



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

11/12/2010

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 004-10

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: Friday, November 26, 2010

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
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-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	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	NOV 05 2010
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Newport**Local file number: **2-Z-10**Date of Adoption: **11/1/10**Date Mailed: **11/4/10**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 7/13/10☐ 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".

Amendments to Sections 2-2-1.101, 2-2-26, 2-2-27, and 2-2-28 of the Newport Zoning Ordinance, and Chapters 6.25 and 13.05 of the Newport Municipal Code relating to the placement of manufactured dwellings, recreational vehicles, and construction of manufactured dwelling parks and recreational vehicle parks. Changes are part of a Comprehensive Zoning Code update and are intended to bring the code into compliance with current ORS 197 statutory language.

Does the Adoption differ from proposal? Yes, Please explain below:

Amendments were refined by the Planning Commission considering public testimony and comments from the manufactured housing industry. Criteria for siting manufactured dwellings on lots outside of manufactured dwelling parks were revised to ensure consistency with ORS 197.307(5) and a conditional use process was put in place as an alternative to the fixed standards. City rules for parking RV's have been consolidated under Municipal Code Chapter 6.25 and criteria for subdividing pre-existing manufactured dwelling parks have been added to Chapter 13.05.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **City of Newport**

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
☐	☒	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-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. _____

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

State Department of Consumer and Business Services Development, Building Codes Division

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

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

Address: **169 SW Coast Highway**

Fax Number: **541-574-0644**

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 5 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, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

CITY OF NEWPORT
ORDINANCE NO. 2008

**AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE
(ORDINANCE NO. 1308, AS AMENDED) AND NEWPORT MUNICIPAL CODE
RELATING TO MANUFACTURED DWELLINGS, RECREATIONAL VEHICLES AND
THE CONSTRUCTION OF MANUFACTURED DWELLING
AND RECREATIONAL VEHICLE PARKS**

Findings:

1. The City of Newport Zoning Ordinance (No. 1308, as amended) and Newport Municipal Code contain criteria that regulate the placement of manufactured dwellings, mobile homes, and recreational vehicles on individual lots and within parks inside the corporate limits of the City. These criteria are found in Section 2-2-26 ("Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks"), Section 2-2-27 ("Recreational Vehicles"), Section 2-2-28 ("Trailer Coaches and Trailer Parks"), and Section 2-2-1.101 ("Definitions") of the Ordinance.
2. The City of Newport Planning Commission and its Citizens Advisory Committee completed a comprehensive review of the above Zoning Ordinance sections and determined that amendments are needed to address discrepancies with state law, consolidate language, and eliminate redundant and outdated provisions. They also determined that the City should amend Chapters 6.25 and 13.05 of the Municipal Code to include statutory rules for subdividing preexisting manufactured dwelling parks, and to clarify and improve the enforceability of requirements relating to the parking of recreational vehicles within the City.
3. The Newport Planning Commission and Planning Commission Citizens Advisory Committee reviewed changes to the Zoning Ordinance and Municipal Code (Newport File No. 2-Z-10) at work sessions on June 28, 2010, July 12, 2010 and July 26, 2010. Following public hearings on September 13, 2010 and October 11, 2010 the Planning Commission voted to recommend adoption of the proposed amendments.
4. The City Council held a public hearing on November 1, 2010 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.
5. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

Based on these findings,

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Section 2-2-26 of Ordinance No. 1308 (as amended), Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks, is repealed in its entirety and replaced with a new Section as shown in Exhibit "A".

Section 2. Section 2-1-1.101 of Ordinance No. 1308 (as amended), Definitions, is amended as shown in Exhibit "B".

Section 3. Section 2-2-27 of Ordinance No. 1308 (as amended), Recreational Vehicles, is repealed in its entirety.

Section 4. Section 2-2-28 of Ordinance No. 1308 (as amended), Trailer Coaches and Trailer Parks, is repealed in its entirety.

Section 5. Chapter 6.25 of the Newport Municipal Code is repealed in its entirety and replaced with a new Chapter as shown in Exhibit "C".

Section 6. Chapter 13.05 of the Newport Municipal Code, Subdivision and Partition, is amended to include the following:

"13.05.110 Land Divisions of Manufactured Dwelling Parks

Manufactured Dwelling Parks that existed on or before July 1, 2001 may be divided in accordance with the provisions of ORS 92.830 to 92.845. Such applications will be subject only to the procedural provisions of this Chapter."

Section 6. This ordinance shall take effect 30 days after passage.

Date adopted:

November 1, 2010

Signed by the Mayor on

November 2, 2010.

William D. Bain

William D. Bain, Mayor

ATTEST:

Margaret M. Hawker

Margaret M. Hawker, City Recorder

Section 2-2-26. MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES.*

2-2-26.005. 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.

2-2-26.010. 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 2-1-1 of this Ordinance.
- (2) Have the wheels and tongue or hitch removed.
- (3) Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
- (4) Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
- (5) Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on adjacent dwellings as determined by the Building Official.
- (6) Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.
- (7) Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating space.
- (8) Be connected to the public water system and an approved sewage disposal system.
- (9) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

- 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 2-5-3 of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with Section 2-6-1, Procedural Requirements.

2-2-26.015. 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.

2-2-26.020. 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 number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.
- D. Each space for a manufactured dwelling shall contain at least 5,000 square feet.
- E. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.*
- 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 2-2-26.025. Recreational Vehicles: General Provisions

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

- 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.
- 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 2-2-26.030. Recreational Vehicle Parks.** Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 2-6-1, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

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

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

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 2-3-6.015. 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

Exhibit A to Ordinance No. 2008, Amending Section 2-2-26 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) Relating to Manufactured Dwellings and Recreational Vehicles

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 2-4-4.010 (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.

Exhibit B to Ordinance No. 2008, Amending Section 2-1-1.101 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) for Definitions Related to Manufactured Dwellings and Recreational Vehicles

(New language is shown with a double underline. Deleted language is shown in ~~strikeout~~.)

Section 2-1-1.101. DEFINITIONS. As used in this Ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Manufactured Dwelling. A manufactured home, mobile home, or residential trailer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located on a lot or parcel of land the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Manufactured Dwelling Home.* A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law at the time of construction.

Recreational Vehicle (RV).** A vehicle with or without ~~moving motive~~ power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of not more than 400 square feet in the setup mode. ~~Recreational vehicles include:~~

A. ~~"Camping trailer" means a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

B. ~~"Motor home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 200 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

Exhibit B to Ordinance No. 2008, Amending Section 2-1-1.101 of the Newport Zoning Ordinance (Ordinance No. 1308, as Amended) for Definitions Related to Manufactured Dwellings and Recreational Vehicles

C. ~~"Park trailer" means a vehicle built on a single chassis, mounted on wheels designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set-up by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices, and with a gross trailer area not exceeding 400 square feet when in the set-up model.~~

D. ~~"Travel trailer" means a vehicular unit which has a roof, floor, and sides, and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes,~~

E. ~~"Truck camper" means a portable unit which has a roof, floor, and sides, which is designed to be loaded on and off the bed of a truck or pickup truck, and which has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

Recreational Vehicle Park. ~~A lot of land upon which~~ place where two or more recreational vehicles sites are located on a lot or parcel of land, the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes (not more than 30 days out of any 60 day period).

Residential Trailer.** ~~A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. before January 1, 1962.~~

Trailer Coach. ~~A portable vehicle designed and constructed for permanent year-round residential occupancy that does not meet the standards for mobile homes as defined in this ordinance. A trailer coach is not a dwelling unit.~~

Trailer Park. ~~An area upon which one or more trailer coaches or recreational vehicles are parked which are occupied for residential use. These parks may allow occupancy for longer than 30 continuous days.~~

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 with or without motive power that is designed for human occupancy and to be used for recreational, seasonal, or emergency purposes. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

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

6.25.010 Parking of Recreational Vehicles

- A. **Recreational vehicles shall not be parked on a public street within the City of Newport for a period of time exceeding eight (8) hours.**
- B. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot outside of a manufactured dwelling or RV park between the hours of 11:00 P.M. and 5:00 A.M., except as follows:
 - 1. 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.
 - 2. 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.
 - 3. When authorized for use as a temporary living quarters under the temporary use section of the Newport Zoning Ordinance
- C. The Community Development Department shall be responsible for issuance of the permits under subsection 6.25.010(D) and for the imposition of conditions. The planning department may create a set of standard permit conditions.

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 with or without motive power that is designed for human occupancy and to be used for recreational, seasonal, or emergency purposes. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

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

6.25.010 Parking of Recreational Vehicles

- A. Recreational vehicles shall not be parked on a public street within the City of Newport for a period of time exceeding eight (8) hours.
- B. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot outside of a manufactured dwelling or RV park between the hours of 11:00 P.M. and 5:00 A.M., except as follows:
 - 1. 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.
 - 2. 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.
 - 3. When authorized for use as a temporary living quarters under the temporary use section of the Newport Zoning Ordinance
- C. The Community Development Department shall be responsible for issuance of the permits under subsection 6.25.010(D) and for the imposition of conditions. The planning department may create a set of standard permit conditions.

July 22, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-1-1.101, 2-2-26, 2-2-27, AND 2-2-28 OF THE NEWPORT ZONING ORDINANCE

Section 2-1-1.101. DEFINITIONS. As used in this Ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

Manufactured Dwelling. A manufactured home, mobile home, or residential trailer.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings are located on a lot or parcel of land the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person.

Manufactured Dwelling Home.* A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law at the time of construction.

Recreational Vehicle (RV).** A vehicle with or without ~~moving~~ motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and has a gross floor space of not more than 400 square feet in the setup mode. ~~Recreational vehicles include:~~

A. ~~"Camping trailer" means a vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold when the unit is towed by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

B. ~~"Motor home" means a vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the complete vehicle, and has a floor area of less than 200 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

C. ~~"Park trailer" means a vehicle built on a single chassis, mounted on wheels designed to provide seasonal or temporary living quarters which may be connected to utilities for operation of installed fixtures and appliances, of such a construction as to permit set up by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices, and with a gross trailer area not exceeding 400 square feet when in the~~

~~set-up model.~~

~~D. "Travel trailer" means a vehicular unit which has a roof, floor, and sides, and is mounted on wheels, but which is not of such size or weight as to require special highway movement permits when towed by a motorized vehicle, and has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes,~~

~~E. "Truck camper" means a portable unit which has a roof, floor, and sides, which is designed to be loaded on and off the bed of a truck or pickup truck, and which has a floor area of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

~~Recreational Vehicle Park. A lot of land upon which place where two or more recreational vehicles sites are located on a lot or parcel of land, the primary purpose of which is to rent space and related facilities for a charge or fee or to offer space for free in connection with securing the trade or patronage of a person, established, or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes (not more than 30 days out of any 60-day period).~~

~~Residential Trailer.** A structure constructed after June 15, 1976, for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. before January 1, 1962.~~

~~Trailer Coach. A portable vehicle designed and constructed for permanent year-round residential occupancy that does not meet the standards for mobile homes as defined in this ordinance. A trailer coach is not a dwelling unit.~~

~~Trailer Park. An area upon which one or more trailer coaches or recreational vehicles are parked which are occupied for residential use. These parks may allow occupancy for longer than 30 continuous days.~~

Staff: Terms have been revised to correspond more closely with the definitions contained in ORS 446.003, and ORS 197. There are three types of manufactured dwellings, with residential trailers being those that predate specific construction standards, mobile homes (a typical single-wide) being those that had to conform with Oregon law, and manufactured homes (a typical double-wide) being those that were subject to Federal construction standards. A "manufactured dwelling park" is defined for the first time and replaces the term "mobile home park" in the code. This lines it up with the definitions.

The definition for recreation vehicle has been simplified. The 400 square foot size limit corresponds with the maximum size permitted by the State (OAR 918-525-0035). Language in the RV park definition no longer includes limitations on the length of stay, which is specifically prohibited under ORS 197.493. Trailer Coach and Trailer Park definitions are being deleted for similar reasons.

Section 2-2-26. MANUFACTURED HOMES DWELLINGS AND, MOBILE HOMES, AND RECREATIONAL VEHICLES PARKS.*

2-2-26.005. Purpose. The purpose of this section is to provide criteria for the placement of manufactured dwellings and ~~mobile homes and to provide for the development of recreational vehicles within the City of Newport parks.~~ It is also the purpose of this section to provide for dwelling units other than site-built structures.

2-2-26.010. Establishment of a Mobile Home Overlay Zone.**

2-2-26.01045. Manufactured Dwellings on Individual Lots. 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:

- A. Conform to the definition of a manufactured dwelling in Section 2-1-1 of this Ordinance.
- B. Have the wheels and tongue or hitch removed.
- C. Be placed on ribbon footings that support each main beam ~~on of the mobile home~~ manufactured dwelling, with such footings and being constructed to applicable legal requirements and specifications of the Building Official.
- D. Be securely and adequately anchored at each corner of each transportable unit by devices that meet state standards for tie-down devices.
- E. Be completely enclosed with skirting of a non-decaying and corrosion-resistant material extending to the ground and embedded in the ground to a depth of at least six (6) inches.
- F. Have a pitched roof of at least two and one half (22) 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.
- G. 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 surrounding dwellings as determined by the Building Official.
- H. Be multisectional and enclose a space of not less than ~~864~~ 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within ~~mobile home~~ accessory structures, extensions, or additions shall not be included in calculating space.
- I. Be connected to the public water system and an approved sewage disposal system.
- J. 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.

Staff: These provisions are comparable to what other jurisdictions use for siting manufactured dwellings (ref: Cannon Beach and Lincoln City examples). The requirement that they be multisectional prohibits single wides, but does not do so based upon age. The size requirement for manufactured dwellings is increased to be consistent with what other jurisdictions require.

2-2-26.020015. Manufactured Dwelling and Mobile Home 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. ~~Mobile home parks may be allowed only in an R-3 or R-4 zoning districts, subject to the development standards contained in this section. Such parks shall allow manufactured dwellings and mobile homes as defined in this Ordinance.~~

2-2-26.025020. Manufactured Dwelling Parks in an R-2 Zoning District. In the R-2 zoning district, ~~manufactured~~ Manufactured dwelling parks are permitted subject to the following:

- A. ~~All manufactured dwellings located or placed in 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, must:~~
- ~~(1) Be at least 24 feet in width.~~
 - ~~(2) Conform to the definitions of a manufactured dwelling as per Section 2-1-1 of this Ordinance.~~
 - ~~(3) Have the wheels and tongue/hitch removed.~~
 - ~~(4) Be placed on a ribbon footing supporting each main beam on the mobile home and constructed to all applicable legal requirements and specifications of the city Building Official.~~
 - ~~(5) Have such tie-down devices as are required by the State of Oregon.~~
 - ~~(6) Have a pitched roof of a minimum pitch of two and one-half in twelve of material other than metal sheeting and be provided with gutters and downspouts to direct surface water into storm drains, or if storm drains are not available into the adequate disposal areas.~~
 - ~~(7) Have conventional siding other than flat, unbroken metallic sheeting.~~
 - ~~(8) Comply with State of Oregon standards in addition to the standards specified in this section.~~
 - ~~(9) Have a bathroom, including at least a toilet, sink or basin, and a bathtub or shower.~~

- ~~———— (10) Have a kitchen area containing a sink.~~
- ~~———— (11) Have its plumbing connected to a public water supply and an approved sewage disposal system.~~
- ~~———— (12) Contain at least 1,000 square feet, as determined by measurement of exterior dimensions of the unit, exclusive of any trailer hitch device. Space within manufactured dwelling accessory structures, extensions, or additions shall not be included in accounting for this 1,000 square feet.~~

~~B. If the manufactured dwelling is removed from its foundation, the property owner shall agree that within six (6) months he shall either replace the mobile home with another approved manufactured dwelling or remove the foundation, including any manufactured dwelling accessory structure or other structures on the property, and disconnect sewer, water, and other utilities. The agreement shall further state that the city may make the removal and disconnection and place a lien against the property for the cost of the work if the owner fails to perform the work within the six months.~~

~~C. Except for a structure which conforms to the state definition of and requirements for a manufactured dwelling accessory structure, no accessory, extension, or addition shall be attached to a manufactured dwelling unless the same shall conform to the requirements of Oregon's State Building Code. An outbuilding shall have a one-hour fire wall or shall be separated from a manufactured dwelling by not less than three (3) feet.~~

~~DB. 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. must be paved and curbed to a width of 35 feet measured from back of curb to back of curb, except that streets serving four or fewer units may have a width of no less than 20 feet from back of curb to back of curb.~~

~~EC. The number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.~~

~~FD. Each space for a manufactured dwelling park shall contain at least 5,000 square feet.~~

~~GE. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.*~~

~~HF. 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.~~

IG. 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.

JH. The manufactured dwelling park may have a community or recreation building and other similar amenities.

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

Staff: The only preexisting criteria in the code for manufactured dwelling parks are those for the R-2 district. State law appears to limit the types of criteria a local jurisdiction can apply to a manufactured dwelling park to those listed in Chapter 10 of the Oregon Manufactured Dwelling and Park Specialty Code. The above criteria have been revised accordingly.

~~**2-2-26.030. Mobile Home Parks.** Mobile home parks are allowed in R-3 and R-4 zoning districts subject to the following:~~

~~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 shall provide a map of the park to the city Building Official.~~

Staff: Mobile homes are a type of manufactured dwelling, the criteria for which are listed above. The Commission can simplify the code by deleting this section. Note though that the State requirements for mobile homes are more permissive than the City's criteria for manufactured dwelling parks. Single wide construction and manufactured structures smaller than 1,000 square feet would potentially be allowed if this subsection remains.

The term "mobile home park" is used in the residential use chart, identifying them as being allowed in the R-2, R-3, and R-4 zone districts (Subsection 2-2-1.025(A)). This will need to be changed to "manufactured dwelling park."

Section 2-2-26.025. 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.

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 subsection pulls in the provisions from Section 2-2-27. The limitation on cooking within recreation vehicles has been deleted as unenforceable. Language limiting the length of time a recreational vehicle can park in a particular location has been relocated to Newport Municipal Code Chapter 6.25 and has been amended to note that it does not apply within manufactured dwelling and recreational vehicle parks consistent with ORS 197.493. The existing code references trailer coaches, trailer houses, campers, etc., which are all recreational vehicles. Those terms have been deleted to avoid confusion. Redundant language has also been deleted.

Section 2-2-26.035030. Recreational Vehicle Parks.** Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 2-6-1, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.
- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
 - (1) The space provided for each recreational vehicle shall not be less than 700 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 recreationalal vehicle space shall be provided with piped potable water and sewage disposal service. A recreationalal 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) No recreation vehicle shall remain in the park for more than 30 days in any 60 day period.~~

(87) The total number of off-street parking spaces in the park shall be provided in conformance with Section 2-3-6.015. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.

(98) The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreationalal 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.

(409) The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine, and 15 square feet of space for clothes drying lines for each ten recreationalal vehicle spaces, or any fraction thereof.

(4410) 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.

(4211) 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 2-4-4.010 (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.

~~(1312)~~ The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.

~~(1413)~~ Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

Staff: The occupancy limit is deleted consistent with ORS 197.493. Other changes are minor in nature. Following a discussion with the Planning Commission on July 12, 2010 the reference to maintaining a "neat appearance" has been removed as vague.

~~Section 2-2-27. RECREATIONAL VEHICLES~~

~~2-2-27.005. Purpose.~~ The purpose of this section is to regulate the placement and location of recreational vehicles within the City of Newport.

~~2-2-27.010. Recreational Vehicle Parks.*~~ Please see Section 2-2-26.035 (Recreational Vehicle Parks).

~~2-2-27.015. Parking on a Public Street Prohibited.**~~ No trailer coach, trailer house, camper, or mobile living unit used for sleeping or living purposes shall be parked on a public street within the City of Newport for any period of time exceeding four (4) hours, or elsewhere in the City of Newport for a period of time exceeding twenty four (24) hours, except in a trailer park. No cooking shall be done in any trailer coach, trailer house, camper, or recreational vehicle within the City of Newport and outside a trailer park, except where a temporary permit has been obtained as provided in Section 2-2-20 herein. (Vacation trailers, trailers, campers, or mobile living units used for occasional occupancy may be stored on property within the City of Newport provided that they are not used as a place of habitation while so stored.)

~~2-2-27.020. Temporary Use Permits.***~~

~~2-2-27.025. Removal of Wheels Does Not Change Nature of Vehicle.~~ Removal of the wheels or placement of a trailer house on a permanent or temporary foundation shall not change the essential character of any trailer coach or recreational vehicle or change the requirements of this section.

~~2-2-27.030. Attachment to Sewer or Septic Tank Required.~~ It shall be unlawful

~~for any person occupying or using any trailer coach or recreational vehicle within the City of Newport to use any toilet, sink, lavatory, or similar equipment therein unless and except the same be connected with a public sewer or to an approved septic tank in accordance with the ordinances of the City of Newport relating thereof. All trailer parks and recreational vehicle parks within the City of Newport shall comply with the sanitary requirements of the City of Newport and the State of Oregon.~~

2-2-27.035. Recreational Vehicle Park Standards.****

Staff: This section has been incorporated into section 2-2-26.025 above.

Section 2-2-28. TRAILER COACHES AND TRAILER PARKS

~~**2-2-28.005. Purpose.** To regulate the placement and location of trailer coaches and long term parking of recreational vehicles.~~

~~**2-2-28.10. Additional Requirements.*** (See Sections 2-2-27.015, 2-2-27.030, and 2-2-29 for additional requirements.)~~

~~**2-28.015. Trailer Parks Restricted.** Trailer parks may only be allowed in the R-4/"High Density Residential" or C-2/ "Tourist Commercial" zones. Such parks allow vehicles that are characterized as mobile temporary living quarters but often have occupancy longer than 30 continuous days. These vehicles include campers, trailers, mobile homes not licensed by the State of Oregon, and self-contained vehicles which commonly have sheet metal siding.~~

~~**2-28.020. Trailer Park Standards.** A trailer park shall be built to state standards for mobile home parks in effect at the time of construction and shall comply with the following additional provisions:~~

- ~~A. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.~~
- ~~B. The space provided for each trailer coach shall be provided with piped potable water and electrical and sewerage connections.~~
- ~~C. The number of spaces for trailer coaches shall not exceed 14 for each acre of total area in the trailer park.~~
- ~~D. Each space for a trailer coach shall contain not less than 1,600 square feet exclusive of space provided for the common use of tenants (such as roadways, general use structures, guest parking, walkways, and areas for recreation and landscaping purposes).~~
- ~~E. Roadways shall be not 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, as well as designed to permit easy access to each trailer coach.~~

- ~~F. A space provided for a trailer coach 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 trailer coach, not intended as an access way to the trailer coach 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.~~
- ~~G. A trailer coach space shall be provided with piped, potable water and sewage disposal service. A trailer coach 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.~~
- ~~H. A trailer coach space shall be provided with electrical service.~~
- ~~I. 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.~~
- ~~J. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to or greater than one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.~~
- ~~K. The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each one toilet, one urinal, 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.~~
- ~~L. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine, and 15 square feet of space for clothes drying lines for each ten spaces or any fraction thereof.~~
- ~~M. Building spaces required by Subsections K and L 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.~~
- ~~N. 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.~~
- ~~O. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or~~

~~to any guest of the park.~~

~~P. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.~~

~~Q. If the park provides spaces for 50 or more trailer coaches, 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.~~

~~R. If a 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, and hydrants shall be provided within 250 feet of such space or structure. 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.~~

Staff: Where these parks exist within the City of Newport, they are non-conforming. Recent changes to the non-conforming use code allow expansions and alterations to those facilities. Moving forward, new proposals for trailer park type uses would fall under the recreational vehicle park standards which no longer have a limitation on term of occupancy.

September 13, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO CHAPTER 6.25 AND CHAPTER 13.05 OF THE NEWPORT MUNICIPAL CODE

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 with or without motive power that is designed for human occupancy and to be used for recreational, seasonal, or emergency purposes~~contains facilities for sleeping~~. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

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

6.25.010 Parking of Recreational Vehicles

A. Recreational vehicles shall not be parked on a public street within the City of Newport for a period of time exceeding eight (8) hours.

A.B. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot outside of a manufactured dwelling or RV park between the hours of 11:00 P.M. and 5:00 A.M., except as ~~provided in subsections B. and C.~~ follows:

~~B.1.~~ 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.

~~G. 2.~~ 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.

3. When authorized for use as a temporary living quarters under the temporary use section of the Newport Zoning Ordinance

~~D.C.~~ The ~~planning department~~ Community Development Department shall be responsible for issuance of the permits under this sectionsubsection 6.25.010(D) and for the

imposition of conditions. The planning department may create a set of standard permit conditions.

Staff: The definition for a recreational vehicle park has been revised to line up with the definition used in the Zoning Ordinance and state statutes. Language from Section 2-2-27 of the Zoning Ordinance restricting the length of time a recreational vehicle can be parked within public right-of-way has been incorporated into this Chapter for ease of administration. The period of time has been increased to 8 hours, as the Commission felt that timeframe is more reasonable. The limitation on how long a recreational vehicle can be parked elsewhere (currently 24 hours) has been deleted due to confusion over its applicability to residential properties and concerns the Commission raised at its July 26th work session regarding its reasonableness. The provision requiring evidence that recreational vehicle parks be full (under B.1 above) has been deleted due to Commission concerns that it is not enforceable. Changes also reflect the ORS 197.493 prohibition on regulating length of stay in manufactured dwelling and recreational vehicle parks and that the planning department does not administer special events permits (they are handled by the City Manager's office).

CHAPTER 13.05 SUBDIVISION AND PARTITION

13.05.110 Land Divisions of Manufactured Dwelling Parks

Manufactured Dwelling Parks that existed on or before July 1, 2001 may be divided in accordance with the provisions of ORS 92.830 to 92.845. Such applications will be subject only to the procedural provisions of this Chapter.

Staff: The conversion of manufactured dwelling parks created on or before July 1, 2001 may utilize an abbreviated subdivision approval process outlined in this statutes. The City would not be able to require the interior streets to be upgraded, sidewalks installed, etc. A waiver of remonstrance for water and sewer could be required. The drawback for an applicant is that use of the resulting properties would be limited to manufactured dwellings. Given the limited number of properties in the City that could utilize this option, a simple cross reference, such as the language proposed above, would seem appropriate.

October 11, 2010 MARKUP COPY OF PROPOSED AMENDMENTS TO SECTION 2-2-26, OF THE NEWPORT ZONING ORDINANCE

Section 2-2-26. MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES.*

2-2-26.005. 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.

2-2-26.010. 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:

A-(1) Conform to the definition of a manufactured dwelling in Section 2-1-1 of this Ordinance.

B-(2) Have the wheels and tongue or hitch removed.

C. ~~Be placed on ribbon footings that support each main beam of the manufactured dwelling, with such footings being constructed to applicable legal requirements and specifications of the Building Official.~~

D. ~~Be securely and adequately anchored at each corner of each transportable unit by devices that meet state standards for tie-down devices.~~

E. ~~Be completely enclosed with skirting of a non-decaying and corrosion-resistant material extending to the ground and embedded in the ground to a depth of at least six (6) inches.~~

(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.

F-(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.

G-(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 surrounding adjacent dwellings as determined by the Building Official.

(6) Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.

H-(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.

~~I~~(8) Be connected to the public water system and an approved sewage disposal system.

~~J~~(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 2-5-3 of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with Section 2-6-1. Procedural Requirements.

Staff: ORS 197.314(1) establishes that a local government may only subject the siting of a manufactured home to regulations set forth in ORS 197.307(5). This statute includes the requirement that structures be multi-sectional and not less than 1,000 square feet in size. The Commission may adopt less restrictive standards but may not be more restrictive.

These statutory standards were put in place to prevent cities and counties from adopting criteria that would have the effect of prohibiting manufactured dwellings. Staff suggests the Commission use the ORS 197.307(5) standards, or a close approximation to them, as they have already been vetted as appropriate. With that in mind, staff suggests the Commission delete (C) through (E) as too restrictive. The building code allows the use of pier pads or a concrete slab as an alternative to ribbon footings. There is no reason to prohibit them. Building codes do not require anchoring outside of floodplain areas and the skirting requirement under (E) is arguably more restrictive than the enclosure requirement in the statute, which we suggest you adopt in the alternative. The statute allows cities and counties to require the construction of a garage or carport. At its September 27, 2010 work session, the Commission determined that garage or carport should be required in circumstances where a garage or carport is provided with adjacent dwellings. Staff has added that requirement and moved it up in the list as suggested by the Commission. Staff also changed "surrounding" to "adjacent" under (5) and added language to (B) requiring manufactured dwellings under the conditional use process adhere to current federal manufactured dwelling construction standards. These changes were also made at the request of the Commission.

Mr. Henson suggested a conditional use process be put in place. ORS 197.307(3)(d) allows the use of a discretionary approval process as long as there is an alternative set of clear and objective standards. That is what we have put in place. Staff suggests the above language be utilized. It requires that the manufactured dwelling be constructed to current federal standards. This ensures that the structure meets basic health and safety standards. A conditional use process of this type provides an avenue for design alternatives that may be appropriate but don't work well with the siting standards.

2-2-26.015. 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.

2-2-26.020. 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 number of spaces for manufactured dwellings shall not exceed an average of six (6) per acre of the total area in the manufactured dwelling park.
- D. Each space for a manufactured dwelling shall contain at least 5,000 square feet.
- E. Any manufactured dwelling park authorized under this section shall have a contiguous area of not less than one (1) acre.*
- 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.

Staff: Doug Fitts and Larry Henson expressed concerns with the requirement that 5,000 sq. ft. of land area be provided for each manufactured dwelling space within a new park. The 5,000 sq. ft. area requirement corresponds with the minimum lot size for a house in the R-2, R-3, and R-4 districts. Greater density is allowed in the R-2 district for duplexes on interior lots (3,750 sq. ft.) and duplexes on corner lots (2,500 sq. ft.). In the R-3 and R-4 districts, multi-family developments may be constructed to a maximum density of 1,250 square feet.

The 5,000 sq. ft. standard ensures that there is enough area for each manufactured dwelling should the "spaces" be converted into subdivision lots in the future. ORS 92.830-92.845 allows the conversion of manufactured dwelling parks into subdivisions outright in circumstances where the park was approved prior to July 2, 2001. No such allowance exists for new parks, and the Newport Subdivision Ordinance requires that new lots satisfy the minimum lot size of the governing zone district (NMC 13.05.030(A)).

At its September 27th work session, the Planning Commission expressed a preference for keeping the minimum space requirement at 5,000 sq. ft. Persons interested in developing a park with spaces smaller than 5,000 sq. ft. could potentially get there using the Planned Development process. This same Planned Development option is available for conventional subdivisions.

Section 2-2-26.025. 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.
- 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 2-2-26.030. Recreational Vehicle Parks.** Recreational vehicle parks are allowed conditionally in an R-4 zone and conditionally if publicly owned in the P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with Section 2-6-1, Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, I-1, and I-2 zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

- A. The park complies with the standards contained in state statutes and the Oregon Administrative Rules.
- B. The developer of the park obtains a permit from the state.
- C. The developer provides a map of the park to the City Building Official.
- D. The park complies with the following provisions (in case of overlap with a state requirement, the more restrictive of the two requirements shall apply):
 - (1) The space provided for each recreational vehicle shall not be less than 700 600 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 2-3-6.015. 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, ~~and 15 square feet of space for clothes drying lines~~ 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 2-4-4.010 (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.

Staff: The recreational vehicle space requirement in (D)(1) above has been reduced to 600 sq. ft. in response to comments made by Doug Fitts. State law provides that the maximum setup size for recreational vehicles is 400 sq. ft. so even with this reduction to the space requirement there should still be adequate area available for maneuvering vehicles. Criterion (9), requiring space for clothes drying lines is being deleted as suggested by Mr. Fitts and discussed with the Planning Commission at its September 27th work session.

Draft Minutes
City of Newport Planning Commission Regular Session
Monday, October 11, 2010

Commissioners Present: Jim Patrick, Melanie Sarazin, Mark Fisher, John Reh fuss, and Glen Small.

Commissioners Absent: Rod Croteau and Gary East.

City Staff Present: Community Development Director (CDD) Derrick Tokos and Senior Administrative Assistant Wanda Haney.

Chair Patrick called the meeting to order in the Council Chambers of Newport City Hall at 7:06 p.m.

A. Approval of Minutes.

1. Approval of the work session and regular session Planning Commission meeting minutes of September 13, 2010, and the work session minutes of September 27, 2010.

MOTION was made by Commissioner Fisher, seconded by Commissioner Sarazin, to approve all three sets of Planning Commission minutes from September 13, 2010, and September 27, 2010, as presented. The motion carried unanimously in a voice vote.

B. Consent Calendar. No items on the consent calendar.

C. Citizen/Public Comment. No comments regarding non-agenda items.

D. Public Hearings.

Quasi-Judicial Actions:

1. **File No. 3-PD-10.** A request submitted by Bonnie Serkin (Landwaves, Inc), (Mike Miller (MGH Associates, Inc.), authorized representative) for modification to the preliminary development plan for Phase 1 of Wilder Development in order to provide for the addition of proposed accessory dwelling units (ADUs) on all proposed single-family detached residential lots.

Chair Patrick opened the hearing for File No. 3-PD-10 at 7:08 p.m. by reading the summary of the request from the agenda. He asked the Commissioners for declarations of conflicts of interest, ex parte contact, bias, or site visits. Fisher declared that he had made a site visit, talked with Don Huster, and walked through one of the homes. Sarazin said she had made a site visit. Small said that he was with Fisher when he walked through one of the homes. Patrick asked for objections to any of the Planning Commissioners or the Commission as a whole hearing these matters; and no objections were raised. He asked for the staff report. Tokos noted that the Commissioners' packets included a staff report outlining the proposal. The application is to add ADUs as a permitted accessory use. The application notes Wilder Phase 1, but Tokos did send emails of additional letters that are part of the record. One letter is from ODOT with a concern about additional traffic generated by ADUs. Their initial thought was that this would warrant analysis under the transportation planning rule. The applicant worked with ODOT on this particular issue and agreed to limit the ADUs to Phase 1B and 1C of the master plan and put some limitations on lots, which addressed the state's concern for the time being. Tokos said that these things can certainly be imposed through conditions of approval that could be clarified as part of the final order. He said that this is a very well-structured proposal that just needs a few tweaks. He has discussed with the applicant where these can be made, and the applicant has brought some additional information. Tokos covered the criteria from the zoning code. He noted that they have some flexibility through the planned development to allow accessory uses in the project. ADUs are not in the code either. This would be something new for this area. Tokos did include with the staff report some sample ADU codes to see how other jurisdictions tackle them. The applicant has taken some of those concepts and worked into their proposal as well. The concept includes a number of guidelines, which Tokos suggests be listed as criteria for doing ADUs. These talk about three types of ADUs that are permitted; as a portion of the primary house, as a separate free-standing unit on the ground level, or as a unit over a free-standing or attached garage. ADUs cannot be more than 50% of the area of the house. Height limitations are the same as the main structure. He noted that may be adjusted a little bit. The applicant did not include additional parking requirement as part of the proposal, but they did submit a program for addressing parking. Another guideline is that the ADU's architecture needs to match that of the primary house. The final standard is that ADUs will share utility hookups with the primary house. The concept is that these are modest-sized dwellings occupied by family members or, because of the area in which they are located, rented to college students. There has been interest from folks in developing lots with ADUs, so it is a market-driven concept here. Tokos said that there is some needed clarification discussed in the staff report. He said that it needs to be stated that there can be no more than one ADU per lot, that the criteria are mandatory, and that the ADUs don't count against the density limitation; which is a common practice in other

jurisdictions. Tokos said that something for the Commission to think about is whether the ADU or the primary unit has to be occupied by the owner. He noted that one of the criteria is that it has to be used to serve the residents of the planned development. He said that a number of jurisdictions do that. If it's appropriate, what this requirement would get at is that the owner would use the ADU for family or as a rental that provides supplemental income. It wouldn't allow both units to be rented. Rehfuß wondered how this would be enforced. Tokos said that it is on a complaint basis. If there is excessive noise, number of cars, or the property is listed on a website; that is enforceable. Enforcement would be dealt with on a case by case basis. He noted that the Commission has to decide if that is an appropriate type of standard to have for an ADU allowance. The staff report includes that the applicant should address parking in greater detail, which they have. He noted that a couple of jurisdictions do not require additional parking. He said it is a common approach that they don't require more off-street parking than is generally needed, but that parking is being provided on site. If they don't have the capacity for additional cars on street, they need to come up with some other way. What the applicant is proposing is very doable as long as it is required by clear and objective standards. On the large lots, one additional off-street space can be accommodated. For Phase 1B, the applicant gave information to show that there is enough on-street capacity to do at least 10 ADUs. In Phase 1C, they propose allowing one ADU for every two new on-street parking spaces they provide. That could be built in as a stipulation of the planned development. Something of that nature can be structured as long as we can instill something clear. Fisher asked that if this is just giving permission to the buyer to add an ADU if they choose; it's not saying that there will be more than one or two that want that. Small wondered what happens if they all want ADUs. Tokos said that in terms of parking, the language proposed by the applicant provides some limitations. The edge lots require an off-street space, everything else depends on the on-street capacity for ADUs. We can track how many ADUs have been permitted. As they put in additional streets, the number of ADUs goes up. The space needs to be in close proximity of the house. Tokos said that those are certainly tolerances that can be built in as clear standards that can be implemented by staff. He said that if the Planning Commission thinks that is appropriate, it can be instilled in the final order.

Proponents: Bonnie Serkin, PO Box 1085, Portland, OR 97212, the applicant representing Landwaves. Serkin said that she was surprised to be here this soon, but there is actually a real person that would like an ADU right off the bat. She said they are thrilled to be offering this product because it is desired. It is something that was mentioned in the original "kit of parts". She noted that there are four homes under construction right now. Those are small lots on the woonerf, and there would not be the flexibility to fit additional parking on them. The person desiring the ADU is a family where the daughter has accepted employment here, and the parents want to come see their daughter before they retire here. They want a studio apartment over the garage. She said that their living arrangement could even flip in the future. Serkin said it is a wonderful situation and is generational. The larger lots (Edge) are nearly a quarter acre. On those lots she said you could see a number of those. The lots are large enough to easily have an additional parking space on there. If the main dwelling were a one-story home, it may be feasible to have a detached garage with a unit over it. That would take it over the height of the main house. That is why they would like the height limit not set as the height of the main dwelling, but as the height limit of the zone. She noted that all dwellings go through architectural committee review also. There are 23 on-street parking spaces on site in the first phase (first 40 lots). The CC&Rs require that the residents first park in the garages, and guests park in the driveways. Those 23 spaces could be allocated to ADUs. If 10 ADUs use those, that still leaves enough for guest parking. Serkin noted that in Phase 1C, which are fourteen lots not yet started to the north of these first 40, the street is wider. She imagines that will accommodate on-street parking as well with parking on both sides probably. Serkin said they are looking for flexibility. Ten ADUs will probably carry Phase 1. She will be surprised if they need more than ten. She said they are suggesting some flexibility to be able to show there is sufficient parking. They are looking at parking that they may actually develop along Harborton (the main street in). Parking on Harborton is already planned as they get into the village center, but they didn't expand that on down. On the east side of Harborton, there are spaces to pull off already. It would be relatively easy to widen and make temporary parking. They think they have addressed the parking situation by allowing people to show that actual spaces have been created for them. Regarding owner occupancy, Serkin said that she can think of a number of circumstances where neither dwelling may be occupied by the owner that make perfect sense. Some could be parents that want to have the kids live close together so the family has the main house and the child that's not yet established has the ADU; a couple living in the main house with a nurse living in the ADU.; or, if a home goes into an estate, the estate may want to rent out the main house as well. Serkin said that they are asking that there not be the requirement that the ADUs have to be owner occupied. She urged the Commissioners to consider that. Serkin noted that in her application, she had asked to have the design requirements of the ADUs match the primary residence. She would like to change that to being "compatible" with the primary residence. Their design review would take care of that. Fisher said that he is not comfortable without it being occupied by the owner because one person needs to be responsible for what is on the lot. Serkin said that the CC&Rs gives the owners association the right if the owner doesn't accept responsibility, and that would include the tenant situation. Regarding a concern about a unit over a garage alongside a single-story house, Serkin said that the Edge lots could have a single-story out front with the garage to the back, which would mask that completely. In addition, she has seen some tall narrow building plans lately that she likes. She said they are trying for fresh thinking about architecture in Wilder. Small was in agreement with Fisher about owner occupancy of at least one of the two units. He said that without the owner staying in them, they are just a duplex. Serkin said that they have flex lots facing Harborton that could function that way. They could be two separately owned units. She said that she can't be sure that it adds to the level of maintenance to have an absentee landlord rather than having someone living there. Patrick asked about vacation rentals, and Serkin said that they haven't prohibited them simply because of where the development is located. They feel like it is a year-round community, and what it has against it for vacation rentals is that it isn't close to the ocean. Since their website has been up, she has talked to just one group of four who would be sharing ownership, almost like a timeshare. If the owners association wants, there could be that

2 Planning Commission meeting minutes 10/11/10.

kind of change to prohibit vacation rentals. Serkin talked about her conversation with ODOT. She said they were great. She found out they were concerned that ADUs might result in more usage in Wilder than they originally thought. There is a trip cap. She spoke to John deTar and found that it wasn't trips or ADUs causing their concern so much as Wilder's applications have shown that there will eventually be more development than ODOT knew about in the beginning. She said that in the beginning everything was hypothetical. Over the phone, she explained to deTar how they are going phase by phase and are asking for flexibility because they need the ability to see where the market was. She said that ODOT has never seen or heard that. She said that she is committed to bringing ODOT up to speed on where they see Wilder going and the flexibility needed. For the moment, the trip cap is going to hold what they have; and she said that they are very respectful of it.

Don Huster, PO Box 800, South Beach, OR 97366. Huster thought it would be helpful to share the particulars of the one customer he is working with that is requesting an ADU. He provided the Commissioners with a set of drawings. Huster said that this family is a daughter that is teaching at the college, and the father works for Energy Trust of Oregon. Their vision for their family is to have the daughter and roommate live in the main part of the house, and the studio over the garage would be the parent's weekend get-a-way. Referring to the drawings, Huster said the overall roof height at the ridge is between 23 and 24 feet. It is a single-story structure on the front of the house with an ADU over the garage in back. One of the drawings was the floor plan. He noted that the main floor is a 3-bedroom unit with 1375 square feet, and the bonus room is 482 square feet for a total of 1857 square feet; which is not overly large. He said that the last page of the drawings shows the footprint situated on the lot in Wilder, which is one of the end lots on the woonerf. The house just fills up the buildable space on the lot. This structure fits this family's purpose very well. On the left-hand side, the 10-foot setback is a utility easement in a setback, which they can work around. Huster said that this is somewhat preliminary, but he just wanted to share the conceptual idea. He thinks this supports an important part of the demand of the market in Newport. Folks like this could really bring something to the community. He thinks it is a very positive thing overall.

There were no other proponents present wishing to testify.

Opponents or Interested Parties: There were no opponents or interested parties present wishing to testify.

Patrick closed the hearing at 7:46 p.m. for deliberation. Small said that he continues to be a proponent of the whole development and the concept. He likes the plan's creativity and flexibility. He is also a proponent of ADUs, specifically intergenerational housing. He thinks it is desirable and that there will be more and more need. He said that he does have a number of concerns however. One is the parking issue with narrow streets, and there will be more cars. He said we need to make sure that is addressed properly. Another concern is that he would like to see that at least one of the units be occupied by the owner so that it is not getting into a duplex situation. He believes an owner will take more care of the property than two renters would. For the protection of the neighborhood, he would like to see owner occupancy of at least one of the units. Rehffuss said that he shared some of Small's views. He said it would be very hard to enforce relationships. He is in favor of ADUs. Fisher said that if this were just one unit, he would say go ahead. He said that he and Small mirror each other. Fisher agrees with everything that Small said. Sarazin said that she did like what was in the presentation today. She is concerned about a two-story next to a single-story, but they are trying to address that as well. Sarazin agrees with Rehffuss that the enforceability of having one unit occupied by the owner will be the biggest constraint, and thinks we will have to steer away from that. She is in favor of ADUs. Patrick is in favor of ADUs as well. He said that maybe the design review committee will take care of size. Typically those organizations really take care. Patrick agrees that the height of the zone should be the height limitation. Let them work out the design. He is in favor of using the guideline for parking of one ADU for every two parking spaces they can identify. He thinks there needs to be some restraint about how far away that can be. He said that he is in favor of having the ADU owner occupied, but has no idea how that is going to be tracked. He is not sure the Commission wants to go there. He noted that the ODOT issue got covered. There was also the comment that the owners association will take care of noises going on in a community like that. That will take care of the design issues and use issues. Patrick said that he could go either way on the owner occupancy requirement. Fisher said that he likes the development too. He doesn't care if it is owner occupied, but he would like one person to be the responsible person and living there. Patrick said that another thing to think about and maybe make a stipulation about is that if they can't have both units rented, an owner may just have someone living there without charging rent. That may get solved by the owners association. He said that with ADUs he is looking for something that can apply to other areas of Newport.

MOTION was made by Commissioner Rehffuss to approve the application with the conditions listed in the staff report. The motion died for lack of a second. Small said that he would like to stipulate owner occupied or family occupied, but enforcement becomes difficult. Fisher said that maybe the Commission should let the applicant come up with a suggestion. He said that the Commission could table this until the next meeting for them to come in with a suggested manner to handle this. Small noted that they did, and that is not to stipulate owner occupied.

MOTION was made by Commissioner Sarazin to approve the application with staff recommended conditions 'A', 'B', 'C', 'E', and eliminating 'D'. Tokos listed some additional things that had been discussed that the Commission may want to add to the motion. The first is that ADUs are limited to Phase 1B and 1C. Also, the applicant had asked that the height limitation not be limited to the size of the primary structure, but to the height of the zone, and that is something that the Commission would need to add. Regarding parking, the applicant had proposed an alternative condition that the off-street spaces be only for the Edge lots. Phase 1B would be limited to 10 ADUs; and moving forward, permit additional ADUs for each two spaces they provide.

Commissioner Fisher seconded Sarazin's motion with the considerations that Tokos suggested. Small asked about adding an acceptable distance for the parking option. Tokos said that staff will work that out with the applicant. Tokos clarified that one additional ADU would be allowed for every two new on-street parking spaces not already identified on the map. In Phase 1B, there are 10 ADUs already shown. Small asked if this motion addressed that ADUs will be compatible to the primary structure, not identical. Tokos said the Commission would want to add "compatible; not required to match". Sarazin said that she would add that to her motion with the staff recommended conditions as amended, which Tokos summarized: Condition 1(a), (b), and (c) would apply, with 1(b) noting that the ADU needs only be compatible to the primary structure, not match. Condition 1 (d) is not included. Number 1 (e) would be modified in line with the applicant's proposal that an off-street parking space is only required for the Edge lots. Phase 1B allows 10 ADUs. As additional on-street parking is provided, the number of ADUs would be increased at one for every two spaces. Staff would work with the applicant on an appropriate distance. The application would also be modified to note the ADU height limit would be that of the zone rather than the primary structure. This package applies only to Phase 1B and 1C. Fisher withdrew his second of the motion. With Sarazin's motion still standing, Commissioner Small seconded the motion saying that he hopes the homeowners association will be addressing any noise and nuisance that may be caused by renting these units. The motion carried unanimously in a voice vote.

Legislative Actions:

1. Continued Hearing on File No. 2-Z-10. As part of the comprehensive Newport Zoning Code update, a request by the City of Newport involving legislative text amendments updating Section 2-2-26 ("Manufactured Homes, Mobile Homes, and Recreational Vehicle Parks"), Section 2-2-27 ("Recreational Vehicles"), and Section 2-2-28 ("Trailer Coaches and Trailer Parks") in order to bring the code into compliance with current statutory language. The Planning Commission held as public hearing on this matter on September 13, 2010, and continued the hearing to tonight's meeting.

Patrick opened the continued hearing at 8:05 p.m. by reading the summary of File No. 2-Z-10 from the agenda. He called for the staff report. Tokos noted that he had included modifications since the last hearing in response to testimony received. There were two significant changes. The first had to do with siting a manufactured dwelling outside parks to meet state statutes. The question had come up about where did the 1,000 square feet and multi-sectional requirement come from. State statutes spell out how strict jurisdictions can be in imposing restrictions on siting manufactured dwellings outside parks. That language is in there to not prevent manufactured dwellings from being located outside parks. Some language in the existing code was stricter than what is allowed. Modifications were made to those standards so that they were in line with statutory language. Tokos said that is the safest place for the city to be. Henson had suggested incorporating a conditional use process as an alternative to clear and fixed standards. That provision has been added. Now if someone has a narrow lot, there is a means to place a single wide that meets current federal housing guidelines on that lot. Tokos noted that we did receive a response from Henson that these modifications addressed his concerns. In response to Mr. Fitts' comments, the square footage of recreational vehicle spaces in parks was reduced from 700 square feet to 600 feet. The Planning Commission removed the language regarding square footage for clothes drying lines. There were no changes to the 5,000 square feet for spaces in manufactured dwelling parks. That is the same as applies to single-family dwellings. To have different standards apply, there is a planned development process. Tokos said that he thinks this addresses the concerns heard at the last hearing, and that this is ready for Planning Commission action. Fisher wondered if where it discusses the requirement for 5,000 square feet, there should be a notation that refers people to the planned development section. He added that he never thought that 5,000 square feet was what should be used. Six units in an acre didn't bother him. Then if they wanted to stay at 5,000 square feet they could or they could have different sized lots under the planned development. Tokos said that it could be done, but we don't do that in the residential districts. We have a stand-alone planned development section. Staff would refer them to that. Cross-referencing makes it more difficult to update when moving forward. Patrick had a question about the temporary use permit for living in an RV. Tokos noted that the RV parking piece of the Municipal Code (Chapter 6.25.010) is part of the package. We do have a temporary use section that covers that.

Proponents, Opponents, or Interested Parties: No one was present wishing to testify.

Patrick closed the hearing at 8:12 p.m. for deliberation. Sarazin said that she sees what Fisher is saying about cross-referencing, but she hears Tokos about the difficulty of updating. She believes all issues have been addressed and we have a good product. The rest of the Commissioners agreed.

MOTION was made by Commissioner Small, seconded by Commissioner Rehffuss, to approve the package of zoning code amendments to Section 2-2-26, regarding manufactured dwellings and recreational vehicles, including the modifications made by staff following testimony; and recommend it to the City Council. The motion carried unanimously in a voice vote.

E. Unfinished Business. There was no unfinished business to discuss.

F. New Business. Tokos said that he is in the process of putting together an advisory committee for studying our housing needs and buildable lands inventory, and has made a pretty good list of ten people; which he listed. Representatives include Will Emery as a land developer, the Housing Authority, the Chamber of Commerce, the Community Development Corporation of Lincoln County, Larry Henson for manufactured dwellings, Lincoln County Homebuilders (hopefully with Gary East taking that role as well as Commissioner), Lincoln County Planning Director Valerie Soiliki, Lincoln County Commission on Children and

4 Planning Commission meeting minutes 10/11/10.

Families, and Matt Spangler of DLCD. If East accepts, Tokos would like to have an additional Planning Commissioner on the list. Patrick volunteered to serve on the committee and said that Tokos may want to look at including a property manager. Fisher noted that Jim McIntyre is always interested, and he would recommend him. Tokos said that, kicking off in November, there should be a meeting a month until May.

G. Adjournment. There being no further business to come before the Planning Commission, the meeting adjourned at 8:20 p.m. ----

Respectfully submitted,

Wanda Haney
Senior Administrative Assistant

Derrick Tokos

From: Larry Henson OnSite Manager Longview Hills [longviewhills@charterinternet.com]
Sent: Friday, October 08, 2010 12:05 PM
To: Larry Henson OnSite Manager Longview Hills; Derrick Tokos; Wanda Haney; omha@omha.com
Subject: Re: Concerning proposed changes by the City of Newport to the Newport Zoning NZO File No. 2-Z-10

Hi All,

I apologize for having the date wrong on the first letter sent out just a minute ago, Obviously this is not Sept but October.

lh

----- Original Message -----

From: "Larry Henson OnSite Manager Longview Hills"

<longviewhills@charterinternet.com>

To: "Derrick Tokos" <D.Tokos@NewportOregon.gov>; <W.Haney@NewportOregon.gov>; <omha@omha.com>

Sent: Friday, October 08, 2010 12:02 PM

Subject: Re: Concerning proposed changes by the City of Newport to the Newport Zoning NZO File No. 2-Z-10

> From: Larry Henson

>

> 6090 NE Evergreen Ln

>

> Newport, OR 97365

>

> EMAIL: longviewhills@charterinternet.com

>

> Voice: 541-265-3576

>

> Fax: 541-265-8782

>

>

>

> Date October 8, 2010

>

>

>

> To: City of Newport Planning Commission and Community Development

> Director

>

> City Hall

>

> 169 SW Coast Hwy

>

> Newport, OR 97365

>

>

>

>

>

> Re:File No. 2-Z-10

>

>

>
>
>
> Greetings,
>
>
>
> Thank you for adding provision B to the NZO 2-2-26.010 Manufactured
> Dwellings on Individual Lots.
>
>
>
> I will be away on the date of the next scheduled meeting but believe
> the language of Section B adequately addresses my concerns.
>
>
>
> "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 2-5-3 of
> this Ordinance. Requests of this nature shall be reviewed under a Type
> III decision making process consistent with Section 2-6-1, Procedural
> Requirements."
>
>
>
> Thank You.
>
>
>
> Sincerely,
>
>
>
> Larry Henson
>
> 6090 NE Evergreen Ln
>
> Newport, OR 97365
>
>
>
> CC'd
>
> Wanda Haney
>
> Don Minor - OMHA
>



DEPT OF

NOV 05 2010

LAND CONSERVATION
AND DEVELOPMENT



City of Newport
169 SW Coast Hwy
Newport, OR 97365

TO

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