



**PLANNING COMMISSION WORK SESSION AGENDA**

**Monday, February 10, 2020 - 6:00 PM**

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

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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.

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1. CALL TO ORDER
2. UNFINISHED BUSINESS
3. NEW BUSINESS
  - 3.A Review and Potentially Initiate Amendments Related to Car Camping for Homeless Individuals.
    - [Memorandum](#)
    - [Draft Amendments to NMC Chapter 6.25](#)
    - [Draft Amendments to NMC Chapter 9.50](#)
    - [Draft Amendments to NMC Chapter 9.80](#)
    - [Draft Amendments to NMC Chapter 14.03](#)
    - [Draft Amendments to NMC Chapter 14.06](#)
    - [OAR 735-022-0140](#)
  - 3.B Review Speaker Kotek's Housing and Homelessness Proposals (HB 4001).

Memorandum  
Speaker's Housing and Homelessness Proposal  
Amendments to HB 4001

- 3.C Updated Planning Commission Work Program.  
[PC Work Program 2-10-2020](#)
- 3.D Finalize FY 20/21 Goals. (Goals to be drawn from information distributed at previous Work Sessions and will be distributed at the meeting.)
- 4. ADJOURNMENT

# Memorandum

To: Planning Commission/Commission Advisory Committee  
From: Derrick I. Tokos, AICP, Community Development Director   
Date: February 7, 2020  
Re: Draft Municipal Code Amendments Related to Car Camping

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The City Council has asked that an ordinance be developed to provide homeless individuals places within the city where it is permissible for them to car camp, and at a 1/27/20 work session the Planning Commission considered options for addressing the issue. There was general consensus, coming out of that meeting, that the City should prepare an ordinance to implement optional provisions of ORS 203.082 that allow car camping for the homeless, on a limited basis, at religious institutions or places of worship.

Enclosed is a package of amendments that would accomplish that objective. They are permissive, in that they create a framework by which a religious institution or place of worship can make their property available for car camping; however, none are required to do so. The amendments also clarify circumstances where camping is permissible within the city, be it in a vehicle or otherwise.

At this work session, staff is looking for feedback on the draft amendments. If, after reviewing the materials, the Commission is comfortable with the general direction being taken, then staff would provide the required 35-day DLCD notice prior to an initial public hearing. Legal review and outreach with the faith-based community would occur prior to the public hearing.

#### Attachments

Draft Amendments to NMC Chapter 6.25, Recreational Vehicle Parking  
Draft Amendments to NMC Chapter 9.50, Camping Prohibited in Certain Places  
Draft Amendments to NMC Chapter 9.80, Special Events Permits  
Draft Amendments to NMC Chapter 14.03, Zoning Districts  
Draft Amendments to NMC Chapter 14.06, Manufactured Dwellings and Recreational Vehicles  
OAR 735-022-0140, Definition of Recreational Vehicle, effective 1/1/20

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments are in *italics*.)

## 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 with or without motive power that is designed for use as temporary living quarters and as further defined in OAR 735-022-0140~~. 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.~~

*Staff: Definition for recreational vehicle is modified to align with current definition contained in ORS 174.101(3). That definition, amended in 2019, refers to administrative rules adopted by the Director of Transportation. That rule-making process was completed effective January 1, 2020. This definition is more relevant to the titling of RVs and differs slightly from the definition required by FEMA for RV's placed in a floodplain (NMC 14.20.020((24)) and the definition contained in the zoning ordinance that relates to RV Parks and the placement of RVs on individual lots outside of RV Parks (NMC 14.01.020).*

### 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 in areas where camping is permitted as identified in Section 9.50.050~~.
- ~~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.~~

*Staff: A permitting program of this nature has never been instituted, and the options listed in Section 9.50.050 outline circumstances where overnight parking of RVs is permissible.*

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments are in *italics*.)

## 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 bridgeway 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.

9.50.050 Permitted Camping

A. The prohibitions in Section 9.50.020 shall not apply to the following circumstances:

- 1. The property involved is appropriately zoned and has all necessary approvals for the proposed camping use, in a vehicle or otherwise, as provided in Title XIV of the Newport Municipal Code; or
- 2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to Section 1.70.030; or
- 3. A special events permit has been issued in accordance with Chapter 9.80 authorizing camping; or
- 4. A religious institution/place of worship offers camping space on the institutions property to homeless persons living in vehicles, provided such accommodations are made free of charge, are limited to three or fewer vehicles at a time, and campers are provided access to sanitary facilities, including a toilet, hand washing and trash disposal facilities.

*Staff: This language outlines the circumstances by which camping can be permitted within the city limits. The first three options cite to existing code provisions. The last item, related to overnight car camping by homeless persons at religious institutions/places of worship implements optional language contained in ORS 203.082.*

**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.

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments are in *italics*.)

## CHAPTER 9.80 SPECIAL EVENT PERMITS

### 9.80.010 Special Event Definitions

“Fee Waiver” is a waiver of city fees for providing a service or facility use.

“Special Event” is any private activity conducted wholly or partly on public property, or that requires the use of city services, such as closure of a street or park, or provision of traffic control, or other services. Special Event includes, but is not limited to, a parade, festival, exposition, show, sale, party, or other similar activity. Special Event also includes events on private or other public property for which the city provides additional services. Special Events does not include:

- A. Events held in the Performing Arts Center or the Visual Arts Center unless special services are requested of the city;
- B. Events conducted at city facilities including the swimming pool and recreation center unless a Fee Waiver is requested;
- C. The use of meeting rooms at any city facility unless a Fee Waiver is requested or the fee has otherwise been waived by city policy.

“Special Event Permit Fees” are based on the actual costs of the city providing the service requested, and may include personnel, benefit costs, equipment costs, and published room rental costs.

*Staff: This change clarifies that a Special Event Permit is required for a private activity that occurs on public property, irrespective of whether or not it requires the use of city services. Similarly, an activity on private property must apply for a Special Event Permit if it requires the use of city services.*

#### 9.80.015 Special Event Fees and Waivers

- A. Applicants may request a full or partial Fee Waiver of Special Event Permit Fees. A request for a Fee Waiver must be submitted with a Special Event permit application. The city may, in its discretion, approve all, part, or none of a Fee Waiver request. The following will be considered in the city's review of a request for a Fee Waiver:
1. Whether the event is a benefit to the community.
  2. Whether the event creates positive publicity for the city.
  3. The city's cost of providing services for/to the event.
  4. Whether there are revenues that can be used to offset the impact of a Fee Waiver on the general fund.
  5. Whether the event promotes education, public health, or public safety.
  6. Whether the event is operated by a non-profit organization.
  7. Whether the event has in the past or is likely in the future to take action that, if taken by a governmental entity, would be unconstitutional. The city will not provide a Fee Waiver for any Special Event or entity that takes action in regard to the Special Event that, if taken by the city, would be unconstitutional.
- B. Unless waived, all fees required for the Special Event must be paid prior to the issuance of a permit. In no event, will the Fee Waiver be more than the city's cost of providing service to the event.

#### 9.80.020 Special Event Applications

- A. All persons who wish to conduct a Special Event must submit an application form to the city recorder. Special Event application forms are available on the city's website at [www.NewportOregon.gov](http://www.NewportOregon.gov). Special Event permit applications shall be reviewed and approved or denied administratively by the city manager following the procedures and standards of this chapter, unless the amount of the requested Fee Waiver is in excess of

- \$2,000, in which case the application shall be forwarded to the City Council for action.
- B. Applications will be deemed incomplete and will be denied if details about the Special Event are insufficient for staff to properly analyze and determine the impacts on city services, or if submitted with insufficient time to allow for city staff to evaluate the impacts and coordinate any city services required to allow the event to proceed.
- C. Temporary structures may be erected in conjunction with a Special Event provided the following are met:
- ~~1. The time limit for such structures is no longer than 30 days prior to and five (5) days after the Special Event.~~
  21. Permission for the structure is granted by the property owner.
  32. A city business license is obtained.
  43. The person or persons responsible for the temporary structure shall appropriately maintain the grounds and provide trash receptacles.
  54. Sanitary facilities are made available to the site during the Special Event.
  - 6.5 The structure does not interfere with the provision of parking for the permanent use on the site, or a traffic management plan is provided that is acceptable to the city.
  - 7.6 The structure satisfies the vision clearance requirements of ~~the Zoning Code~~ Chapter 14.17.
  - ~~87. Written approval for the temporary structure is obtained from the city's building official. The structure satisfies applicable provisions of the Building Codes, as outlined in Chapter 11.05 and Fire Codes as provided in Chapter 11.10.~~
  - ~~9. The person or persons responsible for the temporary structure have signed the city agreement relating to the temporary structure.~~

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9.80, Special Events Permits

- D. Applications must include evidence of compliance with any required permits from other governmental agencies (e.g., health department, liquor license, etc.), as may be requested by the city.
- E. Special Event organizers may be required to maintain liability insurance for the event in an amount deemed acceptable by the city manager, with the city named as an additional insured.
- F. Recipients of tourism promotion grants are ineligible for Special Event Fee Waivers.
- G. The city manager is delegated the authority to establish rules, procedures, and policies to implement and supplement this chapter and to develop application forms and other standard materials to be used in the application process.

*Staff: The duration of a Special Event is specified in the permit (NMC 9.80.032) therefore it is not necessary to specify an alternative timeframe for temporary structures. A separate agreement is also not needed. Building and Fire Codes do not apply to all types of temporary structures, so the language has been clarified to indicate that such standards must be met only when they are applicable.*

9.80.022 Approval/Denial of Special Event Permit

- A. The completed application will be reviewed by the department heads. The applicant may be required to provide additional information. Denied applications may be amended and resubmitted.
- B. Reasons for denial of a Special Event permit include, but are not limited to:
  1. The city lacks the resources to provide the services that are required for the event.
  2. A requested facility or site is not available at the time requested.
  3. The event requests use of city streets at a time, or for a duration, that would create too great an impact on the public transportation system.

4. The applicant submitted false information in connection with the application.
  5. The applicant has failed to complete all aspects of the application.
- C. If the Special Event application is approved and no Fee Waiver has been approved, the city recorder will collect the appropriate fee and issue the permit. If the Special Event application is approved and a Fee Waiver has been approved in full, the city recorder will issue the permit.
- D. If denied, the city recorder will notify the applicant in writing and give the reason for denial. If time permits, the applicant may correct the reasons for denial and resubmit the application for approval. If an applicant is again denied a permit, the applicant may appeal the denial, within 14 days of the date of the written denial by filing a written notice of appeal with the city recorder. The appeal shall be heard at a regular City Council meeting at least seven days after the date the appeal is filed. The appeal shall be decided by the City Council and is final.

#### 9.80.032 Effectiveness of Special Event Permit

Notwithstanding any other restrictions and prohibitions in this code, a Special ~~Events-Event~~ Permit, when approved, shall serve to authorize the stated activity shall be approved for only the ~~specified~~ dates, times, and locations ~~stated-specified~~ in the permit.

*Staff: Clarifies that a Special Event Permit, when issued, supersedes any conflicting provisions of the Newport Municipal Code.*

#### 9.80.035 Violation of a Special Event Permit

- A. Any event subject to the provisions of this chapter that is staged without complying with all conditions of this chapter shall be subject to closure by the police department.
- B. The city may revoke a permit if it is determined by the city manager that the event is being operated in violation of the Newport Municipal Code.

C. The city may revoke a permit and/or apply a fine of up to \$500 per day if it determines an applicant has violated this chapter.

*(Ordinance No. 2000 repealed Ordinance No. 1948 and was adopted on March 15, 2010; effective April 14, 2010.)*

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments are in *italics*.)

## CHAPTER 14.03 ZONING DISTRICTS

### 14.03.010 Purpose.

It is the intent and purpose of this section to establish zoning districts for the City of Newport and delineate uses for each district. Each zoning district is intended to service a general land use category that has common location, development, and use characteristics. The quantity and availability of lands within each zoning district shall be based on the community's need as determined by the Comprehensive Plan. Establishing the zoning districts also implements the General Land Use Plan Map as set forth in the Comprehensive Plan.

### 14.03.020 Establishment of Zoning Districts.

This section separates the City of Newport into four (4) basic classifications and thirteen (13) use districts as follows:

#### A. Residential.

1. R-1 Low Density Single-Family Residential.
2. R-2 Medium Density Single-Family Residential.
3. R-3 Medium Density Multi-Family Residential.
4. R-4 High Density Multi-Family Residential.

#### B. Commercial.

1. C-1 Retail and Service Commercial.
2. C-2 Tourist Commercial.
3. C-3 Heavy Commercial.

#### C. Industrial.

1. I-1 Light Industrial.
2. I-2 Medium Industrial.
3. I-3 Heavy Industrial.

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14.03, Zoning Districts

D. Water Related.

1. W-1 Water Dependent.
2. W-2 Water Related.

E. Public.

1. P-1 Public Structures.
2. P-2 Public Parks.
3. P-3 Public Open Space.

*Section 2-2-6.010 amended by Ordinance No. 1336 (7-5-83); Section 2-2-4 amended by Ordinance No. 1344 (11-7-83); Sections 2-2-1 and 2-2-6 amended by Ordinance No. 1356 (1-3-84); Sections 2-2-3, 2-2-4, 2-2-5, 2-2-6, and 2-2-7 amended by Ordinance No. 1447 (12-16-85); Section 2-2-6.015 amended by Ordinance No. 1468 (8-19-86); Section 2-2-4 amended by Ordinance No. 1526 (11-7-88); Section 2-2-2.010 amended by Ordinance No. 1565 (14.36.0010); Section 2-2-4 amended by Ordinance No. 1567 (14.36.0010); the above became obsolete when Sections 2-2-1 through 2-2-12 were totally amended by Ordinance No. 1575 (7-2-90); and then the entire Section was repealed and replaced by Ordinance No. 2022 (10-20-11).*

14.03.030 City of Newport Zoning Map.

The zoning districts established by this section are officially identified on the map entitled "City of Newport Zoning Map," by reference incorporated herein. Zoning district boundaries, as shown on the official map, shall be construed as follows:

- A. City limit lines;
- B. Platted lot lines or other property lines as shown on the Lincoln County Assessor's plat maps;
- C. The centerline of streets, railroad tracks, or other public transportation routes;
- D. The centerline of streams or other watercourses as measured at Mean Low Water. In the event of a natural change in location of the centerline of such watercourse, then the zoning district boundary shall be construed to moving with the channel centerline; and
- E. The Mean Higher High Tide Line.

#### 14.03.040 Intent of Zoning Districts.

Each zoning district is intended to serve a general land use category that has common locations, development, and service characteristics. The following sections specify the intent of each zoning district:

R-1/"Low Density Single-Family Residential." The intent of the R-1 district is to provide for large lot residential development. This district should also be applied where environmental constraints such as topography, soils, geology, or flooding restrict the development potential of the land.

R-2/"Medium Density Single-Family Residential." The intent of this district is to provide for low density, smaller lot size residential development. It is also the ambition of this district to serve as a transitional area between the low density residential district and higher density residential districts.

R-3/"Medium Density Multi-Family Residential." This district is intended for medium density multi-family residential development. It is planned for areas that are able to accommodate the development of apartments. New R-3 zones should be near major streets, on relatively flat land, and near community or neighborhood activity centers.

R-4/"High Density Multi-Family Residential." This district is intended to provide for high density multi-family residential and some limited commercial development. New R-4 zones should be on major streets, on relatively flat land, and near commercial centers.

C-1/"Retail and Service Commercial." The intent of the C-1 district is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Manufacturing, processing, repair, storage, or warehousing is prohibited unless such activity is clearly incidental to the business and occupies less than 50% of the floor area.

C-2/"Tourist Commercial." The intent of this zone is to provide for tourist needs, as well as for the entertainment needs of permanent residents.

C-3/"Heavy Commercial." The intent of this zone is to provide for commercial uses that are frequently incompatible with

retail and service commercial uses. This zone is also intended to provide uses that utilize more than 50% of the floor area for storage, repair, or compounding of products but do not constitute a nuisance because of noise, dust, vibration or fumes.

I-1/"Light Industrial." The intent of this zone is to provide for commercial and industrial uses that can be located near residential or commercial zones. Uses that are associated with excessive noise, dust, vibration, or fumes shall be prohibited.

I-2/"Medium Industrial." The intent of this zone is to provide areas suitable for industrial activities, including manufacturing, fabricating, processing, packing, storage, repairing, and wholesaling. This classification should be applied to industrial areas having good access to transportation facilities and not near residential zones.

I-3/"Heavy Industrial." The intent of this zone is to provide for industrial uses that involve production and processing activities generating noise, vibration, dust, and fumes. Typically, this zone requires good access to transportation, large lots, and segregation from other uses due to nuisances.

W-1/"Water-Dependent." The intent of the W-1 district is to protect areas of the Yaquina Bay Shorelands, as identified in the Newport Comprehensive Plan, for water-dependent uses. For purposes of this section, a water-dependent use is one which needs contact with or use of the water for water-borne transportation, recreation, energy production, or water supply. All uses in a W-1 district shall comply with the following standards:

- A. Existing water-dependent uses or future water-dependent uses anticipated by the Comprehensive Plan shall not be preempted or restricted by non-water-dependent uses. In determining whether or not a use preempts or restricts a water-dependent use, the following shall be considered:
  1. Water-related uses accessory to and in conjunction with water-dependent uses.
  2. Temporary or mobile uses such as parking lots or temporary storage areas.

3. Incidental and accessory non-water-dependent uses sharing an existing structure with a water-dependent use.
- B. Applicable policies in the Yaquina Bay Estuary and Yaquina Bay Shoreland sections of the Comprehensive Plan shall be followed.
  - C. In determining whether a conditional use should be allowed, consideration shall be given to whether the site or portion thereof is within an area designated as especially suited for water-dependent or water-related uses in the Comprehensive Plan. If the property is within that area, then the site shall be protected for water-dependent and water-related recreational, commercial, and industrial uses.

W-2/"Water-Related." The intent of the W-2 district is to provide areas within and adjacent to the Yaquina Bay Shorelands for water-dependent, water-related, and other uses that are compatible or in conjunction with water-dependent and water-related uses. In determining whether or not a use is water-related, the following shall be uses:

- A. The proposed use is directly associated with a water-dependent use by supplying materials or services, or by using projects of water-dependent uses; and
- B. Location away from the water would result in a public loss in the quality of goods or services after considering economic, social, environmental, and energy effects.

All conditional uses in a W-2 district shall also comply with the following standard:

In areas considered to be historic, unique, or scenic, the proposed use shall be designed to maintain or enhance the historic, unique, or scenic quality.

#### 14.03.050 Residential Uses.

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

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"P" = Permitted uses.

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

"X" = Not allowed.

		R-1	R-2	R-3	R-4
A.	Residential				
	1. Single-Family	P	P	P	P
	2. Two-family	X	P	P	P
	3. Multi-family	X	X	P	P
	4. Manufactured Homes*	P	P	P	P
	5. Mobile Home Park	X	P	P	P
B.	Accessory Dwelling Units	P	P	P	P
	(B. was added on the adoption of Ordinance No 255 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)				
C.	Accessory Uses	P	P	P	P
D.	Home Occupations	P	P	P	P
E.	Community Services				
	1. Parks	P	P	P	P
	2. Publicly Owned Recreation Facilities	C	C	C	C
	3. Libraries	C	C	C	C
	4. Utility Substations	C	C	C	C
	5. Public or Private Schools	C	C	C	P
	6. Child Care Facilities	P	P	P	P
	7. Day Care Facilities	C	C	C	C
	8. <u>Churches/Religious Institutions/Places of Worship</u>	C	C	C	C
F.	Residential Care Homes	P	P	P	P
G.	Nursing Homes	X	X	C	P
H.	Bed and Breakfast Inns	X	X	C	C
I.	Motels and Hotels	X	X	X	C
J.	Professional Offices	X	X	X	C
K.	Rooming and Boarding Houses	X	X	C	P
L.	Beauty and Barber Shops	X	X	X	C
M.	Colleges and Universities	C	C	C	C
N.	Hospitals	X	X	X	P
O.	Membership Organizations	X	X	X	p
P.	Museums	X	X	X	P
Q.	Condominiums	X	P	P	P
R.	Hostels	X	X	X	C
S.	Golf Courses	C	C	C	X
T.	Recreational Vehicle Parks	X	X	X	C
U.	Necessary Public Utilities and Public Service Uses or Structures	C	C	C	C
V.	Residential Facility*	X	X	P	P
W.	Movies Theaters**	X	X	X	C
X.	Assisted Living Facilities***	X	C	P	P
Y.	Bicycle Shop****	X	X	X	C

*Staff: Change is being made such that the City is using consistent terminology.*

*(Section 14.03.050 was amended by Ordinance No. 2144, adopted on May 6, 2019; effective May 7, 2019.)*

#### 14.03.060 Commercial and Industrial Districts.

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

*\* Added by Ordinance No. 1622 (10-7-91).*

*\*\* Added by Ordinance No. 1680 (8-2-93).*

*\*\*\* Added by Ordinance No. 1759 (1-21-97).*

*\*\*\*\* Added by Ordinance No. 1861 (10-6-03).*

*\*\*\*\*\* Amended by Ordinance No. 1989 (1-1-10).*

- A. Application of Use Categories. Uses are to be assigned to the category whose “Characteristics” most closely describe the nature of the primary use. Developments may have more than one primary use. “Use Examples” are provided for each use category. The names of uses on the list are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description on the Retail Sales and Service category.
- B. Interpretation. When a use’s category is not clearly identifiable, the Community Development Director shall determine the applicable use category under a Type I decision-making process as provided by [Section 14.52](#). The following factors are to be considered to determine what use category the use is in, and whether or not the activities constitute a primary use.
1. The description of the activity(ies) in relationship the characteristics of each use category;
  2. The relative amount of site or floor space and equipment devoted to the activity;
  3. Relative amount of sales from each activity;
  4. The customer type for each activity;
  5. The relative number of employees for each activity;

6. Hours of operation;
  7. Building and site arrangement;
  8. Vehicles used with the activity;
  9. The relative number of vehicle trips generated by the activity;
  10. Signs;
  11. How the use advertises itself; and
  12. Whether the activity would function independently of other activities on the site;
- C. Commercial Use Categories
1. Office
    - a. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Traffic is primarily from employees with limited customer interactions.
    - b. Examples. Examples include financial businesses such as lenders, brokerage houses, bank headquarters; data processing; headquarters for professional service firms (lawyers, accountants, engineers, architects, etc.), sales offices; government offices; public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.
    - c. Exceptions.
      - i. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
      - ii. Contractors and others who perform construction or similar services off-site are

included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

## 2. Retail Sales and Service

- a. **Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- b. **Examples.** Examples include uses from the four subgroups listed below:
  - i. **Sales-oriented, general retail:** Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, books, clothing, dry goods, electronic equipment, fabric, fuel, gifts, groceries, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales. Sales oriented general retail includes the service but not repair of vehicles.
  - ii. **Sales-oriented, bulk retail:** Stores selling large consumer home and business goods, including appliances, furniture, hardware, home improvements, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
  - iii. **Personal service-oriented:** Branch banks; urgency medical care; Laundromats; photographic studios; photocopy and blueprint services; printing, publishing and lithography; hair, tanning, and personal care services; tax preparers, accountants, engineers, architects, real estate agents, legal, financial services; art studios; art, dance, music, martial arts, and other recreational or cultural classes/schools; hotels (non-transient); motels (non-transient); taxidermists; mortuaries; veterinarians; kennels

limited to boarding and training with no breeding; and animal grooming.

*(Amended by Ordinance No. 2142 (11-14-18).)*

iv. Entertainment-oriented: Restaurants (sit-down and drive through); cafes; delicatessens; taverns and bars; hotels (transient), motels (transient), recreational vehicles, and other temporary lodging with an average length of stay less than 30 days; athletic, exercise and health clubs or gyms; bowling alleys, skating rinks, game arcades; pool halls; dance halls, studios, and schools; theaters; indoor firing ranges, miniature golf facilities, golf courses, and driving ranges.

*(Amended by Ordinance No. 2142 (11-14-18).)*

v. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

c. Exceptions.

i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

ii. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.

iii. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

iv. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

v. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.

vi. Camping for a fee is limited to Recreation Vehicle Parks or public zoned property where as identified in a city or state parks master plan.

vii. Recreational Vehicle Parks are subject to the standards set forth in Section 14.06.060.

viii. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as a Recreational Vehicle Park.

*Staff: Clarifies that camping for a fee is limited to Recreational Vehicle Parks and public parks where identified in a city or state parks master plan. This codifies existing practice. The only camping area inside the City limits is located in South Beach State Park.*

### 3. Major Event Entertainment

a. Characteristics. Major Event Entertainment uses are characterized by spectator or participatory entertainment and recreational activities, either indoors or outdoors, that draw large numbers of people to specific events or shows.

b. Examples. Examples include fairgrounds, sports complexes, ball fields, exhibition and meeting areas, coliseums or stadiums, equestrian centers and animal arenas, outdoor amphitheaters and theme or water parks.

c. Exceptions.

i. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Sales Oriented Retail Sales or Service.

ii. Banquet halls that are part of hotels or restaurants are accessory to those uses.

### 4. Self-Service Storage

a. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business

uses. The storage areas are designed to allow private access by the tenant for storing personal property.

- b. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini warehouses.
- c. Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

#### 5. Vehicle Repair

- a. Characteristics. Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- b. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- c. Exceptions.
  - i. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

#### 6. Parking Facility

- a. Characteristics. Parking facilities provide parking for vehicles as the primary use. The Parking Facility use category does not include parking that is required for a primary use. A fee may or may not be charged to park at a facility.
- b. Examples. Short and long term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and park-and-ride lots.

c. Exceptions.

- i. Required parking that is accessory to a use is not considered a Parking Facility.

D. Industrial Use Categories

1. Contractors and Industrial Service

a. Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

b. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

c. Exceptions.

- i. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.

- ii. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

## 2. Manufacturing and Production

a. Characteristics. Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. Manufacturing and production activities within heavy commercial or light industrial areas are those that do not produce excessive noise, dust, vibration, or fumes.

b. Examples. Examples include uses from the two subgroups listed below:

- i. Light Manufacturing: Industrial uses that do not generate excessive noise, dust, vibration or fumes, such that they can be located near residential and commercial zones without creating nuisance impacts. Uses include processing of food and related products where the materials and processing activities are wholly contained within a structure, such as bakery products, canned and preserved fruits and vegetables, sugar and confectionary products, and beverages; catering establishments; breweries, distilleries, and wineries; manufacture of apparel or other fabricated products made from textiles, leather or similar materials; woodworking, including furniture and cabinet making; fabrication of metal products and fixtures; manufacture or assembly of machinery, equipment, or instruments, including industrial, commercial, and transportation equipment, household items, precision items, photographic, medical and optical goods, artwork, jewelry, and toys;

manufacture of glass, glassware, and pressed or blown glass; pottery and related products; printing, publishing and lithography production; sign making; and movie production facilities.

ii. Heavy Manufacturing: Industrial uses that should not be located near residential areas due to noise, dust, vibration or fumes that may be generated by the activities. Uses include processing of food and related products where some portion of the materials are stored or processed outdoors, such as dairies, slaughter houses, or feed lots; leather tanning and finishing; weaving or production of textiles; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemicals, rubber, structural clay, concrete, gypsum, plaster, bone, plastic, or stone products; primary metal industries including blast furnaces, foundries, smelting, and rolling and finishing of metal products; production and refinement of fossil fuels; concrete batching; and asphalt mixing; and manufacturing of prefabricated structures, including mobile homes.

c. Exceptions.

i. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.

ii. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

### 3. Warehouse, Freight Movement, and Distribution

a. Characteristics. Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

b. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

c. **Exceptions.**

i. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste and Recycling Related uses.

ii. Mini-warehouses are classified as Self-Service Storage uses.

#### 5. Waste and Recycling Related

a. **Characteristics.** Uses that receive solid or liquid wastes from others for disposal on the site or transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the decomposition of organic material. Waste related uses also include uses that receive hazardous wastes from others.

b. **Examples.** Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous waste collection sites.

c. **Exceptions.**

i. Disposal of clean fill, as defined in OAR 340-093-0030, is considered fill, not a Waste and Recycling Related use.

ii. Sewer pipes that serve a development are considered a Basic Utility.

#### 6. Wholesale Sales

- a. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- b. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- c. Exceptions.
  - i. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
  - ii. Firms that engage in sales on a membership basis are classified as consideration of characteristics of the use.
  - iii. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

#### 1. Mining

- a. Characteristics. Include mining or extraction of mineral or aggregate resources from the ground for off-site use.
- b. Examples. Examples include sand and gravel extraction, excavation of rock, and mining of non-metallic minerals.
- c. Exceptions.

- i. All other forms of mining or extraction of earth materials are prohibited.

## **E. Institutional and Civic Use Categories**

### **1. Basic Utilities and Roads**

- a. **Characteristics.** Basic utilities and Roads are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility and Road uses generally do not have regular employees at the site. Services may be public or privately provided.
- b. **Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control devices. Water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; bus stops or turnarounds; local, collector and arterial roadways; and highway maintenance.
- c. **Exceptions.**
  - i. Services where people are generally present, other than bus stops or turnarounds, are classified as Community Services or Offices.
  - ii. Utility offices where employees or customers are generally present are classified as Offices.
  - iii. Bus barns are classified as Warehouse and freight movement.
  - iv. Public or private passageways, including easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Utility Corridors.

### **2. Utility, Road and Transit Corridors**

- a. **Characteristics.** Utility, Road and Transit Corridors include public or private passageways, including

easements for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or similar services on a regional level. This category includes new or expanded regional roadways, and tracks and lines for the movement of trains.

- b. Examples. Examples include highways, rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.
- c. Exceptions.
  - i. Highways, rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.

### 3. Community Services

- a. Characteristics. Public, non-profit or charitable organizations that provide local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. Services are ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join. Uses may include shelter or housing for periods of less than one month when operated by a public or non-profit agency. Uses may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- b. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, religious institutions/places of worship, fire and ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, soup kitchens, and surplus food distribution centers.

*Staff: Religious institutions/places of worship fit the characteristics and are treated as a community service use. This change simply adds them as an example for clarity.*

c. Exceptions.

- i. Private lodges, clubs, and private commercial athletic or health clubs are classified as Entertainment and Recreation. Commercial museums (such as a wax museum) are in Retail Sales and Service.

4. Daycare

- a. Characteristics. Daycare use includes day or evening care of more than 12 children under the age of 13 outside of the children's homes, with or without compensation. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- b. Examples. Pre-schools, nursery schools, latch key programs, and adult daycare programs.

c. Exceptions.

- i. Daycare use does not include care given by a "Child Care Facility" as defined by ORS 657A.250 if the care is given to 12 or fewer children at any one time including the children of the provider. Child care facilities are located in the provider's home and are permitted as a home occupation in non-residential districts.

5. Educational Institutions

- a. Characteristics. Educational Institutions provide educational instruction to students. This category includes schools, colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree, and public and private schools at the primary, elementary, middle, junior, high, or high school level that provide state-mandated basic education. This category also includes trade schools and vocational schools that provide on-site training of trade skills.
- b. Examples. Types of uses include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, public and private daytime schools,

boarding schools, military academies, and trade/vocational schools.

c. Exceptions.

i. Preschools are classified as Daycare facilities.

6. Hospitals

a. Characteristics. Hospitals provide medical and surgical diagnosis and care to patients and offer overnight care. Hospitals tend to be on multiple blocks or in campus settings.

b. Examples. Examples include hospitals and medical complexes that include hospitals or emergency care facilities.

c. Exceptions.

i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are "Residential Facilities" and permitted in R-3 and R-4 zoning districts.

ii. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

7. Courts, Jails, and Detention Facilities

a. Characteristics. Includes facilities designed to try, detain or incarcerate persons while being processed for arrest or detention by law enforcement. Inmates or detainees are under 24-hour supervision by sworn officers.

b. Examples. Examples include courts, prisons, jails, probation centers, juvenile detention homes.

c. Exceptions.

i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of

the program, are "Residential Facilities" and permitted in R-3 and R-4 zoning districts.

- ii. Programs that provide transitional living experience for former offenders, such as halfway houses, where sworn officers do not supervise residents, are also "Residential Facilities" and permitted in R-3 and R-4 zoning districts.

8. Communication Facilities

- a. Characteristics. Includes facilities designed to provide signals or messages through the use of electronic and telephone devices. Includes all equipment, machinery, structures (e.g. towers) or supporting elements necessary to produce signals.
- b. Examples. Examples include broadcast towers, communication/cell towers, and point to point microwave towers.
- c. Exceptions.
  - i. Receive only antennae are not included in this category.
  - ii. Radio and television studios are classified in the Office category.
  - iii. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

14.03.070 Commercial and Industrial Uses.

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

"P" = Permitted uses.

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

"X" = Not allowed.

		C-1	C-2*	C-3	I-1	I-2	I-3
1.	Office	P	X	P	P	P	X

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

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	Detention Facilities						
19.	Mining						
	a. Sand & Gravel	X	X	X	X	C	P
	b. Crushed Rock	X	X	X	X	X	P
	c. Non-Metallic Minerals	X	X	X	X	C	P
	d. All Others	X	X	X	X	X	X
20.	Communication Facilities	P	X	P	P	P	P
21.	Residences on Floors Other than Street Grade	P	P*	P	X	X	X

*\*Uses in excess of 2,000 square feet of gross floor area are Conditional Uses within the Historic Nye Beach Design Review District. Residential Uses within the Historic Nye Beach Design Review District are subject to limitations as set forth in NMC Chapter 14.30.*

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

#### 14.03.080 Water-dependent and Water-related Uses.

The following list sets forth the uses allowed with the water-dependent and water-related land use classifications. Uses not identified herein are not allowed.

"P" = Permitted uses.

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

"X" = Not allowed.

		W-1	W-2
1.	Aquaculture	P	P
2.	Boat Rentals, Sport Fishing and Charter Boat Services	P	P
3.	Docks, Wharves, Piers	P	P
4.	Dry Dock, Boat Repair, Marine Service, and Marine Railway Facilities	P	P
5.	Fuel Facilities for Boats or Ships	P	P
6.	Marinas and Port Facilities	P	P
7.	Seafood Processing and Packaging Plants	P	P
8.	Terminal Facilities for Loading and Unloading Ships and Barges	P	P
9.	Marine Research and Education Facilities of Observation, Sampling, Recording, or Experimentation on or Near the Water	P	P
10.	Ice Production and Sales, Refrigeration Repair, and Cold Storage to Serve the Seafood Industry	C	P
11.	Boat Building and Marine Equipment Manufacture	C	P
12.	Parking Lots	C	P

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13.	Warehouses	C	P
14.	Uses Allowed in the Adjacent Estuarine Management Unit	C	P
15.	Water-dependent Uses That Meet the Intent of the W-1 District	C	P
16.	Bait, Tackle, and Sporting Goods Stores Specializing in Water-related Merchandise	X	P
17.	Seafood Markets	X	P
18.	Uses Permitted Outright in a C-2 District	X	C
19.	Manufacturing in Conjunction with Uses X C Permitted Outright in a C-2 District	X	C
20.	Offices Not On the Ground Floor of an Existing Building	X	C
21.	Residences on Floors Other than Street Grade	X	C

*(Sections 14.03.070 and 14.03.080 adopted by Ordinance No. 2125, adopted on December 4, 2017; effective January 3, 2018.)*

#### 14.03.090 Uses in State Park Master Plans.

\* Where the W-1 and/or W-2 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design standards in the master plan and with other applicable standards.

#### 14.03.100 Public Uses

. The following list sets forth the uses allowed within the public land use classification. Uses not identified herein are not allowed.

"P" = Permitted Uses.

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

"X" = Not allowed.

		P-1	P2	P-3
1.	Public Parks	P	P	P
2.	Public Open Space	P	P	P
3.	Public Schools, Colleges, or Universities	P	X	X
4.	Any Building or Structure Erected by a Governmental Entity	P	X	X
5.	Community Buildings	P	X	X
6.	Fairgrounds	P	X	X

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7.	Public Cemeteries	P	P	X
8.	Water & Wastewater Treatment Plants	P	X	X
9.	Performing Arts Centers	P	X	X
10.	Visual Arts Centers	P	X	X
11.	Senior Centers	P	X	X
12.	Airport and Accessory Structures	P	X	X
13.	Public Golf Courses	P	P	X
14.	City Halls	P	X	X
15.	County Courthouses	P	X	X
16.	Jails and Juvenile Detention Facilities	P	X	X
17.	City or County Maintenance Facilities	P	X	X
18.	Publicly Owned Recreational Vehicle Parks	C	C	X
19.	Public Museums	P	X	X
20.	Public Restrooms	P	P	X
21.	Recreation Equipment	P	P	X
22.	Post Office	P	X	X
23.	Parking Lots	P	P	X
24.	Public Hospitals	P	X	X
25.	Trails, paths, bike paths, walkways, etc.	P	P	P
26.	Water Storage Facilities	P	X	X
27.	Public Libraries	P	X	X
28.	Fire Stations	P	X	X
29.	Police Stations	P	X	X
30.	Accessory Structures for Any of the Above	P	P	P

*\*Added by Ordinance No. 1858 (9-2-03).*

#### 14.03.110 Uses in State Park Master Plans.\*

Where the P-1, P-2, and/or P-3 zones are applied to properties that are owned or managed by the Oregon Parks and Recreation Department within a state park with a master plan that has been approved by the City of Newport, only those uses that are consistent with the city's approval of the master plan are permitted. Such uses are permitted through the applicable development review procedures set forth in this ordinance provided that the uses comply with the design standards in the master plan and with other applicable standards.

*\*Added by Ordinance No. 1858 (9-2-03).*

(Deleted language shown in ~~strikethrough~~ and language to be added is depicted with a double underline. Staff comments are in *italics*.)

## 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.

February 10, 2020 Mark-up Copy of Amendments to NMC Chapter 14.06, Manufactured Dwellings and Recreational Vehicles

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.~~

1. A manufactured dwelling or recreational vehicle park; or

2. A local or state park where authorized in an adopted parks master plan; or

3. A property where the recreational vehicle is authorized as temporary living quarters pursuant to Chapter 14.09; or

4. An area where camping is permitted pursuant to Section 9.50.050(A)(2) through 9.50.050(A)(4).

B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.

C. It shall be unlawful for any person occupying or using any recreational vehicle within the City of Newport to discharge wastewater unless connected to a public sewer or an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.

*Staff: This change identifies circumstances where a Recreational Vehicle can be occupied as a place of habitation within the city limits.*

*(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 or I-2 zone district, and conditionally if publicly owned in the

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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, ~~and 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:

*Staff: Recreational Vehicle Parks are defined in Chapter 14.03 as an entertainment-oriented, retail sales and service commercial use. That type of use is conditional in I-2 zone districts, and this change is intended to ensure that the two chapters are consistent.*

- 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.

 **Recreational vehicles and park model recreational vehicles** (/ODOT/Get-Involved/OAR%20012020/DMV\_28-2019TC.pdf)

This rulemaking implements SB 410 and HB 2333, making the following changes: DMV adopted OAR 735-022-0140 to further define recreational vehicle (including park model recreational vehicles), OAR 735-022-0150 to outline the process of obtaining an Oregon title for a park model recreational vehicle, and OAR 735-020-0090 to require the owner of a recreational vehicle being converted into a structure to surrender the vehicle's title and registration, if applicable, to the department for cancellation.

**Rules adopted:** 735-020-0090, 735-022-0140, 735-022-0150

**Date filed:** December 17, 2019

**Effective date:** January 1, 2020

OFFICE OF THE SECRETARY OF STATE  
 BEV CLARNO  
 SECRETARY OF STATE  
 A. RICHARD VIAL  
 DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION  
 STEPHANIE CLARK  
 DIRECTOR  
 800 SUMMER STREET NE  
 SALEM, OR 97310  
 503-373-0701

## PERMANENT ADMINISTRATIVE ORDER

### DMV 28-2019

CHAPTER 735  
 DEPARTMENT OF TRANSPORTATION  
 DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**

12/17/2019 10:52 AM  
 ARCHIVES DIVISION  
 SECRETARY OF STATE  
 & LEGISLATIVE COUNSEL

FILING CAPTION: Adopting rules on recreational vehicles and park model recreational vehicles to implement legislation

EFFECTIVE DATE: 01/01/2020

AGENCY APPROVED DATE: 12/16/2019

CONTACT: Ty Yoder	DMV Vehicle Programs	Filed By:
503-945-5256	1905 Lana Ave NE	Lauri Kunze
ty.m.yoder@odot.state.or.us	Salem, OR 97314	Rules Coordinator

#### RULES:

735-020-0090, 735-022-0140, 735-022-0150

ADOPT: 735-020-0090

NOTICE FILED DATE: 10/29/2019

RULE SUMMARY: DMV adopted OAR 735-020-0090 as a result of the passage of HB 2333 (chapter 585, Oregon laws 2019). The bill requires the owner of a recreational vehicle being converted into a structure to surrender the vehicle's title and registration, if applicable, to the department for cancellation. The rule outlines the procedure.

#### CHANGES TO RULE:

#### 735-020-0090

##### Recreational Vehicle Conversion

- (1) In accordance with Oregon Laws 2019, chapter 585, section 4, DMV will cancel the title and, if applicable, the registration of a recreational vehicle that is being converted to use as a structure when the registered owner:
- (a) Provides a certification to DMV that the vehicle is being converted into a structure;
  - (b) Surrenders the current certificate of title; and
  - (c) If applicable, surrenders the registration card and registration plates.
- (2) If the registered owner is unable to surrender the certificate of title, registration card or the registration plates as required under section (1) of this rule because the certificate of title, registration card or registration plates are lost or stolen, the registered owner may provide a signed statement stating the reason why they are unable to surrender the certificate of title, registration card or plates.
- (3) A person who is not the registered owner of a recreational vehicle as listed in DMV records may surrender the title and registration for cancellation in accordance with Oregon Laws 2019, chapter 585, section 4 when the person:
- (a) Provides proof satisfactory to DMV that the person is the owner of the recreational vehicle. Proof DMV may consider includes a valid certificate of title with a release of interest shown on the Oregon title, a bill of sale or other ownership document as described in OAR 735-022-0000;

(b) Provides a certification to DMV that the vehicle is being converted into a structure.¶¶

(c) Surrenders the current certificate of title; and¶¶

(d) If applicable, surrenders the registration card and registration plates.¶¶

(4) If the person is unable to surrender the certificate of title, registration card or the registration plates as required under section (3) of this rule because the certificate of title, registration card or registration plates are lost or stolen, the person may provide a signed statement stating the reason why they are unable to surrender the certificate of title, registration card or plates.¶¶

(5) If DMV is notified that a recreational vehicle has been converted to use as a structure, as defined in Oregon Laws 2019, chapter 585, section 4, and the registered owner has not surrendered the title and registration to DMV for cancellation, DMV will send a letter to the registered owner that requires the registered owner to submit a statement that the vehicle has not been converted to use as a structure, or surrender the title and any registration issued to DMV for cancellation within 30 days from the date of the letter.¶¶

(6) DMV will send the registered owner a notice of cancellation in accordance with ORS 809.090, if the registered owner does not submit a statement that the vehicle has not been converted to use as a structure, or surrender the title and any registration issued to DMV for cancellation within the 30 days provided under section (5) of this rule.

Statutory/Other Authority: ORS 184.619, 802.010, Oregon Laws 2019, Chapter 585

Statutes/Other Implemented: Oregon Laws 2019, Chapter 585

ADOPT: 735-022-0140

NOTICE FILED DATE: 10/29/2019

RULE SUMMARY: As a result of the passage of SB 410 (chapter 422, Oregon laws 2019) and HB 2333 (chapter 585, Oregon laws 2019), DMV has adopted OAR 735-022-0140 to further define "recreational vehicle" (including park model recreational vehicles) in addition to other terms related to recreational vehicles.

CHANGES TO RULE:

735-022-0140

Definitions

The following definitions apply to terms used in OAR 735-022-150 and are in addition to the definitions found in Oregon Laws 2019, chapter 422, section 25 and Oregon Laws 2019, chapter 585, section 2:

(1) "ANSI" means the American National Standards Institute.

(2) "Builder" means a person, who is not a manufacturer, who assembled a recreational vehicle.

(3) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services.

(4) "NFPA" means the National Fire Protection Association.

(5) "Park model recreational vehicle" or "PMRV" means a recreational vehicle that:

(a) Is designed for use as a temporary living quarters;

(b) Is built on a single chassis mounted on wheels;

(c) Has a gross trailer area that does not exceed 400 square feet;

(d) Is more than eight and one-half feet wide; and

(e) Is certified by the manufacturer or builder, or the applicant if the PMRV is not new and no manufacturer or builder certification is available, as complying with the version of the ANSI A119.5 standard for the construction of park model recreational vehicles that was in effect at the time of manufacture.

(6) "Recreational Vehicle" means a vehicle with or without motive power that is designed for use as temporary living quarters, to be easily transported and set up on a daily basis and is any one of the following:

(a) A vehicle that is eight and one-half feet wide or less and is certified by the manufacturer or builder as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that was in effect at the time of manufacture;

(b) A vehicle that is eight and one-half feet wide or less and is certified by the applicant as complying with the applicable version of the NFPA 1192 or 501C or ANSI A119.2 standards if the vehicle is not new and no manufacturer or builder certification is available, depending on which standards apply to the year of manufacture, for the construction of recreational vehicles that were in effect at the time of manufacture; or

(c) A PMRV as defined in this rule.

Statutory/Other Authority: ORS 184.619, 802.010, Oregon Laws 2019, Chapter 422, Oregon Laws 2019, Chapter 585

Statutes/Other Implemented: Oregon Laws 2019, Chapter 422, Oregon Laws 2019, Chapter 585

ADOPT: 735-022-0150

NOTICE FILED DATE: 10/29/2019

RULE SUMMARY: As a result of the passage of SB 410 (chapter 422, Oregon laws 2019) and HB 2333 (chapter 585, Oregon laws 2019), DMV has adopted OAR 735-022-0150 to outline the process of obtaining an Oregon title for a park model recreational vehicle.

CHANGES TO RULE:

735-022-0150

Titling Park Model Recreational Vehicles

(1) DMV may issue an Oregon title for a PMRV when the applicant meets all of the following requirements:¶

(a) Submits an application for Oregon title that meets the requirements of ORS 803.050;¶

(b) Provides the physical address of the PMRV site;¶

(c) Meets the qualifications for issuance of title under ORS 803.045, including but not limited to, payment of all required fees and submission of evidence of ownership as described in OAR 735-022-0000;¶

(d) Except when an Oregon title was issued for the vehicle on or after January 1, 2020, submits a certification that the PMRV was constructed in compliance with the version of the ANSI A119.5 that was in effect at the time of manufacture. DMV will accept a certification on the following documents:¶

(A) A Manufacturer's Certificate of Origin (MCO), if the PMRV is new;¶

(B) A letter from the Manufacturer;¶

(C) A letter from the builder, if the PMRV is assembled;¶

(D) A completed certification on an Assembled, Reconstructed or Replica Vehicle Certification, Form 735-6511, if the PMRV is assembled; or¶

(E) A completed certification on the application for title, if the PMRV is assembled or not new.¶

(e) Certifies that the PMRV is:¶

(A) More than eight and one-half feet wide; and is either¶

(B) Not permanently affixed to land for use as a permanent dwelling; or¶

(C) Is located within a mobile home park, as defined in ORS 446.003.¶

(f) Complies with any other applicable state and federal laws, rules and regulations related to the titling of vehicles.¶

(2) Nothing in this rule limits DMV's discretion to request or consider other information to establish the PMRV was constructed in compliance with the ANSI A119.5 standard in effect at the time of manufacture.

Statutory/Other Authority: ORS 184.619, 802.010, 803.035, Oregon Laws 2019, Chapter 422, Oregon Laws 2019, Chapter 585

Statutes/Other Implemented: ORS 803.010, 803.035, 803.040, 803.045, 803.092, Oregon Laws 2019, Chapter 422, Oregon Laws 2019, Chapter 585

# Memorandum

To: Planning Commission/Commission Advisory Committee

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

Date: February 7, 2020

Re: Speaker Kotek's Housing and Homelessness Proposal

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Enclosed is an overview of Speaker Kotek's housing and homelessness proposal for the 2020 short session, including the text of the legislation which has been dropped as -1 amendments to HB 4001. The bill had an initial hearing on 2/5/20 and two hearings have been scheduled for next week.

The League of Oregon Cities is working with its members to improve upon aspects of the bill, primarily with respect to the preemption language for the siting of emergency homeless shelters and transitional housing. A carte blanche preemption of all land use regulations, as proposed, could result in unintended outcomes that significantly impact a community. We are working with the Mayor and others to determine what, if any formal feedback the City wants to provide on the proposal. I am bringing it to your attention at this time, because there is a good chance legislation of this nature, in some form, will pass during the short session and it may include provisions requiring cities amend land use regulations in an expedited timeframe to identify locations where shelters and/or transitional housing are permitted as outright uses.

Attachments

Speaker's Housing and Homelessness Proposal Summary Sheet  
-1 amendments to HB 4001

## 2020 Session – Speaker’s Housing and Homelessness Proposal

Policy	Bill Number	Fiscal
Homelessness State of Emergency Expand State Capacity to Assist Local Communities <ul style="list-style-type: none"> <li>- Declare state of emergency to require local jurisdictions to waive land use requirements/expedite siting of low-barrier shelters, authority sunsets 7/1/21</li> <li>- Direct and support Oregon Housing and Community Services to provide more training and technical assistance for shelter capacity</li> <li>- Designate one-time funds to support (1) emergency shelter beds, (2) navigation centers in Salem and Eugene, (3) rapid re-housing services, and (4) public toilets</li> </ul>	HB 4001	\$40 m GF
Rental Assistance Study <ul style="list-style-type: none"> <li>- Study and recommend a framework for a state-funded long-term rental voucher program and possible funding mechanisms (to prepare for 2021 Session)</li> </ul>	HB 4002	\$0.2 m GF
Racial Disparities in Home Ownership Task Force Recommendations <ul style="list-style-type: none"> <li>- Down payment assistance, homeownership IDA match, expanded capacity at OHCS, industry education</li> </ul>	HB 4003	\$5 m GF
Unaccompanied Homeless Youth <ul style="list-style-type: none"> <li>- Strengthen existing service system and assess future needs</li> </ul>	HB 4039	\$2.5 m GF
Fair Housing Enforcement <ul style="list-style-type: none"> <li>- Return HUD fair housing enforcement role to BOLI</li> </ul>	SB 1534	\$0.3 m GF
Affordable Housing Land Acquisition Revolving Loan Program (LAP) <ul style="list-style-type: none"> <li>- Add to revolving loan fund to assist organizations in the purchase of land for the development of affordable housing (fund established in 2017 by HB 2912)</li> </ul>	Budget Request	\$2 m GF
Affordable Housing Construction – LIFT Program (GO bonds)	Capital Request	\$50 m
Affordable Housing Preservation (Lottery bonds)	Capital Request	\$20 m
TOTAL - \$120 million	General Fund GO Bonds Lottery Bonds	\$50m \$50m \$20m

HB 4001-1  
 (LC 283)  
 2/4/20 (RLM/ps)

Requested by Representative KOTEK

**PROPOSED AMENDMENTS TO  
 HOUSE BILL 4001**

1 In line 2 of the printed bill, after “housing;” insert “amending ORS  
 2 446.265 and 458.650;”.

3 After line 2, insert:

4 “Whereas the lack of available housing, high rents and high home prices  
 5 are causing housing instability and homelessness to increase rapidly; and

6 “Whereas higher rates of unsheltered homelessness on the West Coast can  
 7 be attributed to lack of shelter capacity, rising costs of rental housing,  
 8 stagnant incomes for low-wage workers and a decline in federal support for  
 9 affordable housing; and

10 “Whereas more than 64 percent of people experiencing homelessness in  
 11 Oregon are unsheltered; and

12 “Whereas Oregon has the highest rate of unsheltered family homelessness  
 13 in the nation; and

14 “Whereas shelter beds alleviate the acute trauma of unsheltered  
 15 homelessness; and

16 “Whereas urgent and emergency measures are warranted to address this  
 17 crisis; now, therefore,”

18 Delete lines 4 through 7 and insert:

19 **“SECTION 1. Sections 2 and 3 of this 2020 Act and ORS 446.265 are  
 20 added to and made a part of ORS chapter 197.**

21 **“SECTION 2. (1) As used in this section and section 3 of this 2020**

1 Act, 'emergency shelter' means a temporary shelter for individuals  
 2 and families who lack permanent or safe shelter and who cannot be  
 3 placed in other low income housing.

4 “(2) A building acquired, constructed or rehabilitated for use as an  
 5 emergency shelter under an approval granted under section 3 of this  
 6 2020 Act may not be used for any purpose other than an emergency  
 7 shelter except upon application for a permit demonstrating that the  
 8 construction of the building and its use could be approved under cur-  
 9 rent land use laws and local land use regulations.

10 **“SECTION 3. (1) The governing body of a local government shall**  
 11 **approve an application for the development or use of land for an**  
 12 **emergency shelter on any lot or parcel, notwithstanding ORS chapter**  
 13 **195, 197, 197A, 215 or 227 or any statewide plan or any rule of the Land**  
 14 **Conservation and Development Commission or any local land use reg-**  
 15 **ulation, zoning ordinance, regional framework plan, functional plan**  
 16 **or comprehensive plan, if the emergency shelter:**

17 **“(a) Is operated by a nonprofit corporation as defined in ORS 65.001,**  
 18 **including a religious corporation, or a local government as defined in**  
 19 **ORS 174.116; and**

20 **“(b) Includes facilities or space for residents' sleeping and bathing.**

21 **“(2) An emergency shelter approved under this section:**

22 **“(a) May provide on-site for its residents and at no cost to the res-**  
 23 **idents:**

24 **“(A) Storage for personal property;**

25 **“(B) Laundry facilities;**

26 **“(C) Service of food prepared on-site or off-site;**

27 **“(D) Recreation areas for children and pets;**

28 **“(E) Case management services for housing, financial, vocational,**  
 29 **educational or physical or behavioral health care services; or**

30 **“(F) Any other services incidental to shelter.**

1       “(b) May include youth shelters, winter or warming shelters, day  
2 shelters, family violence shelter homes as defined in ORS 409.290 and  
3 transitional housing accommodations within an urban growth bound-  
4 ary as described under ORS 446.265.

5       “(3) The approval of an emergency shelter under this section is not  
6 a land use decision and is subject to review only under ORS 34.010 to  
7 34.100.

8       “SECTION 4. Section 3 of this 2020 Act is repealed on July 1, 2021.

9       “SECTION 5. ORS 446.265 is amended to read:

10       “446.265. (1) Inside an urban growth boundary, a local government may  
11 authorize the establishment of transitional housing accommodations used as  
12 individual living units by one or more individuals. Use of transitional hous-  
13 ing accommodations is limited to [*persons*] **individuals** who lack permanent  
14 or safe shelter and who cannot be placed in other low income housing. A  
15 local government may limit the maximum amount of time that an individual  
16 or a family may use the accommodations.

17       “(2) Transitional housing accommodations are intended to be used by in-  
18 dividuals or families on a limited basis for seasonal, emergency or transi-  
19 tional housing purposes and may include yurts, huts, cabins, fabric  
20 structures, tents and similar accommodations, **as well as areas in parking**  
21 **lots or facilities for individuals or families to reside overnight in a**  
22 **motor vehicle, without regard to whether the motor vehicle was de-**  
23 **signed for use as temporary living quarters.** The transitional housing  
24 accommodations may provide parking facilities, walkways and access to wa-  
25 ter, toilet, shower, laundry, cooking, telephone or other services either  
26 through separate or shared facilities. The Oregon Health Authority may de-  
27 velop public health best practices for shared health and sanitation facilities  
28 for transitional housing accommodations.

29       “(3) Transitional housing accommodations are not subject to ORS chapter  
30 90.

1       “(4) As used in this section, ‘yurt’ means a round, domed tent of canvas  
2 or other weather resistant material, having a rigid framework, wooden floor,  
3 one or more windows or skylights and that may have plumbing, electrical  
4 service or heat.

5       **“SECTION 6. Section 7 of this 2020 Act is added to and made a part  
6 of ORS 458.600 to 458.665.**

7       **“SECTION 7. (1) As used in this section:**

8       **“(a) ‘Low-barrier emergency shelter’ means an emergency shelter,  
9 as defined in section 2 of this 2020 Act, that:**

10       **“(A) Is operated by a nonprofit corporation as defined in ORS 65.001,  
11 including a religious corporation, or a local government as defined in  
12 ORS 174.116;**

13       **“(B) Includes facilities or space for residents’ sleeping and bathing;**

14       **“(C) Does not require its residents to provide identification, to  
15 prove gender identity, to complete background checks, to meet  
16 sobriety standards or to meet any other prerequisite condition except  
17 as necessary to mitigate an immediate risk of danger that residents  
18 pose to themselves or others;**

19       **“(D) Provides shelter for pets, couples, families with children and  
20 unattended children;**

21       **“(E) Provides storage for residents’ personal property; and**

22       **“(F) Offers residents assistance with finding permanent or tempo-  
23 rary housing.**

24       **“(b) ‘Navigation center’ means a low-barrier emergency shelter that  
25 accepts all residents without respect to sex or gender, is open 24 hours  
26 per day and provides intensive case management connecting residents  
27 with public benefits, health services and permanent housing.**

28       **“(2) The Housing and Community Services Department shall award  
29 grants and provide technical assistance to organizations to fund:**

30       **“(a) The construction, purchase or lease of facilities to be used as**

1 low-barrier emergency shelters;

2 “(b) The operation, use or staffing of low-barrier emergency shel-  
3 ters;

4 “(c) The predevelopment planning, construction, purchase or lease  
5 of property used for navigation centers in the Cities of Salem or  
6 Eugene;

7 “(d) Short-term rental assistance for individuals transitioning from  
8 emergency shelters to permanent or temporary housing; or

9 “(e) The development or use of amenities or facilities that provide  
10 no-cost services to individuals who are homeless, including restroom  
11 and hygiene facilities, laundry facilities, dining facilities, storage for  
12 personal property, meeting or gathering spaces and facilities providing  
13 case management services.

14 “(3) In awarding grants and providing technical assistance under  
15 this section, the department shall:

16 “(a) Provide a distribution of funds among different regions of the  
17 state;

18 “(b) Prioritize investment on areas of highest need as identified in  
19 the Oregon Statewide Shelter Study; and

20 “(c) Consider the results and recommendations from the  
21 department’s Oregon Statewide Shelter Study and the policies and re-  
22 quirements for expenditures from the Emergency Housing Account  
23 under ORS 458.650.

24 “SECTION 8. Section 7 of this 2020 Act is repealed on January 2,  
25 2022.

26 “SECTION 9. ORS 458.650 is amended to read:

27 “458.650. (1) The Emergency Housing Account [*shall be*] is administered  
28 by the Housing and Community Services Department to assist homeless per-  
29 sons and those persons who are at risk of becoming homeless. An amount  
30 equal to 25 percent of moneys deposited in the account pursuant to ORS

1 294.187 is dedicated for expenditure for assistance to veterans who are  
 2 homeless or at risk of becoming homeless. For purposes of this section, ‘ac-  
 3 count’ means the Emergency Housing Account.

4 “(2) The Oregon Housing Stability Council, with the advice of the Com-  
 5 munity Action Partnership of Oregon, shall develop policy for awarding  
 6 grants to organizations that shall use the funds:

7 “(a) To provide to low and very low income persons, including but not  
 8 limited to, persons more than 65 years of age, persons with disabilities,  
 9 farmworkers and Native Americans:

10 “(A) Emergency shelters and attendant services;

11 “(B) Transitional housing services designed to assist persons to make the  
 12 transition from homelessness to permanent housing and economic independ-  
 13 ence;

14 “(C) Supportive housing services to enable persons to continue living in  
 15 their own homes or to provide in-home services for such persons for whom  
 16 suitable programs do not exist in their geographic area;

17 “(D) Programs that provide emergency payment of home payments, rents  
 18 or utilities; or

19 “(E) Some or all of the needs described in subparagraphs (A) to (D) of this  
 20 paragraph.

21 “(b) To align with federal strategies and resources that are available to  
 22 prevent and end homelessness.

23 “(3)(a) The council shall require as a condition of awarding a grant that  
 24 the organization demonstrate to the satisfaction of the council that the or-  
 25 ganization has the capacity to deliver any service proposed by the organiza-  
 26 tion.

27 “(b) Any funds granted under this section [*shall*] **may** not be used to re-  
 28 place existing funds. Funds granted under this section may be used to sup-  
 29 plement existing funds. An organization may use funds to support existing  
 30 programs or to establish new programs.

1       “(c) The council, by policy, shall give preference in granting funds to  
2 those organizations that receive grants from the Housing Development Grant  
3 Program established under ORS 458.625.

4       “(4) The department may expend funds from the account for:

5       “(a) The administration of the account as provided for in the legislatively  
6 approved budget, as that term is defined in ORS 291.002, for the department.

7       “(b) **The development of technical assistance and training resources**  
8 **for organizations developing and operating emergency shelters as de-**  
9 **defined in section 2 of this 2020 Act and transitional housing accommo-**  
10 **datations as described under ORS 446.265.**

11       “SECTION 10. In addition to and not in lieu of any other appropri-  
12 ation, there is appropriated to the Housing and Community Services  
13 Department, for the biennium ending June 31, 2021, out of the General  
14 Fund, the amount of \$40,000,000, to award grants and provide technical  
15 assistance under section 7 of this 2020 Act.”.

16       In line 8, delete “2” and insert “11”.

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# Tentative Planning Commission Work Program

*(Scheduling and timing of agenda items is subject to change)*



January 13, 2020

Work Session

- Review FY 20/2021 goal setting schedule and updated work program
- Review “ex parte” disclosure requirements

January 13, 2020

Regular Session

- Appointment of officers
- File No. 1-V-19 front yard setback variance request at 1515 – 1535 NW Spring Street

January 27, 2020

Work Session

- FY 2020/2021 goal setting discussion
- Discuss potential amendments related to car camping (Homelessness Taskforce recommendation)
- Final review of draft amendments to the Sewer Facilities Element of the Comprehensive Plan

January 27, 2020

Regular Session

- Adopt Final Order & Findings for Variance File No. 1-V-19
- Initiate legislative amendments to the Sewer Facilities Element of the Comprehensive Plan

February 10, 2020

Work Session

- Review and potentially initiate amendments related to car camping
- Review Speaker Kotek’s Housing and Homelessness Proposals (HB 4001)
- Finalize FY 20/21 Goals

February 24, 2020

Work Session

- Review updated set of Tsunami Hazard Overlay Zone Amendments / Hazard Mitigation Plan
- Amendments to the Stormwater Facilities Element of the Comprehensive Plan

March 9, 2020

Work Session

- Scope and parameters for any needed updates to the Nye Beach Overlay (report to Council)
- Discuss Transportation System Plan (TSP) materials & spring outreach (Firm)

March 9, 2020

Regular Session

- Placeholder for Conditional Use Permit hearing for Newport Basics (former Apollos Site)
- Hearing on File No. 3-CP-18 Amendments to Sewer Facilities Element of the Comprehensive Plan

# Tentative Planning Commission Work Program

*(Scheduling and timing of agenda items is subject to change)*



## March 23, 2020 Regular Session

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- Hearing on amendments related to car camping
- Placeholder for Nye Beach Design Review hearing on Whaler Motel expansion

## April 13, 2020 Work Session

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- Initial review of any targeted amendments to the Nye Beach Design Review Overlay
- Review updated draft amendments related to tiny homes and MFDs on individual lots

## April 13, 2020 Regular Session

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- Placeholder for hearing on tsunami hazard overlay zone amendments
- Hearing on amendments to the Stormwater Facilities Element of the Comprehensive Plan

## April 27, 2020 Work Session

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- Reserve for TSP Workshops

## April 27, 2020 Regular Session

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- Reserve for TSP Workshops

## May 11, 2020 Work Session

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- Review scope of work for South Beach US 101 Corridor Refinement Plan
- Discuss framework for US 101/20 commercial core area land use changes (informed by April 2020 TSP workshops)

## May 11, 2020 Regular Session

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- Placeholder for hearing on Wilder PD amendment for OSU student housing

## May 26, 2020 Regular Session

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- Placeholder for hearing on targeted amendments to Nye Beach Design Review Overlay
- Discussion Item: Review Oregon Administrative Rules for UGB amendments

## June 8, 2020 Work Session

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- Review for implementing HB 2001 provisions related to additional density in R-1/R-2 zones
- Recommendations for distribution of Affordable Housing CET funds (from committee)
- Review draft amendments to NMC Chapter 14.14, Parking, Loading, Access Requirements (implementing Parking Management Plan recommendations)

## June 8, 2020 Regular Session

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- Placeholder for hearing on amendments related to tiny homes and MFDs

## June 22, 2020 Work Session

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- Placeholder for refined review of framework for low interest business facade improvement loan/grant program for commercial core areas
- Review draft land use changes for US 101/20 commercial core areas

## June 22, 2020 Regular Session

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- TBD