



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/01/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Newport Plan Amendment
DLCD File Number 002-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, July 11, 2013

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

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

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

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

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FORM 2

DLCD

Notice of Adoption

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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	JUN 24 2013
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Newport**Local file number: **1-Z-13**Date of Adoption: **6/17/2013**Date Mailed: **6/20/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **4/5/2013**☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

Revisions to the Definitions, Zoning Districts, and Accessory Use Chapters of the Newport Zoning Ordinance to allow accessory dwelling units in all residential zoning districts, subject to compliance with specific development standards.

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

Development standards were amended to separate criteria for accessory dwellings from those that apply to other types of accessory structures.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

None.

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

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

Address: **169 SW Coast Hwy**

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 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

CITY OF NEWPORT
ORDINANCE NO. 2055

AN ORDINANCE AMENDING THE NEWPORT ZONING ORDINANCE, NMC TITLE
XIV, RELATING TO
ASSESSORY DWELLING UNITS

Findings:

1. On March 25, 2013 the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code (NMC), to create standards for permitting Accessory Dwelling Units on residential properties.
2. An Accessory Dwelling Unit (ADU) is a second dwelling unit created on a lot or parcel that already contains a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the primary residence.
3. Authorizing ADUs in residential zoning districts, irrespective of existing density limitations, creates an avenue for property owners to construct modest, ancillary residential units that can be rented to persons employed in the City. This is consistent with Policy 4, Goal 2 of the Housing Element of the Newport Comprehensive Plan, which calls for the City to identify potential amendments to its codes in order to facilitate the development of housing affordable to Newport workers at all wages levels.
4. Desirability of ADUs is not limited to persons interested in generating rental income, as they are often constructed for the purpose of providing housing for family members, or on-site care givers. ADUs are an important housing option that are consistent with the objectives of Goal 1 of the Housing Element, which encourages provision of housing in adequate numbers, price ranges, and rent levels commensurate with the financial capabilities of Newport households.
5. Other than those addressed above, no Comprehensive Plan policies or provisions apply to this proposed amendment of the Newport Zoning Ordinance.
6. The Newport Planning Commission discussed the proposed code amendments at work sessions on March 25, 2013 and April 8, 2013. The Commission held a public hearing on May 28, 2013 and voted to recommend adoption of the amendments.
7. The City Council held a public hearing on June 17, 2013 regarding the question of the proposed revisions and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.
8. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public and Agency notification was provided for both the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings are hereby adopted as support for the amendments to the Newport Zoning Ordinance, NMC Title XIV, adopted by this Ordinance No. 2055.

Section 2. The following definition for the term "Accessory Dwelling Unit" is hereby inserted alphabetically into Section 14.01.020, Definitions, above the definition for the term "Accessory Structure or Use":

Accessory Dwelling Unit. A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

Section 3. NMC 14.03.050, Residential Uses, is hereby amended to add "B. Accessory Dwelling Units" alphabetically under "A. Residential" and a "P" to indicate that Accessory Dwelling Units are permitted within in the R-1, R-2, R-3 and R-4 zones. All subsequent existing residential uses are hereby relettered, accordingly.

Section 4. NMC Chapter 14.16, Accessory Uses and Structures, is hereby repealed in its entirety and replaced with the new Chapter 14.16, attached and incorporated herein by this reference as Exhibit "A."

Section 5. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: June 17, 2013

Signed by the Mayor on June 18, 2013.

Sandra Roumagoux, Mayor
Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker
Margaret M. Hawker, City Recorder

CHAPTER 14.16 ACCESSORY USES AND STRUCTURES

14.16.010 Purpose. The provisions of this section are intended to establish the relationship between primary and accessory structures or uses and to specify development criteria for accessory structures or uses.

14.16.020 General Provisions.

- A. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use of a property. Typical accessory structures include detached garages, sheds, workshops, greenhouses, gazebos and similar structures that, with the exception of Accessory Dwelling Units, are not intended for habitation by people. The Community Development Director, or the Director's designee, shall determine if a proposed accessory use is customarily associated with, and subordinate to, a primary use and may at his/her discretion elect to defer the determination to the Planning Commission. A determination by the Planning Commission shall be processed as a code interpretation pursuant to Section 14.52.001, Procedural Requirements.
- B. An accessory use or structure shall be subject to, and comply with, the same requirements that apply to the primary use except as provided in this section.

14.16.030 Accessory Use or Structure on a Separate Lot or Parcel. An accessory use or structure may be located on a lot or parcel that is separate from the primary use provided:

- A. The lot or parcel upon which the accessory use or structure is to be located is contiguous to the property containing the primary use; and
- B. The subject lots or parcels are under common ownership and within the same zone district; and
- C. A deed restriction, in a form approved by the City, is recorded stating that the property on which the accessory use or structure is to be located cannot be sold or otherwise transferred separate from the lot or parcel containing the primary use. This restriction shall remain in effect until a primary use is situated on the same lot or parcel as the accessory building or the accessory building is removed.

14.16.040 Development Standards (excluding Accessory Dwelling Units).

Accessory buildings and structures, except for Accessory Dwelling Units, shall conform to the following standards:

- A. The maximum floor area of the accessory structure in a residential zoning district shall not exceed 1,500 square feet or 65% of the total floor area of the primary structure, whichever is less.
- B. The maximum height of an accessory building in a residential zoning district shall not exceed that of the primary structure.

- C. Accessory buildings shall not extend beyond the required front yard setback lines of adjacent lots or parcels.
- D. Regardless of the setback requirements, a rear yard in a residential zone district may be reduced to five (5) feet for a one-story detached accessory building provided the structure does not exceed 625 square feet in size and 15 feet in height.

14.16.050 Development Standards - Accessory Dwelling Unit Standards.

Accessory Dwelling Units shall conform to the following standards:

- A. Accessory Dwelling Units are exempt from the housing density standards of residential zoning districts.
- B. A maximum of one Accessory Dwelling Unit is allowed per lot or parcel.
- C. The maximum floor area for an Accessory Dwelling Unit shall not exceed 600 square feet or 50% of the area of the primary dwelling, whichever is less.
- D. Accessory Dwelling Units may be a portion of the primary dwelling, attached to a garage, or a separate free-standing unit.
- E. The maximum height of an Accessory Dwelling Unit detached from the primary dwelling shall not exceed that of the primary dwelling. An Accessory Dwelling Unit attached to the primary dwelling is subject to the height limitation of the residential zone district within which it is located.
- F. Accessory Dwelling Units shall not extend beyond the required front yard setback lines of the adjacent lots or parcels.
- G. Exterior materials used to construct an Accessory Dwelling Unit shall be the same as those of the primary dwelling or garage.
- H. An Accessory Dwelling Unit shall share water, sewer, electric, and gas connections with the primary dwelling.
- I. Either the primary residence or Accessory Dwelling Unit shall be owner-occupied. The property owner shall prepare and record a covenant or deed restriction in a form acceptable to the city, providing future owners with notice of this requirement.
- J. One off-street parking space shall be provided for each Accessory Dwelling Unit. This requirement is in addition to off-street parking standards that apply to the primary dwelling.

14.16.060 Conditional Use Approval of Accessory Dwelling Units. If one or more of the standards of this chapter cannot be met, an owner may seek approval of an Accessory Dwelling Unit as a Conditional Use, pursuant to Chapter 14.34. A Conditional Use Permit may allow relief from one or more of the standards of this chapter, but does not excuse the owner from complying with the standards that can be satisfied.



DEPT OF

JUN 24 2013

LAND CONSERVATION
AND DEVELOPMENT



City of Newport
169 SW Coast Hwy
Newport, OR 97365

TO

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. LAND CONSERVATION & DEVELOPMENT
635 CAPITOL ST NE, SUITE 150
SALEM, OR 97301-2540