capability and increase resiliency.

Implementation Measure 7.2.1: Partner with FAA Capital Improvement Program to upgrade areas of the airfield currently designed to outdated standards.

Goal 8: Foster community awareness of how the Airport meets community needs.

Policy 1: Promote the advantages of having airport services available to the community.

Implementation Measure 8.1.1: Create an Airport Outreach Program adaptable to all ages to educate families as well as business on the benefits of a local airport.

Policy 2: The City of Newport will continue to investigate recommendations listed in Section D of the *Report of the Regional Airport Review Task Force*, which states it is important the City utilize any available resources including websites, social media, and other forums to share with the community what services are available at the airport.

Implementation Measure 8.2.1: City will pursue strategies to promote the use and development of airport land and facilities to enhance economic conditions in Lincoln County.

Implementation Measure 8.2.2: City will periodically review user-friendly services available at the airport, and supplement identified gaps, to ensure they meet the needs of the aviation community and broader public.

Implementation Measure 8.2.3: City will explore the possibility of contracting with a person/firm, or assigning this task to the Destination Newport Committee, to develop professional marketing information regarding the Newport Municipal Airport.

Goal 9: Expand and install utility infrastructure at the airport for aviation and non-aviation development.

Policy 1: Sufficient utility infrastructure should service Airport buildings and meet operating needs as well as future growth.

Implementation Measure 9.1.1: Install sanitary sewer to the airport as usage increases and City infrastructure expands south to serve increased sewer and water demands off the airport.

Implementation Measure 9.1.2: Assess sanitary sewer needs on an individual basis as development occurs on the airport. Utilizing septic tanks until usage demands out-grow septic system limits.

Implementation Measure 9.1.3: Investigate property purchase or ground easements for sewage system expansion from wastewater treatment plant to the airport in preparation of future expansion of City infrastructure south to users both on and off the airport.

Implementation Measure 9.1.4: Expand City of Newport water system from existing service at the ARFF Station to other areas of the airport when usage demands make expansion cost effective.

Policy 2: Seek strategic partnerships to leverage public/private funds other than City resources to expand infrastructure to serve new uses.

Implementation Measure 9.2.1: Research potential grant opportunities supporting infrastructure development.

Implementation Measure 9.2.2: City will seek to develop private/public funding partnerships to expand infrastructure to and on airport property.

Policy 3: City will investigate potential timelines and practices necessary to install sewer and water to the airport.

Implementation Measure 9.2.1: City will develop an implementation plan to provide residential and commercial sewer services within the Newport Urban Growth Boundary, for lands in and around the airport.

Implementation Measure 9.2.2: City will act on its implementation plan to provide sewer and water service to the airport when economically feasible to do so.

Goal 10: Develop and maintain a clear distinction between aviation and non-aviation development requirements and the role of the FAA in the development review process in both areas.

Policy 1: Coordinate with FAA to develop separate procedures for review of

aviation related and non-aviation related development with an eye towards creating a predictable set of requirements and streamline review timelines particularly for non-aviation related development.

Implementation Measure 10.1.1: Review current version of *5190_6b FAA Airport Compliance Manual* to outline a protocol for addressing the FAA with Aviation and Non-aviation development opportunities.

Implementation Measure 10.1.2: Create a procedure policy that addresses requirements stated in *5190_6b FAA Airport Compliance Manual* combined with needs of local developers to present to the FAA for review.

Implementation Measure 10.1.3: Incorporate agreed upon review procedures into City codes.

Policy 2: Explore opportunities to leverage non-aviation development areas (including reconfiguring, leasing, or selling), to further aviation/non-aviation development objectives.

Goal 10: Strive to prepare the airfield for adaptation to changes in the national fleet and local needs in the next 15 to 20 years as design airport operations increase nationally and locally.

Policy 1: Design airfield improvements to a B-II design craft during the next 10 to 15 years or until a new master plan is conducted or enplanements warrant a change in classification.

Implementation Measure 11.1.1: Use B-II design criteria to a) redesign apron area; b) separate taxiway “E” from RW 2; c) separate intersecting runways; d) install new taxiway between taxiway A and relocated RW 2 threshold; e) correct non-standard geometry at taxiway “A”, “D” and RW 2 threshold.

Policy 2: Prepare for future C-II growth.

Implementation Measure 11.2.1: Invest in additional airside land purchases to prepare for the changes in runway protection zones and flight patterns required for a C-II airport.

Implementation Measure 11.2.2: Base zoning codes, noise contours, and land use policy updates to protect land use around the airport for the future C-II classification.

**Subsection updated by Ordinance No. 2128 (February 5, 2018).*

PORT OF NEWPORT*

Goal: To collaborate with the Port of Newport on the implementation of its Capital Improvement Plan.

Policy 1: The city will coordinate with the Port of Newport when planning to upgrade or construct new public facilities within the Port District and will seek to partner on capital projects to achieve mutually beneficial outcomes.

Policy 2: The city will assist the Port of Newport in its efforts to secure outside funding for capital projects.

**Subsection added by Ordinance No. 2056 (September 5, 2013).*

***General Policies 6 & 7 added by Ordinance No. 2093 (May 19, 2016)*

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
November 12, 2019
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Lee Hardy, Bob Berman, Gary East, and Bill Branigan.

Planning Commissioners Absent: Jim Hanselman, and Mike Franklin (*all excused*).

PC Citizens Advisory Committee Members Present: Greg Sutton, and Braulio Escobar.

PC Citizens Advisory Committee Members Absent: Dustin Capri. (*excused*)

Public Members Present: Mona Linstromberg

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
 2. **New Business.** None were heard.
 3. **Unfinished Business.**
- A. **Update on Comprehensive Plan Amendments Related to the Sewer Master Plan.** Tokos reviewed the draft amendments to the Sewer Master Plan (SMP), noting the elements that were SDC eligible. He noted that there were no capacity limitations identified for the wastewater treatment plant. Branigan asked for clarification on the Rogue effluent. Tokos explained it was about concentration, not capacity, and they would be working on pretreatment solutions. Berman questioned if there was an assumption that the capacity was there based on it not being commented on in the SMP. Tokos explained they had the obligation of the SMP to look at these things. They were looking at the entire system in the 20 year planning period and what needed to be upgraded. Berman thought it would be better to have a more positive statement included instead of leaving it more open ended. Tokos thought it could be addressed in the SMP document.

Patrick asked if the City was running at capacity at low or high flow times. Tokos explained he was under the impression that it was at low flow times. It wasn't something the 2018 Brown and Caldwell plan delved into. Tokos noted that they could add to the document that the extent to which Brown and Caldwell's addressed system capacity. Berman didn't like saying the plant was having trouble operating currently, but it was good for the next 20 years. He wanted to see a positive statement included in the SMP that there was adequate maximum capacity because they didn't have any written evidence that there wasn't, and therefore it must be. Tokos said they could include language in the document upfront in the wastewater facilities section, after development assumptions, that directly addressed the condition of the existing wastewater treatment plant. Patrick wanted it made obvious that the problems they were currently having was with the effluent and wasn't a capacity issue. Tokos would add language about pretreatment items in the document.

Berman thought that Policy 4 needed to be beefed up to say it was a policy of the City to make sure that there was adequate capacity. He suggested it say that it addressed the current and future demand of various users. Berman thought that Policy 5 should include the words "health and safety". Tokos would add this to the goals instead of the policy.

Tokos walked the Commission through the structure of the draft amendments to the wastewater facilities plan. Berman asked if lift stations had backup generators. Tokos said he knew that the pump stations had some redundancy built into the system and there were generators for all the pump stations.

Tokos reviewed the gravity main replacements list next. He noted at some point the City would have to tackle these replacements. Patrick asked for clarification on what the definition of a “cured in line” was. Tokos would talk to Tim Gross in Public Works for the definition.

Tokos reviewed the recommended pump station and force main improvements next. Berman asked which pump station was identified to be at risk from unstable soil conditions. Tokos would review and provide clarification to the Commission on this.

Tokos reviewed the sewer extensions next. He pointed out the locations of the new lines on the wastewater system reference maps. Patrick noted on Table 5 that there was a reference to footnotes but he couldn’t find them in the document. Tokos would fix this. Berman was concerned about spending millions of dollars on improvement just to bring sewer lines to the Airport. Tokos explained there was other development in the area that warranted the improvements. It wasn’t just for the Airport itself and included services for the Surfland development.

Tokos reviewed the rehabilitation and replacement program, and the schedule next. Patrick asked if they were doing anything on cross connections with smoke testing and those types of things. Tokos would pose this question to Tim Gross. Patrick asked if I&I was included in the document. Tokos said I&I was addressed in the document and would confirm this. He noted the document didn’t include a tiered priority project list. It could be added if the Commission wanted it. Patrick had reservations on including this. A discussion ensued regarding how the City prioritized projects such as the transportation plan. Patrick thought it would be okay to prioritize if the Commission didn’t need to go through a process to do so.

Tokos reviewed the general goals next. He noted there was stronger language added to say properties would need to annex into the city in order to connect to sewer services. A discussion ensued regarding why Highway 20 wasn’t included in the urban growth boundary and how properties that weren’t a part of the Urban Growth Boundary couldn’t be annexed into the City.

Tokos reviewed the wastewater goals next. Patrick noted there wasn’t a policy that talked about properties that were 200 feet away from the sewer connection being required to hook up to the sewer system when improvements were done. A discussion ensued regarding the rationale used to do sewer extension improvements inside the City. Patrick wanted to see policy language added that said owners were required to hook up to the system when lines were extended. Tokos would work on simple policy language for compulsory sewer connections. Berman wanted current and future demands added to Policy 4. He also suggested that Policy 5 have health and safety language added. Tokos noted he would add tier priorities to the recommended annual inspection pump station repair program table.

Escobar asked if there was money in the City’s budget to fund the recommendations. Tokos reported there was funding and thought they could add a clause that said what the funding sources were. Escobar thought the issues that were categorized as 4 and 5 should get some attention. Tokos explained this was part of the rate structures. The City wouldn’t do a pay as you go, but would do periodic revenue bonds to fund these. Extension of utilities could be paid by developers, urban renewal funds, or system development charges. Tokos would add verbiage on funding to this table. He noted he would make the requested changes to the document and bring it back to the Commission to review at another work session.

- B. Director Comments.** Tokos noted he was on the Rules Advisory Committee for HB 2001 and 2003. He was an alternate on the large committee working on infrastructure. They would be meeting on November 14th to work on rules. Tokos would keep the Commission updated on the progress.

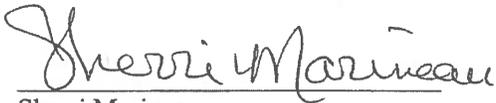
Tokos reported there was a parking hearing with the City Council on December 18th and suggested Berman and Branigan attend. He also noted that the Short-Term Implementation Workgroup would have a meeting on November 19th.

Branigan asked if the City could work with ODOT to put up directional signs to help people find the hospital. Tokos would reach out to the hospital to see about wayfinding signs. He thought this type of request needed to come directly from the hospital.

Tokos noted the email from Wendy Engler that was handed out to the Commission at the meeting that requested they do a walking tour work session in Nye Beach. Berman thought it would be a positive thing to do it. Tokos asked if they wanted to do the walking tour based on the targeted changes being brought forward. The Commission members did not express an interest in doing the tour now in conjunction with targeted amendments. He noted that then City Councilor, Engler looked into if the State TGM program would fund additional work in Nye Beach. They declined because the interest they heard, reduce height and massing, was not a good fit for their priorities, which is about density. Tokos pointed out there had been a walking tour done with TGM in the summer of 2018. Tokos asked for feedback on if the Commission wanted to do a walking tour. Patrick thought the other Commissioners that weren't present should give their input before deciding. Tokos asked who the tour should include. Patrick was concerned that if it was only with a couple of people, the Commission would only be getting input from a few people. He suggested a work session at the Visual Arts Center and would be more in favor of this than a walking tour. Tokos noted he could work this into the Commissioner's schedule. Patrick suggested adding the meeting on one of the 5th Mondays in a month and include the City Council on it as well. Tokos would talk to the City Manager concerning this. He thought that the tour work session could happen sometime in the spring, and there was general agreement that would be reasonable.

Adjourned at 7:11 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

Memorandum

To: Planning Commission/Commission Advisory Committee
 From: Derrick I. Tokos, AICP, Community Development Director 
 Date: January 23, 2020
 Re: Establishing Car Camping Areas for Homeless Individuals

With Resolution No. 3829, the City Council established a Homelessness Taskforce to identify strategies for improving and expanding upon services and resources for people who are homeless, including homelessness prevention and programs to assist at risk populations in achieving stable housing. The taskforce included a broad range of community stakeholders who met four times over a 6 month period, issuing a set of recommendations in July of 2019. The City Council accepted the Taskforce's recommendations at its August 5, 2019 meeting, and asked the City Manager to prioritize the recommendations and develop an action plan. This was accomplished and accepted by the City Council on September 3, 2019. Recommendations were prioritized into three tiers, with Tier 1 being projects the City would work on during the 2019-20 fiscal year.

One of the Tier 1 recommendations is for the City to identify car camping areas. In making this recommendation, the Taskforce noted:

"Some Oregon communities have set up a specific location(s) at which people can park their vehicles and steep in them for a period of time. These sites are generally run by non-profit organizations. One of the requirements is a provision for a portable toilet for these sites. There is also a strict limitation on the number of vehicles that can be parked at any one site. Areas such as church parking lots, or other similar spaces could be used for this purpose. Again, this is a project that could be coordinated by a standing NGO if one was created."

ORS 203.082 provides that local governments may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles provided (a) camping space is limited to three or fewer vehicles at the same time, and (b) campers have access to sanitary facilities including toilets, hand washing, and trash disposal facilities. Local governments may impose additional requirements.

Amending the City's land use regulations to establish that car camping is permissible, as provided by this statute, would implement the Taskforce recommendation. This can be accomplished by including the car camping allowance in a definition of what constitutes a "Religious Institution and Place of Worship." The zoning code does not presently include a definition of this nature; however, one is provided in the State of Oregon's Model Code. Lincoln City implemented the statute with Ordinance No. 2016-18. In doing so, they added the additional requirements that camping spaces be at least 5-feet from a property line and that users not be required to pay a fee. At this work session, the Planning Commission should consider whether or not the City of Newport should amend its regulations to allow car camping at religious institutions as authorized in ORS 203.082 and, if so, whether or not standards should be imposed above and beyond what is required by the statute.

Enclosed are Google Maps showing where religious institutions are located in the City of Newport. City staff has reached out to the faith-based community to gauge potential interest in offering this type of service. That discussion could take some time, and the Commission may want to consider revising the ordinance, even if there is no immediate interest, so that there is a framework in place should a religious institution choose to open up their property to car camping.

When weighing this issue it is important to keep in mind that religious institutions are protected under the *Religious Land Use and Institutionalized Persons Act*, adopted by Congress in 2000. The Act prohibits land use regulations that impose a “substantial burden” on religious exercise of a person or institution, and it is likely that car camping offered in conjunction with some type of religious service falls under the purview of this Act.

If the Commission supports adding code provisions for car camping, then an additional change is needed to the limitation on the overnight use of Recreational Vehicles (RVs) within the city limits. NMC 14.06.050(A) allows recreational vehicles to be stored on property provided they are not used as a place of habitation unless located within a manufactured dwelling park or recreational vehicle park, or the unit is authorized as a temporary living quarters pursuant to NMC Chapter 14.09. An additional exception for car camping could be added to this provision. Changes would also be required to provisions of the Newport Municipal Code that are not located in the Zoning Ordinance (i.e. NMC Chapter 14). These include NMC 6.25.010(A) which prohibits RVs from being parked and occupied on private parking lots between 11:00 pm and 5:00 am, and NMC 9.50.020, which prohibits camping on any place to which the general public has access.

As long as there is no compensation for use, RVs at a car camping location would not change the use into a Recreational Vehicle Park, a type of use that is not permitted in R-1, R-2, and R-3 zones where many religious institutions are located. The State of Oregon is now defining tiny homes on wheels as park model recreational vehicles and ODOT began titling such tiny homes, irrespective of whether or not they are more than 8 ½ feet wide, effective January 1st of this year (HB 2333). This means that one or more, titled tiny homes could be moved to a car camping location, if such locations are established. A background brief from the State of Oregon Building Codes Division is enclosed, summarizing recent regulatory and licensing changes related to tiny homes.

In addition to car camping, the Planning Commission could amend the land use regulations to allow RVs to be occupied as a place of habitation outside of established parks. Careful consideration should be given to whether or not such a change would likely benefit the homeless or tourists. Portland instituted such a program, allowing one vehicle to be used in this manner in residential areas. That program is temporary, and the ordinance they have of record prohibits habitation in RVs outside of parks.

At this work session, staff is looking for guidance as to how the Commission wants to proceed. A draft set of code revisions will be prepared for the Planning Commission to review at a subsequent work session based upon the feedback received at this meeting.

Attachments

City Manager Report, dated 9/3/19, prioritizing recommendations of the Homelessness Taskforce
 Minutes from the 9/3/19 City Council meeting accepting the City Manager's Report
 ORS 203.082, Regarding Camping by Homeless on Property of Religious Institutions
 DLCD Model Code definition for a “Religious Institution and Place of Worship”
 Lincoln City Ordinance No. 2016-18
 Google maps showing the location of religious institutions in Newport
 Flyer titled “Information about Federal Religious Land Use Protections” from the US Dept of Justice
 NMC Chapters 6.25, 9.50, and 14.06,
 Commissioner Eudaly Statement Regarding Tiny Home & RV Enforcement, dated 10/16/17
 City of Portland Zoning Code Information Guide for RVs, including Tiny Houses on Wheels
 Background Brief titled “Tiny Home Regulation” from the Oregon Building Codes Division, dated 10/16/19

CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: September 3, 2019

Agenda Item:

Report on the Prioritization of Recommendations from the Homelessness Task Force.

Background:

At the August 5, 2019 Council meeting, the Council accepted the report from the Homelessness Task Force. This report was generated as a result of Resolution No. 3829, which created the Task Force to address two areas identified in the Greater Newport Area Vision 2040 Plan. The Task Force identified 15 recommendations to help address homelessness in Newport. In reviewing the recommendations, I have prioritized them as Tier 1, Tier 2, and Tier 3. It would be my intent to work on Tier 1 recommendations during this current fiscal year, with a focus of Tier 2 recommendations being considered for the next fiscal year, and Tier 3 recommendations would be in the 2021/2022 fiscal year or beyond. If there is momentum, or other circumstances arise, to move any of the Tier 2 or Tier 3 projects forward, there is nothing that would prevent them from occurring earlier than this proposed prioritization.

Tier 1 Priority Recommendations:

- (1) Placement of toilets in identified areas of the City, including Grace Wins Haven.
- (2) Consider purchase of a portable shower facility that could be transported to various locations if needed.
- (4) Coordinate the creation of a standing non-governmental group consisting of social agencies, law enforcement, interfaith community, and other groups that respond to homelessness in the greater Newport area.
- (9) Create a car camping area.
- (11) Consider utilizing the City's construction excise tax for funding efforts toward solutions to homelessness.

Tier 2 Priority Recommendations:

- (5) Consider creating a program in which homeless individuals could be utilized to clean up litter and trash in return for financial assistance.
- (7) Develop an inventory of resources available to the homeless population.
- (8) Explore a county-wide discussion on homelessness.
- (10) Identify areas where campsites could be created with portable toilets and garbage disposal.

Tier 3 Priority Recommendations:

- (3) Explore the future installation of Portland loos in key locations throughout the community.
- (6) Request that the organized faith-based community coordinate services offered by local churches and other faith-based groups.
- (12) Conduct a study on the economic impact of the cost of homelessness to property owners.
- (13) Pursue efforts to create a more permanent overnight shelter.
- (14) Health related issues, including mental health, physical health, and drug and alcohol abuse issues.
- (15) Determine the impact of affordable housing on homelessness.

The City Council has appropriated \$20,000 in the 2019/2020 Fiscal Year to facilitate homelessness efforts. I am recommending that Council consider an agreement with Grace Wins Haven to offset utility expenses for the operation of a shower trailer. The City also has placed, and plans to pay the rental fees for, a portable toilet located at the Grace Wins shelter. It is our intent to locate a second portable unit somewhere in the City Center area. These funds will be used for this purpose. I would also recommend that the City make a request for funding from Lincoln County which has also appropriated funding for homelessness to partner with the City on a dollar for dollar basis for these two endeavors. This will leave additional funds for other endeavors through the course of this fiscal year.

Recommendation:

I recommend that the City Council consider the following two motions:

I move to accept the City Manager's Report on the prioritization of recommendations from the Homelessness Task Force Report dated July 29, 2019.

I move that the City Council authorize a request to the Lincoln County Board of Commissioners for matching the City's funding for portable toilets, and offsetting utility expenses for the operation of a shower facility, to address certain homelessness issues within the City of Newport.

Fiscal Effects:

These costs are not determined at this time. However, if the motion is approved by the City Council, agreements will be made with Grace Wins Shelter on supplemental income to offset utility expenses for the shower trailer, as well as for portable toilets.

Alternatives:

Prioritize the projects differently, or as suggested by the City Council.

Respectfully Submitted,



Spencer Nebel, City Manager

a disservice to the community by having coverage only at key times versus a 24-hour basis.

Pacific Coast Cab Company owners, Alexis and Corey Shrewsbury, have indicated support to allow competing cab companies, since this provides a competitive atmosphere for pricing, and options for cab customers. The overall market will determine the number of cab companies that can exist in Newport versus trying to regulate competition. They believe that the free market will determine which cab companies can survive, and which ones will fail. The only provision they would consider supporting would relate to the possibility of imposing a requirement to provide 24/7 service from cab companies, although they were not committed to implementing that type of regulation.

Nebel reported that Council has a number of alternatives it could consider related to the request to modify the Newport Municipal Code regarding taxi regulations. He stated that these alternatives are as follows: (1.) Do nothing at this time. This would keep the existing code provisions intact until such time as Council wishes to revisit this matter; (2.) Direct staff to revisit certain provisions of the existing code, including the possible requirement of providing 24/7 cab service for new cab companies starting up in the city; (3.) Direct staff to look at more comprehensive regulation of the taxicab business, including the possibility of granting an exclusive franchise for cab operations; and (4.) Other options as suggested by Council.

Allen asked whether both cab companies are operating 24/7, and Nebel noted that they are. Allen stated that he has not heard much opposition. Nebel reported that he shared a copy of the draft report with both cab companies a few weeks ago. He stated that the Geltner's key issue is to provide living wages, and keep professional drivers on duty 24/7. He noted that the loss of business due to the competition during the prime times have caused them to change their operating mode. Allen stated that it appears to be really more about competition rather than just competition in the prime times.

Goebel asked how the city ensures that services are being provided on a 24/7 basis. He reported that his major concern is to have a level playing field. Nebel noted that taxis can be regulated, and the concern of Yaquina Cab is that it might not be able to provide 24/7 service if other companies are "cherry-picking" prime service hours.

Hall reported that she is not in favor of the 24/7 requirement, adding that the companies should have the option of deciding their operating hours. She asked what would happen if ride share services were in town.

Sawyer noted that things seem to be going well with both companies, and suggested leaving the ordinance as it is.

Allen agreed with Sawyer, noting that if it is working, why try to fix it. He added that if issues arise later, the ordinance can be revisited.

MOTION was made by Parker, seconded by Allen, to take no action at this time pending further developments. The motion carried unanimously in a voice vote.

Report on the Prioritization of Recommendations from the Homelessness Task Force.

Hawker introduced the agenda item. Nebel reported that at the August 5, 2019 Council meeting, Council accepted the report from the Homelessness Task Force. He stated that this report was generated as a result of Resolution No. 3829, which created the Task Force to address two areas identified in the Greater Newport Area Vision 2040 Plan. He noted that the Task Force identified 15 recommendations to help address homelessness in Newport. He stated he prioritized them as Tier 1, Tier 2, and Tier 3. He added that he

intends to work on Tier 1 recommendations during this fiscal year, with a focus of Tier 2 recommendations being considered for the next fiscal year, and Tier 3 recommendations would be in the 2021/2022 fiscal year or beyond. He noted that if there is momentum, or other circumstances arise, to move any of the Tier 2 or Tier 3 projects forward, nothing would prevent a priority from occurring earlier than this proposed prioritization.

Nebel reviewed the **Tier 1 priorities**: Placement of toilets in identified areas of the City, including Grace Wins Haven; Consider purchase of a portable shower facility that could be transported to various locations if needed; Coordinate the creation of a standing non-governmental group consisting of social agencies, law enforcement, interfaith community, and other groups that respond to homelessness in the greater Newport area; **Create a car camping area**; Consider utilizing the construction excise tax for funding efforts toward solutions to homelessness.

Nebel reviewed the Tier 2 priorities: Consider creating a program in which homeless individuals could be utilized to clean up litter and trash in return for financial assistance; Develop an inventory of resources available to the homeless population; Explore a county-wide discussion on homelessness; Identify areas where campsites could be created with portable toilets and garbage disposal.

Nebel reviewed the Tier 3 priorities: Explore the future installation of Portland loos in key locations throughout the community; Request that the organized faith-based community coordinate services offered by local churches and other faith-based groups; Conduct a study on the economic impact of the cost of homelessness to property owners; Pursue efforts to create a more permanent overnight shelter; Health related issues, including mental health, physical health, and drug and alcohol abuse issues; and Determine the impact of affordable housing on homelessness.

Nebel reported that Council has appropriated \$20,000 in the 2019/2020 Fiscal Year to facilitate homelessness efforts. He recommended that Council consider an agreement with Grace Wins Haven to offset utility expenses for the operation of a shower trailer. He stated that the city has placed, and plans to pay the rental fees for, a portable toilet located at the Grace Wins shelter. He noted that the intent is to locate a second portable unit in the City Center area. He added that these funds would be used for this purpose. He also recommended that the city make a request for funding from Lincoln County which has also appropriated funding for homelessness, to partner with the city, on a dollar for dollar basis for these two endeavors. He added that this would leave additional funds for other endeavors this fiscal year.

Gail McGreenery offered her services, for one year, with the recommended NGO.

Cyndi Karp thanked Council for taking action to help homelessness. She stated that non-profits need to be supported on a long-term basis. She added that she would like to see the city install a restroom at the courthouse.

Gary Lahman reported that the Lincoln County Public Health Department has a needle exchange program. He stressed the importance of sharps disposal units. Flowers indicated that there is a sharps disposal inside Grace Wins Haven.

Nebel reported that Council appropriated \$20,000, and his recommendation is that Lincoln County be approached for additional funding for homelessness issues.

Jacobi asked about the usage of the portable toilet. Flowers indicated that it is being kept clean and is a great success.

Hall asked who would take this issue from this point. Nebel noted that there are various tiers in the recommendations, and that the city would work to pull together a group that

would coordinate those meetings. He added that the intent is not to have a city committee coordinate these services.

Goebel expressed concern about the use of the CET for homelessness issues. Tokos noted that homelessness is not specifically identified in the 35% of this money that is flexible, but there is a broad range of things, including potentially homelessness, that this funding could be used for.

Botello reported that it is important to engage the faith-based community.

Allen asked Tokos if he had anything in mind that the CET could be used for related to homelessness. Tokos noted that the CET could potentially be used as grant funding to support housing related entities such as Samaritan House. Allen suggested asking legal counsel about the use of this funding and potential uses.

Allen asked why the city would want to wait to initiate a county-wide discussion if Lincoln County could do that. Nebel noted that the city-wide discussion could potentially morph into a regional effort.

Jacobi asked whether something could be presented to Council regarding safe car camping.

Parker suggested that the issues of overnight shelter and drug and alcohol abuse issues be addressed by the state legislature. It was recommended that staff check with the LOC staff to determine whether these issues might be coming up in the short session, and if not, what the timing would be to move them forward. Nebel reported that an increase in state funding is something that could be advocated for immediately, but that there is no way the city could have anything in place for the short session.

MOTION was made by Hall, seconded by Parker, to accept the City Manager's Report on the prioritization of recommendations from the Homelessness Task Force Report dated July 29, 2019. The motion carried unanimously in a voice vote.

MOTION was made by Hall, seconded by Botello, to authorize a request to the Lincoln County Board of Commissioners for matching the City's funding for portable toilets, and offsetting utility expenses for the operation of a shower facility, to address certain homelessness issues within the City of Newport. The motion carried unanimously in a voice vote.

Adoption of Resolution No. 3870 Creating a Sister City Committee. Hawker introduced the agenda item. Nebel reported that from August 2 through August 7, the city hosted six junior high students, Ryo Kawaharada, Yuna Jinto, Kurumi Yoneta, Wakana Kobayashi, Asahi Shimizu, and Risa Yamakawa, and five adults, Kenzo Ishi, Motoko Otake, Takahiro Yamamoto, Noriko Watanabe, and Shunta Fujie in a Sister City delegation visit. He stated that an ad-hoc committee, supported by Hawker, prepared an agenda for the delegation visit. He noted that he appreciates the leadership role that Parker and Sachiko Otsuko took in assisting with the exchange. He added that they took the lead in identifying host families, which included: James and RaeAnn Pettett, Ryan Parker and Sachiko Otsuki, Mike Kilpatrick and Uri Goldberg, Aracelly Guevara and Jerry Robbins, Lance and Jillian Vanderbeck, and Richard and Mary Giles.

Nebel reported that a wrap-up meeting was held to evaluate the handling of this exchange to help plan and inform future exchanges with our Sister City. He stated that the delegation was very happy with their experiences in Newport, but it was generally concluded that there should be more family time, and fewer group activities. He added

203.077 Local governments to develop humane policy for removal of homeless camps from public property. All municipalities and counties shall:

(1) Develop a policy that recognizes the social nature of the problem of homeless individuals camping on public property.

(2) Implement the policy as developed, to ensure the most humane treatment for removal of homeless individuals from camping sites on public property. [1995 c.121 §1]

203.079 Required elements of local government policies on camping by homeless. (1) A policy developed pursuant to ORS 203.077 shall include, but is not limited to, the following:

(a) Prior to removing homeless individuals from an established camping site, law enforcement officials shall post a notice, written in English and Spanish, 24 hours in advance.

(b) At the time that a 24-hour notice is posted, law enforcement officials shall inform the local agency that delivers social services to homeless individuals where the notice has been posted.

(c) The local agency may arrange for outreach workers to visit the camping site where a notice has been posted to assess the need for social service assistance in arranging shelter and other assistance.

(d) All unclaimed personal property shall be given to law enforcement officials whether 24-hour notice is required or not. The property shall be stored for a minimum of 30 days during which it will be reasonably available to any individual claiming ownership. Any personal property that remains unclaimed for 30 days may be disposed of. For purposes of this paragraph, "personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility. Items that have no apparent utility or are in an insanitary condition may be immediately discarded upon removal of the homeless individuals from the camping site. Weapons, drug paraphernalia and items that appear to be either stolen or evidence of a crime shall be given to law enforcement officials.

(e) Following the removal of homeless individuals from a camping site on public property, the law enforcement officials, local agency officials and outreach workers may meet to assess the notice and removal policy, to discuss whether the removals are occurring in a humane and just manner and to determine if any changes are needed in the policy.

(2) The 24-hour notice required under subsection (1) of this section shall not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring.

(b) In the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.

(3) A person authorized to issue a citation for unlawful camping under state law, administrative rule or city or county ordinance may not issue the citation if the citation would be issued within 200 feet of the notice described in this section and within two hours before or after the notice was posted. [1995 c.121 §2; 1999 c.761 §1]

203.081 Sites not subject to ORS 203.077 to 203.081. As used in ORS 203.077 to 203.081, "camping site" does not include:

(1) Public property that is a day use recreational area.

(2) Public property that is a designated campground and occupied by an individual under an agreement with a municipality or county. [1995 c.121 §3]

203.082 Camping by homeless on property of religious institutions; required elements of policies of local governments and religious institutions. (1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.

(2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:

(a) Limit camping space at the institution site to three or fewer vehicles at the same time; and

(b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities. [1999 c.319 §1]

Note: 203.082 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Q

Quasi-judicial. An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Section 4.1.040.

R

Radio Frequency Transmission Facilities (Land Use). Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures, or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

Recreational Vehicle Park (Land Use). A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

Religious Institutions and Places of Worship (Land Use). Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Residential Use (Land Use). Long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

Retail Sales and Service Uses (Land Use). Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services. They include services such as barber/salon, accountant, restaurant, bar, repair service, and similar uses. See also, Vehicle Servicing.

1 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

2
3 **SECTION 1.** Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare),
4 Chapter 9.08 (Offenses Against Public Order), Section 9.08.050 (Overnight Camping on
5 public property) is hereby amended to read as follows:
6

7 **9.08.050 Overnight camping on public property.**
8

9 **A. Except as provided in Section 9.08.055, Overnight Overnight** camping or
10 overnight sleeping, **including but not limited to overnight camping or**
11 **overnight sleeping** in a recreational vehicle, trailer or automobile, on any public
12 property including but not limited to streets, sidewalks, parks and parking lots, on
13 any premises open to the public, and on any ocean shore area under the
14 jurisdiction of the Oregon Parks and Recreation Division, is prohibited.
15

16 B. The city may erect signs notifying the public of the prohibition of camping
17 under subsection (A) of this section; provided, however, that the erection of signs
18 shall not be a prerequisite to prosecution of violations of subsection (A) of this
19 section.
20

21 C. Camping equipment used in a violation of subsection (A) of this section may
22 be seized by the city police as evidence of the violation and, after seizure, shall be
23 held by the city police until further order of the court before which the violation is
24 pending.
25

26 ~~**D. Violation of subsection (A) of this section is punishable as a Class A**~~
27 ~~**misdemeanor; provided, that in addition to the penalties prescribed therefor**~~
28 ~~**the court, after a hearing, may order any camping gear seized under**~~
29 ~~**subsection (C) of this section to be sold by the city at auction, with the**~~
30 ~~**proceeds of the sale to be deposited into the city general fund for the use of**~~
31 ~~**the city.**~~
32

33 **D. Except as provided below for "willful violation," a violation of subsection**
34 **(A) of this section is punishable as a Class E Violation. A willful violation is**
35 **punishable as a Class B violation. As used in this subsection, "willful**
36 **violation" means a violation that occurs after the person has received,**
37 **within 90 days preceding the current violation, a citation for violating**
38 **subsection A or a written warning from a police officer or code enforcement**
39 **officer that the person was violating LCMC 9.08.050.**

1
2 E. As used in this section **the following definitions apply:**

3
4 **1. "Campsite" means any place where any bedding, sleeping bag, or**
5 **other material used for bedding purposes, or any stove or fire is**
6 **placed, established or maintained, whether or not such place**
7 **incorporates the use of any tent, lean-to, shack, or any other**
8 **structure, or any vehicle or part thereof.**

9
10 **2. "Overnight" means occurring any time between the hours of 2:30 a.m. and**
11 **5:00 a.m., unless the City Code, (e.g. parks regulations) set different**
12 **hours for closure, in which case "overnight" means any time during**
13 **posted hours of closure;**

14
15 **3. "Camping" or "to camp" means to set up or to remain in or at a**
16 **campsite, for the purpose of establishing or maintaining a temporary**
17 **place to live.**

18
19 **F. Nothing in this Ordinance prohibits prosecution for criminal trespass**
20 **when a person enters or remains on public property or other premises open**
21 **to the public during posted hours of closure or in violation of a trespass**
22 **notice or order, including but not limited to those issued under LCMC**
23 **Chapter 12.18.**

24
25 **SECTION 2.** Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare),
26 Chapter 9.08 (Offenses Against Public Order), Section 9.08.055 (Permitted Overnight
27 Camping/Sleeping) is hereby added to read as follows:

28
29 **9.08.055. Permitted Overnight Camping/Sleeping.**

30
31 **(1) The prohibitions in Section 9.08.055 are inapplicable in the**
32 **following circumstances:**

33
34 **(a) The property involved is appropriately zoned and has all necessary**
35 **approvals for the proposed use of overnight camping, in a vehicle**
36 **or otherwise, (for example, a Recreational Vehicle Park in a**
37 **Recreation Commercial Zone with a conditional use approval or**
38 **state-owned public campground in the Park zone);**

1 (b) The City Council or Manager, by emergency declaration has
 2 authorized overnight camping, in accordance with the limitations,
 3 terms and conditions of such declaration;
 4

5 (c) A Special Event Permit pursuant to LCMC Chapter 5.16 or other
 6 Parks permit (Chapter 12.16) authorizes overnight camping in
 7 accordance with the limitations, terms and conditions of such
 8 permit;
 9

10 (d) Subject to conditions specified in section (2) below, and
 11 notwithstanding any other provision of this code, any religious
 12 institution located in the City of Lincoln City may offer overnight
 13 camping or sleeping space on institution property to homeless
 14 persons living in vehicles. Homeless persons may sleep overnight
 15 in a vehicle in a parking lot of a religious institution that owns or
 16 leases property on which a parking lot is located only with written
 17 permission of the property owner or the owner's representative.
 18 The property owner may not grant permission for more than three
 19 vehicles used for camping or sleeping at any one time. For
 20 purposes of this subsection (1), the term "vehicle" includes a car,
 21 truck, van, camper, and camp trailer.
 22

23 (2) A religious institution who allows a person or persons to
 24 camp/sleep overnight in a vehicle on a property pursuant to
 25 subsections (1)(d) of this section shall:
 26

27 (a) Provide or make available sanitary facilities, including but not
 28 limited to toilet and hand washing facilities;

29 (b) Provide trash disposal facilities to such persons consistent
 30 with LCMC 8.16.060;

31 (c) Require such camping/sleeping space be not less than five
 32 feet away from any property line; and

33 (e) Not require payment of any fee, rent or other monetary
 34 charge for overnight camping/sleeping, as authorized by this
 35 section.
 36

37 (3) An institution who permits overnight camping/sleeping pursuant
 38 to subsection (1)(d) and (2) above may revoke that permission at
 39 any time and for any reason. Any person who receives permission

1 to camp/sleep on that property as provided in this section shall
 2 leave the property immediately after permission has been revoked.

3
 4 (4) Notwithstanding any other provision of this section, the city
 5 manager or the manager's designee may revoke permission for a
 6 religious institution to offer overnight camping/sleeping in
 7 vehicles or revoke permission of a person to sleep overnight on
 8 such properties, if the city finds that the institution, owner, or
 9 person has violated any applicable law, ordinance, rule, guideline
 10 or agreement, or that the activity constitutes a public nuisance or
 11 other threat to the public welfare.

12
 13 (5) The city manager or the manager's designee may impose
 14 administrative civil penalties on responsible parties who fail to
 15 comply with the requirements of this section, as provided in
 16 Chapter 1.16 of this code.

17
 18 (6) In addition to any other penalties that may be imposed, any site
 19 used for overnight camping/sleeping in a manner not authorized
 20 by this section or other provisions of this code shall constitute a
 21 nuisance and may be abated as such. As used in this section,
 22 "campsite" has the meaning given in section 9.08.050 of this code.

23
 24 (7) Nothing in this Section of the code creates any duty on the part of
 25 the city or its agents to ensure the protection of persons or
 26 property with regard to permitted overnight camping/ sleeping.

27
 28 **SECTION 3.** Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare),
 29 Chapter 9.08 (Offenses Against Public Order), Section 9.08.045 (Humane Campsite
 30 Removal Policy and Procedures) is hereby added to read as follows:

31
 32 **9.08.045 Humane Campsite Removal Policy and Procedures**

33
 34 **A. Prior to removing a campsite as defined in LCMC 9.08.050, the city**
 35 **shall post a notice, 24-hours in advance of removal. If the campsite**
 36 **is a vehicle, tow procedures shall also be observed. All posted notices**
 37 **shall be in English and Spanish. A City enforcement officer shall not**
 38 **issue a citation for violation of 9.08.050 if the citation would be**
 39 **issued within 200 feet of the notice and within two hours before or**
 40 **after the notice was posted.**

1
2 **B. At the time that a 24-hour notice is posted, the city shall inform a**
3 **local agency that delivers social services to homeless individuals**
4 **where the notice has been posted.**

5
6 **C. The local agency may arrange for outreach workers to visit the**
7 **campsite where a notice has been posted to assess the need for social**
8 **service assistance in arranging shelter and other assistance.**

9 **D. All unclaimed personal property shall be given to the police**
10 **department whether 24-hour notice is required or not. The property**
11 **shall be stored for a minimum of 30 days during which it will be**
12 **reasonably available to any individual claiming ownership. Any**
13 **personal property that remains unclaimed for 30 days may be**
14 **disposed of consistent with state law and Coty Code for disposition of**
15 **found, lost, unclaimed or abandoned property, as applicable. For**
16 **purposes of this paragraph, "personal property" means any item that**
17 **is reasonably recognizable as belonging to a person and that has**
18 **apparent utility. Items that have no apparent value or utility or are in**
19 **an unsanitary or putrescent condition may be immediately discarded.**
20 **Weapons, drug paraphernalia and items that appear to be either**
21 **stolen or evidence of a crime shall be given to the police department.**
22

23 **E. Following the removal of a camping site on public property, the**
24 **law enforcement officials, local agency officials and outreach workers**
25 **may meet to assess the notice and removal policy, to discuss whether**
26 **the removals are occurring in a humane and just manner and to**
27 **determine if any changes are needed in the policy.**
28

29 **F. The 24-hour notice required under subsection D of this section shall**
30 **not apply:**

31
32 **1. When there are grounds for law enforcement officials to**
33 **believe that illegal activities other than camping are occurring.**

34
35 **2. In the event of an exceptional emergency such as possible**
36 **site contamination by hazardous materials or when there is**
37 **immediate danger to human life or safety.**

38
39 **3. The site is public property designated for day use recreation.**

1
2 **4. The site is public property designated as a campground and**
3 **occupied by an individual under an agreement or pursuant to**
4 **authorization specified in LCMC 9.08.055 (Permitted Overnight**
5 **Camping/Sleeping).**
6

7 **SECTION 4. Findings Adopted.**
8

9 The findings contained in the Whereas Clauses of this ordinance, as well as the
10 competent substantial evidence in the whole record of this legislative proceeding are
11 incorporated into this section by reference as if fully set forth herein, and are adopted in
12 support of this legislative action.
13

14 **SECTION 5. Severability.**
15

16 The sections, subsections, paragraphs and clauses of this ordinance are severable. The
17 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
18 the remaining sections, subsections, paragraphs and clauses.
19

20 **SECTION 6. Savings.**
21

22 Notwithstanding the amendment to this Title, the existing Title remains valid and in full
23 force and effect for purposes of all criminal, civil or administrative code enforcement
24 cases or applications filed or commenced during the time said ordinances were
25 operative. Nothing in this Ordinance affects the validity of prosecutions commenced
26 and continued under the laws in effect at the time the matters were originally filed.
27

28 **SECTION 7. Codification.**
29

30 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
31 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
32 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
33 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 4-7) need
34 not be codified and the City Recorder is authorized to correct any cross-references and
35 any typographical errors.
36

37 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
38 Section 9.2 of the City of Lincoln City Charter on the 25th day of July, 2016 (First
39 Reading) and on the 8th day of August, 2016 (Second Reading).
40

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of
2 August, 2016.

3

4

5

6 _____
7 DON WILLIAMS,
8 MAYOR

9

10 ATTEST:

11

12

13 _____
14 CATHY STEERE,
15 CITY RECORDER

16

17 APPROVED AS TO FORM:

18

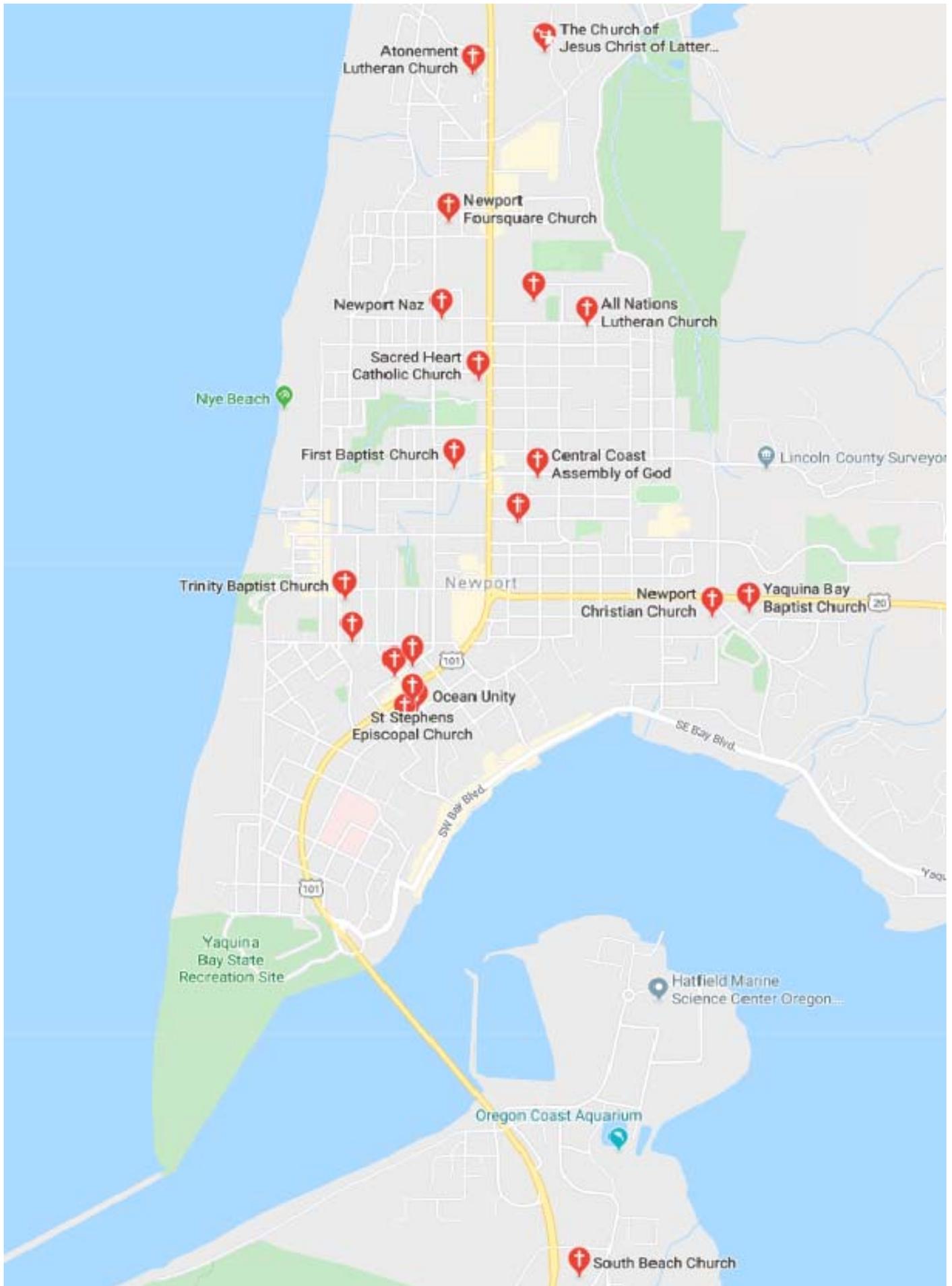
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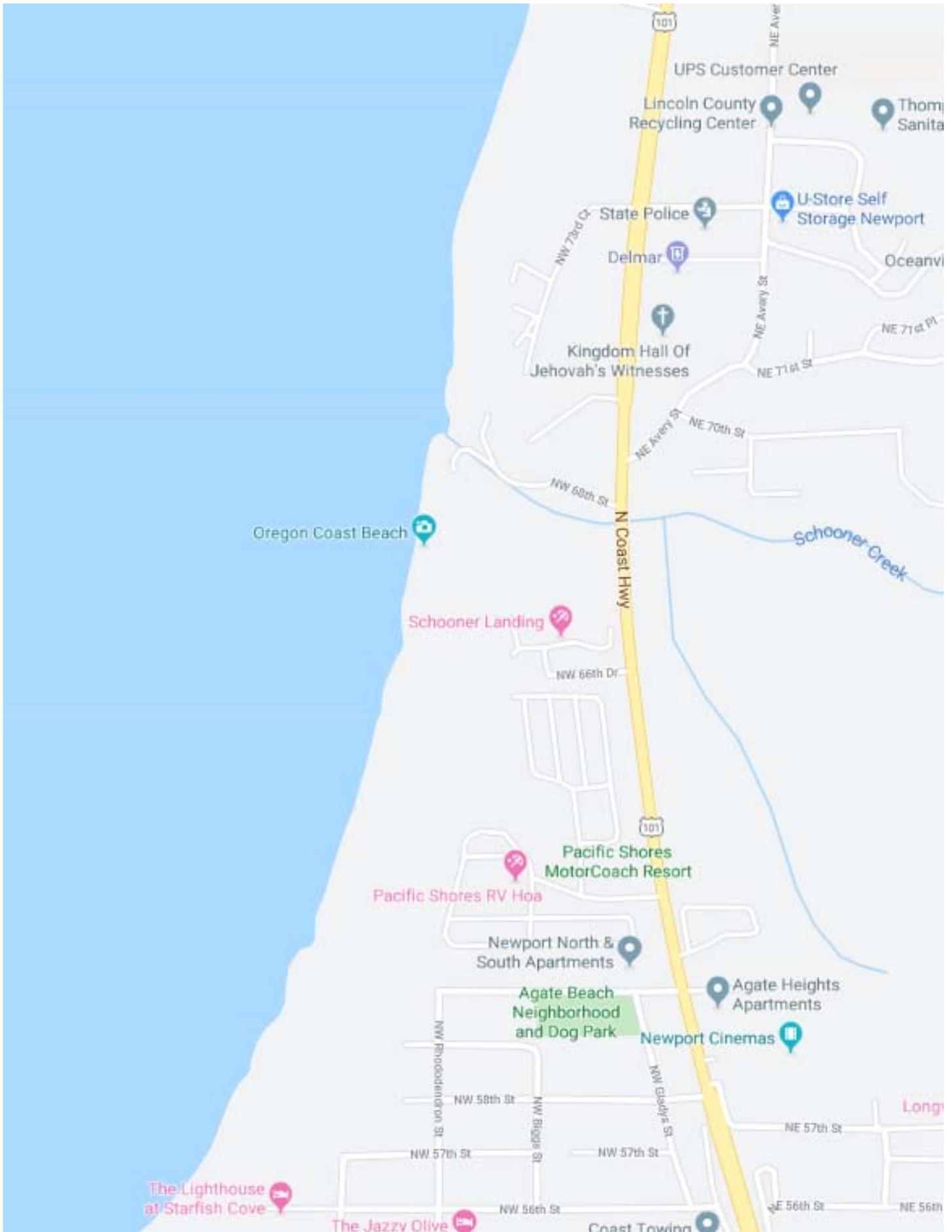
20 _____
21 RICHARD APPICELLO
22 CITY ATTORNEY

23

24

25





United States Department of Justice
Civil Rights Division

Information about:

Federal Religious Land Use Protections

Including:

- How federal law protects religious institutions from unduly burdensome or discriminatory land use regulations, and
- How you can partner with the U.S. Department of Justice if you are impacted.

What is RLUIPA?

RLUIPA stands for "The Religious Land Use and Institutionalized Persons Act." This is a federal law that, among other things, protects religious institutions from unduly burdensome or discriminatory land use regulations.

Congress passed RLUIPA in 2000, after hearing testimony that land use/ zoning regulations were often burdening the ability of religious congregations to exercise their faiths in violation of the Constitution.

What Does RLUIPA Do?

Bars land use regulations that impose a "substantial burden" on religious exercise

If you work with a church or other religious institution, you know that having a place to meet and operate is fundamental. Section 2(a) of RLUIPA bars land use/zoning restrictions that impose a "**substantial burden**" on the religious exercise of a person or institution, unless the government can show that:

- it has a "**compelling interest**" for imposing the restriction and
- the restriction is the **least restrictive** way for the government to further that interest.

For example: A church is denied a permit to build an addition to accommodate more Sunday school classes, which it believes it needs to carry out its religious mission. This may violate RLUIPA if the town cannot show a compelling reason for the denial.

Requires governments to treat houses of worship as favorably as nonreligious assemblies

Section 2(b)(1) of RLUIPA says that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions. This is known as the "**equal terms**" provision of RLUIPA.

For example: A mosque leases space in a storefront. Zoning officials deny an occupancy permit since houses of worship are forbidden in that zone. However, fraternal organizations, meeting halls, and banquet facilities are all permitted as of right in the same zone. This may violate RLUIPA.

Bars governments from discriminating among religions

Section 2(b)(2) of RLUIPA bars discrimination "against any assembly or institution on the basis of religion or religious denomination."

For example: A Hindu congregation is denied a building permit for a temple despite meeting all of the requirements for height, setback, and parking required by the zoning code. The zoning administrator is overheard making a disparaging remark about Hindus. If it were proven that the permit was denied because the applicants were Hindu, this would violate RLUIPA.

Bars governments from totally or unreasonably excluding houses of worship.

Section 2(b)(3)(A) and (B) of RLUIPA provide: "No government shall impose or implement a land use regulation" that "totally excludes religious assemblies from a jurisdiction," or "unreasonably limits religious assemblies, institutions, or structures within a jurisdiction."

For example: A town, seeking to preserve tax revenues, enacts a law that no new churches or other houses of worship will be permitted. Such a total exclusion may violate RLUIPA.

Examples of DOJ's RLUIPA Work

Montgomery County, Maryland

Bethel World Outreach Ministries had outgrown its church and purchased a 119-acre site in the county to build a new 800-seat church. The county subsequently made zoning changes that blocked the development. The church brought suit under RLUIPA. After a trial court ruled against it, the church reached out to DOJ for help.

DOJ filed a friend-of-the-court brief in a federal appeals court arguing that the church had shown a substantial burden on its religious exercise. The appeals court agreed, finding that the church had outgrown its facility and needed a bigger church; that it had a reasonable expectation that it could build on the property it bought; and that the "delay, uncertainty and expense" of looking for a different property all created a substantial burden on the church's religious exercise.

Bernards Township, New Jersey

The Islamic Society of Basking Ridge was meeting in a rented public school and a public park and was looking for permanent space. It bought a property in a zone permitting places of worship as-of-right, and which met the minimum acreage requirements for places of worship. However, the Islamic Society was denied a permit to build a mosque after 39 public hearings over a three-and-a-half year period. The Islamic Society reached out to DOJ.

After a thorough investigation, DOJ filed suit alleging violations of RLUIPA. Ultimately, DOJ and the Islamic Society reached a settlement with the Township. The settlement allowed the Islamic Society to build its mosque.

Hollywood, Florida

The Hollywood Community Synagogue applied for a permit to operate out of two connected houses on a busy street which it had purchased. After several hearings, and despite a determination by the zoning board that the synagogue met the requirements for a permit, the city commission denied the synagogue's permit.

DOJ investigated and ultimately filed a RLUIPA case. DOJ alleged that the city had given similar permits to other houses of worship and nonreligious assemblies, and had never before denied any place of worship a special permit to operate in a residential district. The suit also alleged bias against Orthodox Jews by the city.

On the eve of trial, DOJ, the synagogue, and the city reached a settlement that allowed the synagogue to operate.

How You Can Partner with DOJ

If your RLUIPA rights are being violated, you may bring a private civil action with your own attorney. DOJ can also review alleged RLUIPA violations, open investigations, and bring lawsuits to enforce the statute. DOJ can seek court orders to correct violations, but cannot seek monetary relief. Please note that DOJ is not able to open investigations or file suits in all complaints that it receives.

If you want to file a complaint about a possible RLUIPA violation, or find out more information about the law, you can reach the DOJ Civil Rights Division at:

TELEPHONE:
(800) 896-7743

EMAIL:
RLUIPA.complaints@usdoj.gov

More information about DOJ's *Place to Worship* Initiative and RLUIPA is also available at:

www.justice.gov/crt/placetoworship

and at

www.justice.gov/crt/rluipa



This information sheet is intended for informational purposes only. It has no force or effect of law, is not a final agency action, and has no binding legal effect. The information in it may be modified by the Department at any time.

United States Department of Justice, Civil Rights Division
www.justice.gov/crt

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 that contains facilities for sleeping. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

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

6.25.010 Parking of Recreational Vehicles

- A. Recreational vehicles 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 as provided in subsections B. and C.
- B. For special events, the owner of a paved or otherwise adequately surfaced parking area may allow self-contained RVs to park at no charge, providing that the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. The permittee shall allow parking only if all available RV parks, including state parks that allow RV camping, are full.
- C. Marina owners or operators may allow up to 50% of the parking area for the marina to be used for overnight parking of RVs of marina customers during the period between July 1 and the end of the Labor Day weekend, providing the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. No permit may be issued to a marina that does not have an approved sanitary facility for the disposal of septic wastes. The owner or operator of the facility shall collect and remit the city's room tax.

- D. The planning department shall be responsible for issuance of the permits under this section and for the imposition of conditions. The planning department may create a set of standard permit conditions.

CHAPTER 9.50 CAMPING PROHIBITED IN CERTAIN PLACES**9.50.010 Definitions**

The following definitions apply in this chapter.

- A. **To camp** means to set up, or to remain in or at, a campsite.
- B. **Campsite** means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. **Personal property** means items which are reasonably recognizable as belonging to individual persons and which have apparent utility.
- D. **Junk** means items that have no apparent utility or are in an unsanitary condition.

9.50.020 Camping Prohibited in Certain Places

It is unlawful for any person to camp in or upon any sidewalk, street, alley, lane, public right of way, transit facility or bus shelter, or any other place to which the general public has access, or under any bridge or viaduct, unless otherwise specifically authorized by this city or by declaration by the mayor or city manager in emergency circumstances. Nothing in this chapter shall prohibit the use of designated picnic areas of public property for cooking, or prohibit camping by permit authorized by the city manager or designee.

9.50.030 Scheduling and Notice of Campsite Cleanup

- A. Cleanup of illegal campsites will be scheduled on an as-needed basis by the chief of police or designee.
- B. Permanent signs may be posted advising that camping is prohibited. Whether or not a permanent sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 24 hours before the cleanup.

- C. Notwithstanding subsections A. and B., cleanup of campsites may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:
 - 1. An exceptional emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
 - 2. Illegal activity other than camping.
- D. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained during normal business hours.
- E. Written notices, including permanent signs, will be in both English and Spanish.
- F. Copies of all notices shall be provided to the State of Oregon Department of Human Services and/or to the Lincoln County Human Services Department.

9.50.040 **Removal, Storage and Retrieval of Personal Property**

- A. Personal property will be separated during cleanups from junk. Junk will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than 30 days, during which time it will be reasonably available to persons claiming ownership of the personal property.
- B. The police department shall arrange in advance for a location to store personal property. The storage facility should be reasonably secure. The location should be reasonably accessible to the cleanup area and preferably served by public transportation.
- C. Any personal property that remains unclaimed for 30 days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the 30 days is required prior to the disposal, sale, donation, use or transfer.

D. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained by the police department.

9.50.060 Violation

Violation of this chapter is a nuisance and is also a civil infraction.

9.50.070 Nonexclusive Remedy

The remedies described in this chapter shall not be the exclusive remedies of the city for violations of this chapter.

9.50.080 Interpretation

This chapter is to be interpreted to be consistent with applicable state statutes and providing the protections required by state statutes.

(Chapter 9.50 adopted October 1, 2007 by Ordinance 1937; effective October 31, 2007)

CHAPTER 14.06 MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES

14.06.010 Purpose

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

14.06.020 Manufactured Dwellings on Individual Lots

- A. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:
1. Conform to the definition of a manufactured dwelling in [Section 14.01.010](#) of this Code.
 2. Have the wheels and tongue or hitch removed.
 3. Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
 4. Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
 5. Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on adjacent dwellings as determined by the Building Official.
 6. Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.

7. Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating space.
 8. Be connected to the public water system and an approved sewage disposal system.
 9. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- B. A manufactured dwelling constructed in accordance with current Federal Manufactured Home Construction and Safety Standards that does not meet criteria listed in subsection (A), may be approved by the Planning Commission as a Conditional Use pursuant to [Section 14.33](#) of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with [Section 14.52](#), Procedural Requirements.

(Entire section amended by Ordinance No. 1641 (8-3-92) and replaced in its entirety by Ordinance No. 2008 (12-2-2010).)*

14.06.030 [Manufactured Dwelling Park Standards](#)

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

14.06.040 [Manufactured Dwelling Parks](#)

Manufactured dwelling parks are permitted subject to the following:

- A. Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended.

- B. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code [Chapter 13.05.040](#) where the construction or extension of such street is identified in the City of Newport Transportation System Plan.
- C. The maximum density allowed in a manufactured dwelling park is one unit for every 2,500 sq. ft. of lot area in the R-2 zoning district and one unit for every 1,250 sq. ft. of lot area in R-3 and R-4 zoning districts.
- D. Recreational vehicles may be occupied as a residential unit provided they are connected to the manufactured dwelling parks water, sewage, and electrical supply systems. In such cases, the recreational vehicles shall be counted against the density limitations of the zoning district.
- E. Any manufactured dwelling park authorized under this section shall have a common outdoor area of at least 2,500 sq. ft. or 100 sq. ft. per unit, whichever is greater. Common outdoor areas shall be landscaped and available for the use of all park residents.
- F. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.
- G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- H. The manufactured dwelling park may have a community or recreation building and other similar amenities.

- I. All dead end streets shall provide an adequate turn around for emergency vehicles.

14.06.050 Recreational Vehicles: General Provisions

- A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored unless the recreational vehicle is located within a manufactured dwelling park or recreational vehicle park, or is authorized as a temporary living quarters pursuant to NMC [Chapter 14.9](#).
- B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.
- C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

(Chapter 14.06.040 and 14.06.050 were enacted by Ordinance No. 2059, adopted on September 3, 2013; effective October 3, 2013.)

14.06.060 Recreational Vehicle Parks

Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with [Section 14.52](#), Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.

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

5. A recreational vehicle space shall be provided with electrical service.
6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
7. The total number of off-street parking spaces in the park shall be provided in conformance with [Section 14.14.030](#). Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.
8. The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
9. The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine for each ten recreational vehicle spaces, or any fraction thereof.
10. Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62°F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.
11. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in

height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under [Section 14.18.020](#) (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.

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



Commissioner Chloe Eudaly
City of Portland

Commissioner Eudaly Statement Regarding Tiny Home and RV Enforcement 10/16/17

In response to the passage of new legislation and requests from the community, BDS staff will de-prioritize enforcement against tiny homes and begin work on developing code language to permanently allow tiny homes in conformance with recently passed HB 2737 and will de-prioritize enforcement against sleeping in Tiny Homes and RVs on private property throughout the housing emergency. Commissioner Eudaly said, "Housing is a basic need and a human right. We have failed to keep up with demand for affordable housing for decades. As the City Commissioner with responsibility for the Bureau of Development Services, which enforces local building codes, I have asked the bureau to de-prioritize enforcement against tiny homes and people sleeping in RVs parked on private property effective immediately."

BDS staff will use the following guidelines to continue to uphold safety and health standards aimed at protecting occupants of tiny homes and RVs as well as residents and neighbors:

Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

- Property owner may grant permission for up to three vehicles (vehicle, motorhome, camper trailer, etc.) for sleeping

Properties with Single Family Structures or Duplexes

- Property owner and tenant may grant permission for one vehicle for sleeping.
- Vehicles must be located in legal parking areas on the property (Zoning requirements)

General requirements for all overnight sleeping arrangements

Sanitation

- Property owner shall make available sanitary facilities.
- Options include using sanitary facilities within the structure, pumping holding tanks off-site or having vendor pump out holding tank, or permitting and installing a legal sanitary dump station on site.
- Portable toilets (with ongoing service and maintenance) are only allowed at non-residential properties.

Electrical

- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.

Commissioner Eudaly authorized the deprioritization of enforcement on Title 29.50.050 Illegal Residential Occupancy.

What Title is being deprioritized:

“Title 29.50.050

When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.”

Why Deprioritization of Enforcement of Illegal Residential Occupancy for Tiny Homes & RVs

- Offer creative solutions to affordable housing creation
- Benefit responsible tiny home and RV owners
- Provide safe and sanitary housing for individuals in need

What’s this change for sanitation standards in the city?

- Tiny homes and RVs must meet existing legal dwelling unit standards regarding sanitation, waste disposal, and safe access to grounded utilities.
- Enforcement of existing sanitation for legal dwelling units will continue unchanged.
- Community of tiny homes and RV residents is anecdotally small so sanitation needs are minimal.

What about insurance coverage?

- We expect home owners to ask their individual insurance providers for information on how additions or changes to their property affects their coverage.

What about the noise from the Tiny Home and RV communities?

- existing enforcement regarding current noise ordinances will continue to be prioritized. generators for these homes will not be allowed

For further clarity: The Bureau of Development Services and their staff will use the following guidelines to continue to uphold safety and health standards aimed at protecting occupants of tiny homes and RVs as well as residents and neighbors:

Where:

For residential: Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

- Property owner may grant permission for up to three vehicles (vehicle, motorhome, camper trailer, etc.) for sleeping

Who:

Properties with Single Family Structures or Duplexes

- Property owner and tenant may grant permission for one vehicle for sleeping.
- Vehicles must be located in legal parking areas on the property (Zoning requirements)

When / how:

General requirements for all overnight sleeping arrangements

- Property owner shall make available sanitary facilities.
- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.
- Options include using sanitary facilities within the structure, pumping holding tanks off-site or having vendor pump out holding tank, or permitting and installing a legal sanitary dump station on site.
- Portable toilets (with ongoing service and maintenance) are only allowed at non-residential properties.

Commissioner Eudaly authorized the deprioritization of enforcement
on
Title 29.50.050 Illegal Residential Occupancy.

What the electrical requirements of Tiny Homes and RVs are:

- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.



ZONING CODE

INFORMATION GUIDE

Zoning Allowances for Recreational Vehicles (RVs) including Tiny Houses on Wheels

There are many different regulations at the state and city level that work together to regulate RVs. All of these regulations limit the use of RVs and tiny houses on wheels as dwellings. The information in this handout covers vehicles only. Structures that are not on wheels have different zoning requirements and are regulated by the Building Code as well.

Can I live in an RV in the City of Portland?

RVs cannot be used as housing in residential zones. "Household Living" is a use defined in the zoning code and is allowed in residential zones. Household Living is where a household of one or more people lives in a dwelling unit on a month-to-month basis or longer. Household Living can only happen in a dwelling unit. Vehicles do not meet the definition of a Dwelling Unit in 33.910, which must be a structure constructed in or on the ground with independent provisions for sleeping, cooking and sanitation. Vehicles are not structures built on or in the ground. Vehicles cannot contain a household living use in the City of Portland. In addition, Title 29 (The City's Property Maintenance Code) prohibits the use of campers, motor homes, or recreational vehicles for residential occupancy if not operated at a legal RV park. (29.50.050)

RVs can be occupied in legally established RV parks or campgrounds with legally established utility connections for less than a month at a time.

Can I rent out my RV as a short term accessory rental?

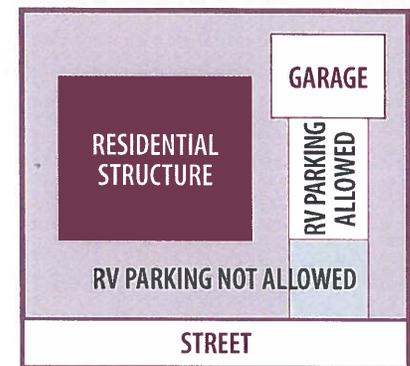
No. A short term accessory rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. This is most commonly arranged on websites like AirBNB.com. Accessory Short Term Rentals must be inside a primary or accessory dwelling unit. Because RVs including tiny houses on wheels are not dwelling units, they cannot be used as accessory short term rentals in the City of Portland.

Renting out a vehicle for short term use is a Retail Sales and Service Use. Retail Sales and Service uses are not allowed in residential zones. Retail Sales and Service uses do include RV Parks. Legally established RV parks or campground can rent out RVs on a short term basis.

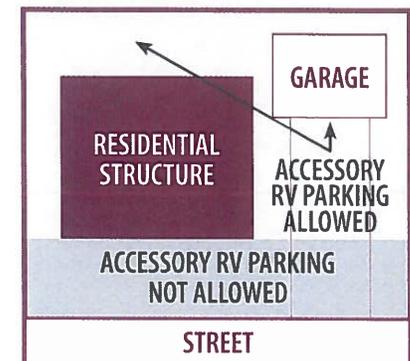
Where can I store my RV?

RVs stored outside but not being occupied or used at that location can be parked in residential zones on legally established vehicle areas that are not located between the front lot line and a building line. RVs can also be stored in some non-residential zones on legally created vehicle area such as at a Self Storage Facility. Non-residential zones that allow for exterior storage typically require landscaping and screening of the storage area. RVs can also be parked inside in legally created garages.

ANY RV TYPE INCLUDING MOTOR HOMES



ACCESSORY RECREATIONAL VEHICLES (NON-MOTORIZED) ONLY



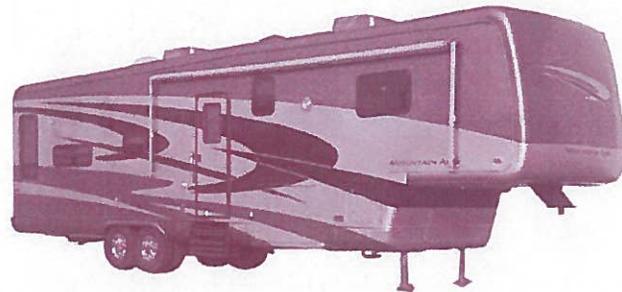
CITY OF PORTLAND OREGON - BUREAU OF DEVELOPMENT SERVICES

What is a Recreational Vehicle (RV)?

“Recreational Vehicle” is defined in Section 33.910 of the zoning code. This definition has several parts. This definition includes campers, fifth-wheel trailers, motor homes and tiny houses on wheels. If it is on wheels, it is a vehicle, not a building.

Recreational Vehicle. A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- **Accessory recreational vehicle.** Accessory recreational vehicles include non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.



- **Motor Home.** Motor homes are motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.



For more information visit or call the Planning and Zoning Staff in the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526
Current Zoning Code is available at www.portlandoregon.gov/zoningcode

ZONING ALLOWANCES FOR RECREATIONAL VEHICLES INCLUDING TINY HOUSES ON WHEELS



LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

TINY HOME REGULATION

BACKGROUND BRIEF

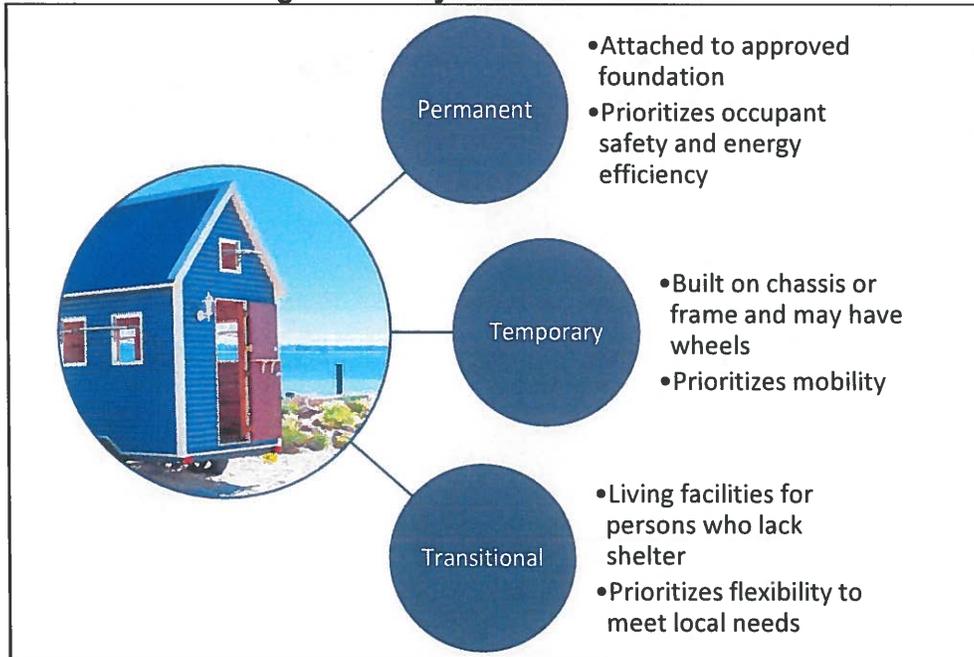
“Tiny home” is an umbrella term for structures designed to provide low-cost or minimally sized housing options for consumers. Tiny homes are subject to building codes and licensing standards that govern their construction and installation, zoning codes that dictate where they can be sited, and titling and registration or trip requirements for temporary tiny homes.

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| STAFF CONTACT |

BUILDING CODES AND LICENSING

Construction regulations for tiny homes can be grouped into one of three categories based on their intended use: permanent, temporary, or transitional. Each category prioritizes different outcomes. Builders, developers, and consumers should select the regulatory path that aligns with their priorities.

Figure 1: Tiny Home Intended Use



Source: Legislative Policy and Research Office

Permanent Dwelling

Permanent tiny homes are attached to an approved foundation and prioritize occupant safety and energy efficiency at the expense of mobility. Permanent tiny homes must meet Oregon's state building code or federal standards. The regulatory model for permanent homes is well-established; builders, developers, and consumers may find this the easiest path to legally site and occupy a tiny home.

Oregon Residential Specialty Code (ORSC).¹ The ORSC currently allows one sleeping loft per tiny home; a ladder may be used as the primary means of access to the sleeping loft in tiny homes under 600 square feet.² Tiny homes that contain a sleeping loft must have an automatic fire sprinkler system.³ Plan reviews, permits, and inspections are mandatory and provided by the local building inspection program.⁴ Builders, electricians, and plumbers who work on an ORSC tiny home must be licensed by the state.⁵

Oregon Small Home Specialty Code (OSHSC).⁶ As of October 1, 2019, single-family residences up to 400 square feet may be built to the Small Home Specialty Code (SHSC), which allows for the use of sleeping lofts accessed by ladders as long as the structure contains fire protection approved by the municipal building official. The SHSC is adopted in statute, may not be amended by DCBS, and sunsets January 1, 2026. OSHSC tiny homes are subject to the same plan review, permit, inspection, and contractor licensing requirements as ORSC tiny homes.

U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards.⁷ HUD standards do not explicitly allow for the use of lofts and ladders, but manufacturers can seek permission from HUD to pursue innovative designs.⁸ Manufacturers must have their designs, manufacturing plants, and quality assurance manuals certified by a federally approved inspection agency before beginning production.⁹ Dealers and installers are certified by the state.¹⁰ Tiny homes built under HUD standards are installed on-site with a local permit.¹¹

¹ Dept. of Consumer and Business Services (DCBS), Building Codes Division. *Residential Structures Code Program*. <<https://www.oregon.gov/bcd/codes-stand/Pages/residential-structures.aspx>>, visited October 29, 2018.

² Dept. of Consumer and Business Services, Building Codes Division. *Amendments to the 2017 Oregon Residential Specialty Code*. <<https://www.oregon.gov/bcd/codes-stand/Documents/res-R329-dwellingunits-lofts-amendment.pdf>>, visited November 2, 2018.

³ *Id.*

⁴ ORS 455.148, ORS 455.150.

⁵ ORS 701.021, ORS 479.620, ORS 693.030.

⁶ [House Bill 2423 \(2019\)](#).

⁷ U.S. Dept. of Housing and Urban Development. *Office of Manufactured Housing Programs*. <https://www.hud.gov/program_offices/housing/rmra/mhs/mhshome>, visited October 29, 2018.

⁸ U.S. Dept. of Housing and Urban Development. *Alternate Construction*.

<https://www.hud.gov/program_offices/housing/rmra/mhs/acintro>, visited October 29, 2018.

⁹ 24 C.F.R § 3282.

¹⁰ ORS 446.671, OAR 918-515-0005.

¹¹ ORS 446.252.

Temporary Dwelling

Tiny homes attached to a frame or chassis (which may or may not have wheels attached) are considered temporary dwellings. Temporary dwellings prioritize mobility and allow for the use of space-saving features like sleeping lofts and ladders.

Temporary dwellings may not be permanently affixed to land for use as a permanent dwelling unless located in a mobile home park.¹² As of January 1, 2020, the State Building Code will no longer regulate the construction of temporary dwellings including recreational vehicles, park model recreational vehicles, or tiny homes on wheels.¹³ Builders, developers, and consumers will need to work with municipalities to ensure their temporary tiny home can be legally sited and occupied.

Mobile tiny homes are designed for regular movement on public highways and subject to the Federal Motor Vehicle Safety Standards adopted by the National Highway Traffic Safety Administration (NHTSA).¹⁴ This includes standards for brakes, lights, wheels, tires, rear impact guards, and VIN numbers.¹⁵ Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.¹⁶ Temporary tiny homes not designed for regular movement on public highways can be transported under a [trip permit](#) or an [over-dimension permit](#).

Recreational Vehicle (RV). An RV tiny home is a vehicle with or without motive power, that is designed for use as temporary living quarters and which is not wider than eight and one-half feet.¹⁷ The Oregon Department of Transportation (ODOT) provides certificate of title and registration for RV tiny homes.¹⁸

Park Model Recreational Vehicle (PMRV). A PMRV tiny home is an RV that:¹⁹

- Is designed for use as temporary living quarters;
- Is built on a single trailer or chassis mounted on wheels;
- Has a gross trailer area that does not exceed 400 square feet;
- Is more than eight and one-half feet wide; and,
- Complies with manufacturing standards and other requirements adopted by ODOT.

As of January 1, 2020, ODOT will provide certificate of title for PMRV tiny homes.²⁰

¹² [House Bill 2333, sect. 2, 4 \(2019\)](#).

¹³ [Senate Bill 410 \(2019\)](#).

¹⁴ 49 U.S.C. § 301, 49 C.F.R. § 571.

¹⁵ National Highway Traffic Safety Administration. *Regulations* <https://www.nhtsa.gov/laws-regulations/fmvss> (last visited October 15, 2019).

¹⁶ ORS 818.080, ORS 818.090.

¹⁷ [House Bill 2333, sect. 6 \(2019\)](#), ORS 801.565.

¹⁸ ORS 801.565, ORS 803.045, ORS 803.300-445.

¹⁹ [House Bill 2333, sect. 2 \(2019\)](#).

²⁰ *Id.*

Transitional Housing

Local governments can establish transitional housing units within their urban growth boundary to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing.²¹

Transitional housing units can include yurts, cabins, fabric structures, and other similar accommodations. Transitional housing units are established and regulated at the local government level. The 2017 Oregon Transitional Housing Standard contains suggested construction standards for municipalities to consider when establishing transitional housing units.²² This standard is a service to local government and has no regulatory impact until adopted by local government.

ZONING

Zoning codes determine where builders, developers, and consumers can site their tiny homes. Zoning codes for housing must be clear and objective and may not discourage the development of housing through unreasonable cost or delay.²³

Permanent

Permanent tiny homes generally offer the easiest path to legal siting and occupation. Permanent tiny homes can be sited as single-family residences or accessory dwelling units (ADUs).

Accessory Dwelling Units (ADUs). A city with a population greater than 2,500 or a county with a population greater than 15,000 must allow for the development of at least one ADU for each detached single-family dwelling within the urban growth boundary.²⁴ Developers and consumers should work with municipalities to ensure their tiny home ADUs can be legally sited and occupied. The City of Portland has published a [guide](#) designed to help citizens legally construct and site an ADU.²⁵

Cottage Clusters. A “cottage cluster” is a group of four or more detached housing units not larger than 900 square feet that share a common courtyard.²⁶ By June 30, 2021, the Portland Metropolitan area and cities with a population greater than 25,000 must allow cottage clusters on land zoned for residential use within the urban growth boundary.

Oregon Residential Specialty Code (ORSC). Tiny homes built to the ORSC are detached single-family dwellings and can be built on land zoned for that purpose.²⁷

²¹ ORS 446.265 (1)-(2).

²² OAR 918-020-0390, Dept. of Consumer and Business Services, Building Codes Division. *2017 Oregon Transitional Housing Standard*.

<https://digital.osl.state.or.us/islandora/object/osl%3A99143/datastream/OBJ/download/2017_Oregon_transitional_housing_standard.pdf>, visited October 15, 2019.

²³ ORS 197.307 (4).

²⁴ ORS 197.312 (5), [Chap. 15, Oregon Laws 2018](#).

²⁵ City of Portland, Bureau of Development Services. *Accessory Dwelling Units*.

<<https://www.portlandoregon.gov/bds/index.cfm?a=68689>>, visited October 29, 2018.

²⁶ [House Bill 2001 \(2019\)](#).

²⁷ OAR 660-008-0005 (3).

ORSC tiny homes may be subject to other zoning standards, including minimum size requirements.

HUD Standard. Cities and counties must allow for the siting of HUD Standard tiny homes on all land zoned for single-family residential use within the urban growth boundary.²⁸ Cities and counties may adopt standards for HUD Standard tiny homes, including minimum size, foundation construction methods, roof slope, siding material, energy efficiency, the inclusion of a garage or carport, and any other standard to which an ORSC single-family dwelling on the same lot is subject.²⁹ HUD Standard tiny homes can also be sited in manufactured dwelling parks, which are discussed below.

Temporary

Manufactured dwelling, mobile home, and RV parks are places where multiple temporary structures are sited.³⁰ State and local government may not prohibit siting or occupying a temporary tiny home located in one of these parks and lawfully connected to utilities.³¹ Outside of these parks, municipalities regulate where and how long temporary tiny homes may be sited. The City of Portland has deprioritized enforcement of the city's zoning code to allow the siting of temporary tiny homes in specified locations.³²

Transitional

Local governments can establish transitional housing units within their urban growth boundary to provide seasonal, emergency, or transitional living facilities for persons who lack permanent or safe shelter and cannot be placed in low-income housing.³³ Transitional housing units are established and regulated by local government.

TEMPORARY TINY HOME TITLING AND REGISTRATION

Mobile tiny homes are temporary tiny homes designed for movement on public highways. As noted above, mobile tiny homes are subject to the motor vehicle safety standards adopted by the NHTSA, including standards for brakes, lamps, wheels, tires, rear impact guards, and VIN numbers.³⁴ Oregon limits the maximum width of mobile tiny homes to eight and one-half feet.³⁵

Registration or a trip permit is required to move a tiny home on Oregon roads.³⁶ Mobile tiny homes not wider than eight and one-half feet, and not used for commercial or business purposes, must be registered as travel trailers with the Oregon Department of

²⁸ ORS 197.314 (1), ORS 446.003 (24).

²⁹ ORS 197.307 (8).

³⁰ ORS 446.003 (23), ORS 446.003 (30), ORS 446.310 (9).

³¹ ORS 197.493.

³² City of Portland, Bureau of Development Services. *City to allow RVs, tiny homes on wheels on private property with conditions.* <<https://www.portlandoregon.gov/bds/article/659268>>, visited October 31, 2018.

³³ [House Bill 2916 \(2019\)](#).

³⁴ 49 U.S.C. § 301, 49 C.F.R. § 571.

³⁵ ORS 818.080, ORS 818.090.

³⁶ ORS 803.300, ORS 803.305 (18).

Transportation (ODOT).³⁷ Unregistered mobile tiny homes must obtain a [trip permit](#) before moving on Oregon roads, and tiny homes exceeding the maximum width must obtain an [over-dimension permit](#).

As of January 1, 2020, ODOT will provide titling documents for temporary tiny homes not exceeding 400 square feet, regardless of width, that meet standards adopted by ODOT.³⁸ Titling documents should help owners to obtain financing and insurance for their temporary dwellings.

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³⁷ ORS 801.565.

³⁸ [House Bill 2333 \(2019\)](#).