

CITY OF NEWPORT

ORDINANCE NO. 2033

An Ordinance Repealing Ordinance No. 1308, Also Known as the Newport Zoning Ordinance, and all Its Amendments, and Enacting Chapter XIV of the Newport Municipal Code Pertaining to Zoning

WHEREAS, Chapter XIV of the Newport Municipal Code has been reserved for the Newport Zoning Ordinance and other city land use regulations; and

WHEREAS, the Council finds that zoning and zoning research will be simplified and clarified with the addition of the Zoning Ordinance to the Newport Municipal Code; and

WHEREAS, the Planning Commission has reviewed Ordinance No. 1308, as amended (the Newport Zoning Ordinance), and has recommended that certain redundant language be eliminated, definitions updated, and standards and procedures clarified prior to codification; and

WHEREAS, these "housekeeping amendments" are a public necessity and further the general welfare of the citizens of Newport because they make it easier for the public to understand City land use requirements; and

WHEREAS, the Newport Planning Commission and City Council conducted duly noticed public hearings at which the public was invited to testify on the housekeeping amendments and codification of the Newport Zoning Ordinance into the Newport Municipal Code. Such hearings, held February 13, 2012 and April 16, 2012 respectively, provided citizens an opportunity to participate in the development of the Newport Zoning Ordinance, consistent with Goal 1, Citizen Involvement, of the Newport Comprehensive Plan.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 1308, as amended by those ordinances listed in Exhibit A, is hereby further amended as shown in Exhibit B, attached and incorporated herein by this reference.

Section 2. Ordinance No. 1308, as amended in Exhibits A and B, is hereby codified as Newport Municipal Code (NMC) Chapter XIV, as shown on Exhibit C, attached and incorporated herein by this reference.

Section 3. Ordinance No. 2031, Amending Ordinance No. 1308 and Establishing criteria for the Management of the City's Urban Tree Canopy, is hereby codified as of its effective date of July 1, 2012, as NMC Section 14.17.001.

Section 4. Ordinance No. 2032, Amending Ordinance No. 1308 and Relating to Vacation Rentals and Bed and Breakfast Facilities, is hereby codified as of its effective date of July 1, 2012, as NMC Section 14.25.001.

Section 5. This Ordinance shall become effective 30 days after its passage.

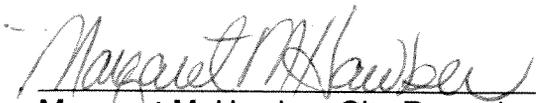
Adopted by the Newport City Council on the 7th day of May, 2012.

Signed by the Mayor on the 8 day of May, 2012.



Mark McConnell, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

Exhibit A, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

Ordinance No. 1858 (10-2-03) / Text and Map Amendment: Amends Ordinance 1621 (as amended) and Ordinance 1308 (as amended) to adopt the South Beach State Park Master Plan as follows: Adds goal and policies to “Goals/Policies/Implementation, Parks & Recreation under the “Parks & Recreation” Section of the Newport Comprehensive Plan (Ordinance No. 1621) on page 195, add to NZO Section 2-2-1.042 / “Uses in State Park Master Plans” and Section 2-2-1.050 / “Uses in State Park Master Plans”, on NZO map & Comprehensive Plan map change zoning designation for 11-11-17—801 & 1300 from Commercial & C-2 / “Tourist Commercial” to Public and P-2 / “Public Parks”, and change zoning designation on maps for 11-11-17-BD—1400 and 11-11-17-CA—1400, 1500, 2800, 2900, 2901, 3000, 3101, 3701, 3900, 4100, 4200, 4300 & 4403 from High Density Residential and R-4 / “High Density Multi-Family Residential” to Public and P-2 / “Public Parks”.

Ordinance No. 1861 (11-5-03) / Text Amendment: Amends Section 2-2-1.025 / “Residential Uses” Subsection (D) / “Community Services” to add Number 28 (Bicycle Shop) in residential matrix and to allow bicycle shops as a conditional use in the R-4 zone.

Ordinance No. 1865 (12/31/03) / Text Amendment: Repeal a portion of Ordinance 1308 (as amended) and establish a Newport Design Review Process and adopt standards for the Historic Nye Beach Design Review District (HNBO) as follows: Add Section 2-4-16 / “Design Review Standards”, Ordinance No. 1838 amending Ordinance No. 1308 (adopted 8/20/01) is repealed in its entirety, amends Ordinance 1308 (as amended) Subsection 2-5-4.035 of Section 2-4-5 / “Landscaping Requirement” (as adopted by Ordinance No. 1827), and amends Section 2-4-1.010 / “Residential Uses in Nonresidential Districts” Subsection (B) / “C-2 Zones”.

Ordinance No. 1871 (5-6-04) / Text Amendment: Amends Section 2-2-1.035 / “Commercial and Industrial Uses” Subsection (I) Major Group 79 (Amusement and Recreation Services, Except Motion Pictures) and amends Section 2-3-6.015 / “Number of Parking Spaces Required” Number 63.

Ordinance No. 1878 (11-18-04) / Text Amendment: Amends Ordinance No. 1621 (as amended) Section entitled “Aggregate and Mineral Resources” and Ordinance No. 1308 (as amended) Section 2-4-14 / “Iron Mountain Impact Area”.

Ordinance No. 1880 (1-7-05) / Map Amendment: 11-11-30-AD--900 annexed; zoned R-1 / “Low Density Single-Family Residential”.

Ordinance No. 1886 (8-17-05) / Text Amendment: Amends regulations related to recreational vehicle parks as follows: Amends Section 2-2-1.035 / “Commercial and Industrial Uses) Subsection (I), amends Section 2-4-16.030 / “Special Zoning Standards in Design Review Districts (A) (Historic Nye Beach Design Review District), amends Section 2-2-26.035 / “Recreational Vehicle Parks”, amends Section 2-2-27.010 / “Recreational Vehicle Parks”, and amends Section 2-2-27.035 / “Recreational Vehicle Park Standards”.

Exhibit A, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

Ordinance No. 1887 (12-7-05) / Text and Map Amendment: Amends the boundary of the Historic Nye Beach Design Review District (HNBO) on Zoning map as described in NZO Section 2-4-16.020 (A) to include 11-11-05-CB—2900.

Ordinance No. 1888 (12-7-05) / Map Amendment: Amends zoning designation on Zoning map from C-1 / “Retail and Service Commercial” to C-2 / “Tourist Commercial” for 11-11-5-AB—3500, 3600, 3602, 3603, 3604, 3605 & 3606.

Ordinance No. 1890 (4/5/06) / Map Amendment: 11-11-04—200 (east 40 acre portion) annexed; zoned R-1 / “Low Density Single-Family Residential”.

Ordinance No. 1892 (7/19/06) / Map Amendment: 11-11-04-CD—300 annexed 3.75 acres; zoned R-1/“Low Density Single-Family Residential”.

Ordinance No. 1895 (12/6/06) / Map Amendment: 11-11-18-D—100 Amends zoning designation on Zoning Map from C-1/“Retail & Service Commercial” to P-2/“Public Parks” for property used in conjunction with South Beach State Park of approximately 5.7 acres acquired by the Oregon Park and Recreation Department in 2005 and approximately 4.7 acres of property (which includes portions of SW Jetty Way) from the existing “(NOT ZONED)” designation to a P-2 (Public Parks) designation.

Ordinance No. 1896 (12/6/06): 11-11-17—1000 & 1100 & 11-11-08-CD—800 annexed Yaquina Bay State Park & surrounding public property. (Because the subject property was previously believed to be within the City of Newport, no amendments to the Newport Zoning map are required as the Newport Zoning maps already have established a city zoning designation for the property).

Ordinance No. 1897 (12/6/06) / Map Amendment: Amends zoning designation on Zoning map to change the designation of that portion of Tax Lot 16300 that became part of Tax Lot 800 as a result of a property line adjustment from R-4/“High Density Multi-Family Residential” to C-1/ “Retail & Service Commercial”; vacates the undeveloped portion of SW Alder Street adjacent to Lot 4 (Assessor’s Map 11-11-8-CA—16300) and Lot 5 (Assessor’s Map 11-11-8-CA—17000) of Block 12 of Plan of Newport, and the unnamed 10 foot wide alley way lying between Lot 4 and Lot 5; and changes the designation of the west half of SW Alder Street that became part of Tax Lot 16300 and 17000 as a result of the street vacation from C-1/ “Retail & Service Commercial” to R-4/“High Density Multi-Family Residential”.

Ordinance No. 1899 (1/3/07) / Map Amendment: Adopts the South Beach Neighborhood Plan, removes property from the UGB and adds property to the UGB, and changes zoning map designations for that portion of property currently identified as Lincoln County Assessor’s Map 11-11-20 Tax Lot 2700 (owned by the City of Newport) from P-1 to both R-1 and R-2, and the portion of property currently identified as Lincoln County Assessor’s Map 11-11-20 Tax Lot 1500 (owned by Double E Northwest) to be changed from I-1 to R-1.

Ordinance No. 1900 (1/3/07) / Text and Map Amendment: Amends the Zoning Ordinance and Zoning Map by adding Section 2-5-11 (South Beach Open Space Overlay Zone) (and by indicating on the zoning map with the letters “SBOS”) to implement the South Beach Neighborhood Land Use Plan’s Policy No. 4.

Exhibit A, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

Ordinance No. 1905 (2/15/07) / Text Amendments: Amends NZO Section 2-2-13.030 (Shoreline Stabilization) to add Section F and G regarding cobble/pebble dynamic revetments in Management Units 8 and 9-A; Amends Section 2-2-13.108 (Management Unit No. 8) to add special policy No. 8.4 regarding cobble/pebble dynamic revetment for shoreline stabilization; Amends Section 2-2-13.109 (Management Unit 9-A) to add special policy No. 9-A.5 regarding cobble/pebble dynamic revetment for shoreline stabilization; and amends Section 2-2-13.0200

(Permitted Use Matrices) for the use matrices for Management Unit 8 and Management Unit 9-A to add a use of "Public Facilities" under the "Public" Section with a conditional use designation and to add "8.4" and "9-A.5" to each respective Management Unit matrix under the Special Policy section with a circled C to denote a conditional use requiring resource capability determination for both Management Unit matrices.

Ordinance No. 1906 (3/7/07) / Map Amendment: Amends the zoning map designation as follows: A) approximately 20,000 sq. ft. (involving portions of currently designated Tax Lots 9600 and 9700 of Lincoln County Assessor's Map 11-11-08-AD and Tax Lot 100 of Lincoln County Assessor's Map 11-11-08) shall be changed from W-1/"Water-Dependent" to W-2/"Water-Related"; and B) approximately 1 acre of currently designated Tax Lot 100 of Lincoln County Assessor's Map 11-11-17 shall be changed from W-2/"Water-Related" to W-1/"Water-Dependent".

Ordinance No. 1907 (5/4/07) / Map Amendment: Amends the zoning map designation to establish a C-1/"Retail and Service Commercial" designation for property described as Lots 1-4 of Block 48, Case & Bayley's Second Addition to Newport (also currently identified as 810 SW Alder Street and as Lincoln County Assessor's Map 11-11-8-BD Tax Lots 10400, 10500, and 10600).

Ordinance No. 1909 (5/2/07) / Map Amendment: Amends the zoning map to establish an R-4/"High Density Multi-Family Residential" designation for the subject property consisting of Lots 7, 8, 9 & 10 of Block 34, AGATE BEACH (currently identified as Lincoln County Assessor's Map 10-11-29-BD Tax Lots 13200, 13400 & 13500) fronting on NW Agate Way, NW Gilbert Way, and NW Circle Way except for a 2-foot portion of property to be left as a C-1/"Retail and Service Commercial" designation along both: 1) the entire frontage of the subject property along both NW Agate Way and NW Circle Way and 2) the northeasterly property line (that being common property line between the subject property and Lots 6 and 11 of Block 34, AGATE BEACH) as illustrated in Exhibit "A" attached to the ordinance.

Ordinance No. 1915 (6/6/07) / Map Amendment: Amends the zoning map to establish a C-2 (HNBO)/"Tourist Commercial (Historic Nye Beach Design Review Overlay District)" zoning designation for the subject property at 55 SW Coast Street consisting of Lot 18, Block B, Wilson and Barlow Blocks (currently identified as Lincoln County Assessor's Map 11-11-08-BB Tax Lot 22100) as identified in Exhibit "A" attached to the ordinance.

Ordinance No. 1922 (7/18/07) / Map Amendment: 11-11-20 portion of Tax Lot 100 and 11-11-21 portion of Tax Lot 700. Annexed approximately 102.225 acres including approximately 86 acres of property owned by Emery Investments, Inc. (approximately 75 acres of Tax Lot 100 of Assessor's Tax Map 11-11-20 and approximately 5 acres of Tax Lot 700 of Assessor's Tax Map 11-11-21) and approximately 16.5 acres of property owned by GVR Investments (generally described as Tax Lot 100 of Assessor's Map 11-11-20-AB) into the Newport City Limits with zoning designations adopted as part of the South Beach Neighborhood Plan (as adopted by

Exhibit A, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

Ordinance No. 1899) including approximately 24.2 acres proposed for R-1 and 5.8 acres proposed for R-2, approximately 15.3 acres for R-3, approximately 2.1 acres to be designated commercial with either C-1, C-2, or C-3, and approximately 25 acres as P-1 for the OCCC campus site, and I-3 for approximately 16.5 acres for the GVR Investment property. Withdraws said property from Newport Rural Fire Protection District & the Lincoln County Library District.

Ordinance No. 1931 (9/5/07) Amends Ordinance No. 1922 by adopting new conditions and findings in support of approval of annexation, zone change, and withdrawal to demonstrate compliance with the Transportation Planning Rule.

Ordinance No. 1936 (10/4/07) / Map Amendment: 11-11-04-CD—100, 200 & 201 and 11-11-04-D portion of Tax Lot 1500 (within existing UGB). Annexed approximately 14.5 acres into the city limits with R-2 designation. Withdraws subject property from Newport Rural Fire Protection District & Lincoln County Library District.

Ordinance No. 1941 (12/19/07) / Map Amendment: 11-11-09-BA—3400. Annexed approximately 0.69 acres into the city limits with R-1 designation. Withdraws subject property from Newport Rural Fire Protection District & Lincoln County Library District.

Ordinance No. 1942 (2/7/08) / Map Amendment: 11-11-08-CC—600, 601 & 90000 (Supp. Map No. 1). Amends the zoning map by changing the zoning designation of this approximately 0.57 acres from R-2/ "Medium Density Single-Family Residential" to C-1/ "Retail and Service Commercial" as shown in Exhibit "A" attached to the ordinance.

Ordinance No. 1946 (2/21/08) / Text Amendment: Modifies the provisions for residential uses within the C-2 Zone of the Historic Nye Beach Design Review District by adding subsections (a) and (b) to NZO Section 2-4-16.030 (A) (7).

Ordinance No. 1947 (3/6/08) / Map Amendment: 10-11-20—1503 & 10-11-29—300 & 106. Annexed approximately 82.63 acres (generally located to the east of NE 52nd and 53rd Streets and NE 70th Drive as well as to the south, east, and north of the Longview Hills Development) into the city limits with R-2 / "Medium Density Single-Family Residential" designation. Withdraws subject property from Newport Rural Fire Protection District & Lincoln County Library District.

Ordinance No. 1955 (4/16/08) / Map Amendment: 11-11-04-CD—600. Annexed approximately 1.35 acres (located at the east end of NE 6th Street on the east side of Laurel Crest Subdivision) into the city limits with R-1 / "Low Density Single-Family Residential" designation. Withdraws subject property from Newport Rural Fire Protection District & Lincoln County Library District.

Ordinance No. 1968 (12/31/08) / Map Amendment: 11-11-20—100 & 101 and 11-11-21—700. Amends the zoning map by changing the classifications in an 86 acre area of property by decreasing the R-1/"Low Density Single-Family Residential" designation from 27.3 acres to 0 acres, by increasing the R-2/"Medium Density Single-Family Residential" designation from 6.4 acres to 47.0 acres, by decreasing the R-3/"Medium Density Multi-Family Residential" designation from 16.9 acres to 9.8 acres, decreasing

Exhibit A, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

the C-1/"Retail and Service Commercial" designation from 9.2 acres to 4.9 acres, and decreasing the P-1/"Public Structures" designation from 26.2 acres to 24.3 acres.

Ordinance No. 1985 (9/3/09) / **Map Amendment: 11-11-08-AC—12200, 12301 & 1400.** Amends the zoning map by changing from current split zoning of R-4/"High Density Multi-Family Residential" & W-2/"Water-Related" to entirely W-2/"Water-Related" zoning.

Ordinance No. 1987 (12/18/09) / **Text Amendment:** Amended in its entirety Section 2-4-6 (Flood Hazard Area) to be consistent with changes in the National Flood Insurance Program (NFIP), incorporating updated Flood Insurance Study (FIS), and adopting updated Flood Insurance Rate Maps (FIRMs).

Ordinance No. 1989 (1/1/10) / **Text Amendment:** Amended Section 2-6-1 (Procedural Requirements) and various other sections that cross reference Section 2-6-1 and repealed Section 2-6-5 (Council Review) in its entirety.

Ordinance No. 1991 (1/1/10) / **Text Amendment:** Amended Section 2-5-3 (Conditional Uses) in its entirety and added a definition for "Public Facilities" to Section 2-1-1.101.

Ordinance No. 1992 (1/1/10) / **Text Amendment:** Amended Section 2-5-2 (Variances) in its entirety and Municipal Code Section 10.10.140 (Signs) in its entirety.

Resolution No. 3486 (1/1/10) / **Text Amendment:** Repealed Resolution No. 3319 (8/19/03) adopted as Appendix "A" and adopted new land use application fees.

Resolution No. 3488 (1/1/10) / **Text Amendment:** Amended Resolution No. 3454, which amended Resolution No. 3431, and adopted new systems development rates.

Ordinance No. 1994 (1/6/10) / **Map Amendment: 10-11-29-CD—3100.** Amends the zoning map by changing from current split zoning of R-1/"Low Density Single-Family Residential" & R-4/"High Density Multi-Family Residential" to entirely R-4 zoning.

Ordinance No. 1995 (1/6/10) / **Text Amendment:** Amended Section 2-2-13.104 (Management Unit No. 4) by adding a Special Policy 4.3 and amended Section 2-2-13 Permit Use Matrices, Management Unit No. 4 by adding permitted uses under "Port Facilities" per Special Policy 4.3.

Ordinance No. 1996 (1/7/10) / **Text Amendment:** Amended Section 2-5-1 (Nonconforming Uses) in its entirety, repealed Section 2-4-15 (Nonconforming Uses in R-1 Zoning Districts) in its entirety, added a definition for "Nonconforming Lot" to Section 2-1-1.01, and amended the definition of "Nonconforming Structure or Use" in Section 2-1-1.01.

Exhibit A, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

Ordinance No. 2001 (4/14/10) / **Text Amendment:** Amended Section 2-2-29 (Temporary Structures Permits) in its entirety, added definition of “Temporary Vending Carts” to Section 2-1-1.101 (Definitions).

Ordinance No. 2005 (7/7/10) / **Text Amendment:** Replaced Section 2-5-4 (Planned Developments) in its entirety.

Ordinance No. 2008 (12/2/10) / **Text Amendment:** Replaced Section 2-2-26 (Manufactured Dwellings and Recreational Vehicles) in its entirety. Amended Section 2-1-1.101 (Definitions). Repealed Sections 2-2-27 (Recreational Vehicles) and 2-2-28 (Trailer Coaches and Trailer Parks) in their entirety.

Ordinance No. 2010 (1/6/11) / **Text Amendment:** Replaced Section 2-3-6 (Parking, Loading, and Access Requirements) in its entirety.

Ordinance No. 2011 (2/18/11) / **Text Amendment:** Amended Section 2-1-1.101 (Definitions); Amended Section 2-3-2.025(B)(1) (General Exceptions to Required Yard – Projections into Yards); Replaced Section 2-4-2 (Accessory Uses and Structures) in its entirety; Replaced Section 2-4-13 (Home Occupations) in its entirety; Replaced Section 2-6-8 (Enforcement) in its entirety.

Ordinance No. 2017 (8/17/11) / **Text Amendment:** Amended Section 2-1-1.101 (Definitions) and replaced Section 2-4-7 (Geologic Hazards Overlay) in its entirety.

Ordinance No. 2021 (10/6/11) / **Map Amendment: 11-11-08-CA—9100.** Amends zoning map by changing designation of Assessor’s Map 11-11-08-CA Tax Lot 9100 & abutting SW Case Street from R-3/“Medium Density Multi-Family Residential” to R-4/“High Density Multi-Family Residential”.

Ordinance No. 2022 (10/20/11) / **Text Amendment:** Repealed and replaced Section 2-2-1 (Zoning Districts) in its entirety and amended Section 2-4-16 (Design Review Standards).

Ordinance No. 2024 (1/4/12) / **Map Amendment: 11-11-08-CA, Tax Lots 8400, 8500, 8600, 8700, 8800, 8801, & 8901).** Amends zoning map by changing designation of the above parcels from R-3/“Medium Density Multi-Family Residential” to R-4/“High Density Multi-Family Residential”.

Zoning Ordinance Municipal Code Codification Draft Code Revisions (latest revisions in strickthrough and <u>double underline</u>)	Rationale for Change
<p>14.01.010 Definitions</p> <p>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:</p> <p>***</p> <p><u>Applicant. A person who applies for a land use action or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.</u></p> <p>***</p>	<p>The term applicant is used throughout the code and should be defined.</p>
<p>Condominium Hotel. A building or group of buildings in which lodging with or without cooking facilities is available to owners or transient guests for rent, trade, exchange, or other compensation for a period of less than 30 days, that is, upon a tenancy less than a tenancy from month to month, and where more than 20 % of the lodging rooms or units are or may be used or available for residential use or rental for residential purposes on a month to month tenancy or a lease or rental agreement for periods of 30 days or more. An approved condominium hotel use simultaneously permits both residential and hotel uses.</p> <p>***</p>	<p>This term is not utilized outside of the definitions section of the code, other than a brief reference in the Iron Mountain Impact Zone, where it could be removed. The definition for “hotel” should be sufficient.</p>
<p>Dwelling Unit. One or more rooms designed for occupancy by one family only and not having more than one cooking facility, but not including recreational vehicles, hotels, motels, boarding houses, and mobile homes.</p> <p>***</p>	<p>The uses listed are dwelling units when they have cooking facilities (mobile homes is the best example).</p>
<p><u>Land Use Action. The procedure by which the City of Newport makes a land use decision.</u></p>	<p>This term is used throughout the code and should be defined. This allows a distinction to be made between a land use action and a ministerial action.</p>

Land Use Decision.** ~~A land use decision includes a final decision or determination that concerns the adoption, amendment, or application of: Statewide Planning Goals, a comprehensive plan provision, a land use regulation, or a new land use regulation, as defined in ORS 197.015.~~

~~A. The Statewide Planning Goals;~~

~~B. A comprehensive plan provision;~~

~~C. A land use regulation; or~~

~~D. A new land use regulation.~~

~~A land use regulation does not include a decision which:~~

~~A. Is made under land use standards that do not require interpretation or the exercise of factual, policy, or legal judgment;~~

~~B. Approves, approves with conditions, or denies a subdivision or partition as described in ORS Chapter 92, where the decision is consistent with land use standards; or~~

~~C. Approves or denies a building permit made under land use standards that do not require interpretation or the exercise of factual, policy, or legal judgment.~~

The statutory definition of a land use decision is included below. It is lengthy and has been revised by the legislature from time to time. The City's definition is dated and inaccurate. Including the lead portion of the state's definition in the Newport code provides readers with needed context. The City code should reference the statutory definition though, as it is more detailed.

ORS 197.015 (10) "Land use decision":

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

(i) The goals;

(ii) A comprehensive plan provision;

(iii) A land use regulation; or

(iv) A new land use regulation;

(B) A final decision or determination of a state agency other than the commission with respect to which the agency is required to apply the goals; or

(C) A decision of a county planning commission made under ORS 433.763;

(b) Does not include a decision of a local government:

(A) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;

(B) That approves or denies a building permit issued under clear and objective land use standards;

(C) That is a limited land use decision;

(D) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the comprehensive plan and land use regulations;

(E) That is an expedited land division as described in ORS 197.360;

(F) That approves, pursuant to ORS 480.450 (7), the siting, installation, maintenance or removal of a liquefied petroleum gas container or receptacle regulated exclusively by the State Fire Marshal under ORS 480.410 to 480.460;

(G) That approves or denies approval of a final subdivision or partition plat or that determines whether a final subdivision or partition

	<p><i>plat substantially conforms to the tentative subdivision or partition plan; or</i></p> <p><i>(H) That a proposed state agency action subject to ORS 197.180 (1) is compatible with the acknowledged comprehensive plan and land use regulations implementing the plan, if:</i></p> <p><i>(i) The local government has already made a land use decision authorizing a use or activity that encompasses the proposed state agency action;</i></p> <p><i>(ii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan; or</i></p> <p><i>(iii) The use or activity that would be authorized, funded or undertaken by the proposed state agency action requires a future land use review under the acknowledged comprehensive plan and land use regulations implementing the plan;</i></p> <p><i>(c) Does not include a decision by a school district to close a school;</i></p> <p><i>(d) Does not include authorization of an outdoor mass gathering as defined in ORS 433.735, or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three-month period; and</i></p> <p><i>(e) Does not include:</i></p> <p><i>(A) A writ of mandamus issued by a circuit court in accordance with ORS 215.429 or 227.179;</i></p> <p><i>(B) Any local decision or action taken on an application subject to ORS 215.427 or 227.178 after a petition for a writ of mandamus has been filed under ORS 215.429 or 227.179; or</i></p> <p><i>(C) A state agency action subject to ORS 197.180 (1), if:</i></p> <p><i>(i) The local government with land use jurisdiction over a use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action has already made a land use decision approving the use or activity; or</i></p> <p><i>(ii) A use or activity that would be authorized, funded or undertaken by the state agency as a result of the state agency action is allowed without review under the acknowledged comprehensive plan and land use regulations implementing the plan.</i></p>
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Exhibit B, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

<p><u>Ministerial Action: A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Community Development Director, or designee, determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon’s quasi-judicial process.</u></p> <p>***</p>	<p>This term is being introduced to the code and should be defined.</p>
<p><u>Nursing Home. A nursing home provides 24 hour direct medical, nursing and other health services. Registered nurses, licensed practical nurses, and nurses’ aides provide services prescribed by resident(s) physician(s). A nursing home is for those persons who need health supervision but not hospitalization. The emphasis of this use is on nursing care, but convalescent, restorative physical, occupational, speech, and respiratory therapies are also provided. The level of care may also include specialized nursing services such as specialized nutrition, rehabilitation services and monitoring of unstable conditions. The term nursing home is also synonymous with the terms nursing facility and skilled nursing facility.</u></p> <p>***</p>	<p>This is a listed use, which should be defined so that there is a clear distinction between a nursing home, residential care home, and residential facility, all of which are regulated in the Newport code.</p>
<p><u>Primary Structure or Use. A structure or use of chief importance or function on a site. A site may have more than one primary structure or use.</u></p> <p>***</p>	<p>Accessory Structure or Use is defined, but Primary structure or Use is not. The proposed definition addresses this oversight.</p>
<p><u>Residential Care Home. A residential facility, as defined in ORS 443.400, which provides residential care and/or treatment to five or fewer individuals, excluding caregivers, with mental or other developmental disabilities; mental, emotional, or behavioral disturbances; or alcohol or drug dependence. This definition includes the State definitions of “residential training home” and “residential treatment home.”</u></p> <p>***</p>	<p>The code does not currently have a definition for residential care home although it is a regulated use. The definition provided ties to appropriate state definitions, and is distinctly different then a “residential facility” due to its more limited occupancy.</p>

Exhibit B, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

<p>Residential Facility.* A facility licensed by or under the authority of the Department of Human Resources Services (DHR/DHS), as defined in per ORS 443.400 to 443.460, which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Required staff persons required to meet DHR licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. This definition includes the State definitions of "residential care facility," "residential training facility," and "residential treatment facility."</p> <p>***</p>	<p>This definition needs updating to align with current statutory language.</p>
<p><u>Setback. The minimum distance required between a specified object, such as a building and another point. Typically, a setback refers to the minimum distance from a building to a specified property line to provide a required yard.</u></p> <p>***</p>	<p>This term is used throughout the code and should be defined.</p>
<p><u>Street. As defined in Section 13.05.005(J) of the Newport Subdivision Ordinance. The entire width between the boundary lines of every way which provides for public use for transportation purposes and the placement of utilities and including the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designation.</u></p> <p>***</p>	<p>This definition should match the definition in the subdivision ordinance, which reads as follows:</p> <p><i>"Street. A public or private way other than a driveway that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. For the purposes of this section, a "driveway" is a private way that begins at a public right-of-way that is proposed to serve not more than four individual lots/parcels cumulative as the primary vehicular access to those individual lots/parcels.</i></p> <ol style="list-style-type: none"> <i>1. Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.</i> <i>2. Arterial. A street of considerable continuity which is primarily a traffic artery among large areas.</i> <i>3. Half-street. A portion of the width of a right of way, usually along the edge of a subdivision or partition, where the remaining portion of the street could be provided in another subdivision or partition, and consisting of at least a sidewalk and curb on one side and at least two travel lanes.</i>

	<p>4. <i>Marginal Access Street.</i> A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.</p> <p>5. <i>Minor Street.</i> A street intended primarily for access to abutting properties.”</p>
<p><u>Yard.</u> An open space on a lot which is unobstructed by any structure-building from the ground upward, except as otherwise provided in this ordinance. Yard depth is always measured horizontally and perpendicular to the respective lot line.</p>	<p>This definition should be clarified to note that it applies to buildings, not structures. The term structures include fences, planter boxes, etc., which have always been permissible in yards.</p>
<p>14.09.001 TEMPORARY STRUCTURES PERMITS</p> <p>***</p> <p>14.09.040 <u>Temporary Structures for Other Than Special Events.</u> Notwithstanding any other restrictions and prohibitions in this code, a temporary structure not associated with a special event may be erected subject to the following:</p> <p>***</p> <p>H. Approval is obtained from the City Building Official <u>if the structure is to be erected for 180 days or longer.</u></p> <p>I. <u>For temporary structures that are to be placed in one location for 12 or more consecutive months, a</u> bond or cash deposit for the amount required to remove the temporary structure, if not removed in the required time frame, shall be placed in an interest-bearing account in the name of the applicant and the City of Newport. Any bond or cash deposit must be in a form approved by the City Attorney.</p> <p>14.09.070 Approval Authority. Unless otherwise provided, placement of temporary structures is subject to review and approval by the Community Development Director using a Type I decision making process as a ministerial action.</p>	<p>The proposed changes regarding the posting of a bond aligns with the city’s current operational practices and state building codes. Given the clear and objective nature of the approval criteria, and tight turn around on these requests, it is appropriate to handle them as a ministerial action.</p>

<p>14.11.001 REQUIRED YARDS AND SETBACKS</p> <p>14.11.010 Required Yards. A building, structure, or portion thereof hereafter erected shall not intrude into the required yard listed in Table A for the zone indicated.</p> <p>***</p> <p>14.11.050 General Exceptions to Required Yard.</p> <p>A. Front Yards.* <u>In the event a front yard less than the minimum has been legally established on one or both of the adjacent lots, the minimum front yard for an interior lot may be reduced to the average of what has been established for the adjoining front yards.</u> For all structures in residential zones where lots on the same side of the street having frontage on the same street and comprising 40% or more of the frontage between two intersecting streets are developed with buildings having less than the required front yard setback, the minimum front yard shall be the average front yard depth. In no case, however, shall the required depth be decreased by more than 25% without an adjustment or variance hearing by the Planning Commission. In such a case, a Type III Land Use Action decision process shall be applied consistent with Section 2-6-1, Procedural Requirements, in addition to the requirements of Section 2-5-2, Adjustments and Variances.</p>	<p>The current code language is very confusing. This language achieves the same objective and is a little bit clearer.</p>
<p>14.18.001 SCREENING AND BUFFERING BETWEEN RESIDENTIAL AND NON-RESIDENTIAL ZONES</p> <p>***</p> <p>2-4-4.010. Adjacent Yard Buffer. On any portion of a site in a non-residential zone that abuts a residential zone, a minimum interior yard of 10 feet planted and maintained as a landscaped screen shall be required. A solid wall or screening fence between six and eight feet high shall be constructed and maintained by the non-residential property owner along the common property line.</p>	<p>It seems counterproductive to require a landscape buffer that is screened from view by a fence. The proposed amendment eliminates the fencing requirement. This could also be structured to provide either option (but not both).</p>
<p>14.21.001 GEOLOGIC HAZARDS OVERLAY</p> <p>***</p>	<p>Recommend all comment periods be 14 days. This is consistent with notice requirements in the Subdivision Ordinance and prevents the last day to comment from landing on a weekend day.</p>

<p>14.21.020 <u>Applicability of Geologic Hazards Regulations.</u></p> <p>***</p> <p>D. If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report O-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 15<u>14</u> days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.</p>	
<p>14.24.001 BEACH AND SAND DUNE AREAS</p> <p>***</p> <p><u>14.24.015. Applicability. Compliance with the approval criteria contained in this section is required for development proposed within beach or dune areas identified on the Ocean Shorelands Map contained in the Comprehensive Plan.</u></p> <p>***</p> <p>14.24.020. <u>Procedure for Review.</u></p> <p>14. Applications for land use actions in beach and dune areas shall be accompanied by a site-specific report prepared by a qualified expert. Beach and dune site reports shall conform to the requirements set forth in Section 2-4-10.015.</p> <p>B. Site reports for beach and dune areas shall be reviewed in accordance with the review requirements for the land use action being proposed (e.g. building permit, subdivision, etc.).</p> <p><u>C. Upon acceptance of the application, the Community Development Department shall process the request in accordance with a Type II Land Use Action decision process consistent with Section 14.43.020.</u></p>	<p>This section needs a fair amount of work; however, as part of the codification project it may be enough to call out the maps that identify beach and dune areas and to establish a review procedure.</p>

14.28.001 IRON MOUNTAIN IMPACT AREA

14.28.070 Uses Prohibited in an R-4/"High Density Multi-Family Residential" Zoning District. The following uses are prohibited in the Iron Mountain Impact Area:

- A. Hospitals.
- B. Schools, Libraries, Colleges, Churches, Clubs, Lodge Halls, and Museums.
- C. Motels, Hotels, ~~Condominium Hotels~~, and Time-Share Projects.
- D. Bed and Breakfast Facilities.
- E. Boarding, Lodging, or Rooming Houses.
- F. Golf Courses.
- G. Recreational Vehicle Parks.
- H. Hostels.
- I. Any other use not listed in the permitted list contained in Section 14.28.060 of this Ordinance.

14.28.080. Uses in the Impact Area that are zoned I-2 or I-3.**

14.28.090 and 14.28.100 Uses Permitted Outright and Conditionally in the I-2/"Medium Industrial Zoning District" within the IMIA

[These sections have been redrafted in their entirety to replace references to SIC based industrial classifications with corresponding use categories, adopted with Ordinance #2022.]

14.28.090 Uses Permitted Outright and Conditionally in an I-2/"Medium Industrial" Zoning District. The following land use categories authorized by the I-2 zoning in Section 14.03.070 (Commercial and Industrial Uses) either as uses permitted outright or conditionally may be allowed within the impact area subject to the underlying zone requirements and any applicable standard of Section 14.28.180 (Iron Mountain Impact Area Development Requirements), excluding the noise standards for residential development provided in Section 14.28.180(D):

A. Retail Sales and Service (Sales-oriented, general and bulk)

Eliminates reference to Condominium Hotel, which is a definition that is proposed to be deleted.

Sections listing permitted and conditional uses for the I-2 and I-3 zones include references to SIC based industrial classifications. The SIC system was replaced with use categories per Ordinance #2022. At that time, the City didn't pick-up the cross-reference to the IMIA and is proposing to do so at this time. This change does not impact the types of uses that are permitted in the IMIA. That would require a detailed economic, social, environmental, and energy (ESEE) analysis to evaluate impacts to the Iron Mountain Quarry. The change simply shifts away from listing allowed uses individually by SIC Code to listing them in common groupings. This eliminates several pages from the Zoning Ordinance and is easier for staff and the public to understand.

Sections related to I-2 and I-3 zone districts, requiring that easements be recorded to the benefit of the quarry Operator, are being deleted as redundant. The City's code already requires this easement for any use being established within the boundary of the IMIA overlay. Allowed uses sections for the I-2 and I-3 zones have been clarified with respect to which uses are subject to noise sensitivity standards. Language in these sections prohibiting uses not listed has been deleted because all uses permitted in these districts are allowed in within the overlay, subject to compliance with the listed standards.

B. Retail Sales and Service (Repair-oriented)

C. Vehicle Repair

D. Self-Service Storage

E. Parking Facility

F. Contractors and Industrial Service

G. Manufacturing and Production (Light & Heavy)

H. Warehouse, Freight Movement, & Distribution

I. Wholesale Sales

J. Waste and Recycling Related

K. Basic Utilities and Roads

L. Utility, Road and Transit Corridors

M. Community Service (Post Offices Only)

N. Mining

O. Communication Facilities

14.28.100 Uses Permitted Outright and Conditionally in an I-2/"Medium Industrial" Zoning District. The following land use categories authorized by the I-2 zoning in Section 14.03.070 (Commercial and Industrial Uses) either as uses permitted outright or conditionally may be allowed within the impact area subject to the underlying zone requirements and any applicable standard of Section 14.28.180 (Iron Mountain Impact Area Development Requirements), including the noise standards for residential development provided in Section 14.28.180(D):

A. Office

B. Retail Sales and Service (Personal Services)

C. Retail Sales and Service (Entertainment)

D. Day Care Facility

E. Educational Institutions (Trade/Vocational Only)

~~14.28.110 - Uses Permitted in an I-2/"Medium Industrial" Zoning District with Conditions in the IMIA. The following uses permitted outright or conditionally within the I-2 zone as specified in Section 14.03.080 (Commercial and Industrial Uses) are permitted within the Iron Mountain Impact Area subject to compliance with the criteria and standards of the underlying zone and the recording of an easement in favor of the owners and operators of the Iron Mountain Quarry as specified in Section 14.28.180 of this Ordinance and any other applicable standard within Section 14.28.180:~~

~~1. Major Group 32: Stone, Clay, Glass, and Concrete Products—321 (Flat Glass), 322 (Glass & Glassware Pressed or Blown), 323 (Glass Products, Made of Purchased Glass)~~

~~2. Major Group 20: Manufacturing of Food and Kindred Products—208 (Beverages)~~

~~3. Major Group 28: Chemicals and Allied Products—281 (Industrial Inorganic Chemicals), 282 (Plastics Materials & Synthetic Resins, Synthetic Rubber, Synthetic & Other Man-Made Fibers, Except Glass), 283 (Drugs), 284 (Soap, Detergents, & Cleaning Preparations, Perfumes, Cosmetics, & Other Toilet Preparations), 285 (Paints, Varnishes, Lacquers, Enamels, & Allied Products), 286 (Industrial Organic Chemicals), 287 (Agricultural Chemicals), 289 (Misc. Chemical Products)~~

~~4. Major Group 35: Machinery, Except Electrical—357 (Office, Computing & Accounting Machinery)~~

~~5. Major Group 38: Measuring, Analyzing, and Controlling Instruments;~~

~~Photographic, Medical, and Optical Goods; Watches and Clocks—381 (Engineering, Laboratory, Scientific & Research Instruments & Associates Equip.), 382 (Measuring & Controlling Equip.), 383 (Optical Instruments & Lenses), 384 (Surgical, Medical & Dental Instruments & Supplies), 385 (Ophthalmic Goods), 386 (Photographic Equipment & Supplies), 387 (Watches, Clocks, Clockwork Operated Devices and Parts)~~

~~6. Major Group 46: Pipe Lines, Except Natural Gas—461 (Pipe Lines, Except Natural Gas)~~

~~7. Major Group 49: Electric, Gas, and Sanitary Services—491 (Electric Services), 492 (Gas Production & Distribution), 493 (Combination Electric & Gas & Other Utility Service), 494 (Water Supply), 495 (Sanitary Services), 496 (Steam Supply), 497 (Irrigation Systems)~~

~~14.28.120 Uses Prohibited in an I-2/“Medium Industrial” Zoning District. Other uses not listed in Section 14.28.090, Section 14.28.100, and Section 14.28.110 of this Ordinance are prohibited within the IMIA.~~

14.28.130 and 14.28.140 Uses Permitted Outright and Conditionally in the I-3/“Heavy Industrial Zoning District” within the IMIA

[These sections have been redrafted in their entirety to replace references to SIC based industrial classifications with corresponding use categories, adopted with Ordinance #2022.]

14.28.130 Uses Permitted in an I-3/“Heavy Industrial” Zoning District. The following land use categories authorized by the I-2 zoning in Section 14.03.070 (Commercial and Industrial Uses) either as uses permitted outright or conditionally may be allowed within the impact area subject to the underlying zone requirements and any applicable standard of Section 14.28.180 (Iron Mountain Impact Area Development Requirements), excluding the noise standards for residential development provided in Section 14.28.180(D):

A. Retail Sales and Service (Sales-oriented, general and bulk)

B. Parking Facility

C. Contractors and Industrial Service

D. Manufacturing and Production (Light & Heavy)

E. Warehouse, Freight Movement, & Distribution

F. Wholesale Sales

G. Waste and Recycling Related

H. Basic Utilities and Roads

I. Utility, Road and Transit Corridors

J. Mining

K. Communication Facilities

14.28.140 Uses Permitted in an I-3/"Heavy Industrial" Zoning District with Conditions in the IMIA. The following land use categories authorized by the I-3 zoning in Section 14.03.070 (Commercial and Industrial Uses) either as uses permitted outright or conditionally may be allowed within the impact area subject to the underlying zone requirements and any applicable standard of Section 14.28.180 (Iron Mountain Impact Area Development Requirements), including the noise standards for residential development provided in Section 14.28.180(D):

A. Educational Institutions (Trade/Vocational Only)

14.28.150 Uses Permitted in an I-3/"Heavy Industrial" Zoning District with Conditions in the IMIA. The following uses permitted outright or conditionally within the I-3 zone as specified in Section 14.03.080 (Commercial and Industrial Uses) are permitted within the Iron Mountain Impact Area subject to compliance with the criteria and standards of the underlying zone and the recording of an easement in favor of the owners and operators of the Iron Mountain Quarry as specified in Section 14.28.180(E) of

Exhibit B, Ordinance No. 2033, Codifying Ordinance No. 1308, as Amended, as Chapter XIV of the Newport Municipal Code

~~this Ordinance and any other applicable standard within Section 14.28.180:~~

~~1. Major Group 32: Stone, Clay, Glass, and Concrete Products—321 (Flat Glass), 322 (Glass & Glassware Pressed or Blown), 323 (Glass Products, Made of Purchased Glass)~~

~~2. Major Group 20: Manufacturing of Food and Kindred Products—208 (Beverages)~~

~~3. Major Group 28: Chemicals and Allied Products—281 (Industrial Inorganic Chemicals), 282 (Plastics Materials & Synthetic Resins, Synthetic Rubber, Synthetic & Other Man-Made Fibers, Except Glass), 283 (Drugs), 284 (Soap, Detergents, & Cleaning Preparations, Perfumes, Cosmetics, & Other Toilet Preparations), 285 (Paints, Varnishes, Lacquers, Enamels, & Allied Products), 286 (Industrial Organic Chemicals), 287 (Agricultural Chemicals), 289 (Misc. Chemical Products)~~

~~4. Major Group 35: Machinery, Except Electrical—357 (Office, Computing & Accounting Machinery)~~

~~5. Major Group 38: Measuring, Analyzing, and Controlling Instruments; Photographic, Medical, and Optical Goods; Watches and Clocks—381 (Engineering, Laboratory, Scientific & Research Instruments & Associates Equip.), 382 (Measuring & Controlling Equip.), 383 (Optical Instruments & Lenses), 384 (Surgical, Medical & Dental Instruments & Supplies), 385 (Ophthalmic Goods), 386 (Photographic Equipment & Supplies), 387 (Watches, Clocks, Clockwork Operated Devices and Parts)~~

~~6. Major Group 46: Pipe Lines, Except Natural Gas—461 (Pipe Lines, Except Natural Gas)~~

~~7. Major Group 49: Electric, Gas, and Sanitary Services—491 (Electric Services), 492 (Gas Production & Distribution), 493 (Combination Electric & Gas & Other Utility Service), 494 (Water Supply), 495 (Sanitary Services), 496 (Steam Supply), 497 (Irrigation Systems)~~

~~**14.28.160 Uses Prohibited in an I-3/"Heavy Industrial" Zoning District.**
Other uses not listed in Section 14.28.130, Section 14.28.140, and Section~~

<p>14.28.150 of this Ordinance are prohibited within the IMIA.</p>	
<p>14.30.001 DESIGN REVIEW STANDARDS ***</p> <p>14.30.080 Procedural Requirements ***</p> <p>B. Procedural requirements for design review applications only (not consolidated with another land use application):</p> <p>***</p> <p>3. Persons subject to notice shall be given 15<u>14</u> days from the date the notices are mailed to make comment. Comments must be in writing and must be received by the Community Development Director by 5:00 p.m. on the 15th day. If the 15th day falls on a weekend or legal holiday, the deadline for comments shall be extended to 5:00 p.m. on the next business day.</p>	<p>Recommend all comment periods be 14 days. This is consistent with notice requirements in the Subdivision Ordinance and prevents the last day to comment from landing on a weekend day.</p>
<p>14.37.001 ANNEXATIONS ***</p> <p>14.37.010 Purpose. It is the purpose of this section to establish and define annexation terms, criteria, and procedures <u>for when a request is made of the City to annex territory</u>. It is further the purpose of this section to implement the Comprehensive Plan. <u>This section does not apply to City initiated annexations pursuant to ORS Chapter 222.</u></p>	<p>This section of the code is written for handling annexation petitions. Clarifying language should be added to point out that there are other procedures in state law that a city can utilize to initiate annexations, and that this section does not apply to those options (e.g. annexation of unincorporated territory surrounded by a city per ORS 222.750).</p>
<p>14.40.001 PDR, PLANNED DESTINATION RESORT ***</p> <p>14.40.090. Procedure for Modification of a Conceptual Master Plan ***</p> <p>B. The Planning Director may refer to the Planning Commission the decision as to whether a change in the CMP is substantial. The Planning Commission</p>	<p>Recommend all comment periods be 14 days. This particular provision is unlikely to be used often.</p>

shall render a determination on all such referrals unless the City Council, within ~~15-14~~ days from the date of the notice by the Planning Director, in the manner provided below, elects to review the Planning Director's decision to refer the issue to the Planning Commission. The Planning Director shall notify by mail the members of the City Council as to the decision of the Planning Commission.

C. The decision of the Planning Director or the Planning Commission shall be final, unless within ~~15-14~~ days a majority of the City Council members then present and voting elect to have the issue considered by the City Council. In such event, the City Council shall thereafter consider the issue at a public meeting. The developer shall be notified of the date, time, and place of the public meeting, and the developer shall have an opportunity to submit written or oral testimony on the issue at the public meeting.

14.40.110 Procedure for Approval of PDP.

Any person having standing (as defined in Section 14.43.001) may appeal the decision of the Planning Commission in the manner provided in Section 14.43.001. A majority of the City Council present and voting at a regular or special City Council meeting within ~~15-14~~ days from the date of the decision by the Planning Commission may elect to review the decision of the Planning Commission. Review of the Planning Commission's decision by the City Council shall not be considered an appeal, and no appeal fee shall be required.

14.40.120 Procedure for Modification of an Approved Preliminary Development Plan.

B. The Planning Director may refer to the Planning Commission the decision as to whether a change in the PDP is substantial. The Planning Commission shall render a determination on all such referrals unless the City Council, within ~~15-14~~ days from the date of the notice by the Planning Director in the manner provided below, elects to review the Planning Director's decision to

<p>refer the issue to the Planning Commission. The Planning Director shall notify by mail the members of the City Council as to the decision of the Planning Commission.</p> <p>C. The decision of the Planning Director or the Planning Commission shall be final, unless within 15<u>14</u> days a majority of the City Council members then present and voting elect to have the issue considered by the City Council. Review of the Planning Commission's decision by the City Council shall not be considered an appeal, and no appeal fee shall be required. In such event, the City Council shall thereafter consider the issue at a public meeting. The developer shall be notified of the date, time, and place of the public meeting, and the developer shall have an opportunity to submit written or oral testimony on the issue at the public meeting.</p> <p>***</p> <p>14.40.140 Procedure for Approval of a FDP.</p> <p>***</p> <p>The decision of the Planning Commission shall be final, unless within 15<u>14</u> days a majority of the City Council members then present and voting elect to have the issue considered by the City Council. Review of the Planning Commission's decision by the City Council shall not be considered an appeal, and no appeal fee shall be required. In such event, the City Council shall thereafter consider the issue at a public meeting. The developer shall be notified of the date, time, and place of the public meeting, and the developer shall have an opportunity to submit written or oral testimony on the issue at the public meeting.</p>	
<p>14.43.001 PROCEDURAL REQUIREMENTS</p> <p>***</p> <p>14.43.060 Notice. The notification requirements in general for the various types of land use actions are identified below. The applicant shall provide city staff with the required names and addresses for notice. Notice of hearings to individual property owners is not required for Type IV legislative actions unless required by state law, such as ORS 227.186 (notice to owners whose property is rezoned). These notification requirements are in addition to any</p>	<p>Recommend all comment periods be 14 days. This is consistent with notice requirements in the Subdivision Ordinance and prevents the last day to comment from landing on a weekend day.</p>

other notice requirements imposed by state law or city ordinance.

C. Mailing of Notice. Notices of hearings and actions shall be mailed by first class mail at least ~~15~~14 days prior to the deadline for providing testimony for Type II decisions and at least 20 days prior to the public hearing for Type III and Type IV quasi-judicial actions. Notices shall be mailed to: