



PLANNING COMMISSION REGULAR SESSION AGENDA
Monday, August 24, 2020 - 7:00 PM
City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

This meeting will be held electronically. The public can live-stream this meeting at <https://newportoregon.gov>. The meeting will also be broadcast on Charter Channel 190. Public comment may be made, via e-mail, up to two hours before the meeting start time at publiccomment@newportoregon.gov.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

2.A Approval of the Planning Commission Work Session Meeting Minutes of August 10, 2020

[Draft PC Work Session Minutes 08-10-2020](#)

2.B Approval of the Planning Commission Regular Session Meeting Minutes of August 10, 2020

[Draft PC Reg Session Minutes 08-10-2020](#)

3. CITIZENS/PUBLIC COMMENT

A Public Comment Roster is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after signing the Roster. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. ACTION ITEMS

- 4.A File 1-PD-20: Final Order and Findings for the OSU Student Housing Planned Development Amendments.**
[Final Order and Findings](#)

5. PUBLIC HEARINGS

- 5.A File 1-Z-20: Amendments Clarifying Circumstances Where Camping Is Permitted Within The City Limits, Including Car Camping By Homeless Individuals.**
[Staff Memorandum](#)
[Attachment A](#)
[Attachment B](#)
[Attachment C](#)
[Attachment D](#)
[Attachment E](#)
[Attachment F](#)
[Additional Comments - City Attorney David Allen](#)

6. NEW BUSINESS

7. UNFINISHED BUSINESS

- 7.A OSU Newport Housing - Biofiltration-Oil Removal.**
[OSU Newport Housing - Biofiltration-Oil Removal](#)
[Additional Comments - Bonnie Serkin Email on Vegetated Swale](#)
- 7.B Work Program Update.**
[Memorandum](#)
[PC Work Program](#)
[Housing Rulemaking Final Schedule](#)
[OAR 918-020-0380 - Electric Vehicle Ready Parking](#)

8. DIRECTOR COMMENTS

- 8.A City of Newport's Virtual Meeting Policy.**

9. ADJOURNMENT

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
August 10, 2020
6:00 p.m.

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Gary East, Jim Hanselman, and Bill Branigan.

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, Greg Sutton, and Braulio Escobar.

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:01 p.m.

2. **Unfinished Business.**

A. **Final Work Session Review of Municipal Code Amendments Related To Car Camping.** Tokos reviewed his memorandum. Berman noted that the one stall separation requirements was for a single row of cars. He asked if lots with parallel parking lines had to skip every other one on one side. Tokos explained that the vehicles would need to be one space apart and could not be head on to each other. Berman thought this wasn't obvious and they needed to add language to say vehicles needed to be a determined minimum amount of feet apart in all directions.

Tokos reviewed the screening requirements next. Branigan asked if a porta potty or restrooms in a church had to be available 24 hours a day. Tokos explained that the statute stated the facilities be available at all hours and meant facilities would be looking at providing porta potty units. Branigan asked if this should be spelled out in the language. Tokos thought they could do this. Franklin also thought the words "at all times" should be included. Tokos would add this.

Hanselman expressed concerns about the length of stay and if campers could remain in the same spot 24 hours a day. Tokos reported that length of stay was one area without language. The context at the last meeting was for landlord tenant laws which put a host in a landlord position and meant they would have to evict someone who's been there a very long time. Tokos reported he reached out to Benton County and they indicated they talked about it and chose to drop it. They talked to their legal counsel who said landlord tenant laws didn't apply. Without any overriding target or reasoning it would be arbitrary to set the number of particular days, and they chose to leave it up to the host. Tokos reported that the City Attorney was doing his own research on the matter. The plan was to bring forward the results of that research and language, if they could craft it, at the public hearing. Hanselman asked if camping was limited to night camping between the hours of 6 p.m. and 6 a.m. Tokos reported there was nothing in the statute that required campers to leave the premises for a certain amount of time.

Escobar asked if the rules covered camping on a public street. Tokos confirmed this was not a part of the amendments. Escobar felt there would be more people parking on public streets as the COVID pandemic went on. Tokos said the objective for the amendments was to create an environment on publicly owned lots where there would be access to facilities as opposed to overnight parking on the streets. Hardy asked how much of the homeless population would be assisted with this program. She felt it was poorly conceived and was a band aid for a problem that needed a deeper solution. Tokos didn't doubt there needed to be a deeper solution and didn't want to speculate on how many people would benefit from this type of framework. At the end of the day it was going to take a host who's willing to do it. The City Council needed to put language in place and the language

would be there for when someone wanted to offer camping. The Commission was in general agreement to schedule a public hearing for the amendments.

Berman noted the notices that were mailed don't make it clear that the city was allowing participation in hearings and wanted to see future notices have stronger wording to convey this. He was concerned for people who could only show up in person at City Hall instead of calling in or participating by video. Berman thought that notices should give different ways for the public to participate. Tokos reported they could accommodate a couple of people at City Hall to provide testimony in person as long as there were no more than 10 people at a time in the room. Participants would have to have a mask on, have their temperature taken, and social distance.

3. New Business.

A. Review of League of Oregon Cities Model Ordinance and Design Guidelines for Small Wireless Facilities.

Tokos explained that the current work session meeting was an introduction to the process and there would be many other work sessions and public hearings that would happen on the subject. He acknowledged the League of Oregon Cities FAQ's that was provided to the Commission before the meeting that showed how 5G would be implemented. Tokos acknowledged public testimony submitted by Mona Linstromberg, Eva Bortnick, and Susan Greenough that had been shared with the Commission.

Tokos reviewed his PowerPoint presentation which included the existing city requirements (inside and outside the rights-of-way); areas where communication facilities were permitted; the Federal nexus; which facilities are eligible; substantial changes (FCC rulings); small wireless facilities and their definitions; and a shot clock of the timeframe.

Berman asked if companies were allowed to place small wireless facilities on private properties not on the right-of-way (ROW). Tokos didn't know of anything that precluded putting towers on private properties. He explained that it would be more convenient for companies interested in starting a franchise to get spacing by shooting down a right-of-way alignment where they could put these on poles at specific distances. When dealing with private properties your ability for spacing with a large number of different players would be more difficult that having a franchise with a municipality. Berman was concerned if facilities were put on private properties the city wouldn't have any say in things other than the standards for height. Tokos explained there would be some incidental permits for these but not a lot.

Tokos reviewed the reasons to update the city code. Berman asked if the wireless was implemented in Nye Beach, would the Nye Beach Banner program affect operations. Tokos didn't think that banners would interfere with operations but there might be spacing issues. Berman was concerned that once the towers were up it would limit the city's ability to municipal promotions or projects. Tokos thought there were other jurisdictions dealing with this and it could be looked into.

East asked what the minimum distance for spacing was. Tokos thought that there might be information on the FAQ's that gave a general sense of this, but he would look into it. He thought it might be based on what was being deployed. East questioned if multiple carriers would have to have their own systems or if they would piggyback off of multiple carriers. Tokos would get answers on this but explained that if the carriers wanted to deploy the city would have to allow them. East asked who set light standards and standards for high wind areas. Tokos said there were standards on wind loads and something the city could do. The code update would mean a coordination with Central Lincoln PUD who had poles in the ROW so they knew what the poles loads were for structural elements. Hanselman asked who owned the poles. Tokos described the areas that had city owned poles. Central Lincoln PUD owned most of the street lights.

Escobar asked how Wi-Fi would be implemented in areas where utilities were underground. Tokos explained they might have to put extensions on light posts unless the posts were tall enough to meet the needs. Sutton asked if they could place poles as needed. Tokos confirmed they could but there could be parameters added to address this. Sutton asked if the city could require them to place new poles with street lights. Tokos reported that they could bring some options forward on new pole placements. He thought they could begin to frame the

language as a package of code amendments and breakdown the 5G small wireless separate from the tower issues as two pieces.

Eva Bortnick addressed the Commission. She wanted the Commission to remember that this matter was about putting radiation into the air. She felt that 5G was a disaster and would be dismantled eventually because it would become clear it was such a disaster. Bortnick stated that the technology hadn't been tested for any biological safety. She said a Federal judge determined that she had an electrical sensitivity disability and she was protected by the American's With Disabilities Act. Bortnick reported that she had to live in a car and tent for 20 years to find a place to exist without wireless. There was a lawsuit that had just been filed against the FCC for not reviewing their guidelines in light of the new technologies. Bortnick wanted everyone to stop talking about towers as if they were a building and talk about them as being radio towers. She asked the Commission to look at this in the bigger picture. There needed to be a refuse for the people with her disability.

B. Updated Planning Commission Work Program. No discussion was heard.

Adjourn. The meeting adjourned at 6:59 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

Draft MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers by Video
August 10, 2020

Planning Commissioners Present by Video: Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Gary East, Jim Hanselman, and Bill Branigan.

City Staff Present: Community Development Director (CDD), Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Hardy, Berman, Hanselman, Branigan, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work Session Meeting Minutes of July 27, 2020 and the Planning Commission Regular Session Meeting Minutes of July 27, 2020.

Commissioner Berman submitted minor corrections to both meeting minutes.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin to approve the Planning Commission Work Session and Regular Session Meeting Minutes of July 27, 2020 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.** None were heard.

5. **Public Hearings.** At 7:04 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. **File 1-PD-20.**

Tokos reviewed his staff report and gave the history on the different concepts the applicant had gone through for the development. Currently they were amending the plan for a facility that would accommodate up to 120 students in five (5), two-story duplex dormitory units around a community center with a manager's apartment. He reviewed how the applicant met the criteria for approval and the conditions of approval.

Franklin was concerned that the parking requirements being met. He asked how 39 parking spaces and two ADA spaces were enough parking for 120 students. Franklin wanted to know why there wasn't more parking for the structures and the community center. Tokos would let the applicant talk about these questions. He noted the community building provided more common area and wasn't the student proper. The prior approved plan development set the spaces per unit standard at 1.3 spaces for the students proper, which they have met. This was not being amended with the current proposal.

Berman asked if there was a need for an additional traffic analysis. Tokos said they weren't generating enough traffic to trigger an analysis under the code. Berman asked if any additional buildings built in a second phase would cause an analysis. Tokos explained OSU wasn't proposing additional buildings, they were just proposing five duplex dormitories with a community building. Hardy questioned if the occupancy met the fire code. Tokos explained that this wasn't a fire code issue but the building would meet fire and building codes.

Berman asked for more information on the removal work in the wetlands. Tokos would let the applicant talk about this and noted the work in the wetlands would be permitted under the Department of State Lands (DLCD).

Berman asked what Tokos was referencing in the report when it said the units filled other housing needs. Tokos explained the units might be made available to other people if the units didn't have students staying in them. OSU was approached by OCCU and the hospital about the needs for short-term housing. The housing wasn't limited to just students only.

Hanselman was confused by the mitigation and their use of a vegetative filtration basin. He was concerned with the concept of pollutant removal to the maximum extent feasible. Hanselman asked if they were assuming auto products would evaporate or would there be something in place to absorb petroleum products. He also wanted to know if this would be fenced off. Tokos would pose the question to the applicant but didn't think they were deep enough to warrant putting up a fence. The City was working on the Stormwater Master Plan update that worked to put water quality standards in place, recognizing that eventually the community would be large enough to be subject to water quality requirements from DEQ. The city wasn't there presently there. When it came to pollution control, the city wasn't controlling the pollutants as they came off public streets any more than what they were asking the applicant to do because the city wasn't a large enough community. The city was striving towards this and part of what they were doing with the Stormwater Master Plan. Hanselman thought it was a good time to start this and this project was a way to strive for this.

Proponents: Lori Fulton addressed the Commission and noted that she was with the Capital Development and Planning team at OSU. She reviewed how their application met the criteria. Fulton introduced Eric Philp with SERA Architects, and Dave Craig with the OSU Housing and Dining Services to the Commission.

Eric Philps gave a presentation to the Commission that included an overview of what the previous approved submission was and what they were changing. He reviewed how the buildings were set up and the site program; the site design and typography of the area; the site plan for the base bid; the parking areas and access pathways; the mix of plantings throughout the development; an alternate to the site plan with the fire pit and outdoor grill; and the storm water approach plan.

Philps then reviewed the architectural design by covering the community building square footage and layout. He then reviewed the community building floorplan, materials and perspectives of the building. Philps reviewed the architectural details of the dwelling units next. He then reviewed the floor plans, building materials, building perspectives and trash enclosure plans.

Lori Fulton reported that the wetland mitigation permit had already been approved through the DLCD as well as a stormwater permit. Berman asked the applicant to talk about the energy concepts and why they weren't including solar. Philps reported the solar energy codes were not a part of the project goals.

Branigan asked if the students would stay for one semester or if it was a mix of graduates and undergraduates. Craig explained that the marine studies program was primarily juniors and seniors. They intended this to serve undergraduates who were not partnered. This would evolve over time and the goal was to have students housed over a year's time, like a year abroad program. Craig explained that it was hard

to tell how this would change. They were trying to build something that met the current short-term needs but could be adjusted for junior and senior students who were there longer periods of time. Branigan asked if the dorms at Hatfield would keep going. Fulton reported that the intent was to not use Hatfield once this property was developed.

Berman asked what the plans were for future expansion of housing over the next 10 years. Lori said the property had room to accommodate additional development and wasn't sure what that would be. They just understood that they could expand on this property.

Franklin asked for clarification on if the parking would accommodate the 120 people who would stay there. He was concerned that the community building wouldn't have enough parking if the use was ever changed. Franklin also asked if OSU was able to say they wouldn't change the use. Fulton couldn't say there wouldn't be a community event there. The community building was more of a day use lounge for students to congregate and study. It wasn't intended for classes or a broader community activity. They couldn't promise that it wouldn't happen though. Fulton noted that there were facilities down the road for these types of gatherings. The development was less than a mile from campus and students were okay with ride sharing and carpooling. OSU wasn't concerned about problems with this. Berman asked where other vehicles would park if there were 50 cars who needed to park onsite. Fulton wasn't sure about this. Berman asked what the major way of commuting for students. Fulton wasn't anticipating any shuttle service. Some students would drive, ride bikes and walk. Craig reported that OSU had conversations with Lincoln County Transportation about stops to encourage students to not bring a car. This was common in Corvallis and something the students were used to. Berman thought transit already went to the college. Craig reported he had already talked about this with the County Transit.

Proponents: None were heard.

Opponents: None were heard.

The hearing was closed at 8:06 pm.

Franklin thought the community center would be used for other purposes and wanted to see more parking offered. He thought the housing was beautiful. Hardy thought the parking was limited and the units were too small to house 12 per unit. Branigan felt the same as Franklin and thought there was enough property to expand the parking. He thought the applicants did a tremendous job. Berman was concerned about when the MSI program was expanded to 500 people and where these people would live. He didn't know anything about the filtration process but thought it was something to look into. Berman thought Public Works should look into what would be leaving the facility along with the residue left. He would vote to approve. Hanselman thought they did a nice job. He thought there would be research on sedimentation ponds but it was not enough for him to vote against it. East liked the new design and supported it 100 percent. Patrick liked the new design and thought it met the needs for now. He thought the future might be more problematic but they needed to get it built.

MOTION was made by Commissioner Franklin to approve File 1-PD-20 with the four conditions and a requirements to resubmit a site plan to show additional parking. No second was heard.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin, to approve File 1-PD-20 with the four conditions. The motion carried in a voice vote. Commissioners Franklin and Hardy were a nay.

Tokos reported that he would present a final order and findings to the Commission at the next meeting for approval.

6. New Business. None were heard.

7. **Unfinished Business**. None were heard.
8. **Director Comments**. None were heard.
9. **Adjournment**. Having no further business, the meeting adjourned at 8:12 p.m.

Respectfully submitted,

Sherri Marineau
Executive Assistant

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON**

**IN THE MATTER OF PLANNING COMMISSION FILE)
NO. 1-PD-20, APPLICATION FOR MODIFICATION OF)
FINAL DEVELOPMENT PLAN FOR PHASE 4 OF WILDER) FINAL
PHASE I, AS SUBMITTED BY LORI FULTON, APPLICANT) ORDER
(ERIC PHILPS/SERA ARCHITECTS, AUTHORIZED)
REPRESENTATIVE) (OREGON STATE UNIVERSITY, OWNER))**

ORDER APPROVING MODIFICATIONS to the Final Development Plan for Phase 4 of Wilder Phase 1, to include five (5), two-story duplex-style dormitory buildings and a community center with a manager’s apartment. The facility will accommodate up to 120 students. The prior concept, approved in 2018 (File No. 1-PD-18), envisioned a single, 63-unit dormitory building with the potential for two additional comparably sized buildings in future phases. The subject property is located at 4030 SE Harborton Street, and is further identified as Tax Lot 01900 of Assessor’s Map 11-11-20-AA. It is legally described as Lot 41 of the Wilder Phase 2 Subdivision Plat. For purposes of the Planned Development, the site is known as Phase 4 of the Preliminary and Final Development Plan for Wilder Phase 1. The lot is approximately 5.08 acres in size.

WHEREAS:

- 1.) The Planning Commission has duly accepted the application filed consistent with the Newport Zoning Ordinance (NZO) (No. 1308, as amended); and
- 2.) The Planning Commission has duly held a public hearing on the request for the final development plan modification, with a public hearing a matter of record of the Planning Commission on August 10, 2020; and
- 3.) At the public hearing on said application, the Planning Commission received evidence and recommendations from the applicants, interested persons, and Community Development (Planning) Department staff; and
- 4.) At the conclusion of said public hearing, after consideration and discussion, the Planning Commission, upon a motion duly seconded, approved the request for the final development plan modification with conditions of approval.

THEREFORE, LET IT BE RESOLVED by the City of Newport Planning Commission that the attached findings of fact and conclusions (Exhibit "A") are adopted in support of approval of the request for modifications to the final development plan, and the following conditions of approval are adopted in support of approval of this request:

1. Conditions from prior City approvals of the Wilder planned development remain in effect, except as modified herein.
2. The new water main and any other City utilities the applicant intends to extend into the property, along with the associated easements, shall be subject to review and approval by the Newport Public Works Department. Such utilities are to be in place, and easements dedicated to the City of Newport, prior to issuance of a certificate of occupancy.
3. The applicant/owner shall install an on-site stormwater detention system to manage run-off attributed to a 25-year, 24-hour storm, with discharge into the downstream drainageway being limited to predeveloped conditions. The Newport Public Works Department shall confirm that the proposed drainage improvements can handle run-off for this design storm prior to issuance of a building permit.
4. Applicant/owner may modify the alignment of the pedestrian trail to address terrain constraints and user needs, including the point where the trail connects with the public trail extension applicant is constructing on Tract G. Such changes will not necessitate the submittal of a Final Development Plan amendment.

BASED UPON THE ABOVE, the Planning Commission determines that the request is in conformance with the provisions of the Comprehensive Plan and the Zoning Ordinance of the City of Newport.

Accepted and approved this 24th day of August, 2020.

James Patrick, Chair
Newport Planning Commission

Attest:

Derrick I. Tokos, AICP
City of Newport Community Development Director

EXHIBIT "A"

File No. 1-PD-20

FINDINGS OF FACT

- I. The applicant, Lori Fulton (Eric Philps/SERA Architects, authorized representative) (Oregon State University, property owners), requests approval to modify the Final Development Plan for Phase 4 of Wilder Phase 1 to include five (5), two-story duplex-style dormitory buildings and a community center with a manager's apartment. The facility will accommodate up to 120 students. The prior concept, approved in 2018, envisioned a single, 63-unit dormitory building with the potential for two additional comparably sized buildings in future phases.

- II. The property is located at 4030 SE Harborton Street, and is further identified as Tax Lot 01900 of Assessor's Map 11-11-20-AA. It is legally described as Lot 41 of the Wilder Phase 2 Subdivision Plat. For purposes of the Planned Development, the site is known as Phase 4 of the Preliminary and Final Development Plan for Wilder Phase 1. The lot is approximately 5.08 acres in size.

- III. Staff reports the following facts in connection with the application:
 - A. Plan Designation: High Density Residential.
 - B. Zone Designation: R-3/"Medium Density Multi-Family Residential."
 - C. Surrounding Land Uses: Land uses in the area near the subject property include a mix of developed and undeveloped industrial land, residential zoning that allows for single-family and multi-family uses, a trailer park, a mix of commercial uses, the former Central Lincoln PUD warehousing and substation facility, and public uses such as the Oregon Coast Community College (OCCC) Campus and Mike Miller Park.
 - D. Topography and Vegetation: The subject property contains a mix of moderately steep sloped property. The site is forested except where land has been cleared for development.
 - E. Existing Structures: None.
 - F. Utilities: Infrastructure to serve the multi-family development is complete, including SE 40th Street/SE Harborton Street (a collector roadway that provides access to the Wilder planned development) and associated local street, water, and sewer infrastructure from Highway 101 to the Village Center and the OCCC campus site. Street lights have also been installed along SE 40th Street/Harborton Street.
 - G. Development Constraints: Steep slopes exist over the southern and eastern portions of the property. Additionally, the site contains wetlands formed along a small drainage that courses through the property from the northeast to the southwest.
 - H. Past Land Use Actions:

File No. 1-PD-18. Modified the final development plan approved by the Newport City

Council (File No. 2-CP-16/1-Z-16/1-SUB-16/1 & 2 PD-16) in order to construct a single, multi-family building with 63 sleeping units, 106 parking stalls, and outdoor space for residents. Two additional buildings of comparable size were envisioned as future phases. The previous concept envisioned a cluster of eleven multi-family buildings.

File No. 1-SUB-16/1 & 2 PD-16/2-CP-16/1-Z-16. Revised the Newport Comprehensive Plan Map from “Low-Density Residential” to “High Density Residential” for Phase 4 and Phase 6. This involves approximately 8.1 acres of land. The proposal further revised the Newport Zoning Map for Phase 4 and Phase 6 from R-2/“Medium Density Single-Family Residential” to R-3/“Medium Density Multi-Family Residential.” Additionally, the Comprehensive Plan Map was amended from “High Density Residential” to “Low-Density Residential” in the southerly portion of Phase 5. This involves approximately 2.2 acres of land. The Newport Zoning Map for the same southerly portion of Phase 5 was revised from R-3/“Medium Density Multi-Family Residential” to R-2/“Medium Density Single-Family Residential.” This amendment also adjusted the range of development in the preliminary and final development plan to reflect inclusion of additional multifamily units in Phase 4 and Phase 6 with corresponding decrease in single-family units. A “Multi-Family: Clustered” architectural style was added to the “Kit of Parts” to describe intended building form and design for student housing in Phase 4. A variance was also granted to the City’s parking standard for clustered multifamily residential uses, decreasing required spaces by approximately 13% relative to City code standards. The preliminary development plan was modified to show a revised mix of single-family and multifamily development in future phases east of Harborton Street and ‘Day Care’ and additional supporting Community Service uses were added as allowed uses in the R-3 Medium-Density Multifamily zone to facilitate colocation of support services for affordable housing residents in Phase 6. Amendments were adopted with Ordinance No. 2103 on September 6, 2016.

File No. 2-PD-15/3-PD-15/1-SUB-15. The preliminary planned development plan was amended to include a change to the zoning district boundary between R-3 Multi-Family Residential and C-1 Commercial zones that expanded the commercial area along the full length of College Way and increased the range of allowed uses in the C-1 zoned Village Center area to include retail sales and services, offices, lodging, community services like churches, educational institutions, and day care. The revised preliminary planned development plan also included a variance to the Zoning Ordinance satellite and shared parking regulations to permit future shared parking arrangements between Village Center users and the Oregon Coast Community College. The range of development anticipated in the preliminary and final planned development plans was amended to reflect completed build-out, current market conditions, and revised predictions and Accessory Dwelling Units (ADUs) were added as a development option in Phases 2-4 subject to conditions approved by Newport Planning Commission. The Final Development Plan included a detailed site design for Phases 2-4, with updated street names and cross-section drawings. New street cross-sections and a micro-cottage development type were added to the “Kit of Parts.” Amendments were adopted by final order on June 24, 2015.

File No. 1-PD-14/2-PD-14. A minor amendment to the Preliminary Development Plan and Final Development Plan for Phase 1 of Wilder. Changes to the Preliminary Development

Plan were limited to the Village Center commercial area, including authorization for required parking to extend across zoning boundaries when provided on the same lot or parcel as the proposed use and an allowance that on-street spaces count against off-street parking requirements provided the spaces are located within 200-feet of the lot or parcel upon which the use is located. The Final Development Plan included a layout for three commercial buildings in the Village Center. Amendments were adopted by final order on February 11, 2015.

File No. 2-PAR-14. Partitioned property identified as Tax Lot 100 of Lincoln County Assessor's Tax Map 11-11-20 into two separate parcels. Additional right-of-way was also dedicated along College Way and adjacent to Harborton Street. The partition was approved by final order on September 15, 2014.

File No. 1-PD-10/2-PD-10/1-SUB-10. Modified the plans approved in File No. 5-PD-09/6-PD-09/3-SUB-09 by (1) modifying setbacks, (2) revising lot coverage standards, (3) adjusting lot size and densities for commercial and residential uses, (4) updating street, tract and housing category names, and (5) updating the subdivision lot configurations. The number of multi-family units was increased from a maximum of 120 to 150, bringing the total for all Phase 1 dwelling units to 383. The maximum commercial square footage was increased from 25,000 square feet to 36,000 square feet. Amendments were adopted by final order on June 28, 2010.

File No. 5-PD-09/6-PD-09/3-SUB-09. Modified the preliminary planned development plan to refine proposed residential areas, local street and pedestrian circulation patterns, open space and other tracts within sub phases 1A, 1B, and 1C; modified the final planned development plan illustrating the changes requested in File 5-PD-09; modified the tentative subdivision plat showing lots for mixed use and single and multi-family development, as well as various tracts for common open space and other common elements, and dedication of right-of-way and easements for public streets, pathways, and utilities. Amendments were adopted by final order on July 27, 2009.

File No. 1-PD-09/2-PD-09/3-PD-09/1-SUB-09. Modified the preliminary planned development plan to adjust land use designations consistent with Comprehensive Plan and Zoning Map amendments, revised the preliminary plan due to site conditions, and removed a portion of property that was being transferred to an abutting residential property owner; modified the final planned development plan to reflect Comprehensive Plan and Zoning Map amendments and adjusted the boundary and size of the OCCC site; approved the final planned development plan for a portion of Phase 1; and tentative subdivision plan for a portion of Phase 1. Amendments were adopted by Final Order on March 30, 2009.

File No. 4-CP-08/2-Z-08. Modified the zoning designations of the approximate 86 acres annexed in 2007 to allow more flexibility and to reflect the OCCC parcel by Ordinance No. 1968 adopted December 1, 2008.

File No. 5-PAR-07. Partitioned the annexed property so that a portion could be conveyed to OCCC for construction of their central campus by final order adopted September 11, 2007.

File No. 1-AX-07/2-Z-07. Annexed property, which included the subject property, into the City and established zoning to allow the implementation of the South Beach Plan by Ordinance No. 1922 adopted June 18, 2007, and amended by Ordinance No. 1931 adopted August 6, 2007.

File No. 2-PD-07. Approved final development plan for OCCC central campus by final order adopted May 29, 2007.

File No. 1-PD-07. Approved tentative Plan for “South Beach Village” Phase 1 mixed use development and OCCC central campus by final order adopted May 29, 2007.

File No. 1-CP-06/1-UGB-06/2-CP-06/2-Z-06. (South Beach Neighborhood Plan as adopted in December 2006 by Newport Ordinance No. 1899) (concurrence with Urban Growth Boundary adjustment by Lincoln County Ordinance No. 447 adopted April 18, 2007).

I. Pre-Application Meeting. A pre-application meeting between the applicant and city staff was held on January 31, 2020.

IV. Upon submission and acceptance of the application, the Community Development (Planning) Department mailed notice of the proposed actions on July 21, 2020, to property owners within 200 feet required to receive such notice by the Newport Zoning Ordinance, to various City departments, and to public/private utilities and agencies within Lincoln County. The notice referenced the criteria by which the application was to be assessed. The notice required that written comments on the application be submitted by 5:00 p.m., August 10, 2020. Comments could also be submitted during the course of the public hearing. The notice was also published in the Newport News-Times on July 31, 2020. No comments were received from any of the affected parties.

V. A public hearing was held on August 10, 2020. At the public hearing, the statement of rights and relevance and applicable criteria were read. The Planning Commission disclosed any ex parte contact, conflicts of interest, and/or bias. No objections were made to any of the Planning Commissioners hearing the matter. The Planning Commission received the staff report and heard testimony in support of the request from the applicant. No other testimony was offered. The Planning Commission received the staff report and took testimony on the application. Minutes from the August 10, 2020 public hearing are hereby incorporated by reference. The Planning Staff Report with Attachments is hereby incorporated by reference into the findings. The Planning Staff Report Attachments included the following:

Attachment "A" – Application form.

Attachment "B" – Lincoln County Assessor Property Report.

Attachment "C" – Applicant’s Final Development Plan narrative, by SERA Architects, dated 7/2/20.

Attachment "D" – Applicant’s stormwater narrative, by KPFF Engineering, dated 6/5/20.

Attachment "E" – 2018 Aerial image of the property.

Attachment "F" – 11x17 reduced copy of applicant's site plans by SERA Architects, KPFF Engineering and Walker Macy, dated 7/2/20 and architectural renderings, by Oregon State University and Pinnacle Architecture, dated 7/2/20.

Attachment "G" – Lighting Specification Sheets (Cree and Bega-US).

Attachment "H" – Ord. #2103 (Current Preliminary Development Plan).

Attachment "I" – Wilder Kit of Parts (Multi-Family and Trail Sheets).

Attachment "J" – Notice of public hearing.

After the staff report was prepared, the following testimony was submitted for the Commission's consideration:

August 8, 2020 email from Bonnie Serkin, Landwaves, Inc. (Wilder Developer) in support of the applicant's proposal.

VI. Explanation of the Request. The applicant is proposing to construct five (5), two-story dormitory buildings and a community center with a manager's apartment to provide housing for students attending class at the Hatfield Marine Science Center campus. The units may fill other housing needs as well. Design of the dormitories is comparable to that of a two-story duplex, and the applicant refers to them as "duplex" units in their narrative and plans. Each dormitory unit will be just under 24-feet in height and 1,738+/- sq. ft. in size. The main floor will include one bedroom, an ADA restroom, kitchen, and living room. The second floor will consist of two bedrooms, a bathroom, and study loft. When outfitted with bunkbeds, each bedroom will accommodate four individuals, meaning each unit can house twelve (12) people.

The duplex buildings will be situated around a single-story community building that will include a multi-purpose room and kitchen, office, the Main Distribution Frame (MDF) that serves as the technology hub for the complex, restrooms, laundry facilities, storage space and a manager's apartment. The structure will be just under 22-feet in height and roughly 3,236 sq. ft. in size. Furniture floor plans for the dormitory and community buildings are included with the applicant's architectural renderings (Sheets P1.01 and P1.02, Attachment "F").

A total of 41 paved parking spaces will be constructed for tenants and guests, two of which will be ADA compliant. Parking wraps around the north and west sides of the buildings, with concrete sidewalks connecting parking areas to each dormitory unit and the community building.

Bike racks will be installed for use by tenants and guests. They have been spaced out so that they can be conveniently accessed from each dormitory unit and the community building. Pole mounted, downward directed LED lights will be installed around the perimeter of the parking area, such that they are directed away from Harborton Street and adjoining property boundaries. Pathway lights will be LED bollards that are similarly downward directed. An LED light assembly will also be placed within an enclosed trash enclosure. Areas interior to the complex of buildings will be landscaped, with a concrete patio, outdoor seating and a barbeque being provided adjacent to the community building. A larger outdoor gathering area with a landscape wall, wood deck, barbeque pit and landscaping, is an optional element depending upon budget. If that feature is not installed, then the area will be landscaped.

Storm runoff will be treated and detained on-site with retention facilities and trench drains, with discharge into the downstream drainageway being limited to predeveloped conditions. Wetland areas will be filled and mitigated by the applicant as required by the Department of State Lands. Only a portion of the site will be cleared for development. Existing trees and understory vegetation will be retained to the west, south and east of the development site as outlined on the tree protection plan (Sheet L100, Attachment "F"). A public trail system will be constructed concurrent with this project, linking the student housing project with the larger Wilder and Mike Miller Park properties.

All items outlined above are illustrated on the applicant's site plans and architectural renderings (Attachment "F") and associated lighting details (Attachment "G"). Details on the storm drainage plan are included in the applicant's stormwater narrative (Attachment "D").

VII. Applicable Criteria. Pursuant to Newport Municipal Code (NMC) Section 14.35.110/"Procedure for Modification of a Planned Development," any material change to the character of the development is considered a major change requiring approval by the Planning Commission following a public hearing.

The applicant proposes to modify the Final Development Plan for Phase 4 of Wilder Phase 1 from a single, 63-unit dormitory building with the potential for two additional comparably sized buildings, to five (5), two-story duplex-style dormitory buildings and a community center with a manager's apartment. This constitutes a material change to the character of the development, which is a major change to the approved Final Development Plan (NMC Section 14.35.110(C)). Major changes to approved final development plans must satisfy the same standards that would apply to a new application (NMC 14.35.110(D)). Criteria for approval of a Final Development Plan are listed in NMC Section 14.35.100.

NMC Section 14.35.110(D), sets forth that the Planning Commission may approve, disapprove, modify or attach reasonable conditions it finds are necessary to satisfy the approval criteria for a Planned Development. If the Commission elects to deny an application, it may only do so if it finds that the proposal cannot be made to comply with the applicable approval criteria through the imposition of reasonable conditions. This approach is consistent with ORS 197.522, which states:

"A local government shall approve an application for a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land that is consistent with the comprehensive plan and applicable land use regulations or shall impose reasonable conditions on the application to make the proposed activity consistent with the plan and applicable regulations. A local government may deny an application that is inconsistent with the comprehensive plan and applicable land use regulations and that cannot be made consistent through the imposition of reasonable conditions of approval."

CONCLUSIONS

Modifications to planned development approvals must be consistent with the approval criteria contained in the Newport Municipal Code (NMC). In order to approve this request, the Planning Commission must find that the applicant has addressed and met all standards.

After consideration of the application materials, the Planning Staff Report and Attachments, and the testimony in the record, the Planning Commission concludes as follows in regard to the criteria established in Newport's Municipal Code for approving the modification requested to the Final Development Plan for Phase 4 of Wilder Phase 1.

XIII. Compliance with Section 14.35.110, Procedure for Modification of a Planned Development

A. NMC Section 14.35.100(A). The Final Development Plan must substantially conform to the land use and arterial street pattern as approved in the Preliminary Development Plan.

The applicant notes, and the Commission accepts, that the Final Development Plan will not affect change to the current arterial street pattern, and the proposed location of curb-cut to the parking lot has not changed from the approved preliminary development plans.

The land use and arterial street pattern are depicted on Exhibit B of Ordinance No. 2103 (Attachment "H"). That ordinance placed R-3 zoning on the entire property and shows abutting SE Harborton Street as the principal roadway that will serve the development. No internal public streets are envisioned for this property.

B. NMC Section 14.35.100(B). The proposed uses shall be compatible in terms of density and demand for public services with uses that would otherwise be allowed by the Comprehensive Plan.

The applicant points out, and the Commission concurs, that the proposed development is intended for use as student housing for OSU Hatfield Marine Science Center students which was accepted in the previously amended Preliminary Development Plan, approved in Ordinance No. 2103.

Ordinance No. 2103 approved up to 130 units of multi-family development for this 5.08-acre property; however, it did not preclude less dense forms of housing otherwise permissible in an R-3 zone. The proposed duplex style dormitories will offer 30 rooms and there will be a manager's apartment in the commons building. This is substantially less density than 130 multi-family units. Accordingly, the demand for public services, which have been scaled to support multi-family densities, will be lower with this project.

C. NMC Section 14.35.100(C). Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the Final Development Plan. The developer may be required to provide special or oversize facilities to serve the planned development.

The applicant indicates that they believe the site has, or will have, adequate services and access to serve the new dormitories and commons building. City normally provides public water, wastewater, and street services. Applicant's site plan (Attachment "F") shows that street service is available via SE 40th/Harborton Street. Water and sewer services are available and tapped to the property from mains located in the street. The applicant will be extending a water main into the property for domestic water and fire suppression purposes, and their site plan illustrates that there is adequate land area to accommodate the main and utility easement within the drive isle (Sheet C500, Attachment "F"). Considering the above, the Commission accepts that services are adequate for the proposed development.

D. *NMC Section 14.35.100(D). Access shall be designed to cause minimum interference with traffic movement on abutting streets.*

The applicant notes, and the site plan illustrates, that access will remain at the existing curb cut, similar to the previously approved Final Development Plan (File 1-PD-18) and Ordinance No. 2103. This access point possesses good line of sight, and will not interfere with traffic movement along SE Harborton Street.

E. *NMC Section 14.35.100(E). The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high-density residential use could be detrimental to residential uses.*

The applicant points out that, per the site plan, off-street parking has been oriented to the north and west side of the site where native landscaping has been preserved and enhanced to provide natural screening. The residents front doors are directed towards the communal courtyard where the natural landscape has been preserved where possible to create as little disturbance to existing native plantings. Additionally, existing topography/grading has been maintained where possible to minimize need for retaining and changes to drainage. Landscape screening including trees, tall grasses, & shrubs are utilized to screen the residences from parking areas.

This standard is directed at screening parking areas and high-density residential uses, which can be large buildings, from lower density residential uses, which are principally to the east. The Tree Preservation Plan (Sheet L100, Attachment "F") shows that mature trees east, west and south of the development will be preserved. This, in conjunction with the terrain, provides effective and adequate screening.

F. *NMC Section 14.35.100(F). The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.*

The applicant notes that, per the proposed site plan (Attachment "F"), the arrangement of buildings facing a central communal courtyard acts to shelter views away from the parking area and adjacent properties. The existing landscape buffer on the east portion of the site has also been preserved and enhanced, providing a significant noise/glare buffer in the form of established trees for the dwelling units from the adjacent properties. The applicant further points out that the northern location of the trash enclosure, and associated landscaping, also acts as a privacy buffer for the residents from the SE Harborton Street.

G. NMC Section 14.35.100(G). *Artificial lighting, including illuminated signs and parking areas lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.*

Sheet E010 of Attachment "F" illustrates where lighting is to be installed, and Attachment "G" contains the specifications for the listed light fixtures. This information shows that care has been taken to orient lighting internal to the property, utilizing low-glare downward directed fixtures. Accordingly, the lighting should not produce direct glare onto adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

H. NMC Section 14.35.100(H). *The area around the development can be developed in substantial harmony with the proposed plan.*

The applicant notes, and the Commission accepts, that developers use of the "Kit of Parts" guidelines laid out in the Wilder Development Plan (Attachment "I") harmonizes the project with adjacent sites by blending the landscape into the site, providing of shared outdoor space for residents as is done around the communal building and plaza, and through the use of sloped roof forms.

The plan further shows a pedestrian trail connecting to Tract G. While that tract of land is not a part of this amendment, it was a part of the plan approved with Ordinance No. 2103 that requires the construction of a public trail between Harborton and the existing public trail system to the east. Ordinance No. 2103 further requires that the public trail and Tract G be dedicated to the City concurrent with development of the student housing project. The trail shown on the site plan extends to the border of Tract G, indicating that the two trails will connect. Since the alignment of the Tract G trail is not shown, it is unclear how the connection will occur. It is possible that terrain limitations will dictate minor revisions to the trail alignment depicted on the site plan. Such a change would be of such a minor nature that it would not warrant further amendment to the Final Development Plan.

I. NMC Section 14.35.100(I). *The plan can be completed within a reasonable period of time.*

The applicant indicates that their construction schedule is anticipated to be 11-month duration from the date that the permit is obtained to substantial completion. This is in keeping with timelines for projects of this nature and scale, and is a reasonable period of time.

J. NMC Section 14.35.100(J). *The streets are adequate to serve the anticipated traffic.*

Considering the previously approved build-out which included a significantly greater density of 130 units on this same site, the collector roadway SE 40th/Harborton Street will more than adequately accommodate this significantly reduced density which now includes 11 units with a total of 31 sleeping rooms. Even with the trip cap limitations at the unsignalized intersection of SE 40th and US 101, there is still a sufficient number of trips under the cap to accommodate the applicant's use.

K. NMC Section 14.35.100(K). *Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.*

The downstream drainageway does not have capacity to accept unrestricted run-off from this project. Drainage presently flows off the property into a privately-owned pond west of the applicant's site, before crossing under SE 40th Street into culverts that run parallel to SE Ash Street. The piped drainage is then channeled to the northeast as part of the public drainage system, eventually out-falling into Yaquina Bay. The applicant proposes on-site stormwater management of storm runoff attributed to a 25-year, 24-hour storm. This will be accomplished by providing a flow control structure coupled with storage in underground chambers and above grade vegetated basins. Water, natural gas, telecommunication, power, and sanitary sewer utilities will be connected to utility lateral stubs previously installed to serve the site as planned.

A utility plan illustrating these features is included with the site plan package (Sheet C500, Attachment "F"). The applicant's approach to managing storm run-off is further outlined in their stormwater narrative (Attachment "D").

Considering the above, the drainage facilities are adequate for the population density and type of development proposed.

L. NMC Section 14.35.100(L). *Land shown on the Final Development Plan as common open space shall be conveyed under one of the following options: 1) To a public agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it; 2) To an association of owners of tenants, created as a non-profit corporation under the laws of the State, which shall adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.*

The applicant notes that, per Ordinance No. 2103, Tract G will be conveyed to the City concurrent with the development of this project for use by the City as an open space/nature trail area.

M. NMC Section 14.35.100(M). *The Final Development Plan complies with the requirements and standards of the Preliminary Development Plan.*

The applicant's site plan (Attachment "F") shows that the off-street parking standard of 1.3 parking spaces per unit (31 sleeping rooms in 11 dwelling units with 41 parking spaces), setbacks, and landscaping requirements will be met. Building elevations included with the site plan illustrate that the structures will be well below the 45-foot height limit approved with Ordinance No. 2103.

N. NMC Section 14.35.100(N). *No building shall be erected in a planned development district except within an area contained in an approved Final Development Plan, and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the Final Development Plan shall be installed and retained indefinitely or*

until approval has been received from the Planning Commission or Community Development Director for modification.

The applicant acknowledged that until approval of the Final Development Plan by the Newport Planning Commission has taken place, no construction is to be performed within the subject area. When such approval takes place, said construction will conform to the approved plan.

OVERALL CONCLUSION

Based on the staff report, the application material, and other evidence and testimony in the record, the Planning Commission concludes that the request as presented in the application materials complies with the criteria established in the Newport Municipal Code for granting modifications to the final development plan; and the request is hereby **APPROVED** with the conditions listed below.

1. Conditions from prior City approvals of the Wilder planned development remain in effect, except as modified herein.
2. The new water main and any other City utilities the applicant intends to extend into the property, along with the associated easements, shall be subject to review and approval by the Newport Public Works Department. Such utilities are to be in place, and easements dedicated to the City of Newport, prior to issuance of a certificate of occupancy.
3. The applicant/owner shall install an on-site stormwater detention system to manage run-off attributed to a 25-year, 24-hour storm, with discharge into the downstream drainageway being limited to predeveloped conditions. The Newport Public Works Department shall confirm that the proposed drainage improvements can handle run-off for this design storm prior to issuance of a building permit.
4. Applicant/owner may modify the alignment of the pedestrian trail to address terrain constraints and user needs, including the point where the trail connects with the public trail extension applicant is constructing on Tract G. Such changes will not necessitate the submittal of a Final Development Plan amendment.

PLANNING STAFF MEMORANDUM
FILE No. 1-Z-20

- I. **Applicant:** Initiated at the direction of the City Council, by motion of the Newport Planning Commission on February 10, 2020.
- II. **Request:** Amendments to Newport Municipal Code (NMC) Chapter 6.25, Recreational Vehicle Parking; Chapter 9.50, Camping Prohibited in Certain Places; Chapter 9.80, Special Events Permits; Chapter 14.03, Zoning Districts; and Chapter 14.06, Manufactured Dwellings and Recreational Vehicles) clarifying circumstances where camping is permitted within the city limits, including car camping by homeless individuals.
- These municipal code amendments seek to comprehensively update the City of Newport's regulations related to camping, and while only a portion of the changes are land use related, namely those in Chapters 14.03 and 14.06, the full set of amendments has been brought forward in accordance with adopted procedures for amending land use regulations. This ensures that policymakers have the benefit of the full context of the changes, and protects the City in the event changes not thought to be land use regulations are later determined to be so.
- III. **Findings Required:** This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Municipal Code are necessary and further the general welfare of the community (NMC 14.36.010).
- IV. **Planning Staff Memorandum Attachments:**
- Attachment "A" – August 20, 2020 mark-up of revisions to the listed NMC chapters
 - Attachment "B" – Minutes from the 8/10/20 Planning Commission work session
 - Attachment "C" – Excerpt from the September 3, 2019 City Council meeting
 - Attachment "D" – Copy of ORS 203.082
 - Attachment "E" – Sample ordinances reviewed by the Planning Commission
 - Attachment "F" – Notice of public hearing
- V. **Notification:** The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on February 11, 2020. A public hearing before the Newport Planning Commission was scheduled for March 23, 2020. That meeting was cancelled as a result of the pandemic. A new hearing date was set for August 24, 2020. Notice of the public hearing was provided in the Newport News-Times on Wednesday, August 19, 2020 (Attachment "F").
- VI. **Comments:** No comments were received in response to the notice.
- VII. **Discussion of Request:** With Resolution No. 3829, the City Council established a Homelessness Taskforce to identify strategies for improving and expanding upon services and resources for people who are homeless, including homelessness prevention and programs to assist at risk populations in achieving stable housing. The taskforce included a broad range of community stakeholders who met four times over a 6-month period, issuing a set of recommendations in July of 2019. The City Council accepted the Taskforce's recommendations at its August 5, 2019 meeting, and asked the City

Manager to prioritize the recommendations and develop an action plan. This was accomplished and accepted by the City Council on September 3, 2019. Recommendations were prioritized into three tiers, with Tier 1 being projects the City would work on during the 2019-20 fiscal year.

One of the Tier 1 recommendations is for the City to identify car camping areas. In making this recommendation, the Taskforce noted:

“Some Oregon communities have set up a specific location(s) at which people can park their vehicles and sleep in them for a period of time. These sites are generally run by non-profit organizations. One of the requirements is a provision for a portable toilet for these sites. There is also a strict limitation on the number of vehicles that can be parked at any one site. Areas such as church parking lots, or other similar spaces could be used for this purpose. Again, this is a project that could be coordinated by a standing NGO if one was created.”

The Planning Commission considered options for addressing the issue at work sessions on January 27, 2020 and February 10, 2020, including programs put in place by Lincoln City, Eugene, and Portland. There was general consensus, coming out of those meetings, that the City should prepare an ordinance to implement optional provisions of ORS 203.082 (Attachment D") that allow car camping for the homeless, on a limited basis, at religious institutions or places of worship. An initial public hearing before the Planning Commission was scheduled for March 23, 2020; however, that meeting was cancelled as a result of the pandemic.

At the same time that the Commission was considering a package of code amendments, the Oregon Legislature took up HB 4001 in the 2020 regular session. The C-Engrossed version of that bill, dated March 3, 2020, lifted the 3-vehicle limitation in ORS 203.082 in favor of language that would allow a city or county to impose reasonable conditions upon the offering of camping spaces, including establishing a maximum number of vehicles allowed. That bill had support, but did not pass due to lack of a quorum, an issue that impacted a number of bills that session. HB 4212, adopted during the subsequent 2020 special session, eliminated the three-vehicle limitation in ORS 203.082 for a 90-day period (ref: Sections 13 and 14 of the bill (attached)). HB 4212 also authorized local governments to regulate vehicle camping as transitional housing under ORS 446.265.

On July 27, 2020 and August 10, 2020, the Commission reconvened in work session to consider car camping ordinances for homeless individuals developed by Benton County and Washington County in response to anticipated pandemic-related service disruptions. From that, the Commission expanded the scope of the amendments to include commercial, industrial and public properties, in addition to religious institutions or places of worship, in order to create additional opportunities for car camping. They also added spacing and setback requirements.

Recent actions by the Oregon legislature suggest that they may lift the 3-vehicle limitation in in ORS 203.082. The last draft of the of the NMC Chapter 9.50 included language that would automatically adjust the vehicle limitation to what the legislature might establish in the future. After discussing the matter with the City Attorney, staff has adjusted the language back to a simple 3-vehicle limitation. That way city policymakers can evaluate any changes the legislature may make to this requirement in the future, and determine how they want to respond.

Two options have been provided related to the number of vehicles permitted at any time under the proposed car camping for homeless individuals provisions (NMC 9.50.050(A)(4)(b)). One option establishes a 3-vehicle limitation for all eligible properties. This provides a uniform standard, recognizing that religious institutions and places of worship are limited to 3- vehicles by statute. This is also small enough, in terms of the scale of the camping activities, that a City permitting process to review the adequacy of the sanitary facilities, trash disposal, etc. should not be needed and the code, as drafted, does not require a city permit.

The other option would set no cap on the number of vehicles for commercial, industrial, or public properties. Religious institutions or places of worship would be limited to 3-vehicles, unless the statute that sets that limitation is amended. If the Commission is inclined to support this option, then it may want to continue the hearing to a date certain so that a permitting process could be put in place. Without a top end limit on the number of users, there is no way to know if sanitary, trash disposal, and storage facilities are adequate to meet the need. A permitting process would be a way to address this concern. A large concentration of campers might also change the character of the use of the property, increasing the risk of conflicts with neighboring uses or on-site uses that would no longer have access to parking. These are additional factors that a permitting process could address. The Commission should note that on public property, a Special Event Permit is an option that could allow car camping in excess of 3-vehicles, independent of the process described above.

During the work sessions, the Commission inquired as to whether or not Residential Landlord-Tenant law could apply such that a camper would be afforded tenancy protections making it more difficult for a host to get them to leave. The Commission also wanted to know if establishing a length of stay limit in the City's code could prevent the Landlord-Tenant law from triggering. In discussing the matter with the City Attorney, it appears that the law could apply to recreational vehicles, since they are designed for temporary occupancy and may qualify as dwelling units. It is unlikely that the law would apply to a passenger vehicle. For lengths of stay less than 30-days, the law envisions there be some form of payment. Since the draft amendments prohibit a host from requiring payment, it is unlikely that the Landlord-Tenant law would apply. A length of stay in excess of 30-days could potentially trigger Landlord-Tenant law as those rental agreements, written or verbal, may not require payment. If the Commission were to recommend a 30-day length of stay limitation, such a requirement might help a host avoid triggering Landlord-Tenant law as long as they do not inadvertently allow a tenant to stay more than 30-days. It is likely that Landlord-Tenant law would apply independent of whether or not the City imposes a length of stay limitation in its Municipal Code, as it is the relationship (i.e. potential tenancy) established between the host and guest that is at issue. Application of the Landlord-Tenant law would be specific to the facts at hand at a given location, and it is not clear that the City could draft language to prevent a host from being impacted by the law. The Commission should also keep in mind that there may be circumstances where a host will want to allow a guest to stay more than 30-days. For example, a situation could occur where stable housing for a camper would be available in 40-days and the host might be open to a camper staying for that full period of time to allow a seamless transition. It would be reasonable for the Commission to leave it to the host to establish parameters for length of stay given that a City imposed time limit would not necessarily impact the application of Landlord-Tenant law, and the purpose of allowing car camping is to provide homeless individuals a place to stay overnight.

Below are links to relevant Landlord-Tenant statutes and legal aid documents should Commission members want to delve into the issue in greater detail.

<https://www.oregonlaws.org/ors/90.100>

<https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/A079CC0A-3355-484D-92DE-7A54FC25D1B6/landlord-tenant-law-2016-final.pdf>

<https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/9B3C59FF-B9AA-4F58-A8F6-0DFF26DEEB48/landlord-tenant-booklet-update-5-2019.pdf>

The package of amendments before the Commission are a Comprehensive package of amendments to camping and related provisions of the Newport Municipal Code. They address more than car camping for homeless individuals. Each proposed change is illustrated in the August 20, 2020 Mark-up copy of the proposed code amendments (Attachment "A") and staff comments, in italics, explain why the amendments are needed. The changes are also summarized as follows:

NMC Chapter 6.25. Definition of recreational vehicle is being revised to align with the current definition in state law (ref: OAR 735-022-0140, effective 1/1/20). A permitting program for tourism oriented recreational vehicle parking on private property during special events is being deleted, as the program was never implemented and would be difficult to effectively implement as drafted.

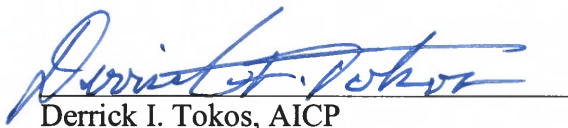
NMC Chapter 9.50. Identifies circumstances by which camping can be permitted within the Newport city limits (ref: NMC 9.50.050).

NMC Chapter 9.80. Clarifies that a Special Event permit is required for a private activity that occurs on public property irrespective of whether or not it requires the use of city services. Applicability of building and fire codes is clarified and a requirement for applicants to enter into a separate agreement with the City is eliminated, as unnecessary. A final change clarifies that terms of a Special Event Permit supersede any conflicting provisions of the Municipal Code.

NMC Chapter 14.03. Changes the term "Church" to "Religious Institutions/Places of Worship" so that the City uses consistent terminology in its code and clarifies that camping for a fee is limited to recreational vehicle parks, and public parks where identified in a State Parks Master Plan.

NMC Chapter 14.06. Identifies circumstances where a recreational vehicle can be occupied as a place of habitation within the city limits.

- VIII. **Conclusion and Recommendation:** The Planning Commission should review the proposed amendments and make a recommendation to the City Council. The Commission recommendation can include suggested changes to the proposed amendments. If the Commission is inclined to impose a length of stay limitation, then the following language could be added to NMC Chapter 9.50.050(A)(4): "f. the maximum length of stay shall not exceed 30-days." This would need to be added to the motion containing the Commission's recommendation.



Derrick I. Tokos, AICP
Community Development Director
City of Newport

August 20, 2020

August 20, 2020 Mark-up Copy of Amendments to NMC Chapter 6.25, Recreational Vehicle Parking

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

CHAPTER 6.25 RECREATIONAL VEHICLE PARKING

6.25.005 Definitions

Public Or Private Parking Lot means a parking lot that is open to the general public for parking, whether for a fee or not. Parking lot does not include areas reserved for owners or tenants of a property.

Recreational Vehicle or RV means a vehicle ~~that contains facilities for sleeping with or without motive power that is designed for use as temporary living quarters and as further defined in OAR 735-022-0140.~~ Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.

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

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

6.25.010 Parking of Recreational Vehicles

- A. Recreational vehicles may not be parked and occupied in the right-of-way or on any public or private parking lot between the hours of 11:00 P.M. and 5:00 A.M., except ~~as provided in subsections B. and C in areas where camping is permitted as identified in Section 9.50.050.~~
- ~~B. For special events, the owner of a paved or otherwise adequately surfaced parking area may allow self-contained RVs to park at no charge, providing that the~~

~~owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. The permittee shall allow parking only if all available RV parks, including state parks that allow RV camping, are full.~~

~~C. Marina owners or operators may allow up to 50% of the parking area for the marina to be used for overnight parking of RVs of marina customers during the period between July 1 and the end of the Labor Day weekend, providing the owner has obtained a permit from the city. The city may impose conditions on the permit, and the permittee shall be responsible for compliance with all permit terms. No permit may be issued to a marina that does not have an approved sanitary facility for the disposal of septic wastes. The owner or operator of the facility shall collect and remit the city's room tax.~~

~~D. The planning department shall be responsible for issuance of the permits under this section and for the imposition of conditions. The planning department may create a set of standard permit conditions.~~

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

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

CHAPTER 9.50 CAMPING PROHIBITED IN CERTAIN PLACES

9.50.010 Definitions

The following definitions apply in this chapter.

- A. **To camp** means to set up, or to remain in or at, a campsite.
- B. **Campsite** means any place where any bedding, sleeping bag, or other sleeping matter, or any stove or fire, is placed, established, or maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- C. **Personal property** means items which are reasonably recognizable as belonging to individual persons and which have apparent utility.
- D. **Junk** means items that have no apparent utility or are in an unsanitary condition.

9.50.020 Camping Prohibited in Certain Places

It is unlawful for any person to camp in or upon any sidewalk, street, alley, lane, public right of way, transit facility or bus shelter, or any other place to which the general public has access, or under any bridgeway or viaduct, unless otherwise specifically authorized by this city or by declaration by the mayor or city manager in emergency circumstances. Nothing in this chapter shall prohibit the use of designated picnic areas of public property for cooking, or prohibit camping by permit authorized by the city manager or designee.

9.50.030 Scheduling and Notice of Campsite Cleanup

- A. Cleanup of illegal campsites will be scheduled on an as-needed basis by the chief of police or designee.
- B. Permanent signs may be posted advising that camping is prohibited. Whether or not a permanent sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 24 hours before the cleanup.

- C. Notwithstanding subsections A. and B., cleanup of campsites may occur immediately and without notice if the chief of police or designee determine that either of the following conditions exist:
 - 1. An exceptional emergency such as possible site contamination by hazardous materials or where there is an immediate danger to human life or safety;
 - 2. Illegal activity other than camping.
- D. At the time of the cleanup, written notice will be posted and distributed announcing the telephone number where information on picking up the stored property can be obtained during normal business hours.
- E. Written notices, including permanent signs, will be in both English and Spanish.
- F. Copies of all notices shall be provided to the State of Oregon Department of Human Services and/or to the Lincoln County Human Services Department.

9.50.040 Removal, Storage and Retrieval of Personal Property

- A. Personal property will be separated during cleanups from junk. Junk will be immediately discarded. Items of personal property will be turned over to the police department and stored. The personal property shall be stored for no less than 30 days, during which time it will be reasonably available to persons claiming ownership of the personal property.
- B. The police department shall arrange in advance for a location to store personal property. The storage facility should be reasonably secure. The location should be reasonably accessible to the cleanup area and preferably served by public transportation.
- C. Any personal property that remains unclaimed for 30 days after the cleanup may be disposed of, sold, donated, used, or transferred as abandoned personal property, but no waiting period beyond the 30 days is required prior to the disposal, sale, donation, use or transfer.

- D. Weapons, drug paraphernalia, and items which reasonably appear to be either stolen or evidence of a crime may be retained by the police department.

9.50.050 Permitted Camping

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

1. The property involved is appropriately zoned and has all necessary approvals for the proposed camping use, in a vehicle or otherwise, as provided in Title XIV of the Newport Municipal Code; or
2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to Section 1.70.030; or
3. A special events permit has been issued in accordance with Chapter 9.80 authorizing camping; or
4. The owner of a commercial or industrial property, a public entity, or a religious institution/place of worship may offer overnight camping space to homeless persons living in vehicles, provided:

a. such accommodations are made free of charge, and

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b.i occupancy is limited to three or fewer vehicles at the same time; and

or

b.ii occupancy is not limited as to the number of vehicles at the same time, unless otherwise provided by Oregon Revised Statute; and

c. vehicles are located within an on-premise parking lot, and are spaced at least 10 feet apart; and

d. all items and materials are stored in vehicles or in a separate storage area that is screened from view from adjacent properties and public rights-of-way; and

e. campers are provided access to sanitary facilities, including a toilet, hand washing and trash disposal facilities, with such facilities being at least 20-feet from the property line of a residential use if not fully contained within a building.

Staff: This language outlines the circumstances by which camping can be permitted within the city limits. The first three options cite to existing code provisions. The last item, related to overnight car camping by homeless persons, draws from language in ORS 203.082 that is specific to religious institutions/places of worship. At a July 27, 2020 work session, the Commission requested that the car camping rules be expanded to commercial, industrial and public properties, that spacing/screening standards be applied. Two options are provided for addressing occupancy, both of which are discussed, in detail, in the Planning Staff Report.

9.50.060 Violation

Violation of this chapter is a nuisance and is also a civil infraction.

9.50.070 Nonexclusive Remedy

The remedies described in this chapter shall not be the exclusive remedies of the city for violations of this chapter.

9.50.080 Interpretation

This chapter is to be interpreted to be consistent with applicable state statutes and providing the protections required by state statutes.

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

CHAPTER 9.80 SPECIAL EVENT PERMITS

9.80.010 Special Event Definitions

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

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

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

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

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

9.80.015 Special Event Fees and Waivers

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

9.80.020 Special Event Applications

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

\$2,000, in which case the application shall be forwarded to the City Council for action.

B. Applications will be deemed incomplete and will be denied if details about the Special Event are insufficient for staff to properly analyze and determine the impacts on city services, or if submitted with insufficient time to allow for city staff to evaluate the impacts and coordinate any city services required to allow the event to proceed.

C. Temporary structures may be erected in conjunction with a Special Event provided the following are met:

~~1. The time limit for such structures is no longer than 30 days prior to and five (5) days after the Special Event.~~

21. Permission for the structure is granted by the property owner.

32. A city business license is obtained.

43. The person or persons responsible for the temporary structure shall appropriately maintain the grounds and provide trash receptacles.

54. Sanitary facilities are made available to the site during the Special Event.

6.5 The structure does not interfere with the provision of parking for the permanent use on the site, or a traffic management plan is provided that is acceptable to the city.

7.6 The structure satisfies the vision clearance requirements of ~~the Zoning Code~~ Chapter 14.17.

87. ~~Written approval for the temporary structure is obtained from the city's building official. The structure satisfies applicable provisions of the Building Codes, as outlined in Chapter 11.05 and Fire Codes as provided in Chapter 11.10.~~

~~9. The person or persons responsible for the temporary structure have signed the city agreement relating to the temporary structure.~~

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

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

9.80.022 Approval/Denial of Special Event Permit

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

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

9.80.032 Effectiveness of Special Event Permit

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

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

9.80.035 Violation of a Special Event Permit

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

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

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

DRAFT

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

CHAPTER 14.03 ZONING DISTRICTS

14.03.010 Purpose.

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

14.03.020 Establishment of Zoning Districts.

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

A. Residential.

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

B. Commercial.

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

C. Industrial.

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

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D. Water Related.

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

E. Public.

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

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

14.03.030 City of Newport Zoning Map.

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

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

14.03.040 Intent of Zoning Districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.03.050 Residential Uses.

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

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"P" = Permitted uses.

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

"X" = Not allowed.

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

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

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

14.03.060 Commercial and Industrial Districts.

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

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

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

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

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

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

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

6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity would function independently of other activities on the site;

C. Commercial Use Categories

1. Office

a. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services. Traffic is primarily from employees with limited customer interactions.

b. **Examples.** Examples include financial businesses such as lenders, brokerage houses, bank headquarters; data processing; headquarters for professional service firms (lawyers, accountants, engineers, architects, etc.), sales offices; government offices; public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.

c. **Exceptions.**

i. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.

ii. Contractors and others who perform construction or similar services off-site are

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

2. Retail Sales and Service

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

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

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

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

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

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

c. Exceptions.

- i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
- ii. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
- iii. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
- iv. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
- v. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service.

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

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

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

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

3. Major Event Entertainment

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

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

c. Exceptions.

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

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

4. Self-Service Storage

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

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

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

5. Vehicle Repair

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

6. Parking Facility

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

c. Exceptions.

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

D. Industrial Use Categories

1. Contractors and Industrial Service

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

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

c. Exceptions.

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

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

2. Manufacturing and Production

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

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

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

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

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

c. Exceptions.

- i. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service.
- ii. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

3. Warehouse, Freight Movement, and Distribution

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

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

c. **Exceptions.**

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

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

5. Waste and Recycling Related

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

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

c. **Exceptions.**

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

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

6. Wholesale Sales

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

1. Mining

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

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

E. Institutional and Civic Use Categories

1. Basic Utilities and Roads

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

2. Utility, Road and Transit Corridors

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

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

b. Examples. Examples include highways, rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

c. Exceptions.

i. Highways, rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.

3. Community Services

a. Characteristics. Public, non-profit or charitable organizations that provide local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. Services are ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join. Uses may include shelter or housing for periods of less than one month when operated by a public or non-profit agency. Uses may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

b. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, religious institutions/places of worship, fire and ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, soup kitchens, and surplus food distribution centers.

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

c. Exceptions.

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

4. Daycare

- a. Characteristics. Daycare use includes day or evening care of more than 12 children under the age of 13 outside of the children's homes, with or without compensation. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

- b. Examples. Pre-schools, nursery schools, latch key programs, and adult daycare programs.

c. Exceptions.

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

5. Educational Institutions

- a. Characteristics. Educational Institutions provide educational instruction to students. This category includes schools, colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree, and public and private schools at the primary, elementary, middle, junior, high, or high school level that provide state-mandated basic education. This category also includes trade schools and vocational schools that provide on-site training of trade skills.

- b. Examples. Types of uses include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, seminaries, public and private daytime schools,

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

- c. Exceptions.
 - i. Preschools are classified as Daycare facilities.

6. Hospitals

- a. Characteristics. Hospitals provide medical and surgical diagnosis and care to patients and offer overnight care. Hospitals tend to be on multiple blocks or in campus settings.
- b. Examples. Examples include hospitals and medical complexes that include hospitals or emergency care facilities.
- c. Exceptions.
 - i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are "Residential Facilities" and permitted in R-3 and R-4 zoning districts.
 - ii. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

7. Courts, Jails, and Detention Facilities

- a. Characteristics. Includes facilities designed to try, detain or incarcerate persons while being processed for arrest or detention by law enforcement. Inmates or detainees are under 24-hour supervision by sworn officers.
- b. Examples. Examples include courts, prisons, jails, probation centers, juvenile detention homes.
- c. Exceptions.
 - i. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of

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

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

8. Communication Facilities

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

14.03.070 Commercial and Industrial Uses.

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

"P" = Permitted uses.

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

"X" = Not allowed.

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

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

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

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

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

14.03.080 Water-dependent and Water-related Uses.

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

"P" = Permitted uses.

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

"X" = Not allowed.

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

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

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

14.03.090 Uses in State Park Master Plans.

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

14.03.100 Public Uses

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

"P" = Permitted Uses.

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

"X" = Not allowed.

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

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

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

14.03.110 Uses in State Park Master Plans.*

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

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

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

CHAPTER 14.06 MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES

14.06.010 Purpose

The purpose of this section is to provide criteria for the placement of manufactured dwellings and recreational vehicles within the City of Newport. It is also the purpose of this section to provide for dwelling units other than site-built structures.

14.06.020 Manufactured Dwellings on Individual Lots

A. In addition to the uses permitted in the underlying zone, a single manufactured dwelling may be placed on an individual lot or parcel in any residential district where single-family residences are allowed subject to the following provisions:

1. Conform to the definition of a manufactured dwelling in Section 14.01.010 of this Code.
2. Have the wheels and tongue or hitch removed.
3. Be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
4. Have a pitched roof of at least two and one half feet for each 12 feet in width and be provided with gutters and down-spouts consistent with the standards contained in the current State of Oregon amended Council of American Building Officials.
5. Have exterior siding and roofing which, in color, material, and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on adjacent dwellings as determined by the Building Official.

6. Have a garage or carport constructed of like materials if an adjacent lot or parcel is developed with a dwelling that has a garage or carport.
 7. Be multisectional and enclose a space of not less than 1,000 square feet as determined by measurement of exterior dimensions of the unit. Space within accessory structures, extensions, or additions shall not be included in calculating space.
 8. Be connected to the public water system and an approved sewage disposal system.
 9. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.
- B. A manufactured dwelling constructed in accordance with current Federal Manufactured Home Construction and Safety Standards that does not meet criteria listed in subsection (A), may be approved by the Planning Commission as a Conditional Use pursuant to [Section 14.33](#) of this Ordinance. Requests of this nature shall be reviewed under a Type III decision making process consistent with [Section 14.52](#), Procedural Requirements.

(Entire section amended by Ordinance No. 1641 (8-3-92) and replaced in its entirety by Ordinance No. 2008 (12-2-2010).)*

14.06.030 Manufactured Dwelling Park Standards

Manufactured dwelling parks may only be allowed in the R-2, R-3, and R-4 zoning districts, subject to the development standards contained in this section.

14.06.040 Manufactured Dwelling Parks

Manufactured dwelling parks are permitted subject to the following:

- A. Construction of the manufactured dwelling park and placement of manufactured dwellings shall comply with the Oregon Manufactured Dwelling and Park Specialty Code, 2002 Edition, as amended.

- B. Streets within the manufactured dwelling park shall adhere to the standards outlined in Newport Municipal Code [Chapter 13.05.040](#) where the construction or extension of such street is identified in the City of Newport Transportation System Plan.
- C. The maximum density allowed in a manufactured dwelling park is one unit for every 2,500 sq. ft. of lot area in the R-2 zoning district and one unit for every 1,250 sq. ft. of lot area in R-3 and R-4 zoning districts.
- D. Recreational vehicles may be occupied as a residential unit provided they are connected to the manufactured dwelling parks water, sewage, and electrical supply systems. In such cases, the recreational vehicles shall be counted against the density limitations of the zoning district.
- E. Any manufactured dwelling park authorized under this section shall have a common outdoor area of at least 2,500 sq. ft. or 100 sq. ft. per unit, whichever is greater. Common outdoor areas shall be landscaped and available for the use of all park residents.
- F. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way in the park shall be named and marked with signs that are similar in appearance to those used to identify public streets. A map of the vehicular ways shall be provided to the fire department for appropriate naming.
- G. Public fire hydrants shall be provided within 250 feet of manufactured dwelling spaces or permanent structures within the park. If a manufactured dwelling space or permanent structure in the park is more than 250 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.
- H. The manufactured dwelling park may have a community or recreation building and other similar amenities.
- I. All dead end streets shall provide an adequate turn around for emergency vehicles.

14.06.050 Recreational Vehicles: General Provisions

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

1. A manufactured dwelling or recreational vehicle park; or

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

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

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

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

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

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

(Chapter 14.06.040 and 14.06.050 were enacted by Ordinance No. 2059, adopted on September 3, 2013; effective October 3, 2013.)

14.06.060 Recreational Vehicle Parks

Recreational vehicle parks are allowed conditionally in an R-4 ~~or I-2~~ zone district, and conditionally if publicly owned in the

P-1 and P-2 zoning districts (excluding those P-1 properties within the Historic Nye Beach Design Review District), subject to subsections A through D below and in accordance with [Section 14.52](#), Procedural Requirements. Recreational vehicle parks are allowed outright in C-1, C-2, C-3, ~~and I-1,~~ ~~and I-2~~ zoning districts (excluding those C-2 properties within the Historic Nye Beach Design Review District), subject to the subsections A through D as follows:

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

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

provide run-off of surface water. The part of the space which is not occupied by the recreational vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

4. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
5. A recreational vehicle space shall be provided with electrical service.
6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
7. The total number of off-street parking spaces in the park shall be provided in conformance with [Section 14.14.030](#). Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete, or similar material.
8. The park shall provide toilets, lavatories, and showers for each sex in the following ratios: For each 15 recreational vehicle spaces, or any fraction thereof, one toilet (up to 1/3 of the toilets may be urinals), one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers shall afford privacy, and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
9. The park shall provide one utility building or room containing one clothes washing machine, and one clothes drying machine for each ten recreational vehicle spaces, or any fraction thereof.

10. Building spaces required by Subsection 9 and 10 of this section shall be lighted at all times of the night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of at least 62°F, shall have floors of waterproof material, shall have sanitary ceilings, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.
11. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six feet in height unless modified through either the conditional use permit process (if a conditional use permit is required for the RV park) or other applicable land use procedure. Reasons to modify the hedge or fence buffer required by this section may include, but are not limited to, the location of the RV park is such that adequate other screening or buffering is provided to adjacent properties (such as the presence of a grove or stand of trees), the location of the RV park within a larger park or development that does not require screening or has its own screening, or screening is not needed for portions not adjacent to other properties (such as when the RV park fronts a body of water). Modifications to the hedge or fence requirement of this subsection shall not act to modify the requirement for a solid wall or screening fence that may otherwise be required under [Section 14.18.020](#) (Adjacent Yard Buffer) for non-residentially zoned property abutting a residentially zoned property.
12. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest in the park.
13. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

Draft MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
August 10, 2020
6:00 p.m.

Planning Commissioners Present by Video Conference: Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Gary East, Jim Hanselman, and Bill Branigan.

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, Greg Sutton, and Braulio Escobar.

City Staff Present: Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:01 p.m.
2. **Unfinished Business.**
 - A. **Final Work Session Review of Municipal Code Amendments Related To Car Camping.** Tokos reviewed his memorandum. Berman noted that the one stall separation requirements was for a single row of cars. He asked if lots with parallel parking lines had to skip every other one on one side. Tokos explained that the vehicles would need to be one space apart and could not be head on to each other. Berman thought this wasn't obvious and they needed to add language to say vehicles needed to be a determined minimum amount of feet apart in all directions.

Tokos reviewed the screening requirements next. Branigan asked if a porta potty or restrooms in a church had to be available 24 hours a day. Tokos explained that the statute stated the facilities be available at all hours and meant facilities would be looking at providing porta potty units. Branigan asked if this should be spelled out in the language. Tokos thought they could do this. Franklin also thought the words "at all times" should be included. Tokos would add this.

Hanselman expressed concerns about the length of stay and if campers could remain in the same spot 24 hours a day. Tokos reported that length of stay was one area without language. The context at the last meeting was for landlord tenant laws which put a host in a landlord position and meant they would have to evict someone who's been there a very long time. Tokos reported he reached out to Benton County and they indicated they talked about it and chose to drop it. They talked to their legal counsel who said landlord tenant laws didn't apply. Without any overriding target or reasoning it would be arbitrary to set the number of particular days, and they chose to leave it up to the host. Tokos reported that the City Attorney was doing his own research on the matter. The plan was to bring forward the results of that research and language, if they could craft it, at the public hearing. Hanselman asked if camping was limited to night camping between the hours of 6 p.m. and 6 a.m. Tokos reported there was nothing in the statute that required campers to leave the premises for a certain amount of time.

Escobar asked if the rules covered camping on a public street. Tokos confirmed this was not a part of the amendments. Escobar felt there would be more people parking on public streets as the COVID pandemic went on. Tokos said the objective for the amendments was to create an environment on publicly owned lots where there would be access to facilities as opposed to overnight parking on the streets. Hardy asked how much of the homeless population would be assisted with this program. She felt it was poorly conceived and was a band aid for a problem that needed a deeper solution. Tokos didn't doubt there needed to be a deeper solution and didn't want to speculate on how many people would benefit from this type of framework. At the end of the day it was going to take a host who's willing to do it. The City Council needed to put language in place and the language

would be there for when someone wanted to offer camping. The Commission was in general agreement to schedule a public hearing for the amendments.

Berman noted the notices that were mailed don't make it clear that the city was allowing participation in hearings and wanted to see future notices have stronger wording to convey this. He was concerned for people who could only show up in person at City Hall instead of calling in or participating by video. Berman thought that notices should give different ways for the public to participate. Tokos reported they could accommodate a couple of people at City Hall to provide testimony in person as long as there were no more than 10 people at a time in the room. Participants would have to have a mask on, have their temperature taken, and social distance.

3. New Business.

A. Review of League of Oregon Cities Model Ordinance and Design Guidelines for Small Wireless Facilities.

Tokos explained that the current work session meeting was an introduction to the process and there would be many other work sessions and public hearings that would happen on the subject. He acknowledged the League of Oregon Cities FAQ's that was provided to the Commission before the meeting that showed how 5G would be implemented. Tokos acknowledged public testimony submitted by Mona Linstromberg, Eva Bortnick, and Susan Greenough that had been shared with the Commission.

Tokos reviewed his PowerPoint presentation which included the existing city requirements (inside and outside the rights-of-way); areas where communication facilities were permitted; the Federal nexus; which facilities are eligible; substantial changes (FCC rulings); small wireless facilities and their definitions; and a shot clock of the timeframe.

Berman asked if companies were allowed to place small wireless facilities on private properties not on the right-of-way (ROW). Tokos didn't know of anything that precluded putting towers on private properties. He explained that it would be more convenient for companies interested in starting a franchise to get spacing by shooting down a right-of-way alignment where they could put these on poles at specific distances. When dealing with private properties your ability for spacing with a large number of different players would be more difficult than having a franchise with a municipality. Berman was concerned if facilities were put on private properties the city wouldn't have any say in things other than the standards for height. Tokos explained there would be some incidental permits for these but not a lot.

Tokos reviewed the reasons to update the city code. Berman asked if the wireless was implemented in Nye Beach, would the Nye Beach Banner program affect operations. Tokos didn't think that banners would interfere with operations but there might be spacing issues. Berman was concerned that once the towers were up it would limit the city's ability to municipal promotions or projects. Tokos thought there were other jurisdictions dealing with this and it could be looked into.

East asked what the minimum distance for spacing was. Tokos thought that there might be information on the FAQ's that gave a general sense of this, but he would look into it. He thought it might be based on what was being deployed. East questioned if multiple carriers would have to have their own systems or if they would piggyback off of multiple carriers. Tokos would get answers on this but explained that if the carriers wanted to deploy the city would have to allow them. East asked who set light standards and standards for high wind areas. Tokos said there were standards on wind loads and something the city could do. The code update would mean a coordination with Central Lincoln PUD who had poles in the ROW so they knew what the poles loads were for structural elements. Hanselman asked who owned the poles. Tokos described the areas that had city owned poles. Central Lincoln PUD owned most of the street lights.

Escobar asked how Wi-Fi would be implemented in areas where utilities were underground. Tokos explained they might have to put extensions on light posts unless the posts were tall enough to meet the needs. Sutton asked if they could place poles as needed. Tokos confirmed they could but there could be parameters added to address this. Sutton asked if the city could require them to place new poles with street lights. Tokos reported that they could bring some options forward on new pole placements. He thought they could begin to frame the

language as a package of code amendments and breakdown the 5G small wireless separate from the tower issues as two pieces.

Eva Bortnick addressed the Commission. She wanted the Commission to remember that this matter was about putting radiation into the air. She felt that 5G was a disaster and would be dismantled eventually because it would become clear it was such a disaster. Bortnick stated that the technology hadn't been tested for any biological safety. She said a Federal judge determined that she had an electrical sensitivity disability and she was protected by the American's With Disabilities Act. Bortnick reported that she had to live in a car and tent for 20 years to find a place to exist without wireless. There was a lawsuit that had just been filed against the FCC for not reviewing their guidelines in light of the new technologies. Bortnick wanted everyone to stop talking about towers as if they were a building and talk about them as being radio towers. She asked the Commission to look at this in the bigger picture. There needed to be a refuse for the people with her disability.

B. Updated Planning Commission Work Program. No discussion was heard.

Adjourn. The meeting adjourned at 6:59 p.m.

Respectfully submitted,

Sherri Marineau,
Executive Assistant

a disservice to the community by having coverage only at key times versus a 24-hour basis.

Pacific Coast Cab Company owners, Alexis and Corey Shrewsbury, have indicated support to allow competing cab companies, since this provides a competitive atmosphere for pricing, and options for cab customers. The overall market will determine the number of cab companies that can exist in Newport versus trying to regulate competition. They believe that the free market will determine which cab companies can survive, and which ones will fail. The only provision they would consider supporting would relate to the possibility of imposing a requirement to provide 24/7 service from cab companies, although they were not committed to implementing that type of regulation.

Nebel reported that Council has a number of alternatives it could consider related to the request to modify the Newport Municipal Code regarding taxi regulations. He stated that these alternatives are as follows: (1.) Do nothing at this time. This would keep the existing code provisions intact until such time as Council wishes to revisit this matter; (2.) Direct staff to revisit certain provisions of the existing code, including the possible requirement of providing 24/7 cab service for new cab companies starting up in the city; (3.) Direct staff to look at more comprehensive regulation of the taxicab business, including the possibility of granting an exclusive franchise for cab operations; and (4.) Other options as suggested by Council.

Allen asked whether both cab companies are operating 24/7, and Nebel noted that they are. Allen stated that he has not heard much opposition. Nebel reported that he shared a copy of the draft report with both cab companies a few weeks ago. He stated that the Geltner's key issue is to provide living wages, and keep professional drivers on duty 24/7. He noted that the loss of business due to the competition during the prime times have caused them to change their operating mode. Allen stated that it appears to be really more about competition rather than just competition in the prime times.

Goebel asked how the city ensures that services are being provided on a 24/7 basis. He reported that his major concern is to have a level playing field. Nebel noted that taxis can be regulated, and the concern of Yaquina Cab is that it might not be able to provide 24/7 service if other companies are "cherry-picking" prime service hours.

Hall reported that she is not in favor of the 24/7 requirement, adding that the companies should have the option of deciding their operating hours. She asked what would happen if ride share services were in town.

Sawyer noted that things seem to be going well with both companies, and suggested leaving the ordinance as it is.

Allen agreed with Sawyer, noting that if it is working, why try to fix it. He added that if issues arise later, the ordinance can be revisited.

MOTION was made by Parker, seconded by Allen, to take no action at this time pending further developments. The motion carried unanimously in a voice vote.

Report on the Prioritization of Recommendations from the Homelessness Task Force.

Hawker introduced the agenda item. Nebel reported that at the August 5, 2019 Council meeting, Council accepted the report from the Homelessness Task Force. He stated that this report was generated as a result of Resolution No. 3829, which created the Task Force to address two areas identified in the Greater Newport Area Vision 2040 Plan. He noted that the Task Force identified 15 recommendations to help address homelessness in Newport. He stated he prioritized them as Tier 1, Tier 2, and Tier 3. He added that he

intends to work on Tier 1 recommendations during this fiscal year, with a focus of Tier 2 recommendations being considered for the next fiscal year, and Tier 3 recommendations would be in the 2021/2022 fiscal year or beyond. He noted that if there is momentum, or other circumstances arise, to move any of the Tier 2 or Tier 3 projects forward, nothing would prevent a priority from occurring earlier than this proposed prioritization.

Nebel reviewed the **Tier 1 priorities**: Placement of toilets in identified areas of the City, including Grace Wins Haven; Consider purchase of a portable shower facility that could be transported to various locations if needed; Coordinate the creation of a standing non-governmental group consisting of social agencies, law enforcement, interfaith community, and other groups that respond to homelessness in the greater Newport area; **Create a car camping area**; Consider utilizing the construction excise tax for funding efforts toward solutions to homelessness.

Nebel reviewed the Tier 2 priorities: Consider creating a program in which homeless individuals could be utilized to clean up litter and trash in return for financial assistance; Develop an inventory of resources available to the homeless population; Explore a county-wide discussion on homelessness; Identify areas where campsites could be created with portable toilets and garbage disposal.

Nebel reviewed the Tier 3 priorities: Explore the future installation of Portland loos in key locations throughout the community; Request that the organized faith-based community coordinate services offered by local churches and other faith-based groups; Conduct a study on the economic impact of the cost of homelessness to property owners; Pursue efforts to create a more permanent overnight shelter; Health related issues, including mental health, physical health, and drug and alcohol abuse issues; and Determine the impact of affordable housing on homelessness.

Nebel reported that Council has appropriated \$20,000 in the 2019/2020 Fiscal Year to facilitate homelessness efforts. He recommended that Council consider an agreement with Grace Wins Haven to offset utility expenses for the operation of a shower trailer. He stated that the city has placed, and plans to pay the rental fees for, a portable toilet located at the Grace Wins shelter. He noted that the intent is to locate a second portable unit in the City Center area. He added that these funds would be used for this purpose. He also recommended that the city make a request for funding from Lincoln County which has also appropriated funding for homelessness, to partner with the city, on a dollar for dollar basis for these two endeavors. He added that this would leave additional funds for other endeavors this fiscal year.

Gail McGreenery offered her services, for one year, with the recommended NGO.

Cyndi Karp thanked Council for taking action to help homelessness. She stated that non-profits need to be supported on a long-term basis. She added that she would like to see the city install a restroom at the courthouse.

Gary Lahman reported that the Lincoln County Public Health Department has a needle exchange program. He stressed the importance of sharps disposal units. Flowers indicated that there is a sharps disposal inside Grace Wins Haven.

Nebel reported that Council appropriated \$20,000, and his recommendation is that Lincoln County be approached for additional funding for homelessness issues.

Jacobi asked about the usage of the portable toilet. Flowers indicated that it is being kept clean and is a great success.

Hall asked who would take this issue from this point. Nebel noted that there are various tiers in the recommendations, and that the city would work to pull together a group that

would coordinate those meetings. He added that the intent is not to have a city committee coordinate these services.

Goebel expressed concern about the use of the CET for homelessness issues. Tokos noted that homelessness is not specifically identified in the 35% of this money that is flexible, but there is a broad range of things, including potentially homelessness, that this funding could be used for.

Botello reported that it is important to engage the faith-based community.

Allen asked Tokos if he had anything in mind that the CET could be used for related to homelessness. Tokos noted that the CET could potentially be used as grant funding to support housing related entities such as Samaritan House. Allen suggested asking legal counsel about the use of this funding and potential uses.

Allen asked why the city would want to wait to initiate a county-wide discussion if Lincoln County could do that. Nebel noted that the city-wide discussion could potentially morph into a regional effort.

Jacobi asked whether something could be presented to Council regarding safe car camping.

Parker suggested that the issues of overnight shelter and drug and alcohol abuse issues be addressed by the state legislature. It was recommended that staff check with the LOC staff to determine whether these issues might be coming up in the short session, and if not, what the timing would be to move them forward. Nebel reported that an increase in state funding is something that could be advocated for immediately, but that there is no way the city could have anything in place for the short session.

MOTION was made by Hall, seconded by Parker, to accept the City Manager's Report on the prioritization of recommendations from the Homelessness Task Force Report dated July 29, 2019. The motion carried unanimously in a voice vote.

MOTION was made by Hall, seconded by Botello, to authorize a request to the Lincoln County Board of Commissioners for matching the City's funding for portable toilets, and offsetting utility expenses for the operation of a shower facility, to address certain homelessness issues within the City of Newport. The motion carried unanimously in a voice vote.

Adoption of Resolution No. 3870 Creating a Sister City Committee. Hawker introduced the agenda item. Nebel reported that from August 2 through August 7, the city hosted six junior high students, Ryo Kawaharada, Yuna Jinto, Kurumi Yoneta, Wakana Kobayashi, Asahi Shimizu, and Risa Yamakawa, and five adults, Kenzo Ishi, Motoko Otake, Takahiro Yamamoto, Noriko Watanabe, and Shunta Fujie in a Sister City delegation visit. He stated that an ad-hoc committee, supported by Hawker, prepared an agenda for the delegation visit. He noted that he appreciates the leadership role that Parker and Sachiko Otsuko took in assisting with the exchange. He added that they took the lead in identifying host families, which included: James and RaeAnn Pettett, Ryan Parker and Sachiko Otsuki, Mike Kilpatrick and Uri Goldberg, Aracelly Guevara and Jerry Robbins, Lance and Jillian Vanderbeck, and Richard and Mary Giles.

Nebel reported that a wrap-up meeting was held to evaluate the handling of this exchange to help plan and inform future exchanges with our Sister City. He stated that the delegation was very happy with their experiences in Newport, but it was generally concluded that there should be more family time, and fewer group activities. He added

203.082 Camping by homeless on property of religious institutions; required elements of policies of local governments and religious institutions. (1) Any political subdivision in this state may allow churches, synagogues and similar religious institutions to offer overnight camping space on institution property to homeless persons living in vehicles.

(2) In addition to any conditions or limitations imposed by a political subdivision, a religious institution located within the political subdivision and offering camping space described under subsection (1) of this section must:

- (a) Limit camping space at the institution site to three or fewer vehicles at the same time; and
- (b) Provide campers with access to sanitary facilities, including but not limited to toilet, hand washing and trash disposal facilities. [1999 c.319 §1]

Note: 203.082 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING LINCOLN CITY MUNICIPAL CODE, TITLE 9. (PUBLIC PEACE, MORALS AND WELFARE), CHAPTER 9.08 (OFFENSES AGAINST PUBLIC ORDER), SECTION 9.08.050 (OVERNIGHT CAMPING ON PUBLIC PROPERTY) TO ADD STATE STATUTORY PROVISIONS ON CAMPING, CLARIFY PROVISIONS AND TO REDUCE PENALTIES

*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~bold lined through~~** and additions are **bold underlined**.*

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the Lincoln City Municipal Code should be updated to address state statutory provisions on camping, clarify provisions and address appropriate classification of offenses; and

1 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

2
3 **SECTION 1.** Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare),
4 Chapter 9.08 (Offenses Against Public Order), Section 9.08.050 (Overnight Camping on
5 public property) is hereby amended to read as follows:

6
7 **9.08.050 Overnight camping on public property.**
8

9 **A. Except as provided in Section 9.08.055, Overnight Overnight** camping or
10 overnight sleeping, **including but not limited to overnight camping or**
11 **overnight sleeping** in a recreational vehicle, trailer or automobile, on any public
12 property including but not limited to streets, sidewalks, parks and parking lots, on
13 any premises open to the public, and on any ocean shore area under the
14 jurisdiction of the Oregon Parks and Recreation Division, is prohibited.

15
16 B. The city may erect signs notifying the public of the prohibition of camping
17 under subsection (A) of this section; provided, however, that the erection of signs
18 shall not be a prerequisite to prosecution of violations of subsection (A) of this
19 section.

20
21 C. Camping equipment used in a violation of subsection (A) of this section may
22 be seized by the city police as evidence of the violation and, after seizure, shall be
23 held by the city police until further order of the court before which the violation is
24 pending.

25
26 ~~**D. Violation of subsection (A) of this section is punishable as a Class A**~~
27 ~~**misdemeanor; provided, that in addition to the penalties prescribed therefor**~~
28 ~~**the court, after a hearing, may order any camping gear seized under**~~
29 ~~**subsection (C) of this section to be sold by the city at auction, with the**~~
30 ~~**proceeds of the sale to be deposited into the city general fund for the use of**~~
31 ~~**the city.**~~

32
33 **D. Except as provided below for "willful violation," a violation of subsection**
34 **(A) of this section is punishable as a Class E Violation. A willful violation is**
35 **punishable as a Class B violation. As used in this subsection, "willful**
36 **violation" means a violation that occurs after the person has received,**
37 **within 90 days preceding the current violation, a citation for violating**
38 **subsection A or a written warning from a police officer or code enforcement**
39 **officer that the person was violating LCMC 9.08.050.**

1
2 E. As used in this section **the following definitions apply:**

3
4 **1. "Campsite" means any place where any bedding, sleeping bag, or**
5 **other material used for bedding purposes, or any stove or fire is**
6 **placed, established or maintained, whether or not such place**
7 **incorporates the use of any tent, lean-to, shack, or any other**
8 **structure, or any vehicle or part thereof.**

9
10 **2. "Overnight" means occurring any time between the hours of 2:30 a.m. and**
11 **5:00 a.m., unless the City Code, (e.g. parks regulations) set different**
12 **hours for closure, in which case "overnight" means any time during**
13 **posted hours of closure;**

14
15 **3. "Camping" or "to camp" means to set up or to remain in or at a**
16 **campsite, for the purpose of establishing or maintaining a temporary**
17 **place to live.**

18
19 **F. Nothing in this Ordinance prohibits prosecution for criminal trespass**
20 **when a person enters or remains on public property or other premises open**
21 **to the public during posted hours of closure or in violation of a trespass**
22 **notice or order, including but not limited to those issued under LCMC**
23 **Chapter 12.18.**

24
25 **SECTION 2.** Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare),
26 Chapter 9.08 (Offenses Against Public Order), Section 9.08.055 (Permitted Overnight
27 Camping/Sleeping) is hereby added to read as follows:

28
29 **9.08.055. Permitted Overnight Camping/Sleeping.**

30
31 **(1) The prohibitions in Section 9.08.055 are inapplicable in the**
32 **following circumstances:**

33
34 **(a) The property involved is appropriately zoned and has all necessary**
35 **approvals for the proposed use of overnight camping, in a vehicle**
36 **or otherwise, (for example, a Recreational Vehicle Park in a**
37 **Recreation Commercial Zone with a conditional use approval or**
38 **state-owned public campground in the Park zone);**

1 (b) The City Council or Manager, by emergency declaration has
 2 authorized overnight camping, in accordance with the limitations,
 3 terms and conditions of such declaration;

4
 5 (c) A Special Event Permit pursuant to LCMC Chapter 5.16 or other
 6 Parks permit (Chapter 12.16) authorizes overnight camping in
 7 accordance with the limitations, terms and conditions of such
 8 permit;

9
 10 (d) Subject to conditions specified in section (2) below, and
 11 notwithstanding any other provision of this code, any religious
 12 institution located in the City of Lincoln City may offer overnight
 13 camping or sleeping space on institution property to homeless
 14 persons living in vehicles. Homeless persons may sleep overnight
 15 in a vehicle in a parking lot of a religious institution that owns or
 16 leases property on which a parking lot is located only with written
 17 permission of the property owner or the owner's representative.
 18 The property owner may not grant permission for more than three
 19 vehicles used for camping or sleeping at any one time. For
 20 purposes of this subsection (1), the term "vehicle" includes a car,
 21 truck, van, camper, and camp trailer.

22
 23 (2) A religious institution who allows a person or persons to
 24 camp/sleep overnight in a vehicle on a property pursuant to
 25 subsections (1)(d) of this section shall:

26
 27 (a) Provide or make available sanitary facilities, including but not
 28 limited to toilet and hand washing facilities;

29 (b) Provide trash disposal facilities to such persons consistent
 30 with LCMC 8.16.060;

31 (c) Require such camping/sleeping space be not less than five
 32 feet away from any property line; and

33 (e) Not require payment of any fee, rent or other monetary
 34 charge for overnight camping/sleeping, as authorized by this
 35 section.

36
 37 (3) An institution who permits overnight camping/sleeping pursuant
 38 to subsection (1)(d) and (2) above may revoke that permission at
 39 any time and for any reason. Any person who receives permission

1 to camp/sleep on that property as provided in this section shall
 2 leave the property immediately after permission has been revoked.

3
 4 **(4) Notwithstanding any other provision of this section, the city**
 5 **manager or the manager's designee may revoke permission for a**
 6 **religious institution to offer overnight camping/sleeping in**
 7 **vehicles or revoke permission of a person to sleep overnight on**
 8 **such properties, if the city finds that the institution, owner, or**
 9 **person has violated any applicable law, ordinance, rule, guideline**
 10 **or agreement, or that the activity constitutes a public nuisance or**
 11 **other threat to the public welfare.**

12
 13 **(5) The city manager or the manager's designee may impose**
 14 **administrative civil penalties on responsible parties who fail to**
 15 **comply with the requirements of this section, as provided in**
 16 **Chapter 1.16 of this code.**

17
 18 **(6) In addition to any other penalties that may be imposed, any site**
 19 **used for overnight camping/sleeping in a manner not authorized**
 20 **by this section or other provisions of this code shall constitute a**
 21 **nuisance and may be abated as such. As used in this section,**
 22 **"campsite" has the meaning given in section 9.08.050 of this code.**

23
 24 **(7) Nothing in this Section of the code creates any duty on the part of**
 25 **the city or its agents to ensure the protection of persons or**
 26 **property with regard to permitted overnight camping/ sleeping.**

27
 28 **SECTION 3.** Lincoln City Municipal Code, Title 9 (Public Peace, Morals and Welfare),
 29 Chapter 9.08 (Offenses Against Public Order), Section 9.08.045 (Humane Campsite
 30 Removal Policy and Procedures) is hereby added to read as follows:

31
 32 **9.08.045 Humane Campsite Removal Policy and Procedures**

33
 34 **A. Prior to removing a campsite as defined in LCMC 9.08.050, the city**
 35 **shall post a notice, 24-hours in advance of removal. If the campsite**
 36 **is a vehicle, tow procedures shall also be observed. All posted notices**
 37 **shall be in English and Spanish. A City enforcement officer shall not**
 38 **issue a citation for violation of 9.08.050 if the citation would be**
 39 **issued within 200 feet of the notice and within two hours before or**
 40 **after the notice was posted.**

1
2 **B. At the time that a 24-hour notice is posted, the city shall inform a**
3 **local agency that delivers social services to homeless individuals**
4 **where the notice has been posted.**

5
6 **C. The local agency may arrange for outreach workers to visit the**
7 **campsite where a notice has been posted to assess the need for social**
8 **service assistance in arranging shelter and other assistance.**

9 **D. All unclaimed personal property shall be given to the police**
10 **department whether 24-hour notice is required or not. The property**
11 **shall be stored for a minimum of 30 days during which it will be**
12 **reasonably available to any individual claiming ownership. Any**
13 **personal property that remains unclaimed for 30 days may be**
14 **disposed of consistent with state law and Coty Code for disposition of**
15 **found, lost, unclaimed or abandoned property, as applicable. For**
16 **purposes of this paragraph, "personal property" means any item that**
17 **is reasonably recognizable as belonging to a person and that has**
18 **apparent utility. Items that have no apparent value or utility or are in**
19 **an unsanitary or putrescent condition may be immediately discarded.**
20 **Weapons, drug paraphernalia and items that appear to be either**
21 **stolen or evidence of a crime shall be given to the police department.**
22

23 **E. Following the removal of a camping site on public property, the**
24 **law enforcement officials, local agency officials and outreach workers**
25 **may meet to assess the notice and removal policy, to discuss whether**
26 **the removals are occurring in a humane and just manner and to**
27 **determine if any changes are needed in the policy.**
28

29 **F. The 24-hour notice required under subsection D of this section shall**
30 **not apply:**

31
32 **1. When there are grounds for law enforcement officials to**
33 **believe that illegal activities other than camping are occurring.**

34
35 **2. In the event of an exceptional emergency such as possible**
36 **site contamination by hazardous materials or when there is**
37 **immediate danger to human life or safety.**

38
39 **3. The site is public property designated for day use recreation.**

1
2 **4. The site is public property designated as a campground and**
3 **occupied by an individual under an agreement or pursuant to**
4 **authorization specified in LCMC 9.08.055 (Permitted Overnight**
5 **Camping/Sleeping).**
6

7 **SECTION 4. Findings Adopted.**
8

9 The findings contained in the Whereas Clauses of this ordinance, as well as the
10 competent substantial evidence in the whole record of this legislative proceeding are
11 incorporated into this section by reference as if fully set forth herein, and are adopted in
12 support of this legislative action.
13

14 **SECTION 5. Severability.**
15

16 The sections, subsections, paragraphs and clauses of this ordinance are severable. The
17 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
18 the remaining sections, subsections, paragraphs and clauses.
19

20 **SECTION 6. Savings.**
21

22 Notwithstanding the amendment to this Title, the existing Title remains valid and in full
23 force and effect for purposes of all criminal, civil or administrative code enforcement
24 cases or applications filed or commenced during the time said ordinances were
25 operative. Nothing in this Ordinance affects the validity of prosecutions commenced
26 and continued under the laws in effect at the time the matters were originally filed.
27

28 **SECTION 7. Codification.**
29

30 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
31 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
32 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
33 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 4-7) need
34 not be codified and the City Recorder is authorized to correct any cross-references and
35 any typographical errors.
36

37 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
38 Section 9.2 of the City of Lincoln City Charter on the 25th day of July, 2016 (First
39 Reading) and on the 8th day of August, 2016 (Second Reading).
40

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 8th day of
2 August, 2016.

3
4
5 _____
6 DON WILLIAMS,
7 MAYOR

8
9 ATTEST:

10
11 _____
12 CATHY STEERE,
13 CITY RECORDER

14
15 APPROVED AS TO FORM:

16
17 _____
18 RICHARD APPICELLO
19 CITY ATTORNEY
20

21
22
23
24
25



WASHINGTON COUNTY

OREGON

PROPOSED LAND USE ORDINANCE NO. 867

Individual and General Notice 2020-04
July 10, 2020

The Washington County Planning Commission and Board of Commissioners (Board) will soon consider proposed **Ordinance No. 867**. Listed below is a description of the ordinance, hearing dates and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact Long Range Planning at 503-846-3519 or lutplan@co.washington.or.us.

ORDINANCE PURPOSE AND SUMMARY:

Ordinance No. 867 would amend the Community Development Code (CDC) to allow religious institution sites and other properties in certain urban nonresidential land use districts to offer space where homeless persons can temporarily live in vehicles, subject to participation in a program designed to transition them to stable housing.

Who is Affected

Residents, businesses and property owners in urban unincorporated Washington County.

What Land is Affected

Religious institution sites and nonresidential land use districts in urban unincorporated Washington County.

PUBLIC HEARING INFORMATION/LOCATION:

Hearings are in the auditorium of the
Charles D. Cameron Public Services Building, 155 N. First Ave., Hillsboro

Planning Commission

1:30 p.m.
Aug. 5, 2020

Board of Commissioners

10 a.m.
Sept. 1, 2020

**Planning Commission and Board meetings may be conducted virtually on Zoom.
Check one week prior to the meeting date for meeting location details.**

At its Sept. 1 public hearing, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If adopted Sept. 1, it would become effective Oct. 1, 2020.

KEY PROVISIONS:

Allows certain sites to provide safe parking/camping space, where homeless persons can temporarily live in vehicles, as a use exempt from the development permit requirement, when:

- Managed through a program designed to transition participants to stable housing.
- Parking and program participation are at no cost to participants.

Department of Land Use & Transportation
Planning and Development Services • Long Range Planning
155 N. First Ave., Suite 350, MS14, Hillsboro, OR 97124-3072
phone: 503-846-3519 • fax: 503-846-4412
www.co.washington.or.us/lut • lutplan@co.washington.or.us

- On a religious institution site in any urban land use district, or other site when the primary use and land use designation are nonresidential.
- Maximum number of vehicles meets specified cap.
- Sanitation and storage facilities are provided, meeting specific setback/siting requirements.

AFFECTED LAND USE PLANNING DOCUMENTS:

Community Development Code Sections

- 106 - Definitions
 - 201 - Development Permit
 - 308 - Future Development 20-Acre District (FD-20)
 - 309 - Future Development 10-Acre District (FD-10)
 - 311 - Neighborhood Commercial District (NC)
 - 312 - Office Commercial District (OC)
 - 313 - Community Business District (CBD)
 - 314 - General Commercial District (GC)
 - 320 - Industrial District (IND)
 - 330 - Institutional District (INST)
 - 375 - Transit Oriented Districts
 - 390 - North Bethany Subarea Overlay District
 - 392 - Pedestrian-Oriented Mixed-Use Districts
 - 430 - Special Use Standards
-

HOW TO SUBMIT COMMENTS:

Washington County remains committed to broad community engagement and transparency of government and during the COVID-19 pandemic will host virtual meetings on Zoom.

Advance registration is required to provide testimony on agenda items or additional communication at designated times

For Planning Commission registration and contact information, please visit the Planning Commission webpage: <https://www.co.washington.or.us/PlanComm>

For Board registration instructions and contact information, please visit the How to Testify webpage: <https://www.co.washington.or.us/BOC/Meetings/How-to-Testify.cfm>

- Submissions for oral or written testimony, including email must be received at least 24 hours prior to the meeting date.
- Include the author's name and address with any public testimony.

Staff Contact

Anne Kelly, Senior Planner, anne_kelly@co.washington.or.us, 503-846-3583

During facility closures the ordinance is available for review on the Land Use Ordinances webpage: www.co.washington.or.us/landuseordinances

Once facilities are re-opened, the ordinance will be available for review at the following locations:

- Department of Land Use & Transportation
- Cedar Mill Community Library and Tigard Public Library
- Community Participation Organizations (CPOs), call 503-846-6288

FILED

JUL 01 2020

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 867

An Ordinance Amending the Community
Development Code Relating to Safe Vehicle
Camping/Parking for Homeless Persons to Aid in
Transition to Stable Housing

The Board of County Commissioners of Washington County, Oregon ("Board")
ordains as follows:

SECTION 1

A. The Board recognizes that the Community Development Code Element of the
Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by
way of Ordinance No. 308, and subsequently amended by Ordinance Nos. 321, 326, 336-341,
356-363, 372-378, 380-381, 384-386, 392-393, 397, 399-403, 407, 412-413, 415, 417, 421-
423, 428-434, 436-437, 439, 441-443, 449, 451-454, 456-457, 462-464, 467-469, 471, 478-
481, 486-489, 504, 506-512, 517-523, 525-526, 528-529, 538, 540, 545, 551-555, 558-561,
573, 575-577, 581, 583, 588-589, 591-595, 603-605, 607-610, 612, 615, 617-618, 623-624,
628, 631, 634-635, 638, 642, 644-645, 648-649, 654, 659-662, 667, 669-670, 674, 676-677,
682-686, 692, 694-698, 703-704, 708-709, 711-712, 718-720, 722, 725, 730, 732, 735, 739,
742-745, 754-758, 760, 762-763, 765-766, 769-776, 782-788, 791-792, 797-802, 804, 809-
811, 813-815, 820, 822-824, 826-828, 831-835, 838, 840-42, 845-847, 851, 853, and 855-859.

B. The unprecedented need for transitional housing and complementary services
for the benefit of homeless individuals indicates the need for amendments to the Community

1 Development Code to facilitate such assistance. The Board recognizes that such changes are
2 necessary for the health, safety, and welfare of the residents of Washington County, Oregon.

3 C. Under the provisions of Washington County Charter Chapter X, the
4 Department of Land Use and Transportation has carried out its responsibilities, including
5 preparation of notices, and the County Planning Commission has conducted one or more
6 public hearings on the proposed amendments and has submitted its recommendations to the
7 Board. The Board finds that this Ordinance is based on those recommendations and any
8 modifications made by the Board, as a result of the public hearings process.

9 D. The Board finds and takes public notice that it is in receipt of all matters and
10 information necessary to consider this Ordinance in an adequate manner and finds that this
11 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan
12 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
13 County Charter, the Washington County Community Development Code, the Washington
14 County Transportation System Plan, and the Washington County Comprehensive Plan.

15 SECTION 2

16 The following exhibit, attached hereto and incorporated herein by reference, is adopted
17 as an amendment to the designated document as follows:

18 A. Exhibit 1 (5 pages), amends the following sections of the Community
19 Development Code:

- 20 1. Section 106 – Definitions;
- 21 2. Section 201 – Development Permit;
- 22 3. Section 308 – Future Development 20-Acre District (FD-20);

- 1 4. Section 309 – Future Development 10-Acre District (FD-10);
- 2 5. Section 311 – Neighborhood Commercial District (NC);
- 3 6. Section 312 – Office Commercial District (OC);
- 4 7. Section 313 – Community Business District (CBD);
- 5 8. Section 314 – General Commercial District (GC);
- 6 9. Section 320 – Industrial District (IND);
- 7 10. Section 330 – Institutional District (INST);
- 8 11. Section 375 – Transit Oriented Districts;
- 9 12. Section 390 – North Bethany Subarea Overlay District;
- 10 13. Section 392 – Pedestrian-Oriented Mixed-Use Districts; and
- 11 14. Section 430 – Special Use Standards.

12 SECTION 3

13 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
14 which are not expressly amended or repealed herein, shall remain in full force and effect.

15 SECTION 4

16 All applications received prior to the effective date shall be processed in accordance
17 with ORS 215.427.

18 SECTION 5

19 If any portion of this Ordinance, including the exhibit, shall for any reason be held
20 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
21 affected thereby and shall remain in full force and effect.

22 ///

1 SECTION 6

2 The Office of County Counsel and Department of Land Use and Transportation are
3 authorized to prepare planning documents to reflect the changes adopted under Section 2 of
4 this Ordinance, including deleting and adding textual material and maps, renumbering pages
5 or sections, and making any technical changes not affecting the substance of these
6 amendments as necessary to conform to the Washington County Comprehensive Plan format.

7 SECTION 7

8 This Ordinance shall take effect thirty (30) days after adoption.

9 ENACTED this _____ day of _____, 2020, being the _____ reading
10 and _____ public hearing before the Board of County Commissioners of Washington
11 County, Oregon.

12 BOARD OF COUNTY COMMISSIONERS
13 FOR WASHINGTON COUNTY, OREGON

14 _____
15 CHAIR KATHRYN HARRINGTON

16 _____
17 RECORDING SECRETARY

17 READING

17 PUBLIC HEARING

18 First _____
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____
23 Sixth _____

18 First _____
19 Second _____
20 Third _____
21 Fourth _____
22 Fifth _____
23 Sixth _____

24 VOTE: *Aye*: _____

24 VOTE: *Nay*: _____

25 Recording Secretary: _____ Date: _____

Sections of the COMMUNITY DEVELOPMENT CODE are amended to reflect the following:

1. SECTION 106 – DEFINITIONS

106-243212 Urban Growth Boundaries (UGB). The legally defined boundaries adopted by Washington County, Metro or appropriate incorporated cities, and acknowledged by LCDC, which identify and separate urbanized land from rural and natural resource land.

106-244213 Vanpool/Carpool. Two (2) or more people who share the use and/or cost of a van or car for transportation to and from a destination.

106-215214 Vegetated Corridor. Lands that are located within the Clean Water Services boundary and are defined in the "Design and Construction Standards for Sanitary Sewer and Surface Water Management" or its successor. Vegetated corridors are generally preserved and maintained lands intended to protect the water quality functions of water quality sensitive areas.

106-215 Vehicle Camping Site for Homeless Persons. A location where overnight camping spaces are provided temporarily to homeless persons living in vehicles, as allowed pursuant to program requirements adopted by a city or County or other public agency that are designed to aid in transition to stable housing (Section 201-2.36).

For the purpose of a Vehicle Camping Site for Homeless Persons, a "vehicle" is a car, van, truck, motorized or towable recreational vehicle/camper/trailer/tiny home on wheels or similar conveyance, without regard to whether the vehicle was designed for use as temporary living quarters.

2. SECTION 201 – DEVELOPMENT PERMIT

201-2 Exclusions from Permit Requirement

The following activities are permitted in each district except as limited to particular districts below, but are excluded from the requirement of obtaining a development permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with all applicable standards, conditions and other provisions of this Code. The activities set forth below are not excluded from the requirement to obtain approval of erosion control measures to the extent the activity is subject to Section 426.

201-2.36 Vehicle Camping Site for Homeless Persons as defined in Section 106, on a site in the following non-residential districts: FD-20, FD-10, NC, OC, CBD, GC, IND, INST, TO:RC, TO:EMP, TO:BUS, NCC NB, NCMU NB, INST NB, CCMU or NMU or on the site of a religious institution in any urban district, subject to the following:

- A. Written certification from a city, the County or other authorized public agency that, at the time of certification, the property owner and site are in compliance with program requirements adopted by the city, the County or other public agency, designed to aid in transition to stable housing;
- B. Located in a parking lot on a site that includes a building occupied by a non-residential commercial interest, religious institution, place of worship, public service nonprofit, or public entity, where both the parking lot and building are owned or operated by that entity;
- C. Any storage facility placed onsite is not visible from public rights of way;
- D. Maximum number of vehicles for camping use that will be onsite simultaneously is three unless otherwise provided in Oregon Revised Statute and program rules;
- E. Parking spaces used for vehicle camping, and storage and sanitary facilities, are located:
 - 1. No less than 10 feet from property lines of the subject site; and
 - 2. Storage and sanitary facilities are no less than 20 feet from the property line of any offsite residential use; and
- F. Vehicle camping does not occupy pedestrian walkways, fire lanes or other emergency access areas, or areas needed for corner vision (Section 418-3) or sight distance (Section 501-8.5 F.).

3. SECTION 308 – FUTURE DEVELOPMENT 20-ACRE DISTRICT (FD-20)

308-5 Prohibited Uses

- 308-5.1 Structures or uses not specifically authorized in Section 308, except as listed under Section 201-2 (Exclusions from Permit Requirement).
- 308-5.3 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 308-2.8 and 308-3.4 or as allowed under Section 201-2 (Exclusions from Permit Requirement).
- 308-5.4 The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).

4. SECTION 309 – FUTURE DEVELOPMENT 10-ACRE DISTRICT (FD-10)

309-5 Prohibited Uses

- 309-5.1 Structures or uses not specifically authorized in Section 308, except as listed under Section 201-2 (Exclusions from Permit Requirement).
- 309-5.2 The use of a recreational vehicle as a residence except where specifically authorized as a temporary use in Sections 309-2.8 and 309-3.4 or as allowed under Section 201-2 (Exclusions from Permit Requirement).
- 309-5.3 The outdoor parking or storage of any five or more vehicles on a single lot or parcel for more than 48 hours, except as approved in conjunction with a development or as allowed under Section 201-2 (Exclusions from Permit Requirement).

5. SECTION 311 – NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

311-5 Prohibited Uses

- 311-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).
- 311-5.4 New residential uses except as provided in Sections 311-3.6 and 311-3.16 or identified under Section 201-2 (Exclusions from Permit Requirement).

6. SECTION 312 – OFFICE COMMERCIAL DISTRICT (OC)

312-5 Prohibited Uses

- 312-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

7. SECTION 313 – COMMUNITY BUSINESS DISTRICT (CBD)

313-5 Prohibited Uses

- 313-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

8. SECTION 314 – GENERAL COMMERCIAL DISTRICT (GC)

314-5 Prohibited Uses

- 314-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

9. SECTION 320 – INDUSTRIAL DISTRICT (IND)

320-5 Prohibited Uses

- 320-5.1 Structures or uses of land not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

10. SECTION 330 – INSTITUTIONAL DISTRICT (INST)

330-6 Prohibited Uses

- 330-6.1 Structures or uses not specifically authorized by this District unless the structure or use has substantially similar use and impact characteristics to a use listed as permitted through a Type I, II, or III procedure, as determined through the provisions of Section 202-2.2., or is identified under Section 201-2 (Exclusions from Permit Requirement).

11. SECTION 375 – TRANSIT ORIENTED DISTRICTS

375-5 Prohibited Uses

- 375-5.1 Uses in each of the Transit Oriented Districts that are identified in Table A as prohibited use, except as allowed for uses listed under Section 201-2 (Exclusions from Permit Requirement).
- 375-5.2 Structures or uses not specifically authorized by the applicable Transit Oriented District, unless the structure or use has substantially similar use and impact characteristics to a use listed as determined through the provisions of Section 202-2.2. or is identified under Section 201-2 (Exclusions from Permit Requirement).

12. SECTION 390 – NORTH BETHANY SUBAREA OVERLAY DISTRICT

390-6 Prohibited Uses

- 390-6.2 The following structures and uses are prohibited in all non-residential districts in the North Bethany Subarea.

abcdef Proposed additions
~~abcdef~~ Proposed deletions

- A. Structures or uses not specifically authorized by Section 390, unless identified under Section 201-2 (Exclusions from Permit Requirement).
- C. New residential uses except as provided in Sections 390-13.3 H. and 390-14.3 G. and K. or identified under Section 201-2 (Exclusions from Permit Requirement).

13. SECTION 392 – PEDESTRIAN-ORIENTED MIXED-USE DISTRICTS

- 392-5.2 Structures or uses not specifically authorized by the applicable Pedestrian-Oriented Mixed-Use District, unless the structure or use has substantially similar use and impact characteristics to a listed use as determined through the provisions of Section 202-2.2. or is identified under Section 201-2 (Exclusions from Permit Requirement).

14. SECTION 430 – SPECIAL USE STANDARDS

- 430-25 Campground (Camping Areas and Facilities - Public and Private)**
Any area or tract of land used to accommodate two (2) or more camping parties (including tents, travel trailers, other camping outfits and, except in the EFC, EFU, and AF-20 Districts, cabins). A campground is an area devoted to overnight, temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A Vehicle Camping Site for Homeless Persons (Section 201-2.36) is not considered a campground for purposes of this section.



The Car Camping Program

What is the Car Camping Program?

The Car Camping Program provides safe and legal places for unhoused people to sleep in vehicles, camper trailers, tents, Conestoga huts, or tiny homes on wheels.

How are sites selected?

Car camping sites can be located on property owned or leased by public entities, non-profits, businesses, or religious organizations. The property owner may grant permission for up to 6 vehicles, which, by applicable City Code, also includes camper trailers, tents, Conestoga huts, or tiny homes on wheels.

Who operates the sites, and who pays for the program?

The majority of car camping sites are managed by St. Vincent de Paul through their Overnight Parking Program. They oversee more than 70 permitted spots at 43 addresses in the Eugene/Springfield metro area. There are also churches, non-profits, and businesses who host and oversee their own Car Camping sites.



The City of Eugene provides funding for the Overnight Parking Program operated by St. Vincent de Paul through a contract agreement. Funds are used to supply the portable restrooms and trash service and for St. Vincent de Paul staff to administer the program. Hosts who are not part of St. Vincent de Paul's program pay their own program costs.



Last year, the Overnight Parking Program, operated by St. Vincent de Paul, helped 81 individuals, 27 families, and 41 children

How are the sites kept healthy and safe?

Car camping sites must have sanitary facilities, garbage disposal services, and a storage area for campers to store any personal items so that they are not visible from any public street. St. Vincent de Paul provides siting, camper screening and placement, garbage disposal, portable restrooms, and linkages to services for participants in their program at no cost to the host site.

How does someone get on the waiting list?

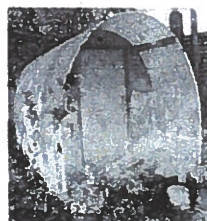
Families and individuals experiencing homelessness may apply to receive a slot at one of the sites. Single adults in need of assistance should call (541) 461-8688 or visit the Eugene Service Station at 450 Highway 99 N. Families should visit First Place Family Center at 1995 Amazon Parkway, open 7 days/week.

Where can I find more information about becoming a host site?

St. Vincent de Paul manages car camping sites at no cost to the host. Individuals or businesses who are interested in more information about their program can visit <https://www.svdp.us/what-we-do/homeless-services/overnight-parking-program/> or call (541) 461-8688. You can also reach the City Manager's Office at (541) 682-8442 to find out more information about becoming a host site.

Where do Conestoga huts come from?

A local nonprofit, Community Supported Shelters, constructs the Conestoga huts for use in homeless programs in Eugene and the surrounding area. For more information, visit www.communitysupportedshelters.org.





PERMITTED OVERNIGHT SLEEPING (CAMPING)

The City of Eugene allows for overnight sleeping (camping) in certain situations with the property owners' permission. The requirements are set out in Chapter 4 of the Eugene Code (EC) beginning at EC 4.816. The Eugene Code is available online at www.eugene-or.gov/citycode.

Where is camping allowed?

Parking Lots People may sleep overnight in a vehicle, camper, trailer, tent, or Conestoga hut in a parking lot of a religious organization, business, or public entity as long as there is an occupied structure on site. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

Residential Zones No more than one family may sleep overnight in the backyard or in a vehicle, camper, or trailer parked in the driveway of a single family dwelling. Permission of the tenant, as well as the property owner, is required. Only one tent or camping shelter is allowed in the backyard and must be at least five feet from any property line. A "family" means people related by blood or marriage, or no more than two unrelated adults.

Vacant Lots People may sleep overnight in a vehicle, camper, or trailer on a paved or graveled surface located on a vacant or unoccupied lot. The city may require the camping site to be part of a supervised program operated by the city or its agent. The property owner may grant permission for up to 6 vehicles used for sleeping at any one time.

Are there any other regulations I should be aware of?

Yes, a property owner that allows people to sleep overnight on a property must provide the following:

- Sanitary facilities;
- Garbage disposal services;
- Storage area for campers to store any personal items, so the items are not visible from any public street.

Also, the property owner CANNOT require payment of any fee, rent, or other monetary charge for overnight sleeping.

The City has the right to revoke permission for overnight sleeping if such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare.

If you have any questions please check with Code Compliance staff at 541-682-5819 or codecompliance@ci.eugene.or.us.

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

www.eugene-or.gov/bps



ZONING CODE

INFORMATION GUIDE

Information for Religious Institutions: Safe Park Program and Transitional Housing Allowances

Religious institutions can host up to three vehicles a night, allowing people to safely park and sleep on their property:

The Portland Zoning Code acknowledges State of Oregon allowances for religious institutions to host up to three vehicles for car camping per night. The provision written in Portland Zoning Code Section 33.920.470.B states "a religious institution may allow overnight car camping for up to three vehicles as specified in ORS 203.082" provided the guests have access to sanitary facilities. The City, in recognition of the benefits of these programs, has created guidelines to assist with the creation and activation of this community program.



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(CC BY-SA 2.0) Author: dave_7

Religious Institutions can host up to 6 families for a period of up to 180 days.

The Portland Zoning Code allows religious institutions to host up to 6 transitional housing units for a period of up to 180 days. These housing units, deemed temporary shelters, can range from Sunday school areas to auditoriums. For periods of less than 180 days, building code inspectors do not require permits. However, a conditional use permit is required through the Fire Marshal's Office. Inspections are required as part of this conditional use permit. The number of guests allowed is dependent on the space of the area proposed and is limited to six households (defined in the Portland Zoning Code). These transitional housing units are listed as accessory uses to the Religious Institutions. Portland Zoning Code Section 33.920.470.B states "a transitional housing unit is a housing unit for one household and is occupied for less than 180 days within a calendar year."



(CC BY-SA 1.0) Author: Another Believer

INFORMATION FOR RELIGIOUS INSTITUTIONS: SAFE PARK PROGRAM AND TRANSITIONAL HOUSING ALLOWANCES



ZONING CODE INFORMATION GUIDE

Zoning Allowances for Recreational Vehicles (RVs) including Tiny Houses on Wheels

There are many different regulations at the state and city level that work together to regulate RVs. All of these regulations limit the use of RVs and tiny houses on wheels as dwellings. The information in this handout covers vehicles only. Structures that are not on wheels have different zoning requirements and are regulated by the Building Code as well.

Can I live in an RV in the City of Portland?

RVs cannot be used as housing in residential zones. "Household Living" is a use defined in the zoning code and is allowed in residential zones. Household Living is where a household of one or more people lives in a dwelling unit on a month-to-month basis or longer. Household Living can only happen in a dwelling unit. Vehicles do not meet the definition of a Dwelling Unit in 33.910, which must be a structure constructed in or on the ground with independent provisions for sleeping, cooking and sanitation. Vehicles are not structures built on or in the ground. Vehicles cannot contain a household living use in the City of Portland. In addition, Title 29 (The City's Property Maintenance Code) prohibits the use of campers, motor homes, or recreational vehicles for residential occupancy if not operated at a legal RV park. (29.50.050)

RVs can be occupied in legally established RV parks or campgrounds with legally established utility connections for less than a month at a time.

Can I rent out my RV as a short term accessory rental?

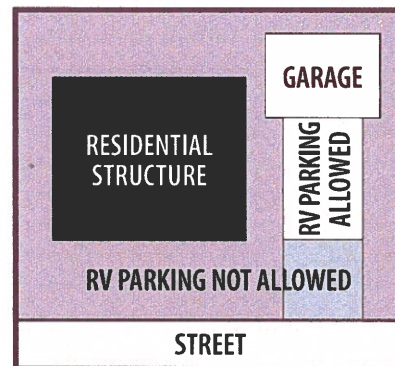
No. A short term accessory rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. This is most commonly arranged on websites like AirBNB.com. Accessory Short Term Rentals must be inside a primary or accessory dwelling unit. Because RVs including tiny houses on wheels are not dwelling units, they cannot be used as accessory short term rentals in the City of Portland.

Renting out a vehicle for short term use is a Retail Sales and Service Use. Retail Sales and Service uses are not allowed in residential zones. Retail Sales and Service uses do include RV Parks. Legally established RV parks or campground can rent out RVs on a short term basis.

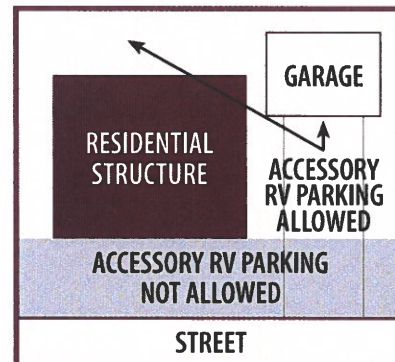
Where can I store my RV?

RVs stored outside but not being occupied or used at that location can be parked in residential zones on legally established vehicle areas that are not located between the front lot line and a building line. RVs can also be stored in some non-residential zones on legally created vehicle area such as at a Self Storage Facility. Non-residential zones that allow for exterior storage typically require landscaping and screening of the storage area. RVs can also be parked inside in legally created garages.

ANY RV TYPE INCLUDING MOTOR HOMES



ACCESSORY RECREATIONAL VEHICLES (NON-MOTORIZED) ONLY



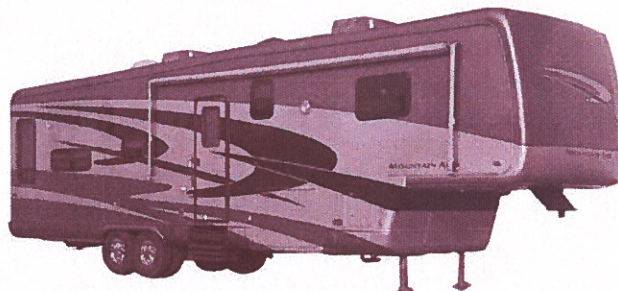
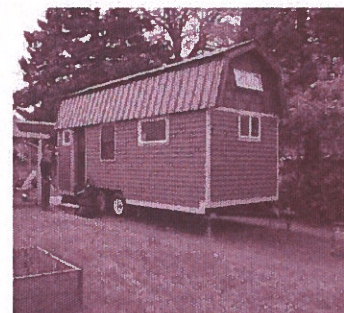
CITY OF PORTLAND OREGON - BUREAU OF DEVELOPMENT SERVICES

What is a Recreational Vehicle (RV)?

“Recreational Vehicle” is defined in Section 33.910 of the zoning code. This definition has several parts. This definition includes campers, fifth-wheel trailers, motor homes and tiny houses on wheels. If it is on wheels, it is a vehicle, not a building.

Recreational Vehicle. A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

- **Accessory recreational vehicle.** Accessory recreational vehicles include non-motorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.



- **Motor Home.** Motor homes are motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise.



For more information visit or call the Planning and Zoning Staff in the Development Services Center at 1900 SW 4th Avenue, Suite 1500, 503-823-7526
Current Zoning Code is available at www.portlandoregon.gov/zoningcode

ZONING ALLOWANCES FOR RECREATIONAL VEHICLES INCLUDING TINY HOUSES ON WHEELS



Commissioner Chloe Eudaly
City of Portland

Commissioner Eudaly Statement Regarding Tiny Home and RV Enforcement 10/16/17

In response to the passage of new legislation and requests from the community, BDS staff will de-prioritize enforcement against tiny homes and begin work on developing code language to permanently allow tiny homes in conformance with recently passed HB 2737 and will de-prioritize enforcement against sleeping in Tiny Homes and RVs on private property throughout the housing emergency. Commissioner Eudaly said, "Housing is a basic need and a human right. We have failed to keep up with demand for affordable housing for decades. As the City Commissioner with responsibility for the Bureau of Development Services, which enforces local building codes, I have asked the bureau to de-prioritize enforcement against tiny homes and people sleeping in RVs parked on private property effective immediately."

BDS staff will use the following guidelines to continue to uphold safety and health standards aimed at protecting occupants of tiny homes and RVs as well as residents and neighbors:

Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

- Property owner may grant permission for up to three vehicles (vehicle, motorhome, camper trailer, etc.) for sleeping

Properties with Single Family Structures or Duplexes

- Property owner and tenant may grant permission for one vehicle for sleeping.
- Vehicles must be located in legal parking areas on the property (Zoning requirements)

General requirements for all overnight sleeping arrangements

Sanitation

- Property owner shall make available sanitary facilities.
- Options include using sanitary facilities within the structure, pumping holding tanks off-site or having vendor pump out holding tank, or permitting and installing a legal sanitary dump station on site.
- Portable toilets (with ongoing service and maintenance) are only allowed at non-residential properties.

Electrical

- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.

Commissioner Eudaly authorized the deprioritization of enforcement on Title 29.50.050 Illegal Residential Occupancy.

What Title is being deprioritized:

“Title 29.50.050

When a property has an illegal residential occupancy, including but not limited to occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted without permit, the use shall be abated or the structure brought into compliance with the present regulations for a building of the same occupancy.”

Why Deprioritization of Enforcement of Illegal Residential Occupancy for Tiny Homes & RVs

- Offer creative solutions to affordable housing creation
- Benefit responsible tiny home and RV owners
- Provide safe and sanitary housing for individuals in need

What’s this change for sanitation standards in the city?

- Tiny homes and RVs must meet existing legal dwelling unit standards regarding sanitation, waste disposal, and safe access to grounded utilities.
- Enforcement of existing sanitation for legal dwelling units will continue unchanged.
- Community of tiny homes and RV residents is anecdotally small so sanitation needs are minimal.

What about insurance coverage?

- We expect home owners to ask their individual insurance providers for information on how additions or changes to their property affects their coverage.

What about the noise from the Tiny Home and RV communities?

- existing enforcement regarding current noise ordinances will continue to be prioritized. generators for these homes will not be allowed

For further clarity: The Bureau of Development Services and their staff will use the following guidelines to continue to uphold safety and health standards aimed at protecting occupants of tiny homes and RVs as well as residents and neighbors:

Where:

For residential: Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

- Property owner may grant permission for up to three vehicles (vehicle, motorhome, camper trailer, etc.) for sleeping

Who:

Properties with Single Family Structures or Duplexes

- Property owner and tenant may grant permission for one vehicle for sleeping.
- Vehicles must be located in legal parking areas on the property (Zoning requirements)

When / how:

General requirements for all overnight sleeping arrangements

- Property owner shall make available sanitary facilities.
- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.
- Options include using sanitary facilities within the structure, pumping holding tanks off-site or having vendor pump out holding tank, or permitting and installing a legal sanitary dump station on site.
- Portable toilets (with ongoing service and maintenance) are only allowed at non-residential properties.

Commissioner Eudaly authorized the deprioritization of enforcement
on
Title 29.50.050 Illegal Residential Occupancy.

What the electrical requirements of Tiny Homes and RVs are:

- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

- PART I:** Short Title. Adoption of Benton County Code Chapter Regarding Vehicle Camping at Religious Institutions.
- PART II.** Authority. The Board of County Commissioners of Benton County has authority to amend the County Code pursuant to the Benton County Charter.
- PART III.** The Benton County Code Chapter 40 is hereby adopted as shown in "Exhibit 1".
- PART IV.** This Ordinance, being necessary for the preservation of the health, safety, and welfare of Benton County citizens, due to the ordinance addressing an immediate need related to the ongoing COVID-19 pandemic, an emergency exists and this Ordinance shall be in full force and effect on May 5, 2020, and shall expire at midnight on July 4, 2020, unless repealed sooner by an action of the Benton County Board of Commissioners.

1st Reading: May 5, 2020

Effective Date: May 5, 2020

BENTON COUNTY BOARD OF COMMISSIONERS

Pat Malone

Pat Malone, Chair

Xanthippe Augerot

Xanthippe Augerot, Commissioner

Annabelle Jaramillo

Annabelle Jaramillo, Commissioner

Approved as to Form:

Vivian M. Brown

County Counsel

Recording Secretary

Exhibit 1

CHAPTER 40

VEHICLE CAMPING AT RELIGIOUS INSTITUTIONS

40.100. A church, synagogue or other religious institution located in unincorporated Benton County may allow overnight camping in vehicles, subject to the following:

- (1) As used in this chapter, “vehicle” includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. “Vehicle” also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.
- (2) The religious institution shall register with the Benton County Community Development Department prior to establishing overnight camping in vehicles and shall submit a site plan and any other documentation required by the department’s adopted procedures for ensuring compliance with this chapter.
- (3) A maximum of three vehicles for vehicle camping is allowed at the registered site at any one time.
- (4) The religious institution shall provide campers with access to onsite sanitary facilities, including at minimum toilet, hand washing and trash disposal facilities.
- (5) The camping occurs on the same property as the religious institution’s facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.
- (6) No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.
- (7) The religious institution may select which individuals to allow to camp on the institution’s property, and may revoke this permission at any time and for any reason.
- (8) Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- (9) All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use which shall be screened from adjacent properties and public rights-of-way
- (10) The number of people camping per vehicle is not generally limited by this code; however, notwithstanding any other provision of this chapter, the Benton County Community Development Director or designee may limit the total number of individuals

camping on a premises or prohibit vehicle camping as provided in this chapter if the Community Development Director or designee finds that such activity on the premises constitutes a nuisance or other threat to public health, safety, or welfare. In addition to any other penalties that may be imposed, any premises used for vehicle camping in a manner not authorized by this chapter or other provisions of the Benton County Code shall constitute a nuisance and may be abated as such pursuant to Benton County Code Chapter 21 – Nuisance Abatement.

- (11) Upon expiration or revocation of this chapter, all vehicle camping on registered sites shall cease. Authorization of vehicle camping on a site does not establish a land use or a vested right to continue the activity if and when this code is modified.
- (12) Nothing in this chapter creates any duty on the part of the County, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE PROGRAM
360 SW Avery Avenue
Corvallis, OR 97333-1139
(541) 766-0178
CodeCompliance@co.benton.or.us
www.co.benton.or.us/cd/

RELIGIOUS INSTITUTIONS OVERNIGHT VEHICLE CAMPING
REGISTRATION FORM

Name of Religious Institution/Place of Worship: _____

Physical Address: _____

City: _____ Zip: _____

Map and Tax Lot Number: _____

Mailing Address: _____

City: _____ Zip: _____

Phone Number: _____

Onsite Contact Name: _____ Onsite Contact Phone Number: _____

**This onsite contact information will be provided to Emergency Service Responders and will be provided to members of the public upon request.

[] Include two (2) plot plans of the entire property, on 8-1/2" x 11" or 11" x 17" paper. See "Sample Plot Plan Checklist" page X. Show the whole property identifying and labeling vehicle and/or Micro-Shelter camp site locations (no more than 3), sanitation facilities and trash disposal facilities. Include all other structures, well(s), septic system(s), and driveway(s) on the subject property.

ACKNOWLEDGMENTS

Initial

_____ I have received and reviewed Benton County Vehicle Camping Resource Guide with guidelines and recommendations.

_____ In accordance with Benton County Code Chapter 40, it is agreed that this religious institution will allow no more than (3) vehicles on their property for camping as defined by BCC Chapter 40. In addition, we also agree to provide or make available sanitary facilities, including but not limited to, a toilet, hand washing and trash disposal facilities.

_____ I understand that the Community Development Director or designee may prohibit overnight sleeping in a vehicle at a registered location if the vehicle, its occupants, or associated personal property is found to be a threat to public health, safety, or welfare.

Do you intend to use micro-shelters? Yes No

If yes:

____ I have signed the attached Micro-Shelter Release Form (page 5), and

____ I acknowledge that it is my responsibility to ensure that the Micro-Shelters that will be placed on the subject property meet the Minimum Guidelines outlined on page 4 of this application packet.

I have the authority to enter into agreements on behalf of the religious institution named above and do hereby agree to the rules, regulations and conditions as set forth in this application packet for the registration of the above listed location for overnight vehicle camping pursuant to BCC Chapter 40. I agree to hold Benton County and its officers or employees harmless from any liability or responsibility for any accident, loss or damage to persons or property happening or occurring as the result of the activity undertaken under the terms of this application and that all of said liabilities are hereby assumed by me.

Applicant Signature

Property Owner

Applicant Printed Name

Relationship of Applicant to Religious Institution

For Office Use Only

Community Development Department _____

Staff Authorization

Date

Registration Number: _____

Comments: _____

Rules and Regulations: Effective 5/5/2020 through 7/4/2020

- (1) As used in this chapter, “vehicle” includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. “Vehicle” also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.
- (2) The religious institution shall register with the Benton County Community Development Department prior to establishing overnight camping in vehicles and shall submit a site plan and any other documentation required by the department’s adopted procedures for ensuring compliance with this chapter.
- (3) A maximum of three vehicles for vehicle camping is allowed at the registered site at any one time.
- (4) The religious institution shall provide campers with access to onsite sanitary facilities, including at minimum toilet, hand washing and trash disposal facilities.
- (5) The camping occurs on the same property as the religious institution’s facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.
- (6) No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.
- (7) The religious institution may select which individuals to allow to camp on the institution’s property, and may revoke this permission at any time and for any reason.
- (8) Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- (9) All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use which shall be screened from adjacent properties and public rights-of-way
- (10) The number of people camping per vehicle is not generally limited by this code; however, notwithstanding any other provision of this chapter, the Benton County Community Development Director or designee may limit the total number of individuals camping on a premises or prohibit vehicle camping as provided in this chapter if the Community Development Director or designee finds that such activity on the premises constitutes a nuisance or other threat to public health, safety, or welfare. In addition to any other penalties that may be imposed, any premises used for vehicle camping in a manner not authorized by this chapter or other provisions of the Benton County Code shall constitute a nuisance and may be abated as such pursuant to Benton County Code Chapter 21 – Nuisance Abatement.
- (11) Upon expiration or revocation of this chapter, all vehicle camping on registered sites shall cease. Authorization of vehicle camping on a site does not establish a land use or a vested right to continue the activity if and when this code is modified.
- (12) Nothing in this chapter creates any duty on the part of the County, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

**Benton County Community Development's
Minimum Guidelines for Micro-Shelters pursuant to BCC Chapter 40
Effective 5/5/2020 through 7/4/2020**

These shelters are not regulated by building code, therefore, these requirements are intended to address the minimum fire and life safety requirements for temporarily placing a shelter.

Requirements for Units

- Height – Maximum 10-feet
- Maximum size – Units shall not exceed 120 square feet
- Egress Window – The net clear height opening shall be not less than 24 inches and the net clear width shall be not less than 20 inches.
- Smoke and CO Alarm – Battery operated smoke alarm and CO alarm or a single alarm that contains both smoke and CO.
- Heating – If heaters are being used, they shall be ceiling mounted, electric, and controlled with a timer. Portable heating units are prohibited.
- Fire Extinguisher – 2A-10B-C fire extinguisher mounted in each unit
- Landings – If landings or stairs are needed, they shall be affixed to the unit
- Maximum Occupancy – no more than 2 individuals
- Lighting – A single sealed LED light, ceiling mounted with a wall timer
- Electrical – No 120v power outlets
- No smoking, cooking, candles or open flames within units.
- Indemnification Agreement (page 5) – The County is not inspecting or validating any code compliance of these units and should be held harmless.

Site Requirements

- Electrical – If power is being provided, Power Company would need to be contacted regarding the placement of temporary or permanent power poles on private property to serve the units.
- Each unit shall be fed through a pedestal that has obtained the appropriate electrical permit(s). Multiple units can use the same pedestal for power. Power cords from the pedestal to the unit(s) must be protected to prevent excessive wear and exposure from the elements.
- Clearances – 12-foot minimum separation between units and other combustible materials.
- Setbacks – Each unit shall minimum a minimum 12-foot setback from adjoining property lines.
- Restrooms/showers/potable water
- Garbage

Registration Number _____

MICRO-SHELTER

RELEASE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

County employees and volunteers may have given some level of guidance regarding the construction of microshelters. Registrant acknowledges that the microshelters are not subject to the building code or other health, welfare or safety regulations and does not rely on the guidance of County employees or volunteers. This release, indemnification and hold harmless agreement is entered into in recognition that the microshelters are not approved or inspected by the County as meeting minimum health, life and safety standards. Therefore, as a condition for receiving approval for microshelters as temporary shelters, I agree as the Registrant or under authority to act on behalf of the Registrant, to the following:

Registrant, on behalf of its members, officers, agents, employees, representatives, insurers, invitees, guests, trespassers and successors will indemnify, defend, and hold the County harmless from any claim, loss, or liability arising out of or related to the placement, use or misuse of any shelter or structure allowed under BCC Chapter 40 specifically holding the County harmless from any direct or indirect damages of any kind from any and all third-party claims brought as a consequence of any injury or loss of life resulting from the use or occupancy of any temporary shelter or structure allowed or authorized under this Permit.

REGISTRANT UNDERSTANDS THAT THIS APPLICATION RELEASES BENTON COUNTY FROM ANY LIABILITY OR CLAIM OF ANY KIND THAT THE REGISTRANT, ANY OCCUPANT OF ANY MICROSHELTER OR STRUCTURES ALLOWED UNDER THIS APPLICATION, OR ANY THIRD PARTY MAY HAVE AGAINST BENTON COUNTY OR ANY OF ITS OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS OR CONTRACTORS WITH RESPECT TO ANY BODILY INJURY, PERSONAL INJURY, ILLNESS, DEATH, OR PROPERTY DAMAGE THAT MAY RESULT FROM THE CONSTRUCTION, PLACEMENT, USE OR OCCUPANCY OF ANY STRUCTURE OR SHELTER ALLOWED UNDER THIS APPLICATION WHETHER CAUSED BY THE NEGLIGENCE OF BENTON COUNTY, OR ITS OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS, OR CONTRACTORS, OR OTHERWISE IN APPROVING THIS APPLICATION. REGISTRANT ALSO UNDERSTANDS THAT BENTON COUNTY DOES NOT ASSUME ANY RESPONSIBILITY FOR OR OBLIGATION TO PROVIDE FINANCIAL ASSISTANCE OR OTHER ASSISTANCE, INCLUDING BUT NOT LIMITED TO MEDICAL, HEALTH, OR DISABILITY INSURANCE OR SUPPORT IN THE EVENT OF INJURY OR ILLNESS RESULTING FROM ANY STRUCTURE OR SHELTER ALLOWED UNDER THIS APPLICATION.

I HAVE READ AND AGREE TO THIS RELEASE, INDEMNIFICATION AND HOLD HARMLESS AGREEMENT:

Permit Holder Name

Date

If Permit Holder is an organization, title of person with authority to obtain permit:

Resource Manual For Religious Institutions Hosting Vehicle Camping

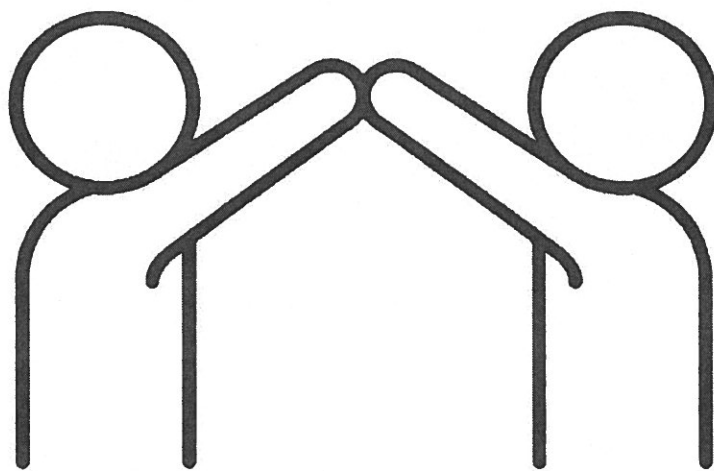


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Introduction

Benton County Commissioners enacted an emergency ordinance on May 5, 2020 to allow vehicle camping for up to three vehicles at religious institutions in Benton County unincorporated areas. Oregon State Law permits local jurisdictions to adopt this type of code.¹ This emergency ordinance will be in effect from May 5, 2020 through July 4, 2020. The County Commissioners are also pursuing adopting an intermediate ordinance that would take effect July 5, 2020 and end December 31, 2021. The interim ordinance will allow for more public outreach and feedback before adopting a permanent ordinance that would last for a longer period of time.

Religious institutions in Benton County unincorporated areas can invite up to three vehicles onto their property to provide a safe place for individuals to sleep in their vehicles and shelter in place. Religious institutions will need to provide a minimum amount of hygiene access and other requirements listed in the Code Information Section on page 3.

Purpose of the Resource Manual

The purpose of the resource manual is to educate religious organizations and interested community members about what is and is not allowed under this new code. This manual will also help prepare interested religious organizations to host vehicle camping and to talk about hosting vehicle camping with others in their neighborhoods.

The intent is to assist and enable religious institutions to host vehicle camping and conduct community outreach in a way that actively engages community members in different aspects of the process, increases transparency, strengthens relationships, and builds trust and collaboration among advocates, neighbors, and the broader community.

This resource manual is provided as a courtesy by the County and is not intended to impose any additional requirements on religious institutions beyond what is required in the code.

Religious Institution Responsibility and Liability

Religious institutions assume all responsibility and liability for hosting vehicle camping. The organization, supervision, and maintenance of a vehicle camping location is solely the responsibility of the religious institution, and not Benton County. Religious institutions deciding to host vehicle camping do so at their own risk and expense. The religious institution or property owner will be solely responsible for removing unwanted vehicles or occupants; Benton County shall play no role in removal of persons or vehicles who are not permitted to be on the property.

Vehicle camping at religious institutions is not funded or sponsored by the County. All costs associated with hosting vehicle camping are the responsibility of the property owner. These costs may include, but are not limited to, sanitizing, providing toilet facilities, trash receptacles,

¹ ORS 203.082

supervision of the guests, ensuring state and county COVID-19 health and safety protocols are met and clean-up of the area.

The County may only explain the minimum requirements for a registered vehicle camping location, and cannot offer any legal advice for property owners interested in hosting vehicle camping. The County strongly recommends that anyone interested in hosting vehicle camping undertake their own research on the subject, inquire about their liability insurance coverage, and obtain the advice of their own attorney before deciding to host vehicle camping.

In the event vehicles are abandoned on religious institution property, removal disposal of the vehicles is the sole responsibility of the vehicle owner of religious institution.

Benton County Vehicle Camping Code Information

The full Code allowing vehicle camping at religious institutions is located on the Benton County Code website.²

To host vehicle camping at a religious institution, the religious institution must be located within unincorporated Benton County, outside the city limits of the incorporated cities in Benton County (Philomath, Corvallis, Adair Village, Monroe, and north Albany).

The following requirements must be met by religious institutions wishing to host vehicle camping.

Registration:

- Religious institutions shall register with the Benton County Community Development Department prior to establishing overnight camping in vehicles and shall submit a site plan and any other documentation required by the department's adopted procedures for ensuring compliance with the code.
- The registration will require the religious organization to state: 1) how many vehicles they plan to host (up to three vehicles), 2) where on their property those vehicles will be located, and 3) the host site has the required hygiene access outlined in the code.
- Register here: <https://www.co.benton.or.us/cd/page/vehicle-camping-religious-institutions>
- "Vehicle" includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. "Vehicle" also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Benton County Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.

Site Requirements:

- Religious institution shall provide campers with access to onsite sanitary facilities, including, at a minimum, toilet, hand washing, and trash disposal facilities.
- The camping occurs on the same property as the religious institution's facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.

Religious Institution Responsibilities:

- No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.

² BCC Ch. 40. County Code available here: <https://www.co.benton.or.us/cd/page/vehicle-camping-religious-institutions>

- The religious institution may select which individuals to allow to camp on the institution's property, and may revoke this permission at any time and for any reason.
- Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use (e.g., bike and bike cart) which shall be screened from adjacent properties and public rights-of-way.

Limitations:

- Up to three vehicles are allowed at a religious institution for vehicle camping.
- Benton County may intervene and limit the number of individuals on a property if the activity on the premises constitutes a nuisance or other threat to public health, safety, or welfare. Otherwise, the number of people is not limited by this ordinance.
- Upon expiration or revocation of this ordinance, all vehicle camping on registered sites shall cease. Authorization of vehicle camping on a site does not establish a land use or a vested right to continue the activity if and when this code is modified.
- Nothing in this code creates any duty on the part of the County, its employees, or its agents to ensure the protection of persons or property with regard to overnight sleeping in vehicles.

Considerations before Choosing to Host Vehicle Camping

It is important to consider hosting individuals, couples, and families experiencing homelessness as guests in a vehicle on your property. How you design your site and guest/host interface is ultimately up to you. Being a successful host site depends on you developing a host/guest interface plan. You should clearly communicate this plan to any potential guests. Give the new guests a copy of the host plan. Be sure they understand, agree to, and sign the designated plan. This protects a host site and provides a means of accountability if problems do arise.

Considerations in developing your Host/Guest Interface plan:

(You do *not* need to provide the County with answers to these questions.)

1. What is your motivation for becoming a host site? What do you have to offer as a Host?
2. Do you have the capacity and skills to actively manage relations with guests, relations between guests and neighbors, relations with law enforcement and service providers? If necessary, will you be able to ask or require a guest to leave? Do you have a process for this? Do you have an agreement and set of expectations that you will share with guests at the outset so everyone shares a common understanding?
3. Do you have any experience with disadvantaged populations? How will your organization interact with guests?
4. How many vehicles will you start with? How many people total can you accommodate? What is your policy regarding guests of guests?
5. How long will you want guests to be able to stay at your site?
6. How will you provide the required access to toilets, hand washing, and trash disposal? Do you need to rent portable restrooms and portable hand washing stations? Do you have the financial resources to provide these facilities on an ongoing basis 24/7?
7. Will your site provide electricity? How will guests have access to potable water?
8. Will your guests have access to your religious institution's facilities? If so, when? Who will be there to oversee use during these times? What are the limitations (i.e., kitchen, shower, internet/computer access, telephone, etc.)? What are the guidelines for use of these amenities? Who will ensure facilities are used responsibly?
9. Will you offer your guests an opportunity to get involved with your organization? How will residents plug in to host site activities?
10. Who will be tasked with being the 24/7 direct contact person for the guests? For community members?
11. A designated person to act as the onsite camp host could provide the needed onsite supervision and assistance to guests. Is there someone in your current staff or volunteer base that could serve as onsite camp host (refer to Sample Camp Host Job Description on page 15)? Periodic check-ins may help your guests feel supported. During check-ins you

can review host agreements, check on guest needs, and check on the tidiness and cleanliness of the host space.

12. Selecting the right guest(s) to host is an important consideration.
13. Will you offer to connect your guests with local service providers who can provide case management, enrollment in health care, connections to resources, etc.?
14. Connection with the local fire district regarding smoking and open flames on the property is an important step.

Considerations for Choosing where to Locate Vehicle Camping on your Property

Many factors and needs influence the identification and operation of a potential host site. First and foremost, public safety and health factors should be considered. For example, Emergency Responders must be able to access the camping site in the event of an emergency. In addition, BCC Chapter 40 requires that vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.

Trucks must be able to access the site to service the portable restrooms, hand washing stations, and trash bins. Although religious institutions are allowed to host up to three vehicles, that number may need to be reduced if the site does not have space or capacity to serve that many guests.

The religious institution must be within Benton County limits and outside the city limits of Corvallis, Philomath, Monroe, Adair Village, and north Albany. If you need help determining if you are an eligible site, please contact:

Benton County Community Development Department – Code Compliance Program

Phone: (541) 766-0178, email: CodeCompliance@co.benton.or.us

360 SW Avery Avenue Corvallis, OR 97333-1139 www.co.benton.or.us/cd/

Things to consider when evaluating where to locate guest vehicles on your property:

- Is the site suitable for vehicle camping? Is the site flat or sloped? Grassy or graveled? Does it have seasonal wetness or dryness? Is there surrounding vegetation or elements that may add to or detract from its privacy?
- Have you consulted with your local Rural Fire Protection District for recommendations and guidelines?

- Access onto and off of the property need to be considered for guests who may have mobility issues and for emergency vehicles and personnel.
- The site must have road accessibility for trucks to service the portable restrooms, hand washing stations, and trash collection bins.
- Proximity to schools and to houses or residential areas must be considered.
- The availability of water or power should be considered.
- Sites should be in proximity to bus lines or public transportation.
- Vehicle camping must not be on wetlands or land that is environmentally sensitive.

Environmental Health Informational Guidance for Vehicle Camping at Religious Institutions

1. **Potable Water:** Water used for handwashing and drinking purposes must meet minimum water quality standards. For questions regarding water quality consult with Benton County Environmental Health at 541-766-6841 regarding bacterial testing.
2. **Portable Toilets:** For every 20 persons³, provide a minimum of one portable toilet that meet American with Disability Act (ADA) standards.
3. **Portable Handwashing Station:** Provide a minimum of one portable handwashing station per 15 persons. Handwashing station must be equipped with soap, paper towels and one covered waste receptacle. If handwashing stations are not provided by a commercial company, gray water must be disposed of in a sanitary sewer or septic system.
4. **Showering/Bathing Facilities:** If provided, clean and disinfect showers or bathing facilities after every use.
5. **Septic Systems:** To prevent a septic system failure, the Oregon Department of Environmental Quality requires an authorization review for any increase in usage such as showering or wastewater. Contact Benton County Environmental Health at 541-766-6841.
6. **Food Service:** If food service is provided, it must be done in consultation with Benton County Environmental Health at 541-766-6841.
7. **Micro-shelters:** Must be cleaned and disinfected between occupants using current Centers of Disease Control (CDC) guidance on Cleaning and Disinfecting Your Facility <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html>
8. **Physical Distancing:** Adhere to current State and County orders and guidance on physical distancing.

³CDC: Environmental Health Disaster Sheltering Assessment Guide
https://emergency.cdc.gov/shelterassessment/pdf/Shelter_Assessment_instruct_508.pdf

Benton County Rural Fire District Contacts

<p>Adair RFPD Chief Chuck Harris Dennis Haney Phone: 541-745-7212 Email: adair@adair-rural-fire.com & haneydp@proaxis.com</p>	<p>Monroe RFPD Rick Smith Phone: 541- 847-5170 Email: rsmith@monroefiredept.org</p>
<p>Albany FD Lora Ratcliff (Deputy Fire Marshall) Phone: 541-917-7703 Email: lora.ratcliff@cityofalbany.net</p>	<p>North Albany RFPD (see Albany FD)</p>
<p>Alsea RFPD George Foster Phone 541-487-8701 Email: alseafire@peak.org</p>	<p>Oregon State Fire Marshal Jonathon Jones 503-934-0042 Kristina Deschaine 541-726-2572 Email: jonathon.jones@state.or.us</p>
<p>Blodgett-Summit RFPD David Feinberg Phone: 541-456-4406 Email: bldgtdave@aol.com</p>	<p>Philomath RFPD Richard Saalsaa Phone: 541-929-0030 Email: rich.saalsaa@philomathfire.com</p>
<p>Corvallis RFPD (Corvallis FD) Jeff Prechel 766-6903 Phone: 541-766-6970 Email: Jeffrey.prechel@corvallisoregon.gov</p>	<p>Outside an agency service area, contact the Oregon State Fire Marshal.</p>
<p>Hoskins-Kings Valley RFPD Adam Ryan Phone and Fax: 541- 737-6605 Email: adamdryan@gmail.com</p>	

Resources on Housing and Assistance for Individuals Experiencing Homelessness

To help religious institutions successfully host vehicle camping, this section lists community resources in Benton County. Below are some resources for education on the topic and for connecting individuals with service providers.



Service Providers

Many service providers and government entities provide resources for individuals experiencing homelessness.

Alsea Food Bank / Jeni's Place

The Alsea Food Bank is located at 18595 Highway 34.

Hours: 10 a.m. – 6 p.m. Tuesdays & Wednesdays

Call (541) 487-4442

Alsea Valley Gleaners

The Alsea Valley Gleaners serve the Alsea Valley community by gathering food and other items then distributing them to the local families in need. View their website for more information:

<https://alseavalleygleaners.org/>

Coastal Range Food Bank, Inc.

At the Coastal Range Food Bank individuals shop in a country store atmosphere for groceries or they can shop for the individual. They are located at 11661 Nashville Rd in Blodgett.

Hours: 11 a.m. – 2 p.m. Saturdays & Sundays

Call (541) 456-2141 or email: crgb@casco.net

Monroe Gleaners and South Benton Food Pantry

The South Benton Food Pantry is co-located with the Gleaners at the Methodist Church in Monroe. Visit their website for location, hours, and contact info:

<https://southbentonfoodpantry.org/>

Philomath Community Services

The mission of Philomath Community Services is to provide social services to meet the needs of families and individuals in Philomath and western Benton County. They strive to serve all clients with dignity and respect. One building houses their five programs. Currently, PCS focuses on programs that provide food, garden education, clothing, select daily living items, fire wood, and

seasonal gift baskets to those local individuals and families who need these services the most. Their website lists location and hours: <https://www.philomathcommunityservices.org/outreach-programs/gleaners/>

Community Services Consortium (CSC)

CSC is the community action agency for Linn, Benton, and Lincoln counties with programs to assist with housing, utility assistance, weatherization, food, and workforce and education. They also publish a resource guide that lists other local service providers.

CSC's main help page: <https://communityservices.us/get-help/>

CSC has a concise brochure with contact information for local service providers: <https://communityservices.us/wp-content/uploads/2020/04/help-card-linn-benton-042220.pdf>

CSC has a comprehensive resource guide that describes in detail all the local service providers and which services each of them offer: <https://communityservices.us/wp-content/uploads/2020/04/resources-guide-english-042220.pdf>

CSC keeps an up-to-date list of available shelter beds in Benton County: <https://communityservices.us/housing/>

Community Health Center (CHC) of Benton and Linn Counties

CHCs offer team-based care that includes primary care, behavioral health, chronic disease management, and health screenings.

Alsea Clinic: <https://www.bentonlinnhealthcenters.org/alsea-health-center/>

Monroe Clinic: <https://www.bentonlinnhealthcenters.org/monroe-health-center/>

The Benton County Health Navigation Program is also available to help enroll individuals in Oregon Health Plan insurance. Details about coverage and contact information are available on the website: <https://www.bentonlinnhealthcenters.org/affordable-care/enrollment-assistance/>

SafePlace

SafePlace is a collaborative effort of the First Congregational United Church of Christ, and several local agencies providing screening, support, and case management for individuals hosted by religious organizations near Corvallis. Contact information is available on their website: <https://corvallisucc.org/safe-camp/>

Strengthening Rural Families

Strengthening Rural Families serves rural areas of Benton County with programs in Philomath, Alsea, Monroe, and their surrounding areas. Their website describes programs available in these areas: <https://www.ruralfamilies.org/>

Strengthening Rural Families uses a collaborative approach to promote the health and well-being of individuals and families in rural communities through education, advocacy, coalition building and community connections. They partner with local organizations, offer resources, support rural communities and provide programming through two initiatives – rural parenting and rural health. Locally-based community coordinators are in each of the primary areas served who help facilitate community events and outreach.

Reports and Plans

Benton County and the City of Corvallis have jointly assembled the HOPE Advisory Board to address issues surrounding homelessness, services, and affordable housing. Many resource documents are listed at the bottom of the HOPE webpage: <https://www.co.benton.or.us/health/page/housing-and-homelessness>

Sample of Vehicle Camping Screening Tool

(Modify this template to fit your institution's needs)

Name of Applicant: _____ DOB: _____
Name of Applicant: _____ DOB: _____
Phone number of Applicant: _____
Referral source: _____
Referral contact information: _____

Criminal History

Does the Applicant have any of the following criminal charges?

- Sexual Offense Person-to-person
 Recent or active criminal charges Other

Case Management Needs

- Basic Needs Health Care Food
 OHP/Health Insurance Housing Other

Agency Responsible for Case Management: _____

Code of Conduct and House Rules

- The guest has signed Code of Conduct and House Rules for residing

Samples of Vehicle Camping Agreement between Hosts & Campers

Sample Code of Conduct

(Modify this template to fit your institution's needs)

[Name of Religious Institution] is participating as a Host to assist individuals, couples, and/or families in housing transitions by providing a safe environment for temporary shelter. By signing this form, the Participating Host agrees to provide the following:

1. Space to place one or up to three vehicles for camping on the Host's property
2. Dumpster space for a reasonable amount of personal trash
3. Access to potable water
4. Porta-toilet services

By initialing the following items and signing this form, I, as a Guest, signify that I understand and agree to each of them:

- _____ I have read and understand the Program Guidelines
- _____ I will keep the site and the surrounding area clean, neat, and presentable to the public at all times. I will not store items outside of the vehicle.
- _____ I will be respectful of neighbors and keep noise at acceptable levels. Quiet hours are 10:00 pm to 8:00 am daily.
- _____ I will not participate in illegal activities including but not limited to theft, violence, intimidation, illegal drug use, etc.
- _____ I will not have open flames inside or around my vehicle. No smoking or vaping allowed in the vehicle or on the property.
- _____ I know where a fire extinguisher is located and how to use it.
- _____ I will respect the belongings and property of the Host, all other Guests, and surrounding neighborhood.
- _____ I agree to attend a weekly check-in with the Host.

I understand that being a Guest is a temporary situation and is provided to support my transition into a more permanent housing opportunity while creating a safe environment to all Guests and the surrounding community. A pattern of behavior that is disruptive or failure to comply with this code of conduct will result in my removal from the Host property. I understand that this site is the property of the Host and I do not have tenancy rights and must leave if instructed to do so. This agreement is in effect for up to 60 days from date of signature.

Host Representative

Date

Signature

Guest Participant

Date

Signature

Sample Policy Agreement

(Modify this template to fit your institution's needs)

I will adhere to the following rules and policies while participating in the Vehicle Camping Program at [location]. I will:

1. No visitors allowed.
2. Treat [staff, volunteers, employees, etc.] with respect.
3. Maintain the vehicle and surrounding area in a clean and tidy manner (e.g., nothing stored outside of or on top of the vehicle)
4. Refrain from asking for money, goods, or services from [staff, volunteers, employees, etc.].
5. Remember that I am at someone's church and will respect their beliefs.
6. Refrain from physical, verbal, or emotional abuse toward any man, woman, or child. Any person convicted, under investigation, or suspected of sexual offenses is not allowed to vehicle camp on the property.
7. Not engage in confrontational behavior while on or near the property.
8. Illegal drugs and alcohol are strictly prohibited. If suspected of being under the influence of alcohol or drugs, I will agree to submit to a drug test upon request.
9. Not smoke or vape on the property.
10. Not have open flames inside or around the vehicle. I know where the fire extinguisher is and how to use it.
11. Not bring weapons of any kind onto property.

I understand that violation of these rules may result in a written warning, suspension of services, or immediate termination of services. I further understand that if I am asked to leave and do not do so or become disruptive, I will be subject to arrest for criminal trespass.

Host Representative

Date

Signature

Guest Participant

Date

Signature

Sample Camp Host Position Description

Camp Host

The Camp Host will be responsible for day-to-day management of the vehicle camping program on [Institution Name]'s property.

Job Summary

This position is responsible for overseeing the vehicle campsite on a day-to-day basis, with emphasis on working with individuals to adhere to camp code of conduct and provide basic assistance to individuals staying at the campsite, mainly helping them to maintain or establish connections with needed services. The Camp Host will also work closely with the institution leadership, institution staff, as well as service providers and volunteers who are assisting individuals.

Background and Abilities:

Applicants must have a strong interest in human services or working with challenged populations, specifically those who have been homeless. We are seeking someone who is a self-starting problem-solver, but also has a proven ability to be a successful team player as this position provides key support to the case management process. This is a very rewarding and challenging position for someone who loves to help people. However, the candidate must also demonstrate an ability to establish healthy boundaries, show flexibility and compassion while being firm, and can hold themselves and others accountable. Possessing a calm demeanor, with a basic ability to resolve conflict and communicate effectively is desired.

Duties Include:

Camp Operations

- Serves as point person for day-to-day management of Safe Camp, including coordinating repairs, supplies.
- Responds to inquiries about camp placement, manages waitlist.
- Responds to safety concerns in a timely manner. Also serves as the point person for law enforcement and EMT services.
- Facilitates weekly meetings with residents, in cooperation with leadership.
- Assists clients in settling in and completing the move-in process, including coordinating move-in, assessing and assisting in obtaining basic needs as necessary such as appropriate tents, sleeping bags, coordinating trips to the foodbank, etc.
- Provides life skills coaching to residents, helping them learn skills for independent, successful living. These skills could include teaching clean-up, basic cooking skills, and organizational skills as needed.
- Encourages residents to fulfill their housing and stability goals (Service Plan) by working with case managers and agency staff.

- Coordinates chore assignments and works with residents to complete chores and maintenance of the camp environment.
- Assists in mediation of conflicts within the camp between residents.
- Completes tent/micro-shelter checks to ensure residents have what they need, are maintaining their living spaces, and do not have prohibited items in their camp or shelter.
- Assists eligible clients needing transportation assistance based on medical or relocation needs; arranges transportation through bus-line and contact family members, friends, churches for assistance.
- Completes daily logs ensuring all information is accurate and up-to-date; maintains confidentiality of client information. Maintains daily "office hours" at camp office.

Other Duties:

- Assists in filing, completing reports and compiling other records for project reporting as needed.
- Works with volunteers to help coordinate camp project work.

Work Environment

Work is performed primarily outdoors with some time spent indoors and at partner agency offices.

Neighborhood Outreach Strategies

Outreach efforts come in many forms and what may work well for one group, may not for another group. Which efforts you use will depend on where you are in the process, who is involved in your religious organization, and if your religious organization is associated with other community groups or neighborhoods.

The table below is to help you consider what strategies will work best for you considering your specific context.



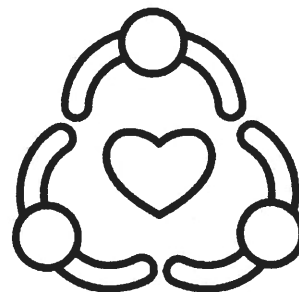
COVID-19 EMERGENCY: Consider adapting your outreach strategies by hosting virtual meetings vs in person, making phone calls or emailing vs going door-to-door, and utilizing social media and newsletters to communicate with community members. If you choose to meet in person, consider meeting outside with a group no larger than 10 people, maintain 6 feet of physical distance, wear a mask, and stay home if you or someone in your household is sick.

	Description	Timing	Considerations
Living room meetings	Have a meeting with neighbors at home. These can be one-on-one or small groups.	Use as a tool to build your team at the beginning of the process and to brainstorm and strategize.	Bring materials such as current site pictures, news blast sign-up sheets, maps, and flyers.
Organize Tours	Organize a group tour of a current site.	Anytime during the outreach phase.	Organize a tour for your task and outreach teams, or your Neighborhood Association Board and members. Groups may also want to coordinate or offer rides to make it easier for people to participate.
Presenting to other groups	Reach out to other community groups to see if you can get 20 minutes to talk about what you are trying to do. Other groups may include non-profit boards, local business groups, neighborhood associations, or service organizations.	Anytime during the outreach phase. This may be a good way to get others to join your task team or be a voice of support for your work.	Create a presentation that can be used by any member of the team. Creating visuals is a good way to keep people interested. Make sure to have news blast sign-up sheets and informational flyers, handouts, or brochures.
Community Meeting	Organize your own community meeting.	Anytime during the outreach phase. If you are early on in the process, consider framing the meeting more broadly as ways to reduce homelessness. If you are considering a particular site, having a skilled	Give yourself enough time to plan the meeting. Review the Outreach Tools and the Considerations for Community Meetings sheet below. Make sure to have news blast sign-up sheets and informational flyers, handouts, or brochures.

		facilitator to lead the meeting may be beneficial.	
Social media posts	Use various social media tools to garner support, encourage participation, and publicize any meetings. You can also encourage partner organizations to post info to their websites or social media feeds.	Anytime during the outreach phase. Use it in the beginning to grow the task team and during the project to keep the community informed and engaged.	There are many different tools available, including Facebook, Twitter, and Instagram. Use visuals, post often and encourage everyone you know to share what you have posted. There are many sites online that offer ideas about making your social media campaign effective.
Newsletter Item	Provide a write-up on your efforts for publication in a neighborhood association newsletter or for other organizations that may be willing to include it in their newsletters.	Throughout the outreach phase.	Several Neighborhood Associations produce newsletters.
Meeting with nearby stakeholders	Meet with businesses and other stakeholders near a site being considered.	Once a site has been identified and registered with Benton County.	Make sure to schedule enough time and set an agenda. You may want to bring materials such as flyers or maps. In order to avoid overwhelming a stakeholder, it is a good idea to not bring more than two or three of your group members to the meeting.
Door-to-door	Knock on doors to speak with neighbors and businesses within 500 feet of the identified site.	Once a site has been identified and registered with Benton County.	Canvassers should go in pairs and ideally are residents of the neighborhood. It is also beneficial for the potential operators to participate. Bring flyers about the program and a postcard with information specific to your group, the site under consideration, and future opportunities to comment.

Considerations for a Community Meeting

Community meetings are an effective way to educate and engage community members and surrounding neighborhoods. They should be structured in a way that is efficient but that also creates ample space for all voices to be heard.



COVID-19 EMERGENCY: Consider adapting your outreach strategies by hosting virtual instead of an in person meeting.

Here are a few considerations for planning and hosting a community meeting.

1. Allow enough preparation time.
 - a. Give yourself as much time as possible to prepare for and advertise the meeting, at least a month is recommended.
 - b. Preparation includes finding a venue, creating an agenda, publicizing the meeting, getting copies of informational materials, and contacting potential speakers.
 - i. Potential speakers may include representatives from nonprofits currently operating vehicle camping, neighbors, others experienced with vehicle camping, involved community members, and other entities that serve the unhoused population.
2. Identify the purpose of the meeting.
 - a. Think about where your religious organization is in the process of registering as a vehicle camping location.
 - i. If you are early on in the process, use a community meeting to build support and awareness by framing it broadly as a discussion on homelessness reduction efforts supported by the County.
 - ii. If you have already registered as a host religious organization with the County, frame the meeting to be more informative and conversational about the service you are providing and the potential for having a site in the nearby neighborhood. Having a skilled facilitator to help lead the meeting may be beneficial in order to make sure that space is given for all people to be heard and that a respectful and productive meeting environment is maintained.
 - b. Be clear and up-front about whether you are exploring the possibility of establishing camping at your site and want community input on that question, or whether your institution has already decided to offer camping and are looking for input on how to reduce any concerns among neighbors.
3. Create an agenda for the meeting.
 - a. Be realistic about how much time each agenda item will take.
 - b. If you have speakers, make sure they are aware of how much time they have.
 - c. Leave enough time for questions.

- d. **Keep the meeting on track and respect participants' time.**
4. **Give an opportunity for introductions depending on the size of attendance and purpose of the meeting.**
 - a. **Discussion based meetings should always start with introductions.**
5. **Do not use jargon specific to homelessness issues or programs.**
 - a. **Begin meetings by explaining the homelessness issue in Benton County and the program or programs you are interested in discussing or pursuing.**
6. **Do not dictate the outcome of the meeting.**
 - a. **Homelessness intervention can be a contentious issue. Make sure community members feel heard when they voice a concern. Even if you do not agree with what someone says, thank them for their time and willingness to participate.**
 - b. **As these conversations can be very difficult, it may also be helpful for meeting organizers to participate in a training on how to have difficult conversations, to have experienced organizations at the meeting to help answer questions, or to have a skilled facilitator facilitate the meeting.**
7. **Provide comment cards that allow for attendees to participate if they are uncomfortable speaking in the group.**
8. **Bring flyers, maps, and news blast sign-ups with you.**

Outreach Materials

This section provides examples of outreach materials that may be used to engage the community on this topic.

Tips for Neighborhood Outreach

COVID-19 EMERGENCY: Consider adapting your outreach strategies by using email, calling on the phone, or posting on social media instead of going door-to-door.

- Go in pairs and use a tracking sheet to take notes and track where you have been.
- Have potential operators as well as people who live in the area participate if possible, creating a situation where neighbors can talk to neighbors.
- Look to the Benton County Community Development website and the County FAQ provided upon registration for other potential questions that may be asked.
- If no one answers the door, leave a flyer.
- If someone wants to talk, it is good to give them the space to do so and listen to their concerns. If someone does not want to talk, that is fine too. Just let them know there is a number on the flyer they can call if they have questions or concerns later. Sometimes it also just helps to remind people that you are a volunteer who cares about this issue because ____.
- Some may get off topic and discuss broader or separate issues all together. You may find it helpful to say something like, "I hear you. While we care about all issues that affect [the neighborhood or the community], we are community members who are working more specifically on this effort right now. On that other topic, you may want to talk to [your neighborhood association, Benton County, etc.]"
- Refrain from getting into an argument with someone. If a conversation becomes unproductive or argumentative, just leave it.
- Have a contact or response prepared for how someone may become involved.
- Leave any residence or business where you are or become concerned for your safety.

Tracking Outreach Efforts

Community outreach should be coordinated to maximize volunteer time and avoid redundancy. Here you will find outreach tracking templates that you can adapt to fit your needs.

Meeting Tracking Sheet

Date	Time	Location	Type (Open to Public or Invite Only)	Meeting Purpose/Agenda	Attendees (number or names depending on size)

Door-to-Door Tracking Sheet

Time	Address (Type: home, business, etc.)	Talked with or Left Flyer	Notes/Comments	Contact Info (if follow up needed)	Initials

News Blast Sign-Up

Want to keep up with our efforts? Sign up to receive e-news updates.

Name	Neighborhood	Email

Vehicle Camping at Religious Institutions

Benton County Vehicle Camping at Religious Institutions. Code Chapter 40.

[Click here for the Benton County Vehicle Camping Registration Form](#)

[Click here for Benton County Resource Manual for Vehicle Camping](#)

[Click here for Vehicle Camping at a Religious Institution Ordinance 2020-0295 \(Emergency\)](#)

This page will be updated as new information becomes available.

Frequently Asked Questions

What is the Vehicle Camping on Religious Institution Property Code?

On May 5, 2020, the Benton County Board of Commissioners adopted Benton County Code Chapter 40, which allows religious institutions in unincorporated areas (outside city limits) of Benton County to host up to three vehicles for overnight camping on their property for individuals who lack permanent shelter.

Why is this a County Code instead of a land use action?

Oregon Revised Statutes (ORS) 203.082 provides a means, separate from land use laws, for jurisdictions to enable vehicle camping at religious institutions. In essence, the vehicle

camping is allowed as an accessory use to an established religious institution.

What does the Vehicle Camping code allow?

The code allows for religious institutions in unincorporated areas (outside city limits) of Benton County to host no more than three vehicles for vehicle camping at the registered site at any one time, subject to certain standards and restrictions.

What is considered a “vehicle”?

A “vehicle” includes a licensed and operable automobile, camper, travel trailer or recreational vehicle. A “vehicle” also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issues by the Benton County Community Development Director. The hosting religious institution is responsible for ensuring vehicles meet and adhere to the minimum guidelines.

What is the purpose of the Vehicle Camping code?

The COVID-19 pandemic has caused social service disruptions that have left all vulnerable populations in the community, including people experiencing homelessness, at greater risk to a variety of health and welfare impacts.

There is an immediate need for individuals to have access to stable locations at which to shelter in place, in order to comply with Oregon Governor Brown’s Executive Order No. 20-12 directing Oregonians to stay at home and participate in physical distancing.

There are members of rural communities that have vehicles as their primary shelter and no fixed place at which to safely and legally park. Additionally, community organizations have constructed temporary transportable sleeping units (“micro-shelters”) which are similar to vehicles in that they can be relocated and are not permanent installations but which provide many benefits when compared to a standard vehicle in use as a sleeping unit.

Why was an emergency, limited-term Vehicle Camping code adopted instead of a permanent code?

The need for swift action in the face of the COVID-19 crisis combined with the challenges that the pandemic creates for public engagement necessitate Benton County adopting a limited-term ordinance with a commitment to a robust public engagement process prior to adopting any permanent ordinance authorizing vehicle camping at religious institutions.

The County has adopted an emergency ordinance, which will be in effect for 60 days. The County is in the process of adopting an intermediate ordinance, which would take effect upon expiration of the emergency ordinance and would expire December 31, 2021. The County intends to vet a permanent ordinance through a robust public engagement process and consider its possible adoption, prior to expiration of the intermediate ordinance.

Why does the Vehicle Camping code only apply to unincorporated areas of Benton County?

The Vehicle Camping code applies to religious institutions in unincorporated areas (outside city limits) of Benton County as this is the area Benton County has jurisdiction over.

Incorporated cities would need to adopt similar codes to enable religious institutions within their jurisdictions to offer vehicle camping.

Why is vehicle camping allowed on religious institutions? What other institutions were considered?

Pursuant to Oregon Revised Statutes (ORS) 203.082, Benton County may enact an ordinance authorizing vehicle camping specifically and only at religious institutions. The ORS does not include other institutions.

Did Benton County consider the impact of dispersing vulnerable people experiencing homelessness away from social services?

The intention of the emergency Vehicle Camping code is to provide one additional tool for rural communities to provide a safe and stable means to shelter in place during the COVID-19 pandemic. There are members of rural communities that have vehicles as their primary shelter and no fixed place at which to safely and legally park.

How does a religious institution become a host for vehicle camping?

Religious institutions interested in hosting vehicle camping should carefully consider whether hosting vehicle camping is appropriate for their organization and the property, and

whether they have the necessary resources to successfully host individuals or families in a vehicle camping environment.

The organization, supervision, and maintenance of a vehicle camping location is solely the responsibility of the religious institution, and not Benton County. Religious institutions deciding to host vehicle camping do so at their own risk and expense.

To host vehicle camping, Benton County is requiring that the religious institutions register their location with Community Development and comply with specific standards outlined in the code.

What standards do religious institution hosting vehicle campers need to follow?

To host vehicle camping, the County is requiring that the religious institutions register their location with the County and comply with the standards outlined below:

- No more than three vehicles for vehicle camping is allowed at the registered site at any one time. Vehicle also includes a rigid-walled, readily transportable temporary sleeping unit exempt from building code and consistent with minimum guidelines issued by the Community Development Director. A church, synagogue or other religious institution shall be responsible for ensuring vehicles meet and adhere to the minimum guidelines.
- The religious institution shall provide campers with access to onsite sanitary facilities, including at minimum toilet, hand washing and trash disposal facilities.

- The camping occurs on the same property as the religious institution's facility or an adjacent property that the religious institution owns or leases and has land use approval for religious institutional uses. In the case of leased land, the church shall provide the County with written authorization from the property owner to establish vehicle camping.
- No payment of fee, rent, or other monetary charge shall be required of campers. This provision does not prevent the religious institution from accepting donations.
- Vehicles and all associated outside facilities (such as toilet, trash disposal, storage unit) shall be located at least 12 feet from all property lines, road right-of-way or access easements, and each vehicle shall be located at least 12 feet from other vehicles and from associated outside facilities.
- All items and materials must be stored in vehicles or in separate storage unit, other than items designed and intended for outdoor use which shall be screened from adjacent properties and public rights-of-way

Who will let neighbors know if a religious institution becomes a host for vehicle camping?

Benton County staff are preparing a support manual with recommendations from various agencies to insure that religious institutions are aware and prepared to host individuals on their property. This manual recommends that religious institutions communicate with their neighbors before

and during the hosting of people on their property. Benton County will not be notifying neighbors.

What do I do if I have a concern about the vehicle camping that is occurring at a religious institution in my neighborhood?

The Code Compliance program of the Benton County Community Development Department can provide emergency contact information for the host institution, which will typically be the most direct and effective way to have a concern addressed. In cases where that is ineffective and if a nuisance or threat to public health, safety or welfare exists, Benton County can take action pursuant to Benton County Code Chapter 21 – Nuisance Abatement.

Who funds vehicle camping on religious institution property?

Vehicle camping at religious institutions is not funded or sponsored by Benton County. All costs associated with hosting vehicle camping are the responsibility of the property owner. These costs may include providing toilet facilities, trash receptacles, supervision of the guests, and clean-up of the area.

The County may only explain the minimum requirements for a registered vehicle camping location, and cannot offer any legal advice for property owners interested in hosting vehicle camping, and strongly recommends that anyone interested in hosting vehicle camping undertake their own research on the

subject, and obtain the advice of their own attorney before deciding to host vehicle camping.

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING**

This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing.

The Newport Planning Commission will hold a public hearing on Monday, August 24, 2020, at 7:00 p.m. in the City Hall Council Chambers to consider File No. 1-Z-20, amendments to Newport Municipal Code (NMC Section 6.25, Recreational Vehicle Parking; Section 9.50, Camping Prohibited in Certain Places; Section 9.80, Special Events Permits; Section 14.03, Zoning Districts; and Section 14.06, Manufactured Dwellings and Recreational Vehicles) that relate to car camping for homeless individuals. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626, d.tokos@newportoregon.gov (address above).

(FOR PUBLICATION ONCE ON FRIDAY, August 14, 2020)

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ARTS COUNCIL

Continued from page 1

the years. I have the utmost faith in him. He's a wonderful leader, and I'm thrilled that he was willing to join us, albeit temporarily."

When asked why Carnevale's title bears the word interim, Woods replied, "The search for a permanent executive director isn't something we

want to rush. By hiring an interim director, we can get important bases covered right away, while simultaneously buying us ample time to give our search for a permanent executive director the careful thought and consideration it requires."

Having an interim director comes with additional benefits. "David isn't vying for the permanent position," Woods

said, "which means he'll be able to approach decisions in a very pure and straightforward fashion and provide us with an unvarnished, unbiased view of the organization. He's coming in with fresh eyes, a fresh approach and no agenda. That's worth its weight in gold."

For more information on the Oregon Coast Council for the Arts, visit www.CoastArts.org.

CRUISE IN

Continued from page 1

guitar) and "Santa Claus" (percussion). Named after the big, old and deeply rooted Sitka tree, the band plays "interpretations of popular classics topped with tasty jams." The band's influences include artists like Van Morrison, John Hiatt,

Wilson Pickett, James McMurtry, the Wood Brothers and the Grateful Dead. They also thrive on the unexpected, throwing in the occasional Alice Cooper, Roger Miller or the Strawberry Alarm Clock.

Vendor Danny Ahumada will bring his inspired Mexican street food cart Calle, while cultural center volunteers will be

running the beer garden dispensing locally made craft brews from Rusty Truck Brewing.

Other food vendors and event volunteers are welcome to join the fun. To learn more, call Judy at 541-994-9994. All proceeds from car show registration, concessions and donations will go toward children's programs at the cultural center.

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NEWS TIMES

NOTICES

been appointed as the representative of... All persons claiming against are required to file claims, with suchers, within is after the date of publication of this notice below to the representative of... J. Daley, Attorney, 1717 NW Grant Ave., Corvallis, OR 97330, (541) 738-2445; Published August 5th, August 12th, August 19th, 2020. A5 A12 A19 (71-05)

NOTICE OF A PUBLIC HEARING; CITY OF NEWPORT

This meeting will be conducted by video-conference. Please contact the Community Development Department at the phone number or email listed below for options on how you can participate in the hearing. The Newport Planning Commission will hold a public hearing on Monday, August 24, 2020, at 7:00 p.m. in the City Hall Council Chambers to consider **File No. 1-Z-20**, amendments to Newport

Municipal Code (NMC) Section 6.25, Recreational Vehicle Parking; Section 9.50, Camping Prohibited in Certain Places; Section 9.80, Special Events Permits; Section 14.03, Zoning Districts; and Section 14.06, Manufactured Dwellings and Recreational Vehicles) that relate to car camping for homeless individuals. Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its

implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Depart-

ment, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director (541) 574-0626, d.tokos@newportoregon.gov (address above). A19 (78-19)

NOTICE OF PUBLIC MEETING
Oregon Cascades West

Council of Governments; A public meeting of the Executive Committee of the Oregon Cascades West Council of Governments (OCWCOG) will be held on Thursday, August 27, 2020 at 9:00 am via audio and videoconference. The purpose of this meeting is to convene a regular meeting of the Executive Committee of the OCWCOG. For further information on how to attend this meeting, and about OCWCOG, please visit our website at www.OCWCOG.org. A19 (77-19)

NOTICE OF PUBLIC MEETING
Oregon Cascades West Council of Governments; A public meeting of the Senior Services Foundation of the Oregon Cas-

cades West Council of Governments (OCWCOG) will be held on Thursday August 27, 2020 at 11:00 am via audio and videoconference. The purpose of this meeting is to convene a regular meeting of the Senior Services Foundation Committee of the OCWCOG. For further information on how to attend this meeting, and about OCWCOG, please visit our website at www.OCWCOG.org. A19 (76-19)

LEGAL DEADLINES:

WEDNESDAY EDITION:
5:00PM THURSDAY

FRIDAY EDITION:
5:00PM TUESDAY

Sherri Marineau

From: David Allen
Sent: Friday, August 21, 2020 4:48 PM
To: David Allen
Cc: Sherri Marineau; Derrick Tokos; Peggy Hawker
Subject: Re: City of Newport Planning Commission Regular Session Mtg Agendas-August 24, 2020
Attachments: Agenda_08-24-2020_PC_Reg_Session.pdf

Planning Commissioners/Citizens Advisory Committee members -

FYI - the staff memo for agenda item 5.A. (see attached Aug. 24 agenda) includes three links at the top of page 4 as further reading material but the links don't open in the staff memo. Since both Sherri and Derrick are out of the office today on furlough, I've included the three links below in case you'd like to take a look through the material today or over the weekend ...

<https://www.oregonlaws.org/ors/90.100>

<https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/A079CC0A-3355-484D-92DE-7A54FC25D1B6/landlord-tenant-law-2016-final.pdf>

<https://oregonlawhelp.org/files/CCDACC15-944D-570E-7F1F-7BBF3DEC0018/attachments/9B3C59FF-B9AA-4F58-A8F6-0DFF26DEEB48/landlord-tenant-booklet-update-5-2019.pdf>

Also, I'd like to take this opportunity to add a couple of thoughts to what Derrick has already noted on page 3 of the staff memo on recreational vehicles and the Residential Landlord-Tenant law. Under the definitions section of the law, ORS 90.100 (see above link), the following terms are included:

(12) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Dwelling unit" regarding a person who rents a space for a manufactured dwelling or recreational vehicle or regarding a person who rents moorage space for a floating home as defined in ORS 830.700, but does not rent the home, means the space rented and not the manufactured dwelling, recreational vehicle or floating home itself.

* * * * *

(38) "Rental agreement" means all agreements, written or oral, and valid rules and regulations adopted under ORS 90.262 or 90.510(6) embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises. "Rental agreement" includes a lease. A rental agreement is either a week-to-week tenancy, month-to-month tenancy or fixed term tenancy.

Under the above definitions, when a space on which a recreational vehicle (RV) sits is rented, the space is the "dwelling unit and premises" under a rental agreement, if one exists (the staff memo discusses length of stay and payment issues for purposes of when a rental agreement may exist). So if no payment (rent) is made for the space, would a "dwelling unit and premises" for purposes of when a rental agreement may exist not pertain to an RV? (Under the city's zoning code definitions section, NMC 14.01.020, "dwelling unit" (and also "residential unit") is defined as "a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.")

As noted on page 3 of the staff memo, application of the law “would be specific to the facts at hand at a given location” ... and, although the above definitions and other provisions of the law would appear to provide some direction one way or another, that might not be the case when an actual situation arises with perhaps unique or unusual circumstances.

Thanks, and I hope the links provided above are useful in your consideration of the issues. --David

From: Sherri Marineau

Sent: Thursday, August 20, 2020 4:57 PM

Subject: City of Newport Planning Commission Regular Session Mtg Agendas-August 24, 2020

*Please note that there will **not** be a 6:00 p.m. Newport Planning Commission work session meeting held prior to the regular 7:00 p.m. session meeting.

Sherri Marineau
City of Newport
Community Development Department
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0629 fax: 541.574.0644
s.marineau@newportoregon.gov



Sherry Marineau

From: Derrick Tokos
Sent: Wednesday, August 12, 2020 1:24 PM
To: Sherry Marineau
Subject: FW: OSU Newport Housing - Biofiltration/Oil Removal

Hi Sherry... please include this information under unfinished business for the next Planning Commission meeting.

Thank you.

Derrick

From: Fulton, Lori <Lori.Fulton@oregonstate.edu>
Sent: Wednesday, August 12, 2020 11:49 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: FW: OSU Newport Housing - Biofiltration/Oil Removal

Hi Derrick,

I followed up with our civil engineers on a couple of the questions posed by Commissioner Hanselman at Monday's hearing, and thought you might be interested in the response below.

Lori

Lori Fulton

Director, Capital Project Delivery
Capital Planning and Development
850 SW 35th Street, Corvallis, Oregon 97331 | Phone: 541-737-4625 | Fax: 541-737-3013
lori.fulton@oregonstate.edu

From: Mark Reuland <Mark.Reuland@kpff.com>
Sent: Wednesday, August 12, 2020 9:09 AM
To: Fulton, Lori <Lori.Fulton@oregonstate.edu>; Eric Philips <ericp@seradesign.com>
Cc: Nathan Patterson <nathan.patterson@kpff.com>
Subject: OSU Newport Housing - Biofiltration/Oil Removal

Hi Lori and Eric – As a follow up to the question concerning oil and grease removal here is a great article on how stormwater planters and biofiltration works.

<https://www.sightline.org/2013/01/22/are-rain-gardens-mini-toxic-cleanup-sites/>

Key Takeaway:

Petroleum pollutants/PAHs: Studies from the field and laboratory find that rain gardens do a great job of capturing petroleum pollution, and that the chemicals are largely eliminated when they're destroyed by bacteria in the soil.

Thanks, Mark



Mark Reuland

Principal | KPF Portland Civil + Survey

[O 503.542.3860](tel:503.542.3860) [D 503.542.3827](tel:503.542.3827) [M 503.358.4786](tel:503.358.4786)

111 SW 5th Ave, Suite 2400

Portland, OR 97204

Sherry Marineau

From: Derrick Tokos
Sent: Monday, August 24, 2020 10:07 AM
To: jbpatrik@newportnet.com; Phantom41@gmail.com; lee@yaquinabayproperties.com; Mike Franklin (mike@newportchowderbowl.com); jj_oregon@yahoo.com; 'Gary East'; 'Bob Berman'
Cc: Sherry Marineau
Subject: FW: Stormwater swales
Attachments: vegetated-swale.pdf; ATT00001.htm

Additional information related to stormwater management for the Wilder planned development that includes the OSU housing site. Sherry... please add this to the regular session agenda under Unfinished Business.

Thanks,

Derrick I. Tokos, AICP
Community Development Director
City of Newport
169 SW Coast Highway
Newport, OR 97365
ph: 541.574.0626 fax: 541.574.0644
d.tokos@newportoregon.gov

From: Bonnie Serkin <Bonnie@eenw.com>
Sent: Thursday, August 20, 2020 11:11 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Cc: Lori Fulton <Lori.Fulton@oregonstate.edu>; David Craig <dave.craig@oregonstate.edu>
Subject: Stormwater swales

Dear Derrick-

As the developer of the Wilder community, I listened into the Planning Commission hearing on Oregon State University's student housing project. I did not want to disrupt the flow of the hearing by speaking to a couple of questions that Jim Hanselman asked about stormwater swales and solar power, but I do have some background information that perhaps you could share with the Commissioners.

Wilder was designed to leading edge "green" standards a decade ago. When we built 40th /Harborton Street, on-site stormwater detention was a priority. The wide landscaped strip that parallels the street along the perimeter of the OSU site and all the way up the hill to the new apartments is actually a vegetative swale that has been functioning since 2009. In addition, throughout the residential neighborhood and around the Wilder Corner Building in the Village Center there are rain gardens that serve the same purpose. (The pavement on the multi-use path adjacent to the swale is permeable, also a means of minimizing stormwater runoff.)

Resources on best practices for stormwater treatment are more readily available now than they were when we were planning Wilder. Attached is an excellent illustrated guide prepared by Clean Water Services in Washington County.

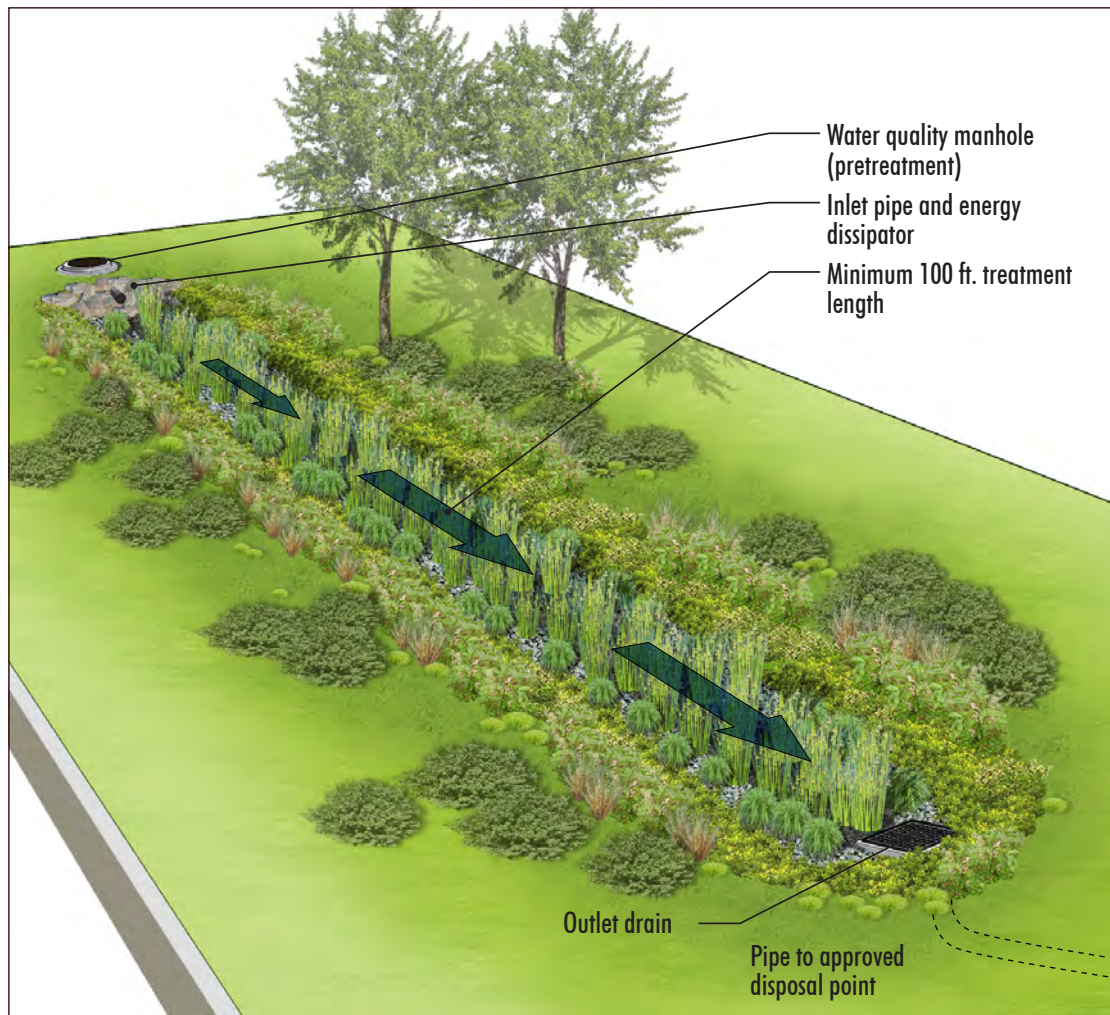
As for the inquiry about solar power, our Wilder design guidelines, which emphasize sustainable building materials and methods as much as aesthetics, require that structures be "solar ready". That means that there is a point of connection

at the roof for easy installation of solar apparatus in the future. We do not require actual installation of solar panels for a couple of reasons, primarily the cost factor, which could take the price of a home beyond the reach of the local workforce, but also because the technology is changing so rapidly that improved products are likely to become available in the future. By the way, the Wilder Corner Building in the village center is partially solar powered, supplemented by backup batteries.

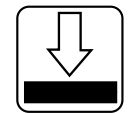
If there are any questions about Wilder's environmentally friendly features, I'd be happy to answer them.

Bonnie Serkin
Chief Operating Officer
Landwaves, Inc

Vegetated Swale



parking areas & impermeable landscape



impermeable soils



permeable soils

Description

A vegetated swale is a gently sloping landscaped depression that collects and conveys stormwater runoff, and is narrow and at least 100 feet in length. The densely planted swale filters stormwater as it flows the length of the swale and allows infiltration of water into the ground. The vegetated swale may discharge to a storm sewer or other approved discharge point where soils do not drain well.

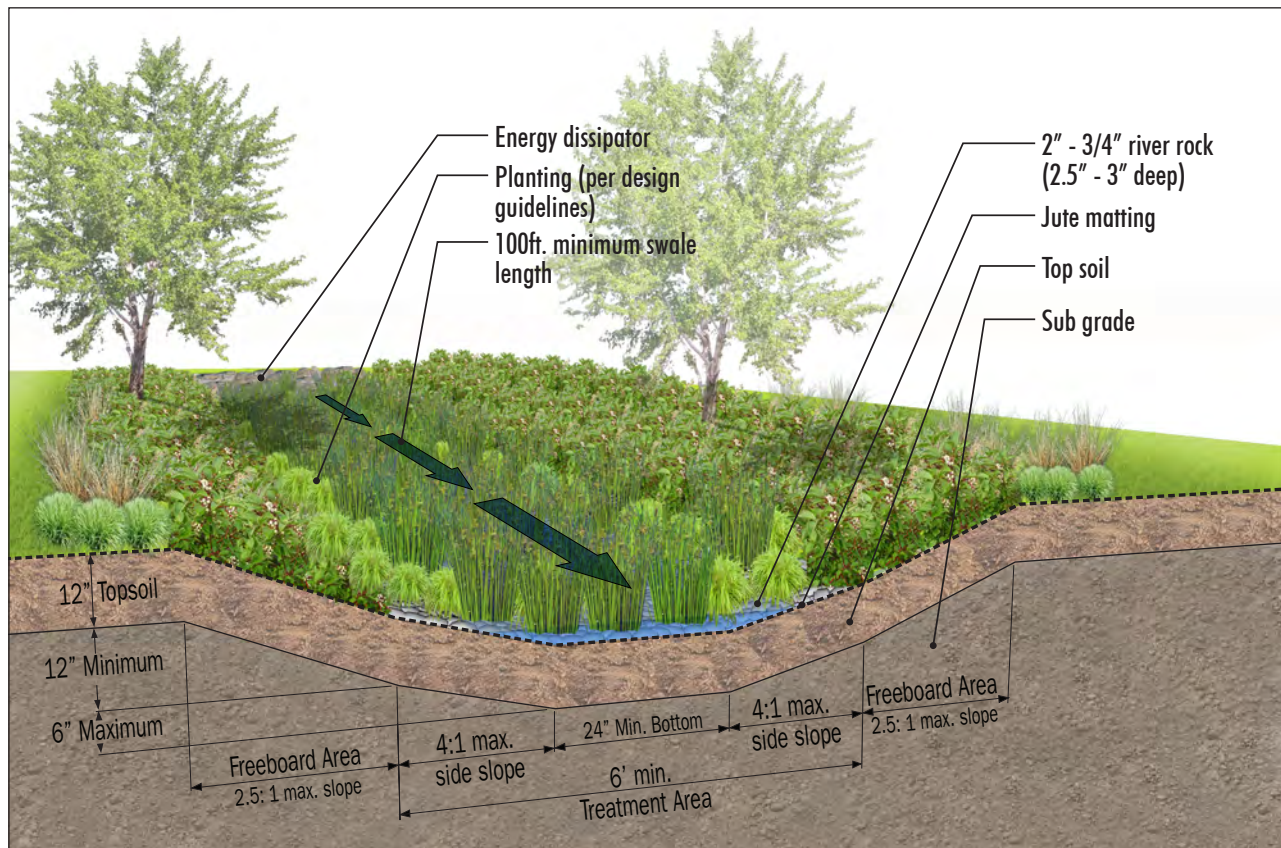
Vegetated swales have a required minimum length, width and stormwater residence time. See Clean Water Services Design and Construction Standards Details 700 and 710.

Application & Limitations

Vegetated swales may help fulfill a site's landscaping area requirement. Vegetated swales are approved to treat stormwater from all types of impervious surfaces including private property and the public right-of-way, rooftops, parking lots, and streets.



Westhaven Subdivision, Washington County, Oregon



Design Factors

Sizing

A vegetated swale must be at least 100 feet in length and detain stormwater for at least nine minutes for treatment as specified in Clean Water Services Design and Construction Standards.

Geometry/Slopes

A vegetated swale's slope end to end is at least 0.5% and the maximum velocity for a 25 year storm flow is 2 feet per second. Side slopes within the treatment area are 25% (4 horizontal: 1 vertical) or less; side slopes of the freeboard area above the treatment zone are 40% (2.5 horizontal: 1 vertical) or less. While the bottom of the swale is at least 2 feet wide, the treatment area is at least 6 feet wide and no more than 1/2 foot in depth. The freeboard area has at least one foot of vertical height. All swales have an energy dissipater such as boulders at the entrance to reduce velocities and spread the flow across the treatment area. The minimum length of the energy dissipater is 4 feet. See Clean Water Services Design and Construction Standards Detail 700.

Piping for Vegetated Swales

Flows coming into the vegetated swale facility are pretreated by a water quality manhole in accordance with the Design and Construction Standards. Other pretreatment may include an approved proprietary treatment device, filter strip, trapped catch basin, or other method approved by the District or City. An approved outlet structure must be provided for all flows. If location would make access for maintenance difficult, the swale may be a flow-through facility with unsumped structures.



Arbor Oaks Subdivision, Washington County, Oregon



Tanasbourne Office Building, Washington County



Aloha Huber Park Elementary School, Washington County

Design Factors (continued)

Setbacks

Check with the local building department to confirm site-specific requirements.

Soil Amendment/Mulch

The treatment area has ¾" to 2-inch river run rock placed 2.5 to 3 inches deep on high density jute or coconut matting over 12 inches of native topsoil. The river rock, topsoil and high density jute or coconut matting extends to the top of the treatment area, topsoil and low density jute matting extends to the edge of the water quality tract or easement area.

Vegetation

The entire facility including freeboard and treatment areas is vegetated according to the Standards with vegetation appropriate for the soil conditions. Planting conditions vary from wet to relatively dry within the swale. The flat bottom will be inundated frequently and should be planted with species such as rushes, sedges, perennials, and ferns, as well as shrubs that are well-suited to wet-to-moist soil conditions. The side slope moisture gradient varies from wet at the bottom to relatively dry near the top where inundation rarely occurs. The moisture gradient will vary depending upon the designed water depth, swale depth, and side slope steepness. The transition zone from the bottom of the swale to the designed high water line or top of freeboard

should be planted with sedges, rushes, perennials, and ferns, as well as shrubs that can tolerate occasional standing water, and wet-to-moist planting conditions. The areas above the designed high water line and immediately adjacent to the vegetated swale will not be regularly inundated and should be planted with self-sustaining, low maintenance grasses, perennials, and shrubs suitable for the local climate and site.

Native plants are encouraged, but non-invasive ornamentals that add aesthetic and functional value are acceptable. All vegetation should be densely and evenly planted to ensure proper hydrological function of the swale. For a complete list of allowable plants refer to page 76.

Plant Spacing

A) Vegetated swales in tracts or easements less than 30 feet wide are planted as follows to achieve the specified per acre densities:

- i. Treatment area = 6 plugs per square foot (min. 1-inch diameter by 6-inch tall)
- ii. Total number of shrubs per acre = area in square feet x 0.05
- iii. Groundcover = plant and seed to achieve 100% coverage

B) Vegetated swales in tracts or easements 30 feet wide or more are planted as follows to achieve the specified per acre densities:

- i. Treatment area = 6 plugs per square foot (min. 1-inch diameter by 6-inch tall)
- ii. Total number of trees per acre = area in square feet x 0.01
- iii. Total number of shrubs per acre = area in square feet x 0.05
- iv. Groundcover = plant and seed to achieve 100% coverage



Broadview, Seattle



PCC Rock Creek Campus, Beaverton

Required Maintenance Period

- Water-efficient irrigation should be applied for the first two years after construction of the facility, particularly during the dry summer months, while plantings become established. Irrigation after these two years is at the discretion of the owner.
- If public, the permittee is responsible for the maintenance of the vegetated swale for a minimum of two years following construction and acceptance of the facility.

Long Term Maintenance

If private, the property owner will be responsible for ongoing maintenance per a recorded maintenance agreement (see page 88 for example maintenance agreement).

For detailed Operation and Maintenance Plans that describe proper maintenance activities please refer to page 91.

All publicly maintained facilities not located in the public right-of-way must have a public easement to ensure access for maintenance.



Sandy Boulevard, Portland

References

Clean Water Services Design and Construction Standards

Memorandum

To: Planning Commission

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

Date: August 20, 2020

Re: Updated Planning Commission Work Program

For the August 24, 2020 work session, I had planned to review with the Commission the proposed Oregon Administrative Rules for HB 2001 Middle Housing Options (i.e. triplexes, fourplexes, cottage clusters). Unfortunately, they are not quite finished. This was evident once we wrapped up the final Rules Advisory Committee Meeting on August 18, 2020. LCDC will hold its first public hearing on the rules on September 25, 2020 (schedule enclosed), so we can expect final revisions to take place over the next 2-weeks. With that in mind, I have plugged this in for discussion at a September 14, 2020 work session. To confirm, Newport is not required to adopt these provisions; however, it may be that you will want to adopt all or some of them.

For efficiency, I may merge the tiny house/manufactured dwellings revisions with the HB 2001 duplex revisions. They are also slated for an initial work session on September 14th.

The City Council has asked that we put together options for requiring Electric Vehicle (EV) infrastructure with new multi-family and commercial construction. It may be as simple as opting into the pilot program that the Oregon Building Codes Division put in place in 2017 (attached) that would require conduit be installed for any new parking area (garage or surface lot) with 50 or more spaces. It could also be more robust. We will be holding a work session with the Council in the coming weeks to flesh out the details, so more to follow. If this involves a mandate that EV chargers be installed, then it would involve an amendment to Chapter 14.14 of the Zoning Ordinance, which regulates off-street parking.

Attachments

Housing Rulemaking final Schedule

OAR 918-020-0380, Electric Vehicle Ready Parking

Tentative Planning Commission Work Program

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



July 13, 2020 Work Session

- Review and Comment on TGM Grant Application for Newport City Center Revitalization Project
- HB 2001 Infrastructure Based Time-Extension Final Rules (DLCD Hearing set for 7/23/20)

July 13, 2020 Regular Session

- File 2-NCU-20, Final Order and Findings for Conversion of STR from 2-bedroom to 3-bedroom occupancy at 736 NW 3rd Street
- File 5-NCU-20, Convert existing STR from 2-bedroom to 4-bedroom occupancy at 406 NW High Street

July 27, 2020 Work Session

- File 1-Z-20 amendments related to car camping (bill to be taken up during 6/24/20 short session)
- Review scope of work for South Beach US 101 Corridor Refinement Plan
- Director's Comments: discuss video-conference meetings/hearings and needed adjustments

July 27, 2020 Regular Session

- File 5-NCU-20, Final Order and Findings for Conversion of an existing STR from 2-bedroom to 4-bedroom occupancy at 406 NW High Street

August 10, 2020 Work Session

- Final Review of File 1-Z-20 amendments related to City' camping regulations
- Introduce LOC's June 2020 Small Cell Model Ordinance and Design Guidelines and latest FCC Bulletin

August 10, 2020 Regular Session

- File 1-PD-20 OSU Student Housing Final Development Plan Amendment

August 24, 2020 Regular Session

- File 1-Z-20 public hearing on amendments related to car camping
- File 1-PD-20 Final Order and Findings for OSU Student Housing Final Development Plan

September 14, 2020 Work Session

- HB 2001 Middle Housing Options (triplexes, fourplexes, cottage clusters)
- Review updated draft amendments related to tiny homes and MFDs on individual lots (May merge w/ HB 2001 Duplex requirements)

September 14, 2020 Regular Session

- 1-VAR-20, Application by Newport Townhomes, LLC, seeking variance to requirement that new lots include 1,000 sq. ft. outside of an active landslide area at 815 SW 13th Street

September 28, 2020 Work Session

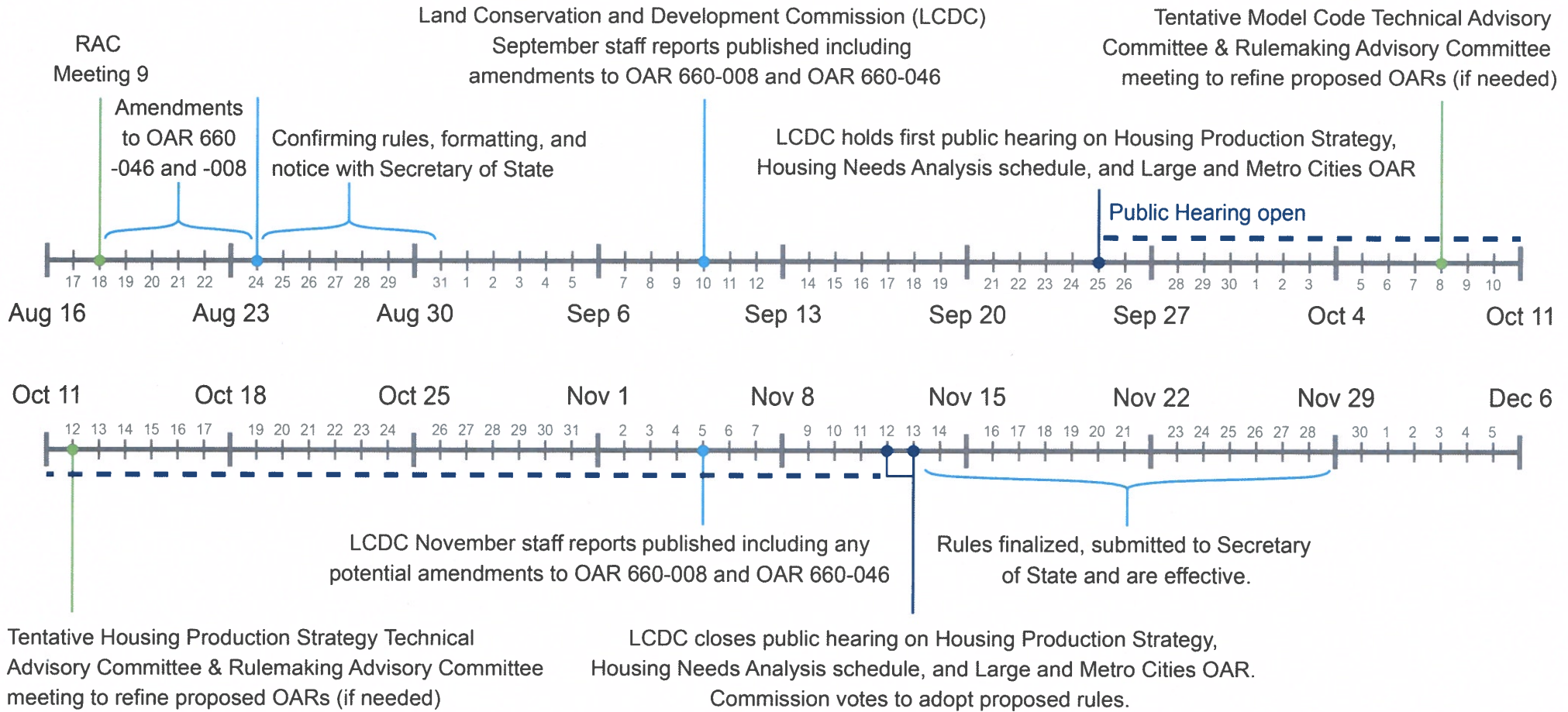
- Review of draft materials for upcoming TSP outreach events
- Review initial draft of Wireless Ordinance amendments

September 28, 2020 Regular Session

- File 1-UGB-20, Amending the Urban Growth Boundary adding 39.8 ac at NE Harney and 36th (TL 100, Map 10S11W33) and removing 71.39 ac from the Wolf Tree Destination Resort Site (TL 801, Map 12S11W05)

Housing Rulemaking Final Schedule

Updated: August 19, 2020



Department of Consumer and Business Services

Building Codes Division - Chapter 918

Division 20

DELEGATION OF PROGRAMS TO LOCAL JURISDICTIONS

918-020-0380

Electric Vehicle Ready Parking

(1) Effective October 1, 2017, there is established in Oregon a program for providing electric vehicle charging station infrastructure to the new construction of a parking facility. This program establishes mandatory code requirements for building owners or contractors as specified in this rule. Municipalities participating in this program must enforce the requirements of this rule.

(2) As used in this rule:

(a) "Parking facility" means a property or part of a property for which the major occupancy or use is parking spaces for motor vehicles.

(b) "Open parking space" means a defined area that has two or more indicated marked edges and is designed for the parking of a single motor vehicle including spaces designated for accessible parking.

(c) "New construction" means the construction of entirely new structures on a site. Additions are not considered new construction.

(3) Nothing in this rule requires the installation of electric vehicle charging stations in a parking facility.

(4) The program is mandatory within the jurisdictional boundaries of:

(a) The cities of Portland, Eugene, Salem and Gresham; and

(b) A municipality that has adopted the program through the local amendment process under OAR 918-020-0370.

(5) The division will maintain and make available a list of all participating jurisdictions.

(6) The program applies to the new construction of parking facilities with 50 or more open parking spaces. Five percent (5%) of the open parking spaces must be available for future installation of electric vehicle charging stations. Fractional numbers derived from this calculation must be rounded up to the nearest whole number.

(7) The program only applies to the following occupancy classifications as specified in the Oregon Structural Specialty Code:

(a) Group B – Businesses;

(b) Group M – Mercantile;

(c) Group R-2 – Residential; and

(d) Group S-2 – Parking garages.

(8) Unless otherwise stated in this rule, electrical installations must be according to the Oregon Electrical Specialty Code.

(a) A parking facility must have a conduit system installed from the building electrical service to the open parking spaces.

(A) The conduit system must be, at a minimum, capable of supporting the installation of electrical wiring for the future installation of electric vehicle charging stations rated "Level 2" (40 amp/3.3 – 6.6 kW) or larger, as specified by the owner.

(B) Any conduit installed for future electric vehicle charging stations must be labeled "For Future EV Charging Stations." Both ends of the conduit must be labeled for the environment it is located in.

(b) A construction project required to install electric vehicle charging station infrastructure may comply with the rule through one of the following options:

- (A) Provide a building electrical service sized for the anticipated load of the electric vehicle charging stations. The building electrical service must have the overcurrent devices necessary for the electric vehicle charging stations, or have adequate space within the service to add the necessary overcurrent devices;
- (B) Provide adequate space within the building to add a second electrical service for future installation of service capacity for electric vehicle charging stations. The building official must allow a second electrical service of the same phase and voltage according to Article 230.2 of the Oregon Electrical Specialty Code; or
- (C) Notwithstanding section (8)(a) of this rule, designate a location on the property to install a remote service. Potential electric vehicle charging stations served from a remote service location located in or adjacent to a landscaping area may not require installation of conduit. The building owner or contractor should coordinate with the electric utility serving the property to plan for a future service. Installation of conduits in these areas is at the discretion of the building owner or contractor.
- (9) Fees for plan review, permit, and inspection are as established by the municipality under the authority of ORS 455.020 and 455.210.
- (10) Construction documents associated with the construction of a parking facility must show the location of designated parking spaces and any conduits intended for future installation of electric vehicle charging stations.
- (11) For the purposes of this rule persons certified to perform electrical plan review or inspection are not required to determine or ensure that the appropriate number parking spaces are designated for future electric vehicle charging stations.
- (12) Parking facility requirements do not apply to:
- (a) A temporary parking facility that is reasonably expected to be in service for three years or less.
 - (b) The installation of an electrical supply capacity or conduit system to serve parking spaces that are not open parking spaces. The areas listed below are not considered open parking spaces. Parking spaces:
 - (A) Reserved for motor vehicles that are inventory.
 - (B) Reserved for motor vehicles awaiting transport at a port or other transit facility.
 - (C) Reserved for use by commercial motor vehicles, emergency vehicles, or commercial or farm motorized equipment.
 - (D) Reserved for use by motorcycles, mopeds, or all-terrain vehicles.

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 455.030, 455.110 & 479.730

Statutes/Other Implemented: ORS 455.030, 455.110 & 479.730

History:

BCD 7-2017, f. 6-28-17, cert. ef. 7-1-17

Please use [this link to bookmark or link to this rule.](#)

**CITY OF NEWPORT
EMERGENCY ORDER NO. 2020-25**

ENACTING A COVID-19 VIRTUAL MEETING POLICY

WHEREAS, the Governor of the State of Oregon declared a state of emergency for the state on March 8, 2020, finding that COVID-19 created a threat to the public health and safety and constituted a statewide emergency; and

WHEREAS, the City of Newport declared an emergency on March 13, 2020, which was ratified by the City Council at its March 16, 2020 meeting; and

WHEREAS, the President of the United States signed a proclamation declaring a national emergency concerning COVID-19 on March 13, 2020; and

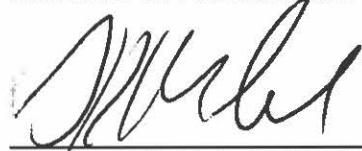
WHEREAS, local, state, and national public health agencies have instituted guidelines, recommendations, and actions to curb the spread of the disease in an attempt to “flatten the curve” of the disease’s progression in the United States. Many of those recommendations have been adopted by states and local governments across the country. In Oregon, the Governor has issued Executive Orders 20-03 through 20-20, and 20-22, 20-24, 20-25, 20-27, 20-28, and 20-30 to address COVID-19 closures and reopening of certain facilities, limiting public gatherings, higher education restrictions, and other needs and requirements related to the COVID-19 pandemic; and

WHEREAS, the Governor has directed Oregonians to “stay at home to stay healthy” through physical and social distancing guidelines and the elimination of non-essential travel; and

WHEREAS, the City Council, Planning Commission, and the city’s standing committees must be able to hold virtual for the continuation of city business.

I, Spencer R. Nebel, City Manager for the City of Newport, hereby order:

August 13, 2020 Approved a Virtual Meeting Policy for the City Council, Planning Commission, and standing committees of the City of Newport. A copy of the policy is included as Attachment A.



Spencer R. Nebel, City Manager

VIRTUAL MEETING POLICY

Why Virtual Meetings

Due to COVID-19, the City of Newport has been holding all its public meetings virtually. This includes City Council, Planning Commission, and all of the city's standing advisory committees. Zoom is the virtual meeting platform that is utilized by the city. It is expected that virtual meetings will continue when the city enters Phase Two of its reopening plan.

Access to Watch a Virtual City Council or Committee Meeting

All public meetings of the City of Newport are livestreamed and televised on Charter Channel 190. To access the livestream, visit the City of Newport website at www.newportoregon.gov. Once there, click on "City Government;" then click on "City Council" or "Committees (depending on the meeting of interest); click on the name of the committee; then an "in progress" note will appear if the meeting is underway; click on the "in progress" link to watch the livestream. It is not possible to get into a meeting that will be livestreamed before the meeting starts.

Public Comment during a Virtual Meeting

1. Written Comment.

To submit a written public comment for any City of Newport meeting, send the written comment to publiccomment@newportoregon.gov. For City Council and Planning Commission meetings, the e-mail must be received by noon on the scheduled date of the City Council, Planning Commission meeting. For standing committee meetings, the public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. if a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day.

Written comments received by the above noted deadlines will be included in the meeting materials, i.e. agenda packet. These comments will be acknowledged by the Mayor or committee chair at the appropriate time. These comments will not be read aloud during the meetings.

2. Virtual Meeting - Committee Guidelines.

All members of City of Newport Council and committees should refrain from speaking prior to the start of the meeting. The reason for this is that it takes several minutes to ensure all the "moving parts," i.e., various electronic devices, are ready at once. This will ensure that personal chat, prior to the start of a meeting, is not being broadcast

either through the livestream or on Charter Channel 190. The Mayor or committee chair will begin talking when the meeting goes “live.”

As a reminder, members of the City Council, Planning Commission, or any standing committee, should not be exchanging e-mails, texts, or communicating privately during the meeting in any way. This also applies to the chat feature of Zoom. The goal of this reminder is to prohibit side conversations which could violate public meetings law and/or trigger public records law related to retention and access/disclosure.

3. Virtual Comments during a Meeting.

If you wish to make a “real time” comment during a meeting, a request to speak must be made by 2:00 P.M. on the scheduled date of a City Council or Planning Commission meeting. The request to speak should include the agenda item on which the requestor wishes to speak. If the comments are not related to a particular agenda item, the request to speak should include a notation that the request is for general public comment, and the general topic. The request should be e-mailed to publiccomment@newportoregon.gov. For standing committee meetings, the request to speak must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. if a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. Once a request to speak has been received, staff will send the requestor the Zoom meeting link. This link will allow a requestor to participate via video or telephone.

4. Public Hearings.

Individuals wishing to offer testimony during public hearings should utilize the process in Sections 1. And 3. above.

5. Script for Use at Quasi-Judicial or Legislative Land Use Hearings.

The script for use at quasi-judicial or legislative land use hearings before the Planning Commission/City Council is attached as Attachment A.

6. General Virtual Meeting Participation Guidelines.

All public participants attending virtual meetings will be muted until it is their turn to speak. The participant will be muted at the conclusion of their comments. Public meeting participants are encouraged to remain on the Zoom meeting in the event the public body has follow-up questions. In that situation, the participant will be unmuted for the follow-up response.

**SCRIPT FOR QUASI-JUDICIAL OR LEGISLATIVE LAND USE HEARINGS
USING THE ZOOM VIDEO-CONFERENCING PLATFORM**

1. Call Public Hearing to Order (Mayor or Chair)

This public hearing is being conducted utilizing the Zoom video-conferencing platform. Before we get started, I would like to provide staff a moment to identify individuals that are participating virtually. I would also like to cover a few ground rules:

A. Individuals wishing to speak should use the raise hand feature, which can be found by clicking on the "Participants" button on the bottom of a computer screen, the "Raise Hand" button on the bottom of a smartphone, or by dialing *9 on a landline. I will call out the order of testimony in cases where multiple hands are raised.

B. Please keep your microphone muted unless you are speaking. Press *6 to mute and unmute a landline.

C. Persons may participate by video or phone, and we can make the shared screen feature available for anyone wishing to make a presentation. Information shared with the City Council/Planning Commission in this manner is part of the record, and a copy of the materials will need to be provided to staff.

2. Quasi-Judicial and Legislative Land Use Public Hearings (Briefly describe the public hearing items to be heard, as summarized in the staff report or hearing notice, then read the statement below VERBATIM.)

"This statement applies to quasi-judicial and legislative land use hearings that are on the agenda. All testimony and evidence presented toward the request(s) being heard must be directed toward the relevant criteria in the Newport Comprehensive Plan, Newport Municipal Code, or other land use regulations or standards which the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the City Council/Planning Commission and the parties an opportunity to respond to the issue will preclude appeal to the Land Use Board of Appeals (LUBA) based on that issue. An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at, or following, this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the city decision makers and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.

Prior to the conclusion of a hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. If such a request is made then the hearing will be continued to a date certain and schedule set for submittal of additional testimony, a period for parties to respond to the new testimony, and a period whereby the applicant can provide final argument.”

At this time, I would ask City Councilors or Planning Commission members to disclose any actual or potential conflicts of interest, bias, ex-parte contacts, or site visits? *(If there is an actual conflict of interest the member must abstain, but counts toward the quorum. Potential conflicts of interest need only be disclosed.)*

If anyone present has an objection to the participation of any City Councilor/Planning Commissioner, or the City Council or Planning Commission as a whole, please raise that objection now. *(If an objection is made, the Councilor(s)/Commissioner(s) to whom it is directed will need to respond and then decide as to whether or not they should recuse themselves.)*

The City Council/Planning Commission may, at the request of a participant or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments, or testimony related to the approval criteria.

The hearing will proceed in the following order:

- Staff report
- Applicant’s testimony
- Persons in favor
- Persons opposed
- Applicant’s rebuttal
- Record closes for public testimony
- Council/Commission deliberation, questions, and verbal decision
- A final order and findings will be prepared for consideration at the next meeting

(Optional: Staff and the applicant will be allocated up to 15 minutes each for presentations. The applicant will also receive up to 5 minutes for final rebuttal. All others wishing to testify will be given three minutes each.)

3. **Adjourn** (Note the time for the record)