



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/16/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newport Plan Amendment
DLCD File Number 004-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, September 30, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Derrick Tokos, City of Newport
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	SEP 11 2013
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Newport**

Local file number: **2-Z-13**

Date of Adoption: **9/3/2013**

Date Mailed: **9/9/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 7/1/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Revision to Chapter 14.6 of the Newport Municipal Code to replace fixed minimum lot size and minimum acreage requirements for manufactured dwelling parks with maximum density and minimum common open space benchmarks. The changes should make it easier for manufactured dwelling parks to provide space for smaller units such as park models or recreational vehicles. The amendments also clarify that recreational vehicles may be used as a place of habitation within manufactured dwelling or RV parks.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 004-13 (19908) [17605]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None.

Local Contact: **Derrick I. Tokos, AICP**

Phone: **(541) 574-0626** Extension:

Address: **169 SW Coast Highway**

Fax Number: **541-574-64**

City: **Newport**

Zip: **97365-**

E-mail Address: **d.tokos@newportoregon.gov**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

CITY OF NEWPORT

ORDINANCE NO. 2059

AN ORDINANCE AMENDING CHAPTER 14.6 OF THE NEWPORT ZONING CODE,
RELATING TO MANUFACTURED DWELLING PARKS AND RECREATIONAL
VEHICLES, ORIGINALLY ADOPTED BY ORDINANCE NO. 1308.

Findings:

1. On June 24, 2013 the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance to make it easier for park models and other types of recreational vehicles to be used as a place of habitation within manufactured dwelling parks. The revisions also clarify that, within the city limits, recreational vehicles may be used as a place of habitation within manufactured dwelling and recreational vehicle parks.
2. With Policy 8, Goal 2 of the Housing Element of the Newport Comprehensive Plan, adopted July of 2011 (Ordinance No. 2015), the City of Newport committed to undertaking a review of its Zoning Ordinance to allow and encourage "park model" recreational vehicles as a viable housing type. The proposed amendments implement this Comprehensive Plan Policy direction. No other Newport Comprehensive Plan Policies apply to these amendments.
3. The Newport Planning Commission conducted such review at work sessions on May 28, 2013 and June 24, 2013 and determined that the minimum lot size standards, maximum density limitations, and minimum acreage requirements currently in place for manufactured dwelling parks prevent park models from being a viable housing option. The Commission further determined that language in the ordinance dealing with the storage and use of recreational vehicles could be read to prevent them from being used as a place of habitation within manufactured dwelling and recreational vehicle parks, which would be inconsistent with the requirements of ORS 197.493.
4. The Planning Commission considered whether or not the Newport Zoning Ordinance should be amended to allow park models outside of manufactured dwelling parks and recreational vehicle parks and determined that it would be inappropriate to do so at this time. At 400 square feet in size, a park model unit is relatively small, and the Commission was concerned about compatibility of the units in established residential neighborhoods. Further the Commission felt that more time is needed to see how the units hold up given that they are constructed to recreational vehicle codes as opposed to the Oregon Residential Specialty Code or Federal Manufactured Home Construction Safety Standards.
5. The Newport Planning Commission held a public hearing on August 12, 2013 and voted to recommend adoption of amendments to address the shortcomings of the Newport Zoning Ordinance noted above.
6. The City Council held a public hearing on September 3, 2013 regarding the question of the proposed revisions and voted in favor of their adoption after considering the recommendation

of the Planning Commission and evidence and argument in the record.

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

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are hereby adopted as support for the Newport Zoning Ordinance amendments, below.

Section 2. Newport Municipal Code 14.06.040, Manufactured Dwelling Parks, is repealed and replaced in its entirety with the following language:

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.

Section 3. Municipal Code 14.06.050, Recreational Vehicles: General Provisions, is repealed and replaced in its entirety with the following language:

14.06.050 Recreational Vehicles: General Provisions.

A. Recreational vehicles may be stored on property within the City of Newport provided they are not used as a place of habitation while so stored unless the recreational vehicle is located within a manufactured dwelling park or recreational vehicle park, or is authorized as a temporary living quarters pursuant to NMC Chapter 14.9.

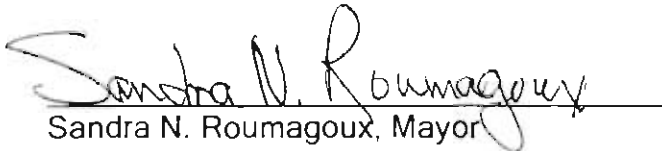
B. Removal of the wheels or placement of a recreational vehicle on a permanent or temporary foundation shall not change the essential character of any recreational vehicle or change the requirements of this section.

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

Section 4. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: September 3, 2013

Signed by the Mayor on September 4, 2013.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder



DEPT OF

SEP 11 2013

LAND CONSERVATION
AND DEVELOPMENT



City of Newport
169 SW Coast Hwy
Newport, OR 97365

TO

DLCD
ATTN: PLAN AMENDMENT SPECIALIST
635 CAPITOL STREET NE STE 150
SALEM OR 97301-2540