



PLANNING COMMISSION WORK SESSION AGENDA

Monday, September 26, 2022 - 6:00 PM

City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613, or p.hawker@newportoregon.gov.

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. 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. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

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

Jim Patrick, Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, Dustin Capri, Greg Sutton, and Annie McGreenery.

2. NEW BUSINESS

- 2.A Discuss Priorities for Updating Special Parking Area Requirements.**
Staff Memorandum
Ordinance No. 2163
NMC Chapter 14.14
Resolution No. 3864
Oregon BCD HB 2180 Rules
Informational Materials on DLCD's Climate Friendly and Equitable Communities Rules
(Not applicable to Newport)

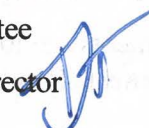
3. UNFINISHED BUSINESS

- 3.A Discuss Scope of Camping Related Land Use Amendments.**
Staff Memorandum
Ordinance No. 2198
Sample Codes
Referenced NMC Chapters
Revised Ordinance No. 2198 - 9-25-22

- 3.B Planning Commission Work Program Update.**
PC Work Program 9-22-22

4. ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director 
Date: September 22, 2022
Re: Discuss Priorities for Updating Special Parking Area Requirements

The Parking Advisory Committee meeting for September was cancelled, so I have gone ahead and pulled some information together to begin to frame the scope of amendments that we can vet with the Committee and then bring back to the Planning Commission as a draft set of amendments.

With Ordinance No. 2163 (attached), and the adoption of the Parking Study, the City Council put in place a number of parking related policies and implementation measures. A couple of implementation measures particularly relevant to the Bayfront include:

Implementation Measure 1.3.1: Pursue metered zones, hybrid paid/permit, and hybrid permit/timed zones for high demand areas along the Bayfront; and

Implementation Measure 3.2.3: Reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones.

Staff is working with the Parking Advisory Committee to implement the first measure, and this work session has been scheduled to begin to frame what needs to be done to Implement Measure 3.2.3. It is also an opportunity to clarify existing rules that apply to the Bayfront, City Center, and Nye Beach areas (collectively “Special Parking Areas”).

The geographic boundaries of the special parking areas are described in NMC 14.14.100 and are generally illustrated with the map attachment to Resolution No. 3864. As noted in the resolution, these areas were once known as “parking districts,” which were a type of economic improvement district authorized under ORS Chapter 223. In 2019, the Council allowed the economic improvement districts to sunset but kept in place a business license surcharge and a limited off-street parking exemption of up to five (5) off-street parking spaces that would otherwise be required of new development or redevelopment (ref: Section 4, Resolution No. 3864).

We should consider amending NMC 14.14.100, to codify this limited off-street parking exemption as it relates to the Bayfront, City Center, and Nye Beach special parking areas. That section of Chapter 14.14 could also be amendment to note that special parking areas are subject to other provisions of the chapter, except as modified in NMC 14.14.100 or other chapters of the zoning ordinance, such as the Nye Beach Design Review District.

As for reducing or elimination off-street parking requirements for new development or redevelopment along the Bayfront once the meter, permit, and timed parking provisions are implemented, language could be added to NMC 14.14.100 that sets out the reductions in areas where parking needs are being

managed in this manner. The most straightforward approach would be to eliminate off-street parking requirements in their entirety. Developers could still provide off-street parking if it is critical to their business needs or if other factors compel them to construct parking, such as lender requirements. With a metering and permit parking program in place, high demand users are likely locate elsewhere as they wouldn't have confidence that parking would be available for there use. This is the approach that is being encouraged and/or required in metropolitan areas with the recently adopted Climate Friendly and Equitable Communities Rules. Attached is background information related to the new rules. The City of Newport is not required to comply with the new rules since it is not within a metropolitan area.

If off-street parking requirements are to be eliminated in areas where a meter, permit, timed parking arrangement has been implemented, then there are related issues in Chapter 14.14 that may need to be addressed.

Accessible Parking: Requirements for ADA accessible parking are outlined in Section 1106 of the Oregon Structural Specialty Code (OSSC), and the Zoning Ordinance cross references to the OSSC since its provisions are updated more frequently (ref: NMC 14.14.050). ADA spaces are only required if parking is provided with a development. The City's public parking lots and on-street spaces are woefully inadequate as it relates to accommodating ADA needs, and consideration should be given to requiring new development accommodate ADA needs by improving public spaces along their frontage (in cases where parking is not being provided). Per the OSSC, one van accessible space is required for every 25 parking spaces. This might be a reasonable target in terms of increasing the number of spaces within affected rights-of-way, like Bay Blvd.

Electric Vehicle Charging Requirements: The Oregon Building Codes Division recently adopted administrative rules implementing HB 2180 (2021) related to electric vehicle parking infrastructure (enclosed). Like the OSSC, the rules key off of new development or redevelopment that provide parking. The standards require the installation of electric vehicle infrastructure in the building and a percentage of the parking spaces. It might be most effective for the City to address electric vehicle charging needs programmatically in areas such as the Bayfront, as opposed to asking a developer to install a charger(s) for public use in parking stalls abutting their property.

Loading and Unloading Areas: Loading areas can be quite large and if located in the right-of-way could necessitate the removal of a significant amount of parking. Consideration should be given to retaining this requirement in areas where new development or redevelopment is not required to provided off-street parking. The need for loading and unloading areas is keyed off of the square footage of a particular facility (ref: NMC 14.14.110-A).

Bicycle Parking: Bicycle parking is required for retail uses and is keyed off of the number of required parking spaces (NMC 14.14.070). Consideration should be given to retaining bicycle parking if new development or redevelopment is exempt from off-street vehicle parking standards. This would be consistent with the policy objective of promoting multiple transportation modes in high traffic areas. Given space constraints, it might be appropriate to look at alternatives to the existing bicycle parking space requirements, such as wall mounted solutions. This is something the Bicycle and Pedestrian Committee could look into and provide recommendations.

I look forward to our discussion on Monday!

Attachments

Ordinance No. 2163

NMC Chapter 14.14

Resolution No. 3864

Oregon BCD HB 2180 Rules

Informational Materials on DLCD's Climate Friendly and Equitable Communities Rules (Not applicable to Newport))

CITY OF NEWPORT**ORDINANCE NO. 2163****AN ORDINANCE AMENDING THE CAPITAL FACILITIES CHAPTER OF
THE CITY OF NEWPORT COMPREHENSIVE PLAN TO ESTABLISH A POLICY
FRAMEWORK FOR MANAGING PUBLIC PARKING ASSETS IN THE
NYE BEACH, CITY CENTER, AND BAYFRONT AREAS
(Newport File No. 1-CP-19)****Summary of Findings:**

1. In 2016, the City of Newport commissioned the preparation of a Parking Management Plan to identify strategies to maximize available parking supply in the Bay Front, Nye Beach, and City Center areas of Newport to support a vibrant working waterfront, tourist and general retail-oriented commercial businesses, and mixed use neighborhoods. Each of these areas within the City is densely developed with much of the parking demand being met with on-street spaces and public parking lots.
2. Historically, persons developing commercial property in these areas have been allowed to pay a fee to the City in lieu of providing new off-street parking spaces to address the impacts attributed to their projects. That program proved outdated, and beginning in 2009 business owners petitioned the City to establish Economic Improvement or “Parking Districts” to fund parking system improvements through a business license surcharge. While the Parking Districts have been easier for the City to administer than a “payment in lieu” program, and have allowed for greater involvement from area business owners, neither approach provides a clear, long term strategy for how public parking assets should be managed nor have they generated sufficient funding to make meaningful improvements to the parking system.
3. The City hired a consultant, Lancaster StreetLab, to prepare the Parking Management Plan, with assistance from City staff and oversight by a City Council appointed Parking Study Advisory Committee consisting of representatives from the three Parking District advisory committees. An initial round of workshops and walking tours with local stakeholders and business owners occurred in April of 2016. The consultants then inventoried the parking supply in the three districts and observed utilization and turnover rates during periods of peak and off-peak demand. This occurred on Thursday August 25, 2016, Saturday August 27, 2016, and Saturday December 10, 2016.
4. Lancaster StreetLabs field work, and resulting recommendations, were vetted with the Parking Study Advisory Committee, and ultimately worked into a draft Parking

Management Plan completed on March 9, 2018. The Parking Management Plan includes an inventory and assessment of the condition of public parking assets in these areas; detailed field survey data illustrating the utilization and turnover rates of parking spaces during peak and off-peak periods; a list of capital improvements needed to maintain and improve available parking, including possible upgrades to transit service; and financing strategies to fund needed improvements.

5. Once the study was completed an additional round of outreach was conducted during the summer of 2018 with Bayfront, Nye Beach, and City Center businesses; the Port of Newport and commercial fishing community; Bayfront processors; Chamber of Commerce, and Rotary Club. Members of the Parking Study Advisory Committee and city staff attended each meeting and provided an overview of the study's recommendations. Feedback obtained at these meetings was used by the advisory committee to fine tune the Parking Management Plan's recommendations.

6. The proposed amendments to the Comprehensive Plan draw from this body of work. The recommendations, framed as goals, policies, and implementation measures, seek to improve the availability of public parking for all users. This will require changes to how parking is managed. The recommendations touch upon wayfinding, lighting, needed parking improvements, and the City's parking standards for new construction. Additionally, they call for public parking along the Bayfront to be managed with a combination of parking meters and permits. Meters are a proven method of altering parking behavior and improving turnover of parking stalls in high congestion areas. They will also generate revenue for maintenance and improvement of public parking assets. Further outreach is recommended in Nye Beach to assess whether or not a non-metering option that consist of fees and/or parking permits is a workable parking management solution. No major changes are proposed for the City Center area at this time.

7. The Parking Study Advisory Committee consisted of individuals representing tourist-oriented retail businesses, commercial fishing interests, seafood processors, residents, and affected government entities. The group met 15 times over a three year period to develop its recommendations, and their work was informed by a significant amount of public input resulting from outreach resulting from direct mail notice, email distribution lists, press releases, radio shows, newspaper ads, walking tours with business owners and stakeholder interviews.

8. On June 4, 2019 the Parking Study Advisory Committee adopted a motion to recommend the Newport Planning Commission initiate the legislative process to amend the Newport Comprehensive Plan to add a new Parking Facilities Element as outlined in the draft set of amendments now up for consideration. This was the last action taken by the Committee, as that group's responsibilities ended when the three Parking Districts expired at the end of June 2019.

9. These amendments to the "Public Facilities" Chapter of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:

- a. Have been developed and vetted with a Parking Study Advisory Committee, Planning Commission, and city Council at public meetings and hearings consistent with Statewide Planning Goal 1, Public Involvement; and
- b. Update the Newport Comprehensive Plan's technical inventory with respect to the condition of public parking capital assets, infrastructure investment priorities, and funding strategies that will facilitate fact based land use decision making processes consistent with Statewide Planning Goal 2, Land Use Planning; and
- c. Promote further economic development within the Bayfront, and potentially Nye Beach and City center, shifting to demand management approach to ensuring parking needs are met, providing businesses a broader range of development and redevelopment options, consistent with Statewide Planning Goal 9; and
- d. Provide for the timely, orderly, and efficient arrangement of public facilities and services by ensuring that public parking infrastructure priorities are identified in conjunction with the City's other capital project needs, consistent with Statewide Planning Goal 11.

10. No other Statewide Planning Goals are applicable to the proposed changes to the "Public Facilities" Chapter of the Newport Comprehensive Plan.

11. Following a work session on July 8, 2019, the Planning Commission initiated the process for amending the Newport Comprehensive Plan in a manner consistent with the proposal recommended by the Parking Study Advisory Committee and scheduled a public hearing.

12. On September 9, 2019, the Planning Commission held a public hearing on the proposed amendments. At the close of the public hearing, a motion was made by Bill Branigan, the Commission liaison to the Parking Study Advisory Committee that the policy recommendations be forwarded to the City Council as drafted, along with an ordinance that would establish a standing advisory committee to assist with implementation. That motion failed on a 3-4 vote. Instead, the Commission recommended that the Council create a new advisory committee with instructions that they revise the draft to eliminate or minimize recommendations related to metering.

13. On October 7, 2019, the Newport City Council met to discuss the Planning Commission's recommendation. The Port Commission, whose members and staff participate in the development of the proposed parking related Comprehensive Plan amendments, requested that Council hold a public hearing. They did not provide formal comment at the Planning Commission meeting. The City Council meeting was also an opportunity for representatives of the Planning Commission to share their different perspectives on the matter. After considering public testimony, the City Council elected to hold a public hearing to take additional testimony before deciding how it wants to proceed.

14. On November 18, 2019, the City Council held a public hearing to take testimony on how the City should manage its public parking assets in Nye Beach, City Center, and the

Bayfront. After taking testimony, the Council elected to hold a work session to discuss how they wanted to proceed with the proposed amendments.

15. On January 6, 2020, the City Council met in work session discussed how it wanted to proceed with the proposed amendments, and there was general consensus that there was sufficient business and property owner support to schedule a public hearing on an ordinance to amend the Comprehensive Plan.

16. The City Council held a public hearing on March 2, 2020 regarding the question of the proposed Comprehensive Plan amendments, and voted in favor of their adoption after considering the recommendation of the Planning Commission, testimony, and evidence and argument in the record.

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

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

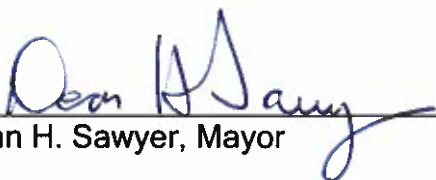
Section 1. Findings. The findings set forth above are hereby adopted in support of the amendments to the Newport Comprehensive Plan adopted by Sections 2 of this Ordinance.

Section 2. Amendment. A Public Parking Facilities Element is hereby added to the Public Facilities chapter of the City of Newport Comprehensive Plan as set forth in the attached Exhibit "A". The body of the amendment, excluding goals and policies, shall be inserted into the chapter after the "Roadway Transportation Facilities" section. The goals and policies shall be inserted in the section titled "Goals and Policies Public Facilities Element," after the heading "Transportation."

Section 3. Effective Date. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: March 2, 2020

Signed by the Mayor on March 3, 2020.



Dean H. Sawyer, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

PUBLIC PARKING FACILITIES

In 2016, the City of Newport commissioned the preparation of a Parking Management Plan to identify strategies to maximize available parking supply in the Bay Front, Nye Beach, and City Center areas of Newport to support a vibrant working waterfront, tourist and general retail oriented commercial businesses, and mixed use neighborhoods. Each of these areas within the City is densely developed with much of the parking demand being met with on-street spaces and public parking lots.

Historically, persons developing commercial property in these areas have been allowed to pay a fee to the City in lieu of providing new off-street parking spaces to address the impacts attributed to their projects. That program proved outdated, and beginning in 2009 business owners petitioned the City to establish Economic Improvement or "Parking Districts" to fund parking system improvements through a business license surcharge. While the Parking Districts have been easier for the City to administer than a "payment in lieu" program, and have allowed for greater involvement from area business owners, neither approach provides a clear, long term strategy for how public parking assets should be managed nor have they generated sufficient funding to make meaningful improvements to the parking system.

Characteristics of each of the study areas is summarized as follows:

Bay Front: A working waterfront with a mix of tourist oriented retail, restaurants, fish processing facilities (e.g. Pacific Seafood), and infrastructure to support the City's commercial fishing fleet. The Port of Newport is a major property owner and a boardwalk and fishing piers provide public access to the bay. The area is terrain constrained, with steep slopes rising up from commercial sites situated along Bay Boulevard.

City Center: A "main street" style cluster of commercial buildings oriented along US 101 between the intersection of US 101 and US 20 and the Yaquina Bay Bridge. Many of the City's public buildings are within this district, including the Lincoln County Courthouse, Newport City Hall, 60+ Center, Recreation & Aquatic Center, and the Samaritan Pacific Hospital.

Nye Beach: A mixed-use neighborhood with direct beach access anchored by Performing Arts and Visual Art Centers. Commercial development is concentrated along Beach Drive and Coast Street, both of which include streetscape enhancements that encourage a dense pedestrian friendly atmosphere. This area includes a mix of retail, dining, lodging, professional services, galleries, single family homes, condominiums, long term and short term rentals.

The Parking Management Plan, prepared Lancaster StreetLab, dated March 9, 2018, includes an inventory and assessment of the condition of public parking assets in these commercial areas; detailed field survey data illustrating the utilization and turnover rates of parking spaces during peak and off-peak periods; a list of capital improvements needed to maintain and improve available parking, including possible upgrades to transit service; and financing strategies to fund needed improvements.

Development of the Parking Management Plan, summarized in this Public Facilities Element of the Newport Comprehensive Plan, was informed by public input from outreach events and the project advisory committee. That committee consisted of individuals representing tourist-oriented retail businesses, commercial fishing interests, seafood processors, residents, and affected government entities. Once the Parking Management Plan was complete, additional outreach was conducted with stakeholders in the community and the project advisory committee, over a period of several months, further refined many of the Plan's concepts and maps resulting in a the final set of recommendations contained in this document.

Existing Public Parking Assets

To inform the preparation of the Parking Management Plan, city staff and the consultant inventoried the public parking assets in the Bay Front, Nye Beach, and City Center areas. Additionally, city staff conducted a field survey to assess the pavement condition of the public parking lots. Much of the work was performed in the spring/summer of 2016. Results were presented to the project advisory committee at its November 2016 meeting, and are summarized in Tables 1 through 3 below.

Table 1: Parking Lots

Facility	Size (SF)	District	# Spaces	Condition
Abbey Street Lot	21,200	Bayfront	53 standard 2 ADA accessible	Poor
Abbey Street (right-of-way)	5,800	Bayfront	10 standard 2 ADA accessible	Good
Case Street (right-of-way)	3,600	Bayfront	6 standard 1 ADA accessible	Good
Canyon Way Lot	23,000	Bayfront	33 standard	Fair
Fall & Bay Street	8,600	Bayfront	13 standard 1 ADA accessible	Poor
Fall & 13 th Street	11,800	Bayfront	22 standard	Fair
Hurbert (right-of-way)	13,400	Bayfront	28 standard	
Lee Street	11,000	Bayfront	19 standard	Good
Hatfield Lift Station	2,000	Bayfront	5 standard	Poor
13 th Street (right-of-way)	3,200	Bayfront	7 standard	Poor
Angle Street Lot	30,000	City Center	53 standard 4 Recreational vehicle 3 ADA accessible	Good
City Hall Campus	57,900	City Center	107 standard 9 ADA accessible	Good
9 th and Hurbert	29,700	City Center	39 standard 5 Recreational vehicle 2 ADA accessible 2 EV charging stations	Fair
US 101 & Hurbert	9,200	City Center	18 standard 2 ADA accessible	Fair
Don & Ann Davis Park	9,800	Nye Beach	25 standard 2 ADA accessible	Good
Performing Arts Center	74,800	Nye Beach	143 standard 8 ADA accessible	Good
Jump-off Joe	6,100	Nye Beach	10 standard	Good
Nye Beach Turnaround	40,400	Nye Beach	45 standard 3 ADA accessible	Poor
Visual Arts Center	12,900	Nye Beach	21 standard 2 ADA accessible	Poor

Table 2: Striped On-Street Spaces

District	Streets	Striping (LF)	# Spaces
Bayfront	Bay Street, Bay Blvd, Canyon Way, Fall Street, Hatfield Drive, Lee Street, Naterlin Drive	5,280	386
City Center	Alder Street, Angle Street, Fall Street, Hurbert Street, Lee Street, US 101, 7 th Street, and 9 th Street	4,830	293
Nye Beach	Coast Street, Olive, and 3 rd Street	2,570	249

Pavement Condition Assessment

A simplified Good-Fair-Poor asphalt pavement rating system was used to gauge the condition of the surface parking areas, with the resulting information being used to estimate funds needed to maintain the lots in good condition.

A Good condition rating was defined as a lot that appeared stable, with minor cracking that is generally hairline and hard to detect. Minor patching and deformation may have been evident.

A Fair condition rating was given to parking surfaces that appeared to be generally stable with minor areas of structural weakness evident. Cracking in these areas was easier to detect. Patching areas may have existed, but were not excessive and deformation may have been more pronounced.

A Poor condition rating was provided for parking areas with visible areas of instability, marked evidence of structural deficiency, large crack patterns (alligatoring), heavy or numerous patches, and/or deformation that was very noticeable.

The following is a brief description of factors that show the degree to which wearing surfaces are worn:

Fatigue Cracking: Sometimes called alligator cracking due to the interconnected cracks which resemble an alligator's skin, fatigue cracking is caused by load-related deterioration resulting from a weakened base course or subgrade, too little pavement thickness, overloading, or a combination of these factors.

Deformation: A distortion in asphalt pavement that is often attributed to instability of an asphalt mix or weakness of the base or subgrade layers. This type of distress may include rutting, shoving, depressions, swelling and patch failures.

Edge Cracking: Edge cracks are longitudinal cracks which develop within one or two feet of the outer edge of pavement. They form because of a lack of support at the pavement edge; which in this case would be poorly managed drainage that is undermining the road surface

Raveling: Raveling is the wearing away of the asphalt cement from the aggregate particles. This can occur as a result of normal wear over time and it can be exacerbated by such conditions as oil dripping from vehicles.

Structural weakness: When pavement conditions wear to the point that there is substantial fatigue cracking, deformation, and/or patching, it can no longer be preserved with a slurry seal and will need to be reconstructed.

The pavement condition assessment was for the travel surface only and did not factor in striping, signing, drainage, railing, sidewalk or other repairs that may be needed.

Fatigue Cracking – Abbey Street Lot (2016)



Maintenance Schedule

The pavement condition assessment informed the development of a maintenance schedule to identify the level of funding the City should reserve annually to maintain the travel surfaces of the public parking lots (Table 3). Lots that are in good condition can be maintained with a chip seal or slurry seal every 5-10 years, and this is typically done up to three times before the surface is reconstructed. Those in fair condition will need to be rebuilt sooner, and those in poor condition are not candidates for a seal coat, as such treatment is unlikely to extend the useful life of the pavement surface.

Annual estimates were further prepared to account for striping and other ancillary repairs that may be needed, such as drainage, sidewalk, or curb replacement. Placeholders were also provided for administration of a permit parking program and metering, should those elements be implemented. The annual maintenance needs were then broken out by commercial area (Table 4).

Table 3: Parking Lot Surface Maintenance Needs.

Parking Lot	District	Size (sf)	Spaces	Condition	1-5 Years	5-10 Years	10-15 Years	15-20 Years
Angle Street Lot	City Center	30,000	65	Good		Seal \$60,000		Seal \$79,500
City Hall	City Center	57,900	112	Good		Seal \$115,800		Seal \$153,435
Don Davis Park	Nye Beach	9,800	25	Good		Seal \$19,600		Seal \$25,970
Performing Arts Center	Nye Beach	74,800	151	Good		Seal \$149,600		Seal \$198,220
Jump-Off Joe	Nye Beach	6,100	10	Good		Seal \$12,200		Seal \$16,165
Lee Street	Bay Front	11,000	19	Good		Seal \$22,000		Seal \$29,150
Abbey (ROW)	Bay Front	5,800	10	Good		Seal \$11,600		Seal \$15,370
Case (ROW)	Bay Front	3,600	6	Good		Seal \$7,200		Seal \$9,540
9 th & Hurbert	City Center	29,700	48	Fair	Seal \$51,678		Rebuild \$198,099	
US 101 & Hurbert	City Center	9,200	20	Fair	Seal \$16,008		Rebuild \$61,364	
Fall & 13 th	Bay Front	11,800	22	Fair	Seal \$20,532		Rebuild \$78,706	
Hurbert (ROW)	Bay Front	13,400	28	Fair	Seal \$23,316		Rebuild \$89,378	
Canyon Way	Bay Front	23,000	33	Fair	Seal \$40,020		Rebuild \$153,410	
Nye Beach Turnaround	Nye Beach	40,000	45	Poor	Rebuild \$203,616		Seal \$92,920	
Visual Arts Center	Nye Beach	12,900	21	Poor	Rebuild \$65,016		Seal \$29,670	
Fall & Bay	Bay Front	8,600	13	Poor	Rebuild \$43,344		Seal \$19,780	
Abbey Lot	Bay Front	21,200	53	Poor	Rebuild \$106,848		Seal \$48,760	
13 th (ROW)	Bay Front	3,200	7	Poor	Rebuild \$16,128		Seal \$7,360	
Hatfield Lift Station	Bay Front	2,000	5	Poor	Rebuild \$10,080		Seal \$4,600	
					Cost: \$596,586	\$398,000	\$784,047	\$527,350
							Total Cost:	\$2,305,983
							Annual	\$115,299

Table 4: Annual Maintenance Expenses

Parking District	Lot Resurfacing ¹	Ancillary Repairs ²	Striping	Permit Program ³ (if implemented)	Metering ³ (if implemented)	Total
Bayfront	\$37,850	\$9,450	\$1,850	\$10,000	\$28,800	\$87,950
City Center	\$36,800	\$9,200	\$1,900	Not recommended	Not recommended	\$47,900
Nye Beach	\$30,500	\$7,650	\$1,450	\$10,000	\$13,200	\$62,800

1. Costs from pavement condition assessment prepared as part of parking study. Resurfacing costs proportioned by district with the cost of the Nye Beach Turnaround project being backed out since it has been funded with other resources.

2. Ancillary costs include repairs to drainage system, sidewalks, walls and railing when lots are resurfaced. Assumes 25% of resurfacing cost.

3. Annual maintenance costs are as outlined in the Study (\$500/pay station and \$100/sign).

Outreach

Buy-in from business owners, residents, and other affected parties is essential to the success of a parking management plan. To this end, a series of public meetings were held at the outset of work on the Parking Management Plan, with the goal of obtaining public input on opportunities and constraints with regard to parking management.

Meetings were held from 6:00 to 8:00 pm during the second week of April, 2016. One meeting was held for each of the three Parking Districts. The City Center district meeting was held on Tuesday April 12th; the Nye Beach district meeting was held on Wednesday April 13th, and the Bayfront District Meeting was held on Thursday April 14th. All meetings were open to the public and advertised publicly in advance of the meeting.

Before each of the above meetings, a walking tour of the study area took place that included the consulting team and a small handful of local stakeholders and business owners. These were advertised to local business owners and other stakeholders who have been active within management of the existing parking districts. In tandem with the formal meetings in the evening, this process provided an opportunity for additional public input during which some issues and potential solutions were discussed and incorporated into the Parking Management Plan.

Once the study was completed an additional round of outreach was conducted during the summer of 2018 with Bayfront, Nye Beach, and City Center businesses; the Port of Newport and commercial fishing community; Bayfront processors; Chamber of Commerce, and Rotary. Members of the project advisory committee and city staff attended each meeting and provided an overview of the study's recommendations. Feedback obtained at these meetings was used by the advisory committee to fine tune the studies recommendations.

Parking Management Plan Methodology

In order to gain an understanding of parking demand within each of the respective parking management areas, a detailed study of parking demand and utilization was conducted. The primary study days were Saturday August 27, 2016 and Saturday December 10, 2016. These days were selected because they were expected to represent typical weekend days (i.e., no special events or other unusual factors) during the peak tourism season and the slowest period of the year for tourism, respectively. Additional observations were conducted on Thursday August 25, 2016 in order to study differences between weekday and weekend demand patterns. The results of this analysis heavily inform the management recommendations that follow, and were used to project potential revenues and maintenance needs.

The methodology employed for this analysis consisted of two steps: an inventory of parking supply, including the number and types of stalls, followed by peak and off-peak occupancy and demand observations. To complete the first step, an inventory of the supply of parking stalls was conducted, tracking the number and location of parking spaces along each block face as well as designated users, maximum time stays, and other pertinent information as applicable. Locations and capacities of parking lots were recorded, and for on-street spaces, whether or not a space was marked was recorded. The inventory was conducted utilizing a tablet PC. Data collected in this step was used to set up data collection tools in the form of spreadsheets, to be used during the following step.

Following the inventory step, parking demand data was collected. The study area consisted of routes containing approximately 30 to 35 block faces of on-street parking as well as any lots along the route. Four routes were in Nye Beach, three were the Bayfront, and one was within the City Center district. Route sizes and configurations were designed such that data collectors were able to walk and collect data over the entire route once per hour without needing to work excessively quickly. Each parking space within the study area was thus visited once per hour from 10:00 AM to 7:00 PM.

The data were collected on tablet PCs utilizing the route-optimized spreadsheets created during the inventory phase. During each hourly orbit of a given route, the first four digits of the license plate of each vehicle parked in a stall along the route were recorded, to allow for analysis of both occupancy and duration of stay.

Occupancy curves in Figures 1 to 3 below show overall parking occupancy throughout the study area for weekdays. In these figures, the time of day is shown on the horizontal axis and the percent of available parking that was observed to be occupied is shown on the vertical axis. Additionally, a line indicating an occupancy level of 85% is shown-this occupancy level is generally considered to be indicative of 'functionally full' parking. At parking occupancies at or near 85%, high instances of illegal parking, congestion attributed to vehicles cruising for parking, and other undesirable behaviors are often observed from frustrated drivers. Parking areas that are functionally full are candidates for "metering" as a tool to improve parking turnover.

Figure 1: City Center Parking Utilization

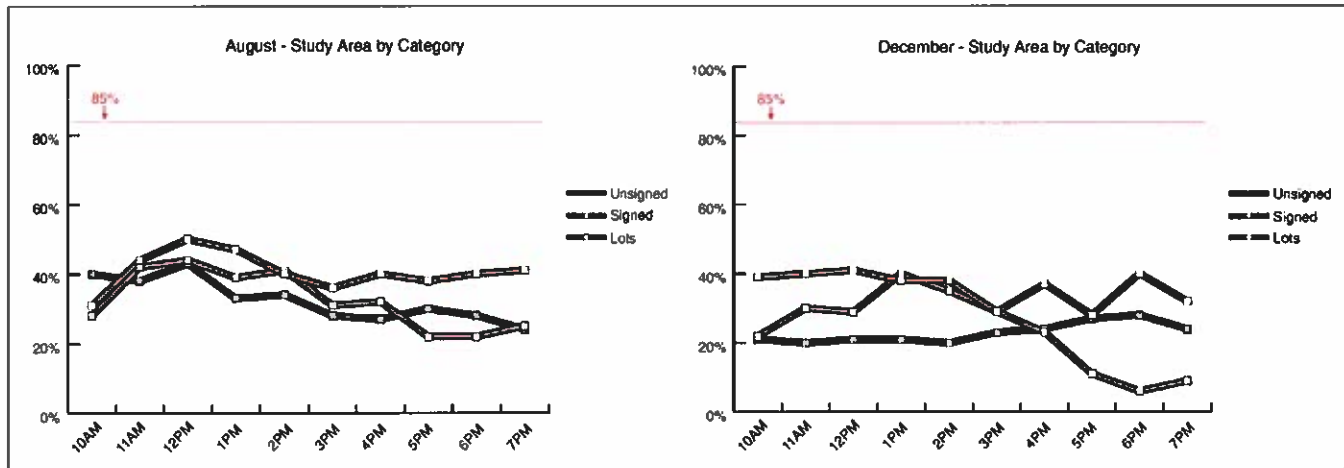


Figure 2: Nye Beach Parking Utilization

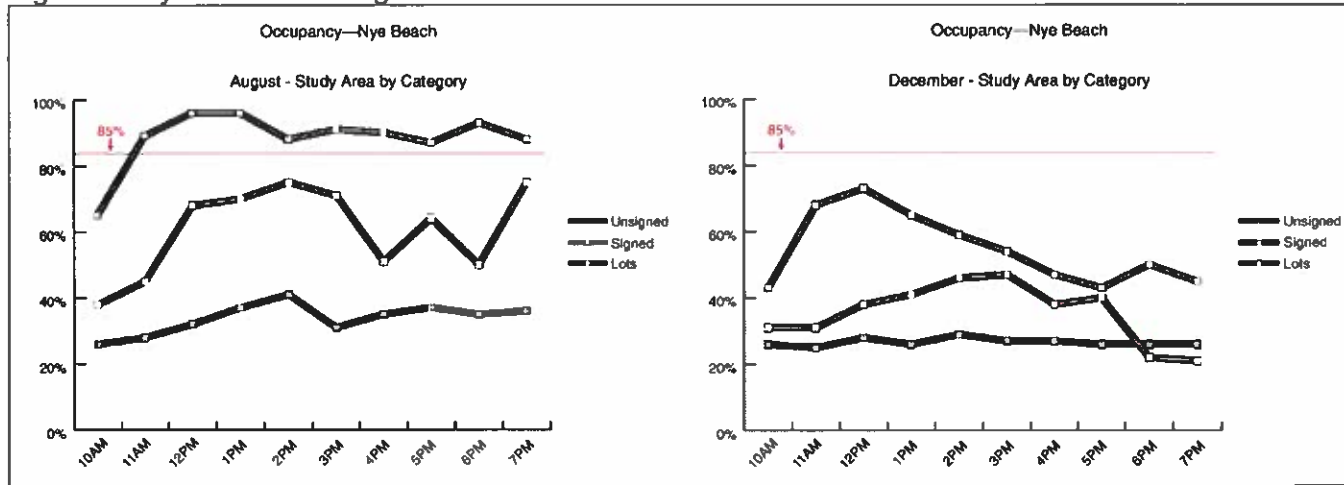
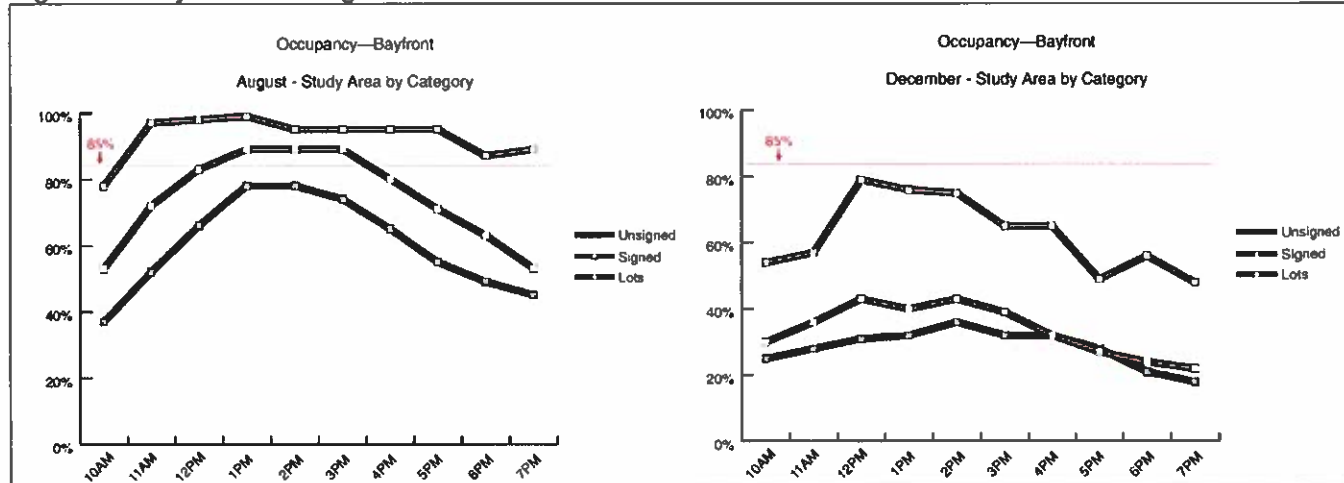


Figure 3: Bayfront Parking Utilization



Survey data was also used to identify the percentage of overall occupancy (hourly), percentage occupancy by street block (hourly), average stay length (Signed, Unsigned, Overall Study Area), percentage overstays (Signed Stalls), Unique Vehicle Served Daily (Signed Stalls). It is broken down in charts graphics, with more detailed analysis, in the Lancaster Parking Management Plan, included in the appendices to this Plan.

Recommendations

Recommendations from the Lancaster Parking Management Plan, as amended by the project advisory committee, are summarized below and further refined in the goals and policies section of the Public facilities Element of the Newport Comprehensive Plan.

Demand Management

- Implement metered zones, permit zones, and hybrid permit/meter zones for high demand areas along the Bayfront as generally depicted in Figure 4 below. Conduct further outreach with the Nye Beach community to assess whether or not a scaled down metering concept, focused on core commercial areas as depicted in Figure 5 below, is acceptable or if a non-metering option that consists of fees and/or permit parking is preferable.
- Support metering with permit program for residents, businesses and the fishing community.
- Meter revenues in excess of administrative costs should be dedicated to prioritized parking system investments.
- Evaluate measures on an ongoing basis with attention to economic, land use and related factors that influence parking demand.

Wayfinding and Lighting

- Improve branding of city-owned parking lots and facilities and wayfinding between parking areas and destinations.
- Focus wayfinding efforts on under-utilized facilities such as the Hurbert Street lots and Performing Arts Center lot.
- Adjust signage to encourage RV parking and circulation outside of high demand areas along the Bayfront and in Nye Beach.
- Improve street lighting to create a better walking environment and to help activate under-utilized parking in poorly lit areas.

Parking Improvements

- Explore opportunities for the City and Port of Newport to partner on a project to add an east gangway access to Port Dock 5 to make Port property more attractive for parking
- Coordinate with the Port on opportunities to more efficiently store and/or rack gear to free up parking on Port property
- Restripe side street parking areas and lots with worn pavement markings (e.g. Canyon Way) to improve efficiency
- A key component is metering public parking in portions of the Bayfront and potentially Nye Beach.

Code Revisions

- Add code provisions to allow pervious pavement and other comparable alternatives to paved surfaces for areas suitable for temporary parking
- Allow temporary parking on undeveloped properties during extreme demand periods
- Eliminate minimum off-street parking requirements for new development and redevelopment in metered and permit zones (for most uses)



Figure 4: Bay Front Parking Management Alternative

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR

City of Newport
 Community Development Department
 Phone: 1.541.574.0629
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 Newport, OR 97365



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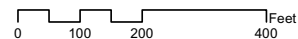
- Legend**
- On-Street Spaces**
- Paid Only
 - Paid / Permit
 - Permit / Timed
 - Unrestricted
- Public Parking Lots**
- Paid
 - Permit / Timed
 - Unrestricted



City of Newport
 Community Development Department
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 Newport, OR 97365
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Figure 5: Nye Beach Parking Management (Alternative)

Image Taken July 2018
 4-inch, 4-band Digital Orthophotos
 Quantum Spatial, Inc. Corvallis, OR



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Metering, in conjunction with permit and timed parking, is the most significant change recommended by the Parking Management Plan and is proposed as a demand management option at this time because:

- There are not enough parking spaces along the Bay Front and portions of Nye Beach to meet demand.
- Metering with permit parking is an opportunity to improve turnover in high demand areas while enhancing revenues for needed parking improvements.
- Existing revenue is insufficient to address maintenance needs let alone pay for additional supply.
- Resulting condition creates significant congestion and safety issues.
- Timed parking alone, coupled with enforcement will not address the supply problem (observed overstays 5-7%).
- Improvements to wayfinding and lighting, while important, similarly cannot contribute a meaningful number of additional spaces.
- Development opportunities, particularly on the Bayfront, are constrained by the lack of parking.
- Opportunities to add supply or supplement transit services are expensive and require dedicated revenue sources that do not presently exist.

A standing parking advisory committee, with representatives from the three commercial areas should be established to provide oversight. Responsibilities could include:

- Engage policy makers, city committees, staff, and partner organizations to plan for, and facilitate the implementation of parking and other transportation related improvements;
- Provide recommendations regarding city parking policies and programs, including maintenance of parking and related infrastructure, fees, wayfinding, and parking enforcement;
- Advocate and promote public awareness of parking and related initiatives, community engagement, and other efforts to achieve desired policy outcomes.

Capital Projects

The following is a list of capital projects recommended to enhance the availability or improve the supply of available parking. A transit option was explored to provide users an alternative method of transportation to and from the Bay Front, City Center and Nye Beach. A vanpool/carpool option was also discussed; however, further analysis is needed to determine how the mechanics of such a program would work given the employment dynamics in these areas.

Table 5: Potential Capital Projects

Parking System Enhancements (Per study except for refined meter information)

Description	Upfront Cost	Annual Cost (2018)
Implementation of Metered Areas (Bay Front and Nye Beach)	\$634,750	\$42,000
Implementation of Metered Areas (Bay Front Only)	\$435,000	\$28,800
Newport Transit Loop		\$200,000+
Expanded Striping to Un-Marked Spaces (ref: difference between Table 2 and Table 6)	\$10,000	\$5,000
Improved Lighting at 3 rd & 6 th Street	\$235,000	\$45,000
Gangway from Port parking area to east end of Port Dock 5	\$250,000 - \$750,000	\$7,500
Enhance City-Wide Wayfinding System	\$25,000 - \$125,000	\$5,000
Nye Beach Area Structured Parking	\$2,400,000	\$15,000
Bayfront Structured / On-Pier Parking	\$4,000,000	\$25,000

The Lincoln County adopted a new transit development plan at the same time the Parking Management Plan was being developed. The transit plan includes an enhanced loop between Nye Beach and the Bayfront that utilizes City Hall as a transfer station.

Time: 15-minutes from Nye Beach to City Hall and City Hall to the Bayfront.

Equipment: One new bus

Cost: \$201,000 year

Financing

Outlined below are metering and non-metering options for funding parking system improvements. The metering options are limited to the Bayfront and Nye Beach and align with the concept for paid only, paid/permit, and permit/timed concepts depicted on Figures 4 and 5. A breakdown of the spaces that would be subject to these concepts is listed below in Table 6. Accessible parking spaces in these areas would not be subject to meter limitations.

Figure 6: Newport Transit Loop



Table 6: Public Parking in Meter/Permit Concepts

Parking Stall Management (By Type)

District	Type	Paid Only	Paid / Permit	Permit / Timed	Unrestricted
Bay Front	On-Street ¹	144	117	242	72
	Public Lot	0	103	52	23
Nye Beach	On-Street ¹	9	105	268	747
	Public Lot	45	0	21	186

¹ Includes unstriped parallel parking spaces in the totals, leading to a larger count than the figures reflected in Table 2.

Table 7: Paystation Pricing

Meter Options

Parking District	# Spaces	# Paystations ¹	Paystation Cost ¹	Signage Cost ²	Total Cost
Bay Front	364	43	\$344,000	\$91,000	\$435,000
Nye Beach	159	20	\$160,000	\$39,750	\$199,750

¹ Roughly one kiosk per eight spaces with adjustments based on lot/street configuration. Price of \$8,000 per kiosk as noted in Study.

² Signage cost of \$1,250 (sign and post) and assumes one sign per five parking spaces (per the Study). There would likely be cost savings attributed to re-use of existing poles.

Table 8: Meter Revenues

Annual Revenues (Assumes no Business License Surcharge)

Parking District	Meter ¹	Permit (Aggressive) ²	Permits (Conservative) ³
Bay Front	\$292,000	\$37,000	\$25,700
Nye Beach	\$134,000	\$28,400	\$19,700

1 Peak demand assumes \$1.00 hour seven days a week from 11am – 5pm, June through September. Meters are weekends only for other months. Assumes same Phase 1 per stall revenue as study.

2 Assumes annual sales at 120% of available spaces in all paid permit and permit timed areas. Priced at \$60.00 per permit. Could be district specific or area wide.

3 Assumes annual sales at 50% of available spaces in all paid permit and permit timed areas. Priced at \$100.00 per permit. Could be district specific or area wide.

Initial installation of meters would need to come from existing city funding sources. Once implemented, anticipated meter revenue is expected to exceed annual expenses and would provide a funding stream to enhance the parking system. The non-meter option (Table 9) relies upon business license and permit parking fees, which could be supplemented with other city funding sources to maintain status quo and low cost enhancements (i.e. striping and wayfinding). For Nye Beach, new revenue could be generated by expanding the boundary of the area where business license surcharges are collected. There is less of an opportunity to do the same in the Bay Front; however, reinstating contributions from the Port of Newport coupled with increases to existing business license surcharges may generate sufficient funds if paired with a parking permit program.

Table 9: Non-Meter Alternative

No-Metering Alternative (Timed Parking with Permits)

Bayfront		Nye Beach	
Maintenance Needs (Table 4)	\$58,350	Maintenance Needs (Table 4)	\$49,600
Current Business License Surcharge Revenue ¹	\$13,750	Current Business License Surcharge Revenue	\$6,450
Maintenance Shortfall	-\$44,600	Maintenance Shortfall	-\$43,150
New Revenue from Parking Permits ²	\$25,700	New Revenue from Parking Permits ¹	\$19,700
New Revenue from Business License Surcharge Fees ³	\$18,900	New Revenue from Business License Surcharge Fees ²	\$23,450

1 This amount would be increased by \$6,000 if the Port of Newport and City of Newport were to execute a new intergovernmental agreement committing the Port to ongoing annual contributions on behalf of the commercial fishing interests.

2 Assumes annual sales at 50% of available spaces in all areas identified as paid, paid permit, or timed permit. Priced at \$100.00 per permit. Could be district specific or area wide.

3 Fees are scalable and the amounts listed reflect what is needed to cover anticipated maintenance costs.

Consideration should be given to phasing fee increases in over time. If other revenue sources become available that can be dedicated to maintenance and/or enhancement of the parking assets then adjustments should be made to the fee structure to ensure equitable contributions from various user groups.

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT

PUBLIC PARKING

Goal 1: Maximize the available parking supply in Nye Beach, Bay Front, and City Center areas to support a vibrant working waterfront and retail-oriented, tourist commercial businesses, and mixed-use neighborhoods.

Policy 1.1: Promote the use of under-utilized public parking areas.

Implementation Measure 1.1.1: Improve branding of City-owned parking lots and facilities and wayfinding between parking areas and destinations.

Implementation Measure 1.1.2: Add street lighting to create a better walking environment and to help activate parking in poorly lit areas.

Implementation Measure 1.1.3: Adjust signage to encourage RV parking in the Hurbert Street lot and along Elizabeth Street.

Implementation Measure 1.1.4: Identify specific measures that can be taken to enhance visibility and increase the use of the Hurbert Street lots and Performing Arts Center lot.

Policy 1.2: Promote alternative modes of transportation to reduce vehicle trips to and from Nye Beach and the Bayfront.

Implementation Measure 1.2.1: Support efforts to establish a rapid transit loop between the Bayfront, City Center, and Nye Beach as outlined in the Lincoln County Transit Development Plan (April 2018).

Implementation Measure 1.2.2: Coordinate with area employers on opportunities to expand carpool or vanpool options.

Implementation Measure 1.2.3: Continue to expand the bicycle and pedestrian network to improve connectivity and user options.

Policy 1.3: Consider demand management strategies to improve parking turnover for public parking areas where occupancies are “functionally full” (i.e. at or near 85% percent during peak periods).

Implementation Measure 1.3.1: Pursue metered zones, hybrid paid / permit, and hybrid permit / timed zones for high demand areas along the Bayfront.

Implementation Measure 1.3.2: Support metering, where implemented, with a parking permit program.

Implementation Measure 1.3.3: Conduct outreach with the Nye Beach community to address whether or not a non-metering concept, focusing on

options that consist of fees, permit parking, or other dedicated funding sources is preferable.

Policy 1.4: Investigate opportunities to enhance the supply of public and privately owned parking through strategic partnerships in a manner that best leverages limited funding.

Goal 2: Maintain public parking assets so that they are suitable to meet the needs of all users.

Policy 2.1: Develop financing strategies that secure equitable contributions from parties that benefit from and utilize public parking.

Implementation Measure 2.1.1: Metering should be directed to peak demand periods, as opposed to year round, with a baseline for pricing that is consistent with the recommendations contained in the Newport Parking Management Plan (March 2018).

Implementation Measure 2.1.2: In areas where metering is not implemented, fees from businesses and users should be adjusted to cover anticipated maintenance costs, unless other revenue sources are identified for that purpose.

Implementation Measure 2.1.3: Revenues generated from public parking meters, permits or other fees should be dedicated to public parking, and not used to support other city programs.

Implementation Measure 2.1.4: Business license surcharge fees now imposed in the Bayfront, Nye Beach, and City Center should be expanded to apply to short-term rentals, but otherwise maintained in their present form until other funding sources are established.

Policy 2.2: Establish a program for routine maintenance of public parking lots.

Implementation Measure 2.2.1: Incorporate scheduled resurfacing, striping, and reconstruction of the public parking lots into the City's Capital Improvement Plan.

Policy 2.3: Consider adjustments to funding maintenance of public parking areas in City Center once the urban renewal funded transportation system planning effort for that area is complete.

Policy 2.4: Evaluate parking management practices at the City Hall Campus to ensure available parking is sufficient to meet anticipated needs.

Goal 3: Implement changes to how the City manages public parking in a manner that is easily understood by the public, meets the needs of area businesses and residents, recognizes seasonality of certain uses, and is effectively enforced.

Policy 3.1: Ensure city codes and policies provide a clear administrative framework for implementing metering, permitting, or other regulatory tasks.

Policy 3.2: Identify opportunities to facilitate economic development and enhance livability in areas where parking is limited.

Implementation Measure 3.2.1: Add code provisions to allow pervious pavement and other comparable alternatives to paved surfaces for areas suitable for temporary parking.

Implementation Measure 3.2.2: Allow temporary parking on undeveloped properties during extreme demand periods.

Implementation Measure 3.2.3: Reduce or eliminate minimum off-street parking requirements for new development or redevelopment in metered and meter/permit zones.

Policy 3.3: Scale code enforcement resources commensurate to the demands of the parking program.

Goal 4: Provide opportunities for the public to inform city decision making related to the management of public parking areas.

Policy 4.1: Provide a structured method for members of the public to advise policy-makers and staff on how the city might best leverage and invest in its parking and transportation-related assets.

Implementation Measure 4.1.1: Establish a standing parking advisory committee, with representation from affected areas.

Implementation Measure 4.1.2: Utilize public processes to evaluate parking measures on an ongoing basis with attention to economic, land use and related factors that influence parking demand.

CHAPTER 14.14 PARKING AND LOADING REQUIREMENTS

14.14.010 Purpose

The purpose of this section is to establish off-street parking and loading requirements, access standards, development standards for off-street parking lots, and to formulate special parking areas for specific areas of the City of Newport. It is also the purpose of this section to implement the Comprehensive Plan, enhance property values, and preserve the health, safety, and welfare of citizens of the City of Newport.

14.14.020 Definitions

For purposes of this section, the following definitions shall apply:

Access. The point of ingress and egress from a public street to an off-street parking lot or loading and unloading area.

Aisle. Lanes providing access to a parking space.

Gross Floor Area. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Loading Space. A parking space for the loading and unloading of vehicles over 30 feet in length.

Parking Space. An area for the parking of a vehicle.

Site Plan. A map showing the layout of the building, parking, landscaping, setbacks, and any other pertinent information concerning the development of a site.

Use. Any new building, change of occupancy, or addition to an existing building.

14.14.030 Number of Parking Spaces Required

A. Off-street parking shall be provided and maintained as set forth in this section. Such off-street parking spaces shall be provided prior to issuance of a final building inspection, certificate of occupancy for a building, or occupancy, whichever occurs first. For any expansion, reconstruction,

or change of use, the entire development shall satisfy the requirements of [Section 14.14.050](#), Accessible Parking. Otherwise, for building expansions the additional required parking and access improvements shall be based on the expansion only and for reconstruction or change of type of use, credit shall be given to the old use so that the required parking shall be based on the increase of the new use. Any use requiring any fraction of a space shall provide the entire space. In the case of mixed uses such as a restaurant or gift shop in a hotel, the total requirement shall be the sum of the requirements for the uses computed separately. Required parking shall be available for the parking of operable automobiles of residents, customers, or employees, and shall not be used for the storage of vehicles or materials or for the sale of merchandise. A site plan, drawn to scale, shall accompany a request for a land use or building permit. Such plan shall demonstrate how the parking requirements required by this section are met.

Parking shall be required at the following rate. All calculations shall be based on gross floor area unless otherwise stated.

*(*Section previously amended by Ordinance No. 1332 (5-23-83), Ordinance No. 1447 (12-16-85), Ordinance No. 1462 (5-3-86), Ordinance No. 1548 (8-21-89), Ordinance No. 1638 (7-20-92), and Ordinance No. 1622 (10-7-91); section amended in its entirety by Ordinance No. 1780 (11-17-97); and amended in its entirety by Ordinance No. 2010 (1-6-2011).)*

1.	General Office	1 space/600 sf
2.	Post Office	1 space/250 sf
3.	General Retail (e.g. shopping centers, apparel stores, discount stores, grocery stores, video arcade, etc.)	1 space/300 sf
4.	Bulk Retail (e.g. hardware, garden center, car sales, tire stores, wholesale market, furniture stores, etc.)	1 space/600 sf
5.	Building Materials and Lumber Store	1 space/1,000 sf
6.	Nursery – Wholesale Building	1 space/2,000 sf 1 space/1,000 sf
7.	Eating and Drinking Establishments	1 space/150 sf
8.	Service Station	1 space/pump

9.	Service Station with Convenience Store	1 space/pump + 1 space/ 200 sf of store space
10.	Car Wash	1 space/washing module + 2 spaces
11.	Bank	1 space/300 sf

12.	Waterport/Marine Terminal	20 spaces/berth
13.	General Aviation Airport	1 space/hangar + 1 space/300 sf of terminal
14.	Truck Terminal	1 space/berth
15.	Industrial	1.5 spaces
16.	Industrial Park	1.5 spaces/5,000 sf
17.	Warehouse	1 space/2,000 sf
18.	Mini-Warehouse	1 space/10 storage units
19.	Single-Family Detached Residence	2 spaces/dwelling
20.	Duplex	1 space/dwelling
21.	Apartment	1 space/unit for first four units + 1.5 spaces/unit for each Additional unit
22.	Condominium (Residential)	1.5 spaces/unit
23.	Townhouse	1.5 spaces/unit
24.	Cottage Cluster	1 space/unit
25.	Elderly Housing Project	0.8 space/unit if over 16 dwelling units
26.	Congregate Care/Nursing Home	1 space/1,000 sq. ft.
27.	Hotel/Motel	1 space/room + 1 space for the manager (if the hotel/motel contains other uses, the other uses Shall be calculated separately
28.	Park	2 spaces/acre
29.	Athletic Field	20 spaces/acre
30.	Recreational Vehicle Park	1 space/RV space + 1 space/10 RV spaces
31.	Marina	1 space/5 slips or berths
32.	Golf Course	4 spaces/hole
33.	Theater	1 space/4 seats
34.	Bowling alley	4 spaces/alley
35.	Elementary/Middle School	1.6 spaces/classroom
36.	High School	4.5 spaces/classroom
37.	Community College	10 spaces/classroom
38.	Religious/Fraternal Organization	1 space/4 seats in the main auditorium
39.	Day Care Facility	1 space/4 persons of license occupancy
40.	Hospital	1 space/bed
41.	Assembly Occupancy	1 space/8 occupants (based on 1 occupant/15 sf of exposition/meeting/assembly room conference use not elsewhere specified

(Section 14.14.030 was amended by Ordinance No. 2182, adopted on May 17, 2021; effective on June 16, 2021.)

14.14.040 Parking Requirements for Uses Not Specified

The parking space requirements of buildings and uses not set forth above shall be determined by the Planning Director or designate. Such determination shall be based upon requirements for the most comparable building or use specified in [Section 14.14.030](#) or a separate parking demand analysis prepared by the applicant and subject to a Type I decision making procedure as provided in [Section 14.52](#), Procedural Requirements.

14.14.050 Accessible and Electric Vehicle Parking

Parking areas shall meet all applicable accessible parking and electric vehicle charging infrastructure requirements of the Oregon Structural Specialty Code to ensure adequate access for disabled persons, and sufficient electric vehicle parking infrastructure for future users.

(Amended by the adoption of Ordinance No. 2199 on August 15, 2022; effective September 14, 2022.)

14.14.060 Compact Spaces

For parking lots of five vehicles or more, 40% of the spaces may be compact spaces measuring 7.5 feet wide by 15 feet long. Each compact space must be marked with the word "Compact" in letters that are at least six inches high.

(Amended by the adoption of Ordinance No. 2199 on August 15, 2022; effective September 14, 2022.)

14.14.070 Bicycle Parking

Bicycle parking facilities shall be provided as part of new multi-family residential developments of five units or more; new retail, office, and institutional developments; and park-and-ride lots and transit transfer stations.

A. The required minimum number of bicycle parking spaces is as follows, rounding up to the nearest whole number:

Parking Spaces Required	Bike Spaces Required
1 to 4 ^a	1
5 to 25	1
26 to 50	2
51 to 100	3
Over 100	1/25

^{a.} Residential developments less than 5 units are exempt from bicycle parking requirements.

- B. Bicycle parking for multiple uses (such as commercial shopping centers) may be clustered in one or several locations but must meet all other requirements for bicycle parking.
- C. Each required bicycle parking space shall be at least two and a half by six feet. An access aisle at least five feet wide shall be provided and maintained beside or between each row of bicycle parking.
- D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object (e.g., a "rack") upon which a bicycle can be locked.
- E. Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only.

(Amended by the adoption of Ordinance No. 2199 on August 15, 2022; effective September 14, 2022.)

14.14.080 Shared Parking

The off-street parking requirements of two or more uses, structures, or parcels may be satisfied by the same parking lot or loading spaces used jointly to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their parking needs do not overlap. If the uses, structures, or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract, or other appropriate written document to establish the joint use.

14.14.090 Parking Lot Standards

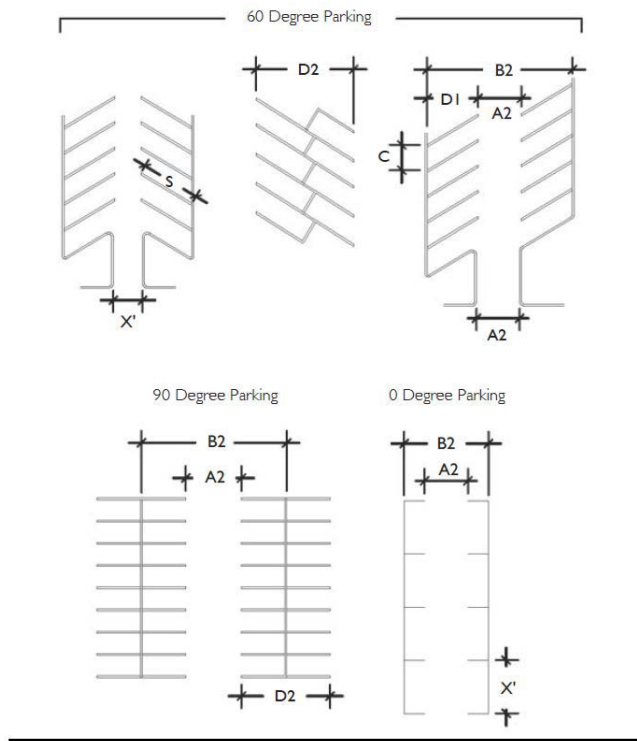
Parking lots shall comply with the following:

- A. Parking Lot Minimum Standards. Parking lots shall be designed pursuant to the minimum dimensions provided in Table 14.14.090-A and Figure 14.14.090-A.

Table 14.14.090-A. Parking Lot Minimum Dimensions for Standard Space

PARKING ANGLE ≤ °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
		SINGLE	DOUBLE	ONE	TWO	ONE	TWO	
		D1	D2	WAY A1	WAY A2	WAY B1	WAY B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

Figure 14.14.090-A. Parking Lot Minimum Dimensions



B. Surfacing.

1. All parking lots that are required to have more than five parking spaces shall be graded and surfaced with asphalt or concrete. Other material that will provide equivalent protection against potholes, erosion, and

dust may be approved by the City Engineer if an equivalent level of stability is achieved.

2. Parking lots having less than five parking spaces are not required to have the type of surface material specified in subsection (1), above. However, such parking lot shall be graded and surfaced with crushed rock, gravel, or other suitable material as approved by the City Engineer. The perimeter of such parking lot shall be defined by brick, stones, railroad ties, or other such similar devices. Whenever such a parking lot abuts a paved street, the driveway leading from such street to the parking lot shall be paved with concrete from the street to the property line of the parking lot.
3. Parking spaces in areas surfaced in accordance with subsection (1) shall be appropriately demarcated with painted lines or other markings.

C. Joint Use of Required Parking Spaces. One parking lot may contain required spaces for several different uses, but the required spaces assigned to one use may not be credited to any other use.

D. Satellite Parking.

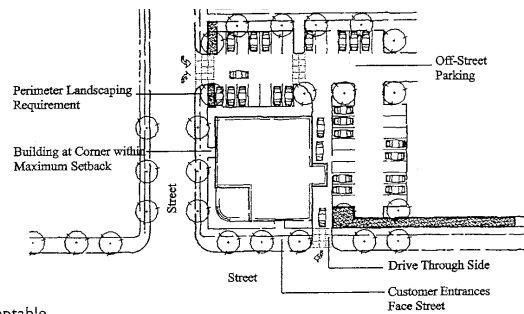
1. If the number of off-street parking spaces required by this chapter cannot be provided on the same lot where the principal use is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as satellite parking spaces.
2. All such satellite parking spaces shall be located within 200 feet of the principal building or lot associated with such parking.
3. The applicant wishing to take advantage of the provisions of this section must present satisfactory written evidence that the permission of the owner or other person in charge of the satellite parking spaces to use such spaces has been obtained. The applicant must also sign an acknowledgement that the continuing validity of the use depends upon the continued ability to provide the requisite number of parking spaces.

4. Satellite parking spaces allowed in accordance with this subsection shall meet all the requirements contained in this section.

E. Lighting. Lighting from parking lots shall be so designed and located as to not glare onto neighboring residential properties. Such lighting shall be screened, shaded, or designed in such a way as to comply with the requirement contained in this section. This section is not intended to apply to public street lighting or to outdoor recreational uses such as ball fields, playing fields, and tennis courts.

F. Drive-Up/Drive-In/Drive-Through Uses and Facilities. Drive-up or drive-through uses and facilities shall conform to the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety (Figures 1 and 2).

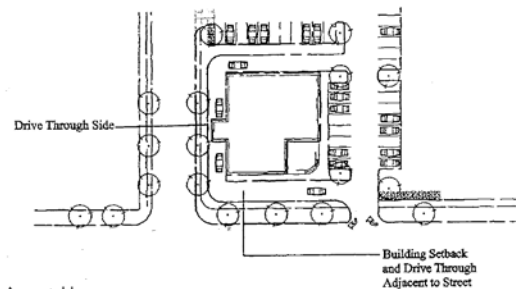
Figure 1 – Drive-Up and Drive-Through Facilities



Acceptable

1. The drive-up/drive through facility shall orient to an alley, driveway, or interior parking area, and not a street; and

2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner); and



Not Acceptable

3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

- G. Driveway Standards. Driveways shall conform to the requirements of Chapter 14.46.
- H. Landscaping and Screening. Parking lot landscaping and screening standards must comply with Section 14.19.050.
- I. Preferential Carpool/Vanpool Parking. Parking areas that have designated employee parking and more than 20 vehicle parking spaces shall provide at least 10% of the employee parking spaces, as preferential carpool and vanpool parking spaces. Preferential carpool and vanpool parking spaces shall be closer to the employee entrance of the building than other parking spaces, with the exception of ADA accessible parking spaces.

(Sections G., H., and I. added by the adoption of Ordinance No. 2199 on August 15, 2022; effective on September 14, 2022.)

14.14.100 Special Area Parking Requirements

These special areas are defined as follows:

- A. Nye Beach. That area bounded by SW 2nd Street, NW 12th Street, NW and SW Hurbert Street, and the Pacific Ocean.
- B. Bayfront. That area bounded by Yaquina Bay and the following streets: SE Moore Drive, SE 5th and SE 13th, SW 13th Street, SW Canyon Way, SW 10th, SW Alder, SW 12th, SW Fall, SW 13th, and SW Bay.
- C. City Center. That area bounded by SW Fall Street, SW 7th Street, SW Neff Street, SW Alder Street, SW 2nd Street, SW Nye Street, Olive Street, SE Benton Street, SW 10th Street, SW Angle Street, SW 11th Street, SW Hurbert Street, and SW 10th Street.

Uses within a special area are not required to provide the parking required in this section if a parking district authorized by the City Council is formed in all or part of the special area. In such circumstances, off-street parking shall be provided as specified by the parking district.

(Section 14.14.100 adopted by Ordinance No. 2081, adopted on May 18, 2015; effective June 18, 2015.)

14.14.110 Loading and Unloading Areas

Off-street loading and unloading areas shall be provided per this section.

- A. Whenever the normal operation of any use requires that goods, merchandise, or equipment be routinely delivered to or shipped from that use, a sufficient off-street loading and unloading area must be provided in accordance with this subsection to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The loading and unloading area must accommodate the numbers as set forth in Table A. At a minimum, a loading and unloading space must be 35 feet in length, 10 feet in width, and 14 feet in height. The following table indicates the number of spaces that, presumptively, satisfy the standard set forth in this subsection.

Table 14.14.110-A, Required Loading Spaces

Square footage of Building	Number of Loading Spaces
0-19,999	0
20,000 – 79,999	1
80,000 – 119,999	2
120,000+	3

- C. Loading and unloading areas shall be located and designed so that vehicles intending to use them can maneuver safely and conveniently to and from a public right-of-way or any parking space or parking lot aisle. No space for loading shall be so located that a vehicle using such loading space projects into any public right-of-way.
- D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- E. Whenever a change of use occurs after January 1, 1995, that does not involve any enlargement of a structure, and the loading area requirements of this section cannot be satisfied because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the Planning Commission may waive the requirements of this section.

F. Whenever a loading and unloading facility is located adjacent to a residential zone, the loading and unloading facility shall be screened per unloading facility shall be screened per [Section 14.18](#).

14.14.120 Variances

Variances to this section may be approved in accordance with provisions of [Section 14.33](#), Adjustments and Variances, and a Type III Land Use Action decision process consistent with [Section 14.52](#), Procedural Requirements.*

**CITY OF NEWPORT
RESOLUTION NO. 3864**

**RESOLUTION SETTING
PARKING DISTRICT BUSINESS LICENSE FEES**

WHEREAS, at the request of area business owners, the Newport City Council adopted Ordinance Nos. 1993, 2009, and 2020 establishing the Nye Beach, City Center and Bayfront Commercial Parking Districts ("Parking Districts") to generate funding to pay for parking system improvements in the respective commercial areas; and

WHEREAS, each of the Parking Districts is an economic improvement district pursuant to ORS Chapter 223, funded through a business license surcharge and authorized for an initial five year period; and

WHEREAS, the effective period of these economic improvement districts was extended with Ordinance Nos 1993, 2078, 2098, and 2134, with the districts now set to expire June 30, 2019; and

WHEREAS, the latest round of extensions were undertaken to provide an opportunity for a parking study to be performed to establish whether or not the Parking Districts should continue in their current form or whether an alternative approach should be pursued to address each of the areas parking needs; and

WHEREAS, while the parking study is complete, and has been vetted and revised with the assistance of a citizen advisory committee, recommendations on how best to address parking needs, including parking management and funding strategies, have not yet been finalized; and

WHEREAS, it is in the public interest that business license surcharges imposed within the Parking Districts remain in effect until parking management and funding strategies are finalized in order to provide a seamless transition; and

WHEREAS, this can most effectively be accomplished by allowing the economic improvement districts to expire and instead impose business license surcharges under Section 4 of the City Charter and the City's Constitutional Home Rule authority, as implemented through Chapter 4.05 of the Newport Municipal Code; and

WHEREAS, NMC 4.05.030(C) establishes that business license annual fees shall be determined by City Council resolution and the fees set forth herein serve as a portion of the business license annual fee for businesses operating within the Parking Districts.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Parking Districts Established. The boundary of the Parking Districts shall be as established with Ordinance No. 1993, 2009, and 2020, as amended, as graphically depicted on Exhibit A.

Section 2. Parking District Business License Annual Fee. The business license annual fee, framed as a business license surcharge in the fee schedule, shall be as follows:

A. Nye Beach Parking District.

Business provides no off-street parking spaces:	\$250.00
Business provides 1-3 off-street parking spaces:	\$150.00

All other businesses:	\$100.00
B. City Center Parking District.	\$35.00
C. Bay Front Parking District.	
Fewer than 5 employees:	\$150.00
5 to 20 employees:	\$300.00
More than 20 employees:	\$600.00

Section 3. Relationship to Other Business License Fees. Fees set forth in Section 2, are in addition to other business license fees collected pursuant to NMC Chapter 4.05.

Section 4. Special Parking Area Requirements. NMC 14.14.100 provides that off-street parking within a Parking District shall be provided as specified by the Parking District. For that purpose, the business license annual fee established herein shall exempt new development or redevelopment from having to provide up to five (5) off-street parking spaces, just as it did when the economic improvement districts were effective. Businesses that require more than five (5) off-street parking spaces shall provide the additional spaces in accordance with applicable provisions of the Newport Zoning Ordinance (NMC Chapter 14).

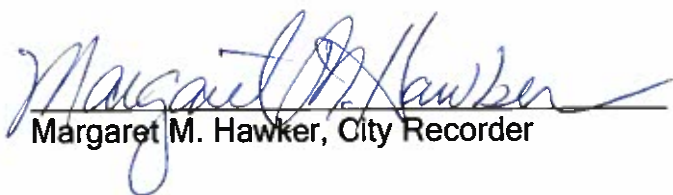
Section 5. Effective Date. This resolution is effective immediately upon adoption.

Adopted by the Newport City Council on June 17, 2019

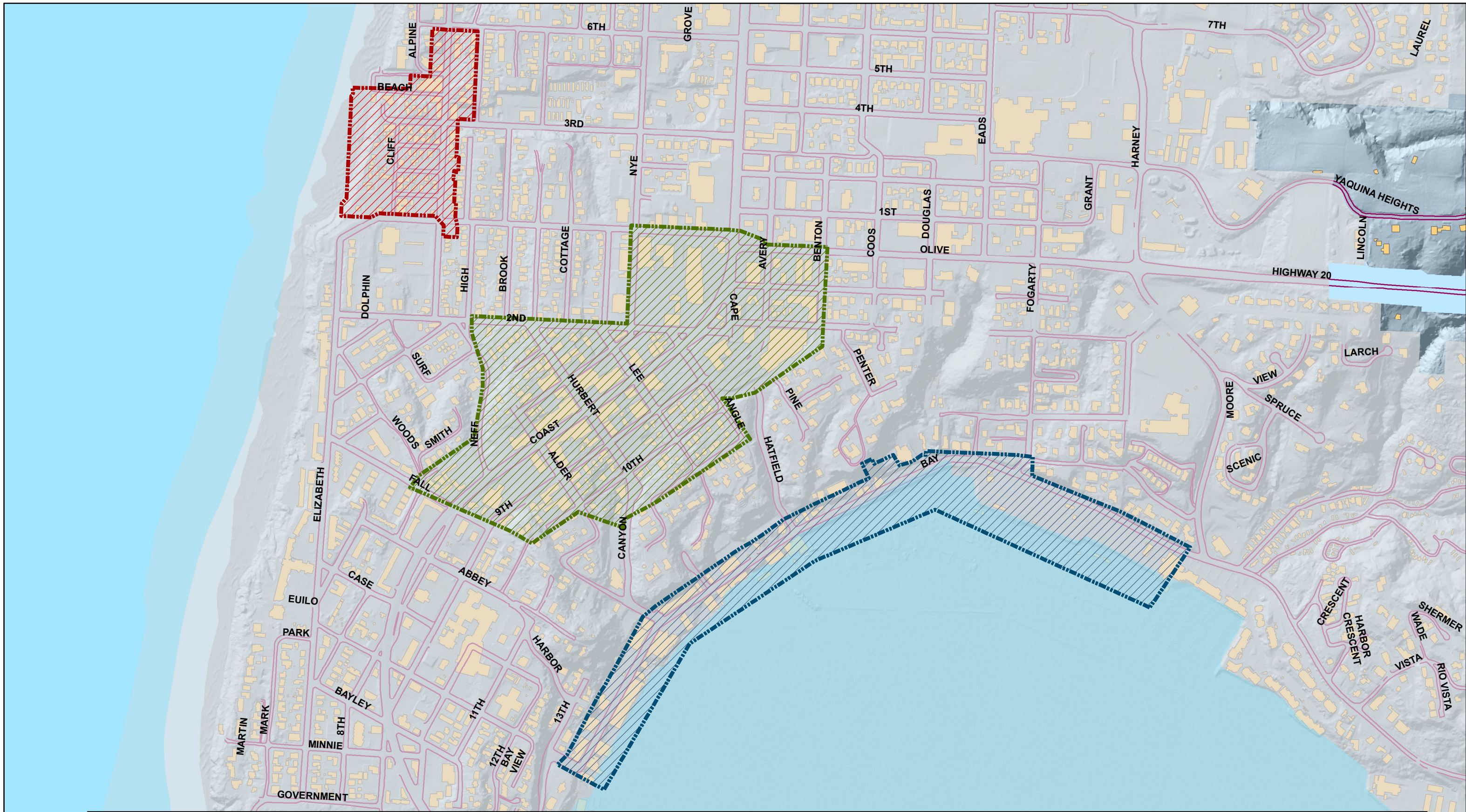


David N. Allen, Council President

ATTEST:



Margaret M. Hawker, City Recorder



 Bay Front Parking District Boundary (Ord. 2020)
  City Center Parking District Boundary (Ord. 2009)
  Nye Beach Parking District Boundary (Ord. 1993)

**HB 2180 (2021) EV Parking Infrastructure
Implementation**

Purpose of the rule:

These rule changes implement electric vehicle (EV) parking infrastructure requirements under HB 2180 (2021) and ORS 455.417. The rules establish standards for what constitutes electric vehicle infrastructure, which newly constructed building types, and their associated parking, have to comply with the requirements, and sets a minimum percentage of parking spaces that must have EV parking infrastructure installed at time of construction. The rules also create a local land use path to require a higher percentage of parking spaces that are required to have EV parking infrastructure. Additional now obsolete rules and references are also repealed or modified to align with the requirements of HB 2180.

Citation:

Adopts: OAR 918-460-0200
Amends: OAR 918-305-0030
Repeals: OAR 918-020-0380
This rule is effective July 1, 2022.

Background:

During the 2021 session the legislature passed HB 2180 which created requirements for certain newly constructed buildings to provide the necessary infrastructure, consisting of service capacity or space to provide additional future service capacity as well as installed conduit, for the future installation of level 2 electric vehicle chargers at 20 percent of the building's associated parking spaces. The bill created a specific definition for electric vehicle charging infrastructure to be used as well as identifying the types of construction covered. The bill also specified that a local jurisdiction may increase the required number of spaces through a local land use process outside the scope of the building code. The division held a Rule Advisory Committee on April 19, 2022. The Building Codes Structures Board reviewed and approved draft rules at its May 4, 2022, meeting. The Electrical and Elevator Board reviewed draft rules at its May 26, 2022, meeting. The division filed a notice of rulemaking on May 12, 2022, and held a public hearing on June 22, 2022.

Summary:

These rules implement HB 2180 (2021) and create standards for buildings that must provide EV parking infrastructure at the time of construction and modify existing rules to align with the requirements of HB 2180.

Contact:

If you have questions or need further information, contact Tony Rocco, structural program chief at, 503-910-1678 or at Anthony.J.Rocco@dcbs.oregon.gov.



PERMANENT ADMINISTRATIVE ORDER

BCD 6-2022

CHAPTER 918
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION

FILED

06/30/2022 4:16 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Implementation of HB 2180 (2120) EV Parking Infrastructure Requirements

EFFECTIVE DATE: 07/01/2022

AGENCY APPROVED DATE: 06/30/2022

CONTACT: Andy Boulton
971-375-7027
andrew.boulton@dcbs.oregon.gov

1535 Edgewater St NW
PO Box 14470, Salem, OR 97309
Salem, OR 97304

Filed By:
Laura Burns
Rules Coordinator

RULES:

918-020-0380, 918-305-0030, 918-460-0200

REPEAL: 918-020-0380

NOTICE FILED DATE: 05/12/2022

RULE SUMMARY: Repeals prior pilot program on EV parking infrastructure requirements. This program is now outdated and superseded by HB 2180 (2021) and the adoption of 918-460-0200.

CHANGES TO RULE:

~~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

AMEND: 918-305-0030

NOTICE FILED DATE: 05/12/2022

RULE SUMMARY: Updates references to additional rules that impact the Oregon Electrical Specialty Code for the adoption of 918-460-0200 and the repeal of 918-020-0380.

CHANGES TO RULE:

918-305-0030

Other Codes or Publications that Impact Electrical Installations ¶¶

Other codes and publications that impact electrical installations include, but are not limited to those listed below:¶¶

- (1) Chapter 9 of the Oregon Structural Specialty Code relating to fire protection systems and Chapter 3 of the Oregon Residential Specialty Code relating to smoke alarm installations.¶¶
- (2) ORS 455.420 requiring individual electric meters for dwelling units.¶¶
- (3) The Oregon Energy Efficiency Specialty Code, and chapter 11 of the Oregon Residential Specialty Code which address the energy efficiency issues of motors, electric lighting and other electric equipment; and¶¶
- (4) Chapter 16 and 17 of the Oregon Structural Specialty Code which addresses the seismic requirements of nonstructural components and special inspection requirements.¶¶
- (5) Publications and requirements of the serving utility.¶¶
- (6) Public Law 101-336, the Americans with Disabilities Act, Part III; Department of Justice Regulations of Friday, July 26, 1991; 28 CFR Part 36, as amended, including the 2010 ADA Standards for Accessible Design and Public Law 100-430, the Fair Housing Act and the regulations adopted thereunder.¶¶
- (7) Chapter 11 of the Oregon Structural Specialty Code which relates to the Americans with Disabilities Act for mounting height requirements for electrical and communication receptacles located in affected buildings and structures.¶¶
- (8) The interconnection of all net-metering facilities and solar photovoltaic systems operated as interconnected power production sources shall comply with the Oregon Electrical Specialty Code. In addition, the interconnection of all net-metering facilities utilizing solid-state inverters shall comply with OAR 860-039 Net Metering.¶¶
- (9) Oregon Manufactured Dwelling Installation Specialty Code. The electrical installations shall be in accordance with the requirements of the Oregon Electrical Specialty Code.¶¶
- (10) The electrical portions of the installation or product standards identified in OAR 918-306-0005. These standards are informational only and are to be used to clarify code intent. They may be used as installation guides when not specifically referenced or covered in the Oregon Electrical Specialty Code. Examples include, but are not limited to, the electrical sections of NFPA 20, NFPA 54, NFPA 99, NFPA 101, NFPA 110, NFPA 780 and NFPA 820.¶¶
- (11) Electrical installation requirements for electric vehicle ready parking facilities specified in OAR 918-~~02460-038200~~.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 479.730

Statutes/Other Implemented: ORS 479.730,~~757.262~~

ADOPT: 918-460-0200

NOTICE FILED DATE: 05/12/2022

RULE SUMMARY: Implements electric vehicle infrastructure requirements under HB 2180.

CHANGES TO RULE:

918-460-0200

Electric Vehicle Charging Station Infrastructure Requirements

(1) This rule amends the Oregon Structural Specialty Code to require certain buildings to install electric vehicle charging infrastructure at a minimum of 20 percent of the vehicle parking spaces in the garage or parking area on the building's site, or the minimum percentage required by local government, in accordance with the requirements of ORS 455.417.¶

(2) This rule only applies to newly constructed buildings and newly constructed garages or parking areas located on the site and serving the following building types, excluding townhouses as defined in ORS 197.758:¶

(a) Commercial buildings under private ownership;¶

(b) Multifamily residential buildings with five or more residential dwelling units; and¶

(c) Mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units.¶

(3) Coordination with the Oregon Electrical Specialty Code (OESC).¶

(a) Unless otherwise specified in this rule, when terms used in this rule have been defined in the OESC, the OESC definitions will be used.¶

(b) For purposes of this rule a Level 2 charger means Level 2 Electric Vehicle Supply Equipment supplied by not less than 40 amps at 208/240 volts, unless otherwise defined in the OESC.¶

(c) The use or planned use of energy management systems in compliance with the requirements of the OESC may be included when determining the infrastructure requirements of this rule, including the size or planned size of a service.¶

(d) All electrical installations must comply with the provisions of the OESC.¶

(4) The calculation of the minimum number of parking spaces required to have electric vehicle charging infrastructure is determined by the following methods:¶

(a) No less than 20 percent, rounded up to the nearest whole number, of the spaces in the garage or parking area for the building, excluding overflow or seasonal parking; or¶

(b) When a local jurisdiction has increased the minimum required percentage of spaces to be provided with electric vehicle charging station infrastructure through a land use process in accordance with ORS 455.417(4), the number of spaces will be determined by the local process. The calculated number of spaces may not be less than the calculated number of spaces under section (4)(a) of this rule.¶

(5) Newly constructed buildings identified in section (2) are required to install electric vehicle charging station infrastructure consisting of a conduit system described in section (6) and at least one of the following options:¶

(a) Provision of building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add overcurrent devices;¶

(b) A designated space within a building to add electrical service with capacity for electric vehicle charging stations; or¶

(c) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations.¶

(6) A conduit system installed from the building electrical service, or from the dedicated space or location for a future electrical service as described in subsection (5)(b) or (5)(c), to parking spaces that can support, at a minimum, electrical wiring for the installation of one level 2 charger for each parking space. Both ends of the conduit must be labelled to show that the conduit is provided for future electric vehicle supply equipment.¶

(7) The installation of a level 2 charger or level 3 DC fast charger at a parking space satisfies the infrastructure requirements of this rule for that parking space.

Statutory/Other Authority: ORS 455.030, ORS 455.417

Statutes/Other Implemented: ORS 455.417



Climate-Friendly and Equitable Communities

Why this Rulemaking

In 2007, Oregon legislators adopted a goal to reduce Oregon’s climate pollution by 75% by 2050. That’s what the science calls for, if we’re going to avoid catastrophic impacts to our environment, communities, and economy.

Fifteen years later, we’re far off track in our efforts to meet those goals – and we’re already experiencing real-world impacts of climate disruption, with increasing wildfires, in size, severity, and timing, and record heat waves that have cost Oregonians their homes, and their lives.

We’re particularly off-track in reducing pollution from transportation, responsible for about 38% of Oregon’s climate pollution. On our current path, Oregon will only reduce transportation pollution by about 20% by 2050. That means we’re polluting far more than we hoped, meaning more extreme weather events, more wildfires, more ocean acidification, and more record heat waves. In response, Governor Brown directed state agencies to promote cleaner vehicles, cleaner fuels, and less driving.

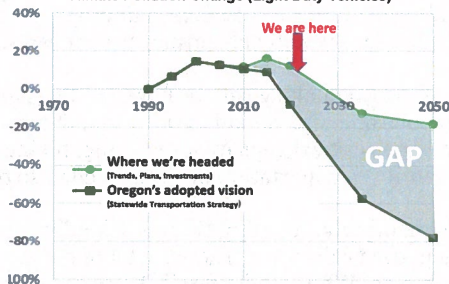
Meanwhile, the State of Oregon is grappling with a troubling history and current patterns of inequity and discrimination, including in our land use, zoning, and transportation investment (and disinvestment) decisions. Wealth and health have been concentrated in the privileged, at the expense of others. This rulemaking aims to take some steps in redressing past harms.

Rulemaking Overview and Desired Outcomes

The Land Conservation and Development Commission launched the Climate-Friendly and Equitable Communities rulemaking in response to Governor Brown’s order. It directed the Department of Land Conservation and Development (DLCD), Oregon’s land use planning agency, to draft changes in Oregon’s planning system for communities in Oregon’s eight most populated areas (see map at right).

The rules require those communities to change their local transportation and land use plans to do more to ensure Oregonians have more safe, comfortable ways to get around, and don’t have to drive long distances just to meet their daily needs. The rules also aim to improve equity, and help community transportation, housing, and

Climate Pollution Change (Light Duty Vehicles)



Oregon is dramatically off-track. If current trends continue, Oregon will release more than 4 times more transportation pollution than our goal by 2050.



Thousands of Oregonians have lost their homes in recent wildfires. Missing our climate goals will mean more extreme and more frequent weather events such as heat bombs, droughts, and wildfires.



The rules apply in Oregon’s eight metropolitan areas shown above.

planning serve all Oregonians, particularly those traditionally underserved and discriminated against.

What does that mean on the ground? It means having some areas where rules don't get in the way of more walkable neighborhoods. The draft rules ask cities to designate climate-friendly areas, and to allow people to build taller buildings providing more housing. The rules don't *require* taller buildings, but make sure those buildings are *allowed*. In climate-friendly areas, a minimum density standard would help ensure transit can serve the neighborhood.

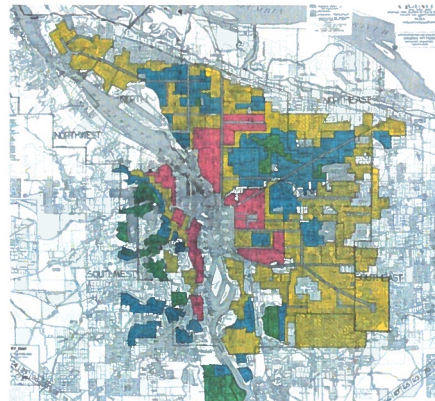
Other provisions of the rulemaking call for new buildings to support the growing electric vehicle transformation, reduce one-size-fits-all parking mandates, and increase local planning requirements to address critical gaps in our walking, biking, and transit networks. The rules ask communities to identify transportation projects needed so our climate goals could be met.

The rulemaking is mainly about letting climate-friendly development happen where people want to build it and the market calls for it. There's a lot of demand for housing where people can walk to where they want to go. While single-family homes will continue to be allowed and provide most housing, Oregonians have a diverse set of housing desires and deserve more affordable and climate-friendly choices. Those could better meet the changing shape of American households, as nearly a third of homes hold just one person. But again, people can choose what best meets their needs.

Equitable Mapping, Engagement and Decision-Making

One central outcome of this rulemaking is an increased emphasis on equity. The rulemaking has worked to integrate equity, starting with the rulemaking charge and title. Equity was key as DLCDC attempted to have the composition of the advisory committee reflect the diversity of Oregon's communities, and equity was one of the first tasks tackled by the group.

The rulemaking advisory committee spent significant time at many of its meetings discussing equity, and developed an [Equitable Outcomes Statement](#) to guide the rulemaking drafting and implementation. The rulemaking conducted a racial equity analysis of the rules and an analysis on how the rules could be improved to serve people with disabilities. The committee subsequently reviewed a table listing how each item in the Equitable Outcomes Statement was or was not brought forth into the draft rules, and what next steps might be.



1938 Redlining map of Portland. Redlining allowed white people to build wealth through homeownership.

The rules define traditionally underserved populations to include Black and African American people, Indigenous people, People of Color, people with limited English proficiency, people with disabilities, low-income Oregonians, youth and seniors, and more. They require mapping of traditionally underserved populations, local consideration of a set of anti-displacement actions should decisions contribute toward displacement, centering the voices of underserved populations in decision-making, and regular reporting on efforts to engage traditionally underserved populations.

Climate-Friendly Areas

A climate-friendly area is an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services. These areas are served, or planned to be served, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent, comfortable, and convenient connections to key destinations within the city and region.

Why are climate-friendly areas important? A key component of Oregon's plan to meet our climate pollution reduction and equity goals is facilitating development of urban areas in which residents are less dependent upon the single occupant vehicle. Before the automobile became common in American life, cities grew more efficiently, with a variety of uses in city centers and other areas that allowed for working, living, and shopping within a walkable or transit accessible area. Over the last 100 years, the automobile and planning practices have served to separate activities, creating greater inequities within cities and widespread dependence upon climate-polluting vehicles to meet daily needs. Climate-friendly areas will help to reverse these negative trends, with some actions taking place in the short term, and others that will occur with development and redevelopment over time.

The rules require cities, and some urbanized county areas, with a population over 5,000 within the seven metropolitan areas outside of Portland Metro to adopt regulations allowing walkable mixed-use development in defined areas within urban growth boundaries. The rules for the Portland Metro area support implementation of the region's 2040 Growth Concept. Areas will be sized to accommodate a portion of the community's housing, jobs, and services. Local governments will determine where these areas will be located, but many of these areas will likely be established in existing downtowns that may currently allow for mixed uses and higher densities.

Associated requirements will ensure high quality pedestrian, bicycle, and transit infrastructure is available within these areas to provide convenient transportation options. The rules provide a process for local governments to first identify potential climate-friendly areas, then later to adopt development standards for the areas best-suited for this purpose. The rules provide some minimum requirements for climate-friendly areas, with a set of clear and objective standards that may be adopted, or a process for local governments to craft their own standards. Cities of more than 10,000 will monitor housing production within these areas over time and develop strategies to facilitate desired development.

Reforming Costly Parking Mandates

Excess parking has a significant negative impact on housing costs, business costs, the feasibility of housing development and business redevelopment, walkability, air and water pollution, climate pollution, and general community character. Parking mandates force people who don't own or use cars to pay indirectly for other people's parking. Carless households tend to be the poorest households. Parking demand varies significantly



Oregon already has some climate-friendly areas, pleasant places to meet one's needs without needing to drive.



Parking uses a huge amount of high-value land. Off-street parking in downtown Corvallis in red.

from development to development, and about one-sixth of Oregon renter households own zero vehicles. Planning practices of the past have imposed a one-size-fits-all requirement everywhere, creating incentives to own more cars and drive more.

The rules encourage the diversity of parking needs to be met by the diversity of development. The rules would reduce or remove costly parking mandates for desired types of development, such as smaller housing types, small businesses, childcare facilities, multi-family housing, and historic buildings. The rules would completely remove parking mandates within one-half mile of frequent transit and three-quarters of a mile of rail stops, where parking demand is lower per unit.

The rules give communities options to improve parking management. Those who adopt best practice parking policies would get more flexibility. The rules require cities with over 100,000 population that choose to continue to mandate off-street parking to eventually charge at least 50 cents per day for 10% of on-street parking spots.

Getting Ready for Oregon's Electric Vehicle Future

Making our vehicles cleaner is a key part in meeting Oregon's climate goals. Oregon has a vision where 90% of new vehicles will be electric by 2035. To meet that goal, we need to ensure people can charge their vehicles. The most convenient place to do so is at home, but many Oregonians live in older multi-family homes that would be very expensive to retrofit.



Building a complete network of EV charging stations at commercial and multi-family housing locations could cut up to 11.9% of climate pollution

Thus, the rules require *new* housing and mixed-use development with at least five units would include electrical conduit (pipes) to 40% of spots, ready for adding wiring and charging stations to support electric vehicles as the market expands.

Planning for a Future of Transportation Options

DLCD and other state agency partners including the Oregon Department of Transportation will provide a range of new and amplified services to help meet greenhouse gas reduction goals, including grants, technical assistance, tools, and publications, to help local governments adopt plans that meet or exceed the state's greenhouse gas reduction goals.



Transportation options are critical for everyone, but particularly the roughly one-in-three Oregonians who cannot drive.

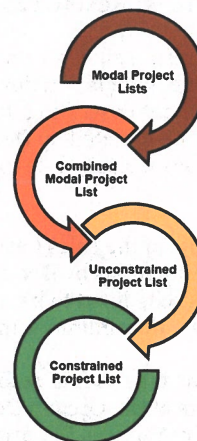
Local governments in Oregon have been required to make coordinated land use and transportation plans for decades. The updated rules would require local governments in metropolitan areas to:

- Plan for greater development in transit corridors and downtowns, where services are located and less driving is necessary;
- Prioritize system performance measures that achieve community livability goals;
- Prioritize investments for reaching destinations without dependency on single occupancy vehicles, including in walking, bicycling, and transit;
- Plan for needed infrastructure for electric vehicle charging; and
- Regularly monitor and report progress.

Planning to Meet Our Climate Goals

DLCD's regional greenhouse gas reduction program allows areas to work together to consider statewide, regional, and local needs and issues. The flexible regional planning process allows communities to study economic development, fiscal impacts, resource use, pollution impacts, and the effects of different choices on the state, region, community, or households. The results are intended to help local government community members, elected and appointed leaders better understand issues and quantify the effect of potential policies as they review and update the area's long-range plans and make investment decisions.

The rules would expand requirements for regional plans to meet the state's climate pollution reduction targets from the Portland metropolitan area to the next largest metropolitan areas in the state (Eugene-Springfield and Salem-Keizer) initially. Other metropolitan areas will be required to evaluate their local plans towards meeting the state's climate pollution reduction targets and amend their local plans towards meeting the target.



Community Engagement

We've heard from lots of Oregonians over the past eighteen months. We've heard from a 40-person advisory committee including representatives from all of Oregon's impacted eight urban areas, several people who are home builders, realtors, representatives of the trucking industry, affordable housing advocates, land use advocates, community-based and other community-serving organizations.

To supplement those deliberations, staff held two separate series of virtual community conversations in 2021 – five in the spring, and four in the fall. Staff have hosted a series of nine technical work group meetings on specific topics, a series of practitioner meetings with local government staff in each region, and dozens of additional meetings with local elected officials, planning staff, and interest groups.

Upcoming conversations include events focused on what will be needed at the community level to support implementation and ongoing engagement strategies.

We've heard from hundreds of Oregonians who have attended one or more of the scores of meetings, community conversations, work groups, or practitioner meetings, and from hundreds of people who've submitted comments ([summary here](#)). Our rules are better for it, having continued to evolve and improve.

But the engagement won't end there – the rules require local governments to engage their communities as they make key decisions on how the rules apply locally. If you're interested in these issues, we encourage you to stay engaged.



Some members of the rulemaking advisory committee

Implementing the Rules: Resources and Timelines

Local governments are responsible for implementing the rules. Many of the rules take effect when a community next conducts a major update of its Transportation System Plan (TSP), a community's core document describing its transportation needs and future plans. The rules state most plans should be updated by December 31, 2029. The rules have Salem-Keizer and Eugene-Springfield areas on a schedule to do regional scenario plans and update their TSPs by the end of 2027.

The land use components of the rules have specific deadlines. Communities are asked to study potential Climate-Friendly Areas by December 31, 2023, and adopt Areas by December 31, 2024. Parking reform is scheduled to happen in two phases - the first at the end of 2022, and the second by June 30, 2023. Communities may ask for some flexibility around most of these dates.

DLCD is providing or working to find resources for local governments to do this work, along with our agency partners at the Oregon Department of Transportation (ODOT) and the Oregon Housing and Community Services Department. The Oregon Legislature provided \$768,000 to assist with implementation on land use, and ODOT has identified another \$18 million to assist with transportation plan updates.

Learn More

Information on how to get implementation updates via email and many additional materials can be found at www.oregon.gov/lcd/CL/Pages/CFEC.aspx

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July 2022

Climate-Friendly and Equitable Communities Implementation Guide



This document provides guidance for cities and counties within metropolitan areas that are expected to implement the Climate Friendly and Equitable Communities rules. The information provided in this document are **based on the rules adopted by the Land Conservation and Development Commission on July 21, 2022**. This guide is for information and is not determinative regarding the content or applicability of the adopted rules.

Pages 1-3 contain an overview of the implementation and reporting requirements of the rules. The table of implementation dates on pages 3-8 shows the year in which these requirements become applicable, grouped by metropolitan area. The task summaries on pages 9-12 outline the sections of the Division 12 rules that are involved with the major task groups.

Alternative Dates: Cities, counties, or Metro may, optionally, propose alternative implementation dates for some deadlines as provided in OAR 660-012-0012(3). Alternative dates would be submitted to the department, reviewed against criteria, and approved (or not) by the DLCD Director. Alternative compliance dates for Eugene-Springfield and Salem-Keizer metropolitan area would use this process and the work program process for scenario planning in OAR 660-044-0100. Rules whose implementation dates can be modified through this process are in italics in the guide.

Division 12 Exemption: The DLCD Director may grant a full or partial exemption from Division 12 to cities and counties with a population under 10,000 within the urban area (OAR 660-012-0055(7)). The exemption must be requested by the jurisdiction. Exemptions granted shall last for a specified period.

Major Task Groups

Requirements for the implementation of each task are outlined in the schedule. Details of the rules involved with each task are listed after the schedule table.

CFA Study – Study potential climate-friendly areas (CFA) (660-012-0315).

(code changes not mandatory; may apply 660-012-0430 and 0440 directly).

CFA Codes – Designate and make comprehensive plan, zoning map and code changes to implement climate-friendly areas (660-012-0320).

Parking B – Implement parking regulation improvements, and parking mandate reform (660-012-0400 through 0450).

Parking A – For new development applications, apply reduced parking mandates near frequent transit and for certain development types

TSP Updates – These rules only apply at the time of a major update to a transportation system plan (TSP).

TPR Development Regulations – Transportation Planning Rules (TPR) related regulations; required with major transportation system plan updates, no specific update timeline unless indicated. Implement commercial and residential land use regulations (660-012-0330), and bicycle parking (660-012-630).

HNA – Housing Needs Analysis (HNA) (Also known as a Housing Capacity Analysis, or HCA). Update required by OAR Chapter 660-008-0045 for cities over 10,000 population. HNA within Metro must be updated every 6 years; outside of Metro must be updated every 8 years.

HNA is an additional task that is not part of Climate-Friendly and Equitable Communities.

Individually Applicable Rules

Rules separate from the major task groups and with their own applicability date are listed below and in the schedule.

EV Conduit – Cities only; for new multifamily and multi-use development applications, require 40% of spaces have conduit to serve electric vehicle charging (OAR 660-012-0410); implement by March 31, 2023 per OAR 660-012-0012(5)(d); either directly apply state administrative rules or amend local development standards.

Transportation Modeling – transportation modeling or analysis used for a land use decision must comply with OAR 660-012-0210; decision must not increase VMT per capita; effective as of June 30, 2024 per OAR 660-012-0012(5)(a).

Performance Standards – Implement multiple transportation performance standards for plan amendments and development review per OAR 660-012-0215; effective as of June 30, 2025 per OAR 660-012-0012(4)(b).

Additional CFA Designations for UGB Expansions is required beginning June 30, 2027 (OAR 660-008-0010(3)).

Note: **TSP Update** and **TPR Development Regulations** apply to **all** jurisdictions in the table listed below. The proposed rules do not establish an implementation deadline if ‘TSP Update’ and ‘TSP Development Regulations’ are not shown in the schedule. They are **not** exempt from these requirements. A deadline for these tasks may be established through approval of alternate compliance dates.

TPR Reporting

OAR 660-012-0900 requires cities and counties outside of Metro to submit yearly reports. The reporting requirements are listed in the row of each metropolitan area (light blue background). The designation of major reports in this guide are based on expected dates of Regional Transportation Plan (RTP) updates. The timing of a major report will be as determined by actual RTP adoption (OAR 660-012-0900(5)). The reporting requirement applies to each jurisdiction individually, although jurisdictions may coordinate to submit one report for the metropolitan area. Inside Metro, annual reporting will be completed by Metro (cities and counties within Metro **not** required to submit individual reports).

Population Growth

Climate-Friendly Areas- OAR 660-012-0310(4)(a) and (b) specify CFA compliance timelines for jurisdictions that surpass population thresholds of 5,000 or 10,000. Such jurisdictions must submit a **CFA Study** within 545 days of exceeding the population threshold, and adopt **CFA Codes** within 365 days of the deadline for submittal of the CFA Study. Additionally, OAR 660-008-0010(2) requires the designation of additional climate friendly areas as cities over 10,000 grow, in conjunction with required HNA updates.

Parking – OAR 660-012-0012(4)(f)(A) allows one year for jurisdictions that surpass population thresholds in OAR 660-012-0400 to comply with the parking rules to which they become subject.

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Albany Area			TPR major report (5/31) ¹	TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Albany	Parking A	CFA Study EV Conduit Parking B	CFA Codes Transportation Modeling	Performance Standards	2028 HNA Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Benton County, Linn County, Marion County (fewer than 5,000 population inside UGB)			Transportation Modeling	Performance Standards		
Jefferson, Tangent, and Millersburg	Parking A	EV Conduit Parking B	Transportation Modeling	Performance Standards		

¹ Next expected RTP updates: 2022: Central Lane, Corvallis; 2023: Albany, Salem-Keizer; 2024: Middle Rogue; 2025: Bend, Rogue Valley. TPR major report expected the year following adoption of RTP update. Future RTP updates expected every 4 years.

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Bend Area			TPR minor report (5/31)	TPR minor report (5/31)	TPR minor report (major report 2026) (5/31)	TPR minor report (5/31)
Bend	Parking A	CFA Study EV Conduit Parking B	CFA Codes HNA Transportation Modeling	Performance Standards	Additional CFA for UGB expansions after June 2027, and with HNA Updates	TSP TPR Dev. Regs.
Deschutes County ²			Transportation Modeling	Performance Standards		TSP TPR Dev. Regs.
Central Lane	Scenario Plan work program (6/30) Scenario Plan (12/31)		TPR minor report (5/31)	TPR minor report (5/31)	Scenario Plan code amendments and TSP (12/31) TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Coburg	Parking A	EV Conduit Parking B	Transportation Modeling	Performance Standards	TSP (2026) TPR Dev. Regs.	
Eugene Springfield	Parking A	CFA Study EV Conduit Parking B	CFA Codes Transportation Modeling	Springfield HNA Performance Standards	TSP (2026) TPR Dev. Regs. Eugene 2026 HNA Additional CFA for UGB expansions after June 2027	
Lane County ³			Transportation Modeling	Performance Standards	TSP (2026) TPR Dev. Regs.	

² Deschutes Co. population within UGBs in the metropolitan area is >5,000. However, Parking A, Parking B, CFA Study, and CFA Codes are not assumed to be applicable because the county does not provide urban services to these areas (OAR 660-012-0310(3); OAR 660-012-0400(1)(b)).

³ Lane Co. population within UGBs in the metropolitan area is >5,000. However, Parking A, Parking B, CFA Study, and CFA Codes are not assumed to be applicable because the county does not provide urban services to these areas (OAR 660-012-0310(3); OAR 660-012-0400(1)(b)).

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Corvallis Area			TPR major report (5/31)	TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Adair Village	Parking A	EV Conduit Parking B	Transportation Modeling	<i>Performance Standards</i>		
Corvallis Philomath	Parking A	CFA Study EV Conduit Parking B	CFA Codes Transportation Modeling	<i>Performance Standards</i>	Corvallis 2027 HNA Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Benton County (fewer than 5,000 population inside UGB)			Transportation Modeling	<i>Performance Standards</i>		
Middle Rogue			TPR minor report (5/31)	TPR major report (5/31)	TPR minor report (5/31)	TPR major report (5/31)
Gold Hill Rogue River	Parking A	EV Conduit Parking B	Transportation Modeling	<i>Performance Standards</i>		
Grants Pass	Parking A HNA	CFA Study EV Conduit Parking B	CFA Codes Transportation Modeling	<i>Performance Standards</i>	Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Jackson County Josephine County (fewer than 5,000 population inside UGB)			Transportation Modeling	<i>Performance Standards</i>		

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Rogue Valley			TPR minor report (5/31)	TPR minor report (5/31)	TPR major report (5/31)	
Ashland Central Point Eagle Point Medford Talent	Parking A	CFA Study EV Conduit Parking B Medford HNA	CFA Codes Transportation Modeling	<i>Performance Standards</i>	Central Pt 2027 HNA Ashland 2029 HNA Additional CFA for UGB expansions after June 2027	TSP TPR Dev. Regs.
Jacksonville Phoenix	Parking A	EV Conduit Parking B	Transportation Modeling	<i>Performance Standards</i>		
Jackson County (fewer than 5,000 population inside UGB)			Transportation Modeling	<i>Performance Standards</i>		

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Salem/Keizer		Scenario Plan work program (6/30)	Scenario Plan (6/30) TPR major report (5/31)	Scenario Plan code amendments and TSP (6/25) TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
Salem Keizer	Parking A	CFA Study EV Conduit Parking B	CFA Codes Salem and Keizer HNA Transportation Modeling	TSP TPR Dev. Regs. Performance Standards	Additional CFA for UGB expansions after June 2027	
Marion County	Parking A	CFA Study Parking B	CFA Codes Transportation Modeling	TSP TPR Dev. Regs. Performance Standards		
Polk County (fewer than 5,000 population inside UGB)			Transportation Modeling	TSP TPR Dev. Regs. Performance Standards		
Turner	Parking A	EV Conduit Parking B	Transportation Modeling	TSP TPR Dev. Regs. Performance Standards		

Compliance date for tasks in italics can be modified per OAR 660-012-0012(3)

	2022	2023	2024	2025	2026-2028	2029
Portland Metro			TPR major report (5/31)	TPR minor report (5/31)	TPR minor report (5/31) (major in 2028)	TPR minor report (5/31)
TPR Rules specific to Metro: OAR 660-012-0140, Transportation System Planning in the Portland Metropolitan Area; OAR 660-012-0012(4)(d), Climate-Friendly Area implementation within Metro; OAR 660-012-0900(2), TPR Reporting.						
Metro UGMFP Region 2040 Centers <i>[various jurisdictions]</i>			Metro to establish requirements for adoption of Centers		Non-adopters to adopt Center boundaries and zoning	
Durham, Johnson City, Maywood Park, Rivergrove, King City, Wood Village	Parking A	EV Conduit <i>Parking B</i>	Transportation Modeling		<i>Performance Standards</i>	
Beaverton, Cornelius, Fairview, Forest Grove, Gladstone, Gresham, Happy Valley, Hillsboro, Lake Oswego, Milwaukie, Oregon City, Portland, Sherwood, Tigard, Troutdale, Tualatin, West Linn, Wilsonville (10k+)	Parking A	EV Conduit <i>Parking B</i> Beaverton, Fairview, Gresham, Happy Valley, Hillsboro Lake Oswego, Milwaukie, Portland, West Linn, Wilsonville HNA	Transportation Modeling	Forest Grove HNA	<i>Performance Standards</i>	HNA 2026: Sherwood, Troutdale, Tualatin; 2027: Gladstone, Cornelius, Tigard, Oregon City
Clackamas County, Washington County	Parking A	<i>Parking B</i>	Transportation Modeling		<i>Performance Standards</i>	
Multnomah County ⁴						

⁴ Cities within Multnomah Co. have land use authority for unincorporated areas within UGB.

Task Summaries

Parking A

Reduced Mandates – OAR 660-012-0430 and OAR 660-012-0440

Effective date December 31, 2022 per OAR 660-012-0012(5)(e)– applies to development applications submitted after that date; either directly apply state administrative rules or amend local development standards

- Reduced mandates for specific developments – cannot mandate more than 1 space/unit for residential developments with more than 1 unit
- No mandates for small units, affordable units, childcare, facilities for people with disabilities, shelters
- Reform near transit - no parking mandates allowed within ¼ mile of light or heavy rail stations or ½ mile of frequent transit corridors

Parking B

Parking Regulation Improvement – OAR 660-012-0405

By June 30, 2023 per OAR 660-012-0012(4)(f) - amend development standards

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underutilized parking for other uses
- Allow and facilitate shared parking
- Parking lots more than ¼ acre in size must install 50% tree canopy OR solar panels, solar/wind fee-in-lieu, or green energy per OAR 330-0135-0010; requires street trees and street-like facilities along driveways
- Adopt parking maximums in locations such as downtowns, regional or community center, and transit-oriented developments.

Parking Maximums and Evaluation in More Populous Cities – 660-012-0415

By June 30, 2023 per OAR 660-012-0012(4)(f)

- Cities >100,000 population, or >25,000 population if in Portland Metro, set certain parking maximums in specified areas
- Cities >200,000 population also:
 - Study use of on-street timed parking in CFA and transit areas (OAR 660-012-0435 & 0440)
 - Implement parking management before authorizing new 100+ stall parking garages
 - Implement TDM management strategies before authorizing new 300+ stall garages
 - Adopt design requirements so ground floor of parking garage convertible to other uses

Parking Mandate Reform

Effective date June 30, 2023 per OAR 660-012-0012(4)(f)

Option 1 OAR 660-012-0420	Options 2 and 3 OAR 660-012-0425 through 0450	
Repeal all parking mandates within the jurisdiction	Reduce parking burdens – adopt eight land use regulations related to reduced mandates based on factors such as shared parking, solar panels, parking space accessibility, on-street parking; unbundling of parking from rent for multifamily units near transit (OAR 660-012-0425)	
	Cities with populations 100,000+ adopt on-street parking prices equivalent to at least 50¢/day per spot for 5%/10% of total on-street parking supply by September 30, 2023/2025 (OAR 660-012-0450; effective dates per OAR 660-012-0012(4)(g))	
	<p align="center">Parking Reform Approaches Choose ONE of the following (option 2 -or- option 3)</p> <p align="center"><i>Policies to take effect no later than June 30, 2023 (effective date per OAR 660-012-0012(4)(f))</i></p>	
no additional action needed	<p align="center">Option 2 OAR 660-012-0445(1)(a) - Adopt at least 3 of 5 policies below</p>	<p align="center">Option 3 OAR 660-012-0445(1)(b) - Adopt regulations minimizing or exempting required parking for 15 development types (summarized below)</p>
	<ol style="list-style-type: none"> 1. Unbundle parking for residential units 2. Unbundle leased commercial parking 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ space/unit mandated for multifamily development 	<p>No mandates for a variety of specific uses, small sites, vacant buildings, studio/one bedrooms, historic properties, LEED or Oregon Reach Code developments, etc.</p> <p>No additional parking for redevelopments/additions. Adopt parking maximums.</p> <p>No parking mandates within ½ mile walking distance of Climate-Friendly Areas.</p> <p>Designate district to manage on-street residential parking.</p>

Climate-Friendly Areas

<p style="text-align: center;">CFA Study OAR 660-012-0315 Due December 31, 2023 per OAR 660-012-0012(5)(b)</p>	<p style="text-align: center;">CFA Codes OAR 660-012-0320 via OAR 660-012-0315(6) Due Date December 31, 2024 per OAR 660-012-0012(4)(c)</p>	
<ul style="list-style-type: none"> • CFA location and size standards per OAR 660-012-0310(2) • <u>>10,000 population</u> Dwelling Unit Capacity of at least 30% of current housing needs analysis (OAR 660-012-0315(1); capacity calculated per methodology in OAR 660-012-0315(2)) • <u>Population 5,000 -10,000</u> Designate at least 25 acres of CFA (OAR 660-012-0315(3)) • Displacement analysis, fair and equitable outcomes plan, and narrative summary of public engagement (OAR 660-012-0315(4)) 	<p><i>Required for all CFAs:</i></p> <ul style="list-style-type: none"> • Allowed uses per OAR 660-012-0320(2) • Inclusion of existing abutting residential and employment zones without zoning amendments per OAR 660-012-0320(3) • Prioritization of public buildings, open spaces per OAR 660-012-0320(4) • Block length maximums per OAR 660-012-0320(5) • Address other development regulation requirements per OAR 660-012-0320(7) • Eliminate mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units (OAR 660-012-0435) 	
	<p>Housing and Employment Targets OAR 660-012-0320(8) or (9)</p>	
	<p style="text-align: center;">Option A Residential minimum density standards and allowed building height not less than specified by OAR 660-012-0320(8)</p>	<p style="text-align: center;">Option B Standards other than Option A proposed by jurisdiction that achieve target dwelling unit and employment per acre</p>

Transportation System Plan Update

- TSP updates may use OAR 660-012-0015 if OAR 660-018-0020 is notice provided by December 31, 2022 (OAR 660-012-0012(2)(a)).
- Minor TSP updates need not meet all updated requirements if the updated portions of the plan meet new requirements, and OAR 660-018-0020 notice is provided by June 30, 2027 (OAR 660-012-0012(2)(b)).
- Compliance deadline for Eugene-Springfield and Salem -Keizer determined by OAR 660-044-0015 Scenario Planning.
- Cities and Counties over 5,000 population and outside the Portland metropolitan areas must adopt major TSP update by December 31, 2029 (OAR 660-012-0012(4)(a)).

Generalized Scope and Process

- Overall TSP update requirements (OAR 660-012-0100 and 0105)
- Public Engagement and Equity
 - TSP Planning Engagement generally (OAR 660-012-0120)
 - Equity and Underserved Populations (OAR 660-012-0125, identifying underserved populations; OAR 660-012-0130, Decision-Making with Underserved Populations; OAR 660-012-0135, Equity Analysis)

- System Inventories and Existing Conditions
 - General inventory requirements (OAR 660-012-0150)
 - Transportation System Planning Area (OAR 660-012-0110)
 - Land use assumptions (OAR 660-012-0340)
 - Modal inventory requirements: Pedestrian (OAR 660-012-0505); Bicycle (OAR 660-012-0605); Transit (OAR 660-012-705); Streets and Highways (OAR 660-012-0805)
 - Funding projections (OAR 660-012-0115)
- Goals, Targets, and Project Prioritization
 - VMT Targets – base year and horizon year (OAR 660-012-0160)
 - Adoption of Transportation Performance Standards (OAR 660-012-0215)
 - Project Prioritization (OAR 660-012-0155)
- TSP Contents
 - Modal design and planning requirements: Pedestrian (OAR 660-012-0510); Bicycle (OAR 660-012-0610); Transit (OAR 660-012-710); Streets and Highways (OAR 660-012-0810)
 - Modal projects: Pedestrian (OAR 660-012-0520); Bicycle (OAR 660-012-0620); Transit (OAR 660-012-720); Streets and Highways (OAR 660-012-0820)
 - Transportation Options Planning (OAR 660-012-0145) – transportation demand management, transit options and incentives
 - Enhanced review of select roadway projects (OAR 660-012-0830) – for facilities that may increase driving capacity
 - Prioritization framework (OAR 660-012-0155)
 - Unconstrained Project List (OAR 660-012-0170) – combination of modal projects; must meet VMT per capita targets from OAR 660-012-0160; Project Prioritization Framework (OAR 660-012-0155)
 - Financially-Constrained Project List (OAR 660-012-0180)
 - Created from unconstrained list per procedures in OAR 660-012-0180(3)
 - Sum of projects on list not to exceed 125% of funding available from OAR 660-012-0115

Transportation Planning Rule Development Regulations

Land use requirements (OAR 660-012-0330)

Effective date per OAR 660-012-0012(4)(e) – TSP Adoption

note – implementation of OAR 660-012-0330 within a CFA is required upon adoption of CFA Zoning (OAR 660-012-0320(7))

- Neighborhood circulation (OAR 660-012-0330(3))
- Mixed use and commercial districts (OAR 660-012-0330(4))
- Bicycle parking regulations in compliance with OAR 660-012-0630 (OAR 660-012-0330(4)(g))
- Slow streets for neighborhoods (OAR 660-012-0330(5))
- Auto-oriented land uses (OAR 660-012-0330(6))
- Allow for Low car districts (cities of 100k+, OAR 660-012-0330(7))
- Protection of transportation facilities (OAR 660-012-0330(8))



Improved Parking Management and Electric Vehicle Charging

The Climate-Friendly and Equitable Communities rules reduce costly parking mandates in Oregon's eight metropolitan areas, and support electric vehicle charging.

Why Reform?

Housing Costs, Pollution, Walkability, Equity, and More

Excess parking has a significant negative impact on housing costs, business costs, the feasibility of housing development and business redevelopment, walkability, air and water pollution, climate pollution, and general community character.

Parking mandates push uses apart, making areas less walkable. They also force people who don't own or use cars to pay indirectly for other people's parking. Carless households tend to be the poorest households. Parking demand varies significantly from development to development; about one-sixth of Oregon renter households own zero vehicles.



New Rules: Decrease Costly Parking Mandates, Particularly for Certain Types of Development and in Certain Areas

The rules encourage the diversity of parking needs to be met by the diversity of development. The rules reduce costly parking mandates for desired **types** of development, such as smaller housing types, small businesses, and historic buildings. Rules also reduce mandates in certain **areas**, where parking demand is lower per unit: areas with concentrated jobs and housing, and walkable areas well-served by transit.

The rules give communities **options** to reform parking. Those who adopt best practice parking policies would get more flexibility. The rules require **Oregon's most populous cities to do more** if they choose to keep costly mandates, by charging at least 50 cents per day for 5%, and eventually 10%, of on-street parking spaces. Good parking management reduces how much non-drivers subsidize those who drive.

The rules address negative impacts of large parking lots by requiring lots be designed to be pedestrian-friendly and include either solar power or trees. The rules also would require **40% of new parking spaces in multifamily housing have conduit for electric vehicle charging** (just conduit, not chargers).

Common Concerns: Parking with Disabilities, Parking Supply, and Areas of High Demand

The rules would *not* limit required parking for people with mobility-related disabilities.

Removing requirements to include parking in each development does not mean no parking will be built. Two decades of experience with lower parking mandates have demonstrated lender requirements and market dynamics usually result in parking being built. However, just like today's parking rules, cities must sometimes deal with "spillover" parking, and where more people are trying to park than spaces exist. This calls for improved management of on-street parking spaces, not one-size-fits-all mandates. DLCD has resources to help with this.

Rules Language is available at <https://www.oregon.gov/lcd/CL/Pages/CFEC.aspx>

Questions?
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OREGON

Department of
Land Conservation
& Development

Parking Reform Summary

July 11, 2022

Rules Implementing

OAR 660-012-0400 through 0450 (see also definitions in 0005 and deadlines and processes in 0012)

Who do the rules apply to, and when is action needed?

The parking reforms apply to the 48 Oregon cities in Oregon's eight metropolitan areas (Albany, Bend, Corvallis, Eugene/Springfield, Grants Pass, Portland Metro, Rogue Valley, Salem/Keizer), and counties in these areas, with more than 5,000 people inside the urban growth boundary but outside city limits with urban sewer and water services (Clackamas, Marion, Washington).

Some of the rules take effect December 31, 2022; others require action by March 31, 2023 or June 30, 2023.

Why reform costly parking mandates?

Parking mandates, also known as minimum parking requirements, are a one-size-fits-all approach that ends up hiding the costs of parking in other goods, from housing to business costs to wages. That means the costs of car ownership and use are subsidized, leading people to own more cars and drive more than they would if they were aware of the true costs. Providing 300 square-feet of parking lot for each car that wants a parking spot is a significant cost – in the thousands, and often tens of thousands, of dollars.

Because of the cookie-cutter approach of mandates, parking is often over-built, adding unnecessary costs, while pushing apart buildings and making areas less walkable. That means more driving, and more pollution.

A better approach, one that has been used by communities around the world for decades, is to let the free market provide parking where there is demand. Experience shows lenders usually require sufficient off-street parking, and developers will build it, especially when the on-street parking is properly managed.

How do cities and counties amend their codes to meet the requirements in the rules?

The cleanest path to meet rules requirements is to update local zoning and development codes to meet the requirements in OAR 660-012-0405 through 0415, and repeal all parking mandates. The provisions of 0425 through 0450 do not apply to communities without parking mandates.

Many of the requirements in 0405 through 0415 may already be in city code, as some of those provisions have been required by the Transportation Planning Rules for many years.

If a community prefers to keep some mandates, the provisions in 0425 through 0450 reduce the mandates and the negative impacts of remaining mandates.

Questions?

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Phase 1 – Reform Near Transit; Certain Uses by December 31, 2022

Apply to development applications submitted after December 31, 2022 (amend code or directly apply these rules)

0430 Cannot mandate more than 1 space/unit for residential developments with more than 1 unit
No mandates for small units, affordable units, child care, facilities for people with disabilities, shelters

0440 No parking mandates allowed within ¼ mile of rail stations or ½ mile of frequent transit corridors

Phase 2 – More Reform, Choose an Approach by June 30, 2023 or alternative date

0405 Parking Regulation Improvement

- Preferential placement of carpool/vanpool parking
- Allow redevelopment of any portion of a parking lot for bike or transit uses
- Allow and encourage redevelopment of underused parking
- Allow and facilitate shared parking
- New developments with parking lots more than ¼ acre in size must install 50% tree canopy OR solar panels; requires street trees and street-like facilities along driveways
- Parking maximums in appropriate locations (in existing TPR)

0410 Electric Vehicle Charging *due March 31, 2023

- New private multi-family residential or mixed-use developments install conduit to serve 40% of units

0415 Provisions Specific to More Populous Cities

- Cities >25,000 in metro or >100,000 outside set certain parking maximums in specified areas
(additional provisions for 200,000+ population cities, i.e. Portland, are not listed here)

0420-0450 Three options for parking reform

Option 1 660-012-0420	Options 2 and 3 660-012-0425 through 0450	
Repeal parking mandates	Reduce parking burdens – reduced mandates based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking. Must unbundle parking for multifamily units near frequent transit. May not require garages/carports.	
	Climate-friendly area parking – remove mandates in and near climate-friendly areas or adopt parking management policies; unbundle parking for multifamily units	
	Cities pop. 100,000+ adopt on-street parking prices for 5% of on-street parking spaces by September 30, 2023 and 10% of spaces by September 30, 2025	
	Option 2 enact at least three of five policies	Option 3 all of the below
No additional action needed	<ol style="list-style-type: none"> 1. Unbundle parking for residential units 2. Unbundle leased commercial parking 3. Flexible commute benefit for businesses with more than 50 employees 4. Tax on parking lot revenue 5. No more than ½ parking space/unit mandated for multifamily development 	<p>No mandates for a variety of specific uses, small sites, vacant buildings, studios/one bedrooms, historic buildings, LEED or Oregon Reach Code developments, etc.</p> <p>No additional parking for changes in use, redevelopments, expansions of over 30%.</p> <p>Adopt parking maximums.</p> <p>No mandates within ½ mile walking distance of Climate-Friendly Areas.</p> <p>Designate district to manage on-street residential parking.</p>

Land Conservation and Development Department

Chapter 660

Division 12

TRANSPORTATION PLANNING

660-012-0005

Definitions

- (1) "Access Management" means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.
- (2) "Accessible dwelling unit" means a dwelling unit constructed to accommodate persons with disabilities, in compliance with the Americans with Disabilities Act and applicable construction requirements in adopted building codes.
- (3) "Accessible" means complying with the American with Disabilities Act.
- (4) "Accessway" means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.
- (5) "Affected Local Government" means a city, county, or metropolitan service district that is directly impacted by a proposed transportation facility or improvement.
- (6) "Approach Road" means a legally constructed, public or private connection that provides vehicular access either to or from or to and from a highway and an adjoining property.
- (7) "Area, net" means the total area of a development site exclusive of proposed or existing public rights of way, public parks, public open space, protected natural features, and any other areas permanently precluded from development due to development constraints, easements, or similar legal instruments.
- (8) "At or near a major transit stop": "At" means a parcel or ownership that is adjacent to or includes a major transit stop generally including portions of such parcels or ownerships that are within 200 feet of a transit stop. "Near" generally means a parcel or ownership that is within 300 feet of a major transit stop. The term "generally" is intended to allow local governments through their plans and ordinances to adopt more specific definitions of these terms considering local needs and circumstances consistent with the overall objective and requirement to provide convenient pedestrian access to transit.
- (9) "Bicycle boulevard" means bicycle facilities on streets with low motorized traffic volumes and speeds, designated and designed to give bicycle travel priority. Bicycle boulevards use signs, markings, traffic diverters, or other measures to discourage through trips by motor vehicles. A bicycle boulevard may also include traffic control features to create safe, convenient bicycle crossings of intersecting streets.
- (10) "Climate-friendly area" means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. These areas feature a well-designed and connected pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots, and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within climate-friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options.
- (11) "Commercial parking lot" means a site without a primary use where vehicle parking spaces are rented or leased. It does not include shared parking.
- (12) "Committed transportation facilities" means those proposed transportation facilities and improvements that are consistent with the acknowledged comprehensive plan and have approved funding for construction in a public facilities plan or the Six-Year Highway or Transportation Improvement Program.
- (13) "Demand management" means actions that are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include, but are not limited to, the use of non-driving modes, ride-sharing and vanpool programs, trip-reduction ordinances, shifting to off-peak periods, and reduced or paid parking.
- (14) "Equitable outcomes" means outcomes that burdens underserved populations less than and benefits underserved populations as much or more as the city or county population as a whole. Examples of equitable outcomes include:
- Increased stability of underserved populations, lowering the likelihood of displacement due to gentrification from public and private investments;
 - More accessible, safe, affordable and equitable transportation options with better connectivity to destinations people want to reach;
 - Adequate housing with access to employment, education, fresh food, goods, services, recreational and cultural opportunities, and social spaces;
 - Increased safety for people in public spaces, transportation and community development;
 - Equitable access to parks, nature, open spaces, and public spaces;
 - Better and more racially equitable health outcomes across the lifespan, particularly health outcomes connected to transportation choices, air pollution, and food;

- (g) Recognizing and remedying impacts of past practices such as redlining, displacement, exclusionary zoning, and roadway and other public infrastructure siting decisions that harmed underserved communities; and
- (h) Fairly-distributed benefits to residents and local governments across cities and counties within metropolitan areas.
- (15) "Freeway" means a limited-access highway with access points exclusively from interchanges with other streets and highways. Limited access may be provided for rural land uses in rural areas where no other access is available.
- (16) "Horizon year" means the final year of the twenty-year planning period.
- (17) "Influence area of an interchange" means the area 1,320 feet from an interchange ramp terminal measured on the crossroad away from the mainline.
- (18) "Local streets" means streets that are functionally classified as local streets to serve primarily local access to property and circulation within neighborhoods or specific areas. Local streets do not include streets functionally classified as collector or arterials.
- (19) "Local Street Standards" include but are not limited to standards for right-of-way, pavement width, travel lanes, parking lanes, curb turning radius, and accessways.
- (20) "Major" means, in general, those facilities or developments that, considering the size of the urban or rural area and the range of size, capacity or service level of similar facilities or developments in the area, are either larger than average, serve more than neighborhood needs or have significant land use or traffic impacts on more than the immediate neighborhood:
- (a) "Major" as it modifies transit corridors, stops, transfer stations, and new transportation facilities means those facilities that are most important to the functioning of the system or that provide a high level, volume, or frequency of service;
- (b) "Major" as it modifies industrial, institutional, and retail development means such developments that are larger than average, serve more than neighborhood needs, or that have traffic impacts on more than the immediate neighborhood;
- (c) Application of the term "major" will vary from area to area depending upon the scale of transportation improvements, transit facilities, and development that occur in the area. A facility considered to be major in a smaller or less densely developed area may, because of the relative significance and impact of the facility or development, not be considered a major facility in a larger or more densely developed area with larger or more intense development or facilities.
- (21) "Major transit stop" means existing and planned transit stations, including light rail stations and other transit transfer stations, except for temporary facilities; other planned stops designated as major transit stops in a transportation system plan and existing stops that:
- (a) Have or are planned for an above average frequency of scheduled, fixed-route service when compared to region wide service. In urban areas of 1,000,000 or more population, major transit stops are generally located along routes that have or are planned for 15-minute or better service frequency throughout the day and on weekends; and
- (b) Are located in a transit-oriented development or within one-quarter mile of an area planned and zoned for:
- (A) Medium or high-density residential development; or
- (B) Intensive commercial or institutional uses within one-quarter mile of land uses in paragraph (A); or
- (C) Uses likely to generate a relatively high level of transit ridership.
- (22) "Metropolitan area" means the local governments that are responsible for adopting local or regional transportation system plans within a metropolitan planning organization (MPO) boundary. This includes cities, counties, and, in the Portland Metropolitan Area, Metro.
- (23) "Metropolitan Planning Organization (MPO)" means an organization located within the State of Oregon and designated by the Governor to coordinate transportation planning in an urbanized area of the state including such designations made subsequent to the adoption of this rule. The Longview-Kelso-Rainier and Walla Walla Valley MPOs are not considered MPOs for the purposes of this division.
- (24) "Minor transportation improvements" include, but are not limited to, signalization, addition of turn lanes or merge/deceleration lanes on arterial or collector streets, provision of local streets, transportation system management measures, modification of existing interchange facilities within public right of way and design modifications located within an approved corridor. Minor transportation improvements may or may not be listed as planned projects in a TSP where the improvement is otherwise consistent with the TSP. Minor transportation improvements do not include new interchanges; new approach roads within the influence area of an interchange; new intersections on limited access roadways, highways, or expressways; new collector or arterial streets, road realignments or addition of travel lanes.
- (25) "ODOT" means the Oregon Department of Transportation.
- (26) "Parking benefit district" means a designated area where some of the revenues from parking fees or permits for public parking within the designated area are dedicated to public improvements in the area.
- (27) "Parking mandates" means requirements to include a minimum number of off-street parking spaces with development or redevelopment, or a fee-in-lieu of providing parking for residential development.
- (28) "Parking maximums" means limits on the number of off-street parking spaces that can be included in a development.
- (29) "Parking spaces" means on and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.
- (30) "Pedestrian district" means a comprehensive plan designation or implementing land use regulations, such as an overlay zone, that establish requirements to provide a safe and convenient pedestrian environment in an area planned for a mix of uses likely to support a relatively high level of pedestrian activity. Such areas include but are not limited to:
- (a) Lands planned for a mix of commercial or institutional uses near lands planned for medium to high-density housing; or
- (b) Areas with a concentration of employment and retail activity; and
- (c) That have, or could develop, or have planned a network of streets and accessways that provide convenient pedestrian circulation.

- (31) "Pedestrian facility" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for future pedestrian improvements.
- (32) "Pedestrian plaza" means a small semi-enclosed area usually adjoining a sidewalk or a transit stop that provides a place for pedestrians to sit, stand or rest. They are usually paved with concrete, pavers, bricks, or similar material and include seating, pedestrian scale lighting, and similar pedestrian improvements. Low walls or planters and landscaping are usually provided to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas are generally located at a transit stop, building entrance, or an intersection and connect directly to adjacent sidewalks, walkways, transit stops, and buildings. A plaza including 150-250 square feet would be considered "small."
- (33) "Pedestrian scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers, or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.
- (34) "People with disabilities" means people who have a record or history of physical, mental, intellectual, or sensory impairments that in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- (35) "Planning period" means the twenty-year period beginning with the date of adoption of a TSP to meet the requirements of this division.
- (36) "Preliminary Design" means an engineering design that specifies in detail the location and alignment of a planned transportation facility or improvement.
- (37) "Priority transit corridor" means a corridor that has a high existing or planned level of transit service relative to other transit service in the community, including service frequency and span of service. The corridor may be described as a series of stations when served by high-capacity transit services with widely spaced stations.
- (38) "Reasonably direct" means either a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- (39) "Refinement Plan" means an amendment to the transportation system plan, that resolves, at a systems level, determinations on function, mode or general location which were deferred during transportation system planning because detailed information needed to make those determinations could not reasonably be obtained during that process.
- (40) "Regional Transportation Plan" or "RTP" means the long-range transportation plan prepared and adopted by a metropolitan planning organization for a metropolitan area as provided for in federal law.
- (41) "Roads" means streets, roads, and highways.
- (42) "Rural community" means areas defined as resort communities and rural communities in accordance with OAR 660-022-0010(6) and (7). For the purposes of this division, the area need only meet the definitions contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.
- (43) "Separated or protected bicycle facilities" means bicycle facilities that are physically separated or protected from motor vehicle traffic by barriers that inhibit intrusion into the bicycle facility. Protection may include parked motor vehicles. Separated or protected bicycle facilities may be unidirectional or two-way. Separated or protected bicycle facilities are designed to address conflicting traffic at intersections and other vehicular accesses to the street or highway.
- (44) "Shared parking" means parking spaces used to meet the parking mandates for two or more uses, structures, or parcels of land, to the extent that the owners or operators show the overall demand for parking spaces can be met by the shared parking.
- (45) "Transit-Oriented Development (TOD)" means a mix of residential, retail, and office uses and a supporting network of roads, bicycle, and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit-oriented development include:
- (a) A mixed-use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area;
 - (b) High density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD;
 - (c) A network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.
- (46) "Transportation Facilities" means any physical facility that moves or assist in the movement of people or goods including facilities identified in OAR 660-012-0020 but excluding electricity, sewage, and water systems.
- (47) "Transportation System Management Measures" means techniques for increasing the efficiency, safety, capacity, or level of service of a transportation facility without increasing its size. Examples include, but are not limited to, traffic signal improvements, traffic control devices including installing medians and parking removal, channelization, access management, ramp metering, and restriping of high occupancy vehicle (HOV) lanes.
- (48) "Transportation Needs" means estimates of the movement of people and goods consistent with acknowledged comprehensive plan and the requirements of this division. Needs are typically based on projections of future travel demand resulting from a continuation of current trends as modified by policy objectives, including those expressed in Goal 12 and this division, and attaining the state's goals for greenhouse gas emissions reduction, especially those for avoiding principal reliance on any one mode of transportation.
- (49) "Transportation Needs, Local" means needs for movement of people and goods within communities and portions of counties and the need to provide access to local destinations.
- (50) "Transportation Needs, Regional" means needs for movement of people and goods between and through communities and accessibility to regional destinations within a metropolitan area, county, or associated group of counties.
- (51) "Transportation Needs, State" means needs for movement of people and goods between and through regions of the state and between the state and other states.

(52) "Transportation Options Provider" means an entity providing services that work to change travel behavior in order to increase transportation system efficiency.

(53) "Transportation Project Development" means implementing the transportation system plan (TSP) by determining the precise location, alignment, and preliminary design of improvements included in the TSP based on site-specific engineering and environmental studies.

(54) "Transportation Service" means a service for moving people and goods, such as intercity bus service and passenger rail service.

(55) "Transportation System Plan (TSP)" means a plan for one or more transportation facilities that are planned, developed, operated, and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.

(56) "Urban Area" means lands within an urban growth boundary, two or more contiguous urban growth boundaries, and urban unincorporated communities as defined by OAR 660-022-0010(9). For the purposes of this division, the area need only meet the definition contained in the Unincorporated Communities Rule although the area may not have been designated as an unincorporated community in accordance with OAR 660-022-0020.

(57) "Unbundled parking" means a requirement that parking spaces for each unit in a development be rented, leased, or sold separately from the unit itself. The parking space(s) must be rented, leased, or sold at market rates for comparable local off-street parking. The renter, lessor, or buyer of the unit must be allowed to opt out of renting, leasing, or buying the parking space.

(58) "Urban Fringe" means:

(a) Areas outside the urban growth boundary that are within five miles of the urban growth boundary of an MPO area; and

(b) Areas outside the urban growth boundary within two miles of the urban growth boundary of an urban area containing a population greater than 25,000.

(59) "Vehicle Miles Traveled (VMT)" means all jurisdiction household-based light vehicle travel regardless of where the travel occurs.

(60) "Walkway" means a hard surfaced area intended and suitable for use by pedestrians, including sidewalks and surfaced portions of accessways.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.712, ORS 197.717, ORS 197.732 & ORS 197.012

History:

[LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022](#)

[LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022](#)

LCDD 1-2014, f. & cert. ef. 8-15-14

LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12

LCDD 6-2006, f. 7-13-06, cert. ef. 7-14-06

LCDD 3-2005, f. & cert. ef. 4-11-05

LCDD 6-1998, f. & cert. ef. 10-30-98

LCDC 4-1995, f. & cert. ef. 5-8-95

LCDC 3-1995, f. & cert. ef. 3-31-95

LCDC 1-1991, f. & cert. ef. 5-8-91

[Please use this link to bookmark or link to this rule.](#)

660-012-0400**Parking Management**

(1) OAR 660-012-0400 through OAR 660-012-0450 apply to:

(a) Cities within metropolitan areas; and

(b) Portions of counties in a metropolitan area within an urban growth boundary, where the population of the unincorporated area within the urban growth boundary is 5,000 or more, and the area is served with urban water and sanitary services.

(2) Cities and counties shall adopt comprehensive plans and land use regulations that implement provisions of OAR 660-012-0405 through OAR 660-012-0415.

(3) Cities and counties shall remove parking mandates as directed under OAR 660-012-0420. In lieu of removing parking mandates, cities and counties may amend their comprehensive plans and land use regulations to implement the provisions of OAR 660-012-0425, OAR 660-012-0430, OAR 660-012-0435, OAR 660-012-0440, OAR 660-012-0445, and OAR 660-012-0450.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0405**Parking Regulation Improvements**

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies and land use regulations that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-quarter acre of surface parking on a lot or parcel as provided below:

(a) Developments must provide one of the following:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per parking space on the property. Panels may be located anywhere on the property. In lieu of installing solar panels on site, cities may allow developers to pay \$1,500 per parking space in the development into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;

(B) Actions to comply with OAR 330-135-0010; or

(C) Tree canopy covering at least 50 percent of the parking lot at maturity but no more than 15 years after planting.

(b) Developments must provide street trees along driveways but are not required to provide them along drive aisles; and

(c) Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.

(e) In providing trees under subsections (a), (b) and (c), the following standards shall be met. The tree spacing and species planted must be designed to maintain a continuous canopy. Local codes must provide clear and objective standards to achieve such a canopy. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for planting and tree care no lower than 2021 American National Standards Institute A300 standards, and a process to ensure ongoing compliance with tree planting and maintenance provisions.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0410**Electric Vehicle Charging**

(1) This rule applies to cities within a metropolitan area.

(2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.

(3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle parking spaces.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712 & ORS 455.417

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0415

Parking Maximums and Evaluation in More Populous Communities

(1) Cities with populations over 100,000, counties with populations over 100,000 outside city limits but within the urban growth boundary, and cities with populations over 25,000 within the Portland Metropolitan Area, shall set parking maximums in climate-friendly areas and in regional centers and town centers, designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. Those cities and counties shall also set parking maximums on lots or parcels within the transit corridors and rail stop areas listed in OAR 660-012-0440.

(a) Parking maximums shall be no higher than 1.2 off-street parking spaces per studio unit and two off-street parking spaces per non-studio residential unit in a multi-unit development in climate-friendly areas and within one-half mile walking distance of priority transit corridors. These maximums shall include visitor parking;

(b) Parking maximums shall be no higher than five spaces per 1,000 square feet of floor space for all commercial and retail uses other than automobile sales and repair, eating and drinking establishments, and entertainment and commercial recreation uses;

(c) For land uses with more than 65,000 square feet of floor area, surface parking may not consist of more area than the floor area of the building;

(d) In setting parking maximums, cities and counties shall consider setting maximums equal to or less than 150 percent of parking mandates in their adopted land use regulations in effect as of January 1, 2020. A city or county that sets a higher parking maximum must adopt findings for doing so. In no case shall the city or county exceed the limits in subsections (a) through (c) in climate-friendly areas and for developments on parcels or lots within one-half mile of transit corridors and three-quarters mile of rail transit stops listed in OAR 660-012-0440; and

(e) Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.

(2) Cities with populations over 200,000 shall, in addition to the requirements in section (1) of this rule:

(a) Study the use of priced on-street timed parking spaces in those areas subject to OAR 660-012-0435 or 660-012-0440. This study shall be conducted every three years or more frequently. Cities shall adjust prices to ensure availability of on-street parking spaces at all hours. This shall include all spaces in the city paid by minutes, hours, or day but need not include spaces where a longer-term paid residential permit is required;

(b) Use time limits or pricing to manage on-street parking spaces in an area at least one year before authorizing any new structured parking on city-owned land including more than 100 spaces in that area after March 31, 2023;

(c) Adopt procedures ensuring prior to approval of construction of additional structured parking projects of more than 300 parking spaces designed to serve existing uses, developer of that parking structure must implement transportation demand management strategies for a period of at least six months designed to shift at least 10 percent of existing vehicle trips ending within one-quarter mile of the proposed parking structure to other modes; and

(d) Adopt design requirements requiring applicants to demonstrate that the ground floor of new private and public structured parking that fronts a public street and includes more than 100 parking spaces would be convertible to other uses in the future, other than driveways needed to access the garage.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0420

Exemption for Communities without Parking Mandates

(1) Cities and counties that adopt land use regulations that do not include parking mandates are exempt from OAR 660-012-0425 through OAR 660-012-0450.

(2) Cities and counties that retain land use regulations with parking mandates shall conform with OAR 660-012-0425 through OAR 660-012-0450.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0425

Reducing the Burden of Parking Mandates

(1) This rule applies to cities and counties that:

- (a) Are within a metropolitan area; and
 - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties shall adopt and enforce land use regulations as provided in this section:
- (a) Garages and carports may not be required for residential developments;
 - (b) Garage parking spaces shall count towards off-street parking mandates;
 - (c) Provision of shared parking shall be allowed to meet parking mandates;
 - (d) Required parking spaces may be provided off-site, within 2,000 feet pedestrian travel of a site. If any parking is provided on site, required parking for parking for people with disabilities shall be on site. If all parking is off-site, parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance;
 - (e) Parking mandates shall be reduced by one off-street parking space for each three kilowatts of capacity in solar panels or wind power that will be provided in a development;
 - (f) Parking mandates shall be reduced by one off-street parking space for each dedicated car-sharing parking space in a development. Dedicated car-sharing parking spaces shall count as spaces for parking mandates;
 - (g) Parking mandates shall be reduced by two off-street parking spaces for every electric vehicle charging station provided in a development. Parking spaces that include electric vehicle charging while an automobile is parked shall count towards parking mandates; and
 - (h) Parking mandates shall be reduced by one off-street parking space for every two units in a development above minimum requirements that are fully accessible to people with mobility disabilities.
- (3) Any reductions under section (2) shall be cumulative and not capped.
- (4) Cities and counties shall require the parking for multi-family residential units in the areas in OAR 660-012-0440 be unbundled parking.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0430

Reduction of Parking Mandates for Development Types

- (1) This rule applies to cities and counties that:
- (a) Are within a metropolitan area; and
 - (b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.
- (2) Cities and counties may not require more than one parking space per unit in residential developments with more than one dwelling unit on a single legally-established property.
- (3) Cities and counties may not require parking for the following development types:
- (a) Facilities and homes designed to serve people with psychosocial, physical, intellectual or developmental disabilities, including but not limited to a: residential care facility, residential training facility, residential treatment facility, residential training home, residential treatment home, and conversion facility as defined in ORS 443.400;
 - (b) Child care facility as defined in ORS 329A.250;
 - (c) Single-room occupancy housing;
 - (d) Residential units smaller than 750 square feet;
 - (e) Affordable housing as defined in OAR 660-039-0010;
 - (f) Publicly supported housing as defined in ORS 456.250;
 - (g) Emergency and transitional shelters for people experiencing homelessness; and
 - (h) Domestic violence shelters.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012, ORS 197.712, ORS 329A.250, ORS 443.400 & ORS 456.250

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0435

Parking Reform in Climate Friendly Areas

- (1) This rule applies to cities and counties that:

- (a) Are within a metropolitan area; and

(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

(2) Cities and counties shall adopt land use regulations addressing parking mandates in climate-friendly areas as provided in OAR 660-012-0310. Cities and counties in Metro shall adopt land use regulations addressing parking mandates in regional centers and town centers designated under the Metro Title 6, Centers, Corridors, Station Communities and Main Streets, Adopted Boundaries map. In each such area, cities and counties shall either:

(a) Remove all parking mandates within the area and on parcels in its jurisdiction that include land within one-quarter mile distance of those areas; or

(b) Manage parking by:

(A) Adopting a parking benefit district with paid on-street parking and some revenues dedicated to public improvements in the area;

(B) Adopting land use amendments to require no more than one-half off-street parking space per dwelling unit in the area; and

(C) Adopting land use regulations without parking mandates for commercial developments.

(3) Cities and counties that opt to retain parking mandates under OAR 660-012-0400 shall require the parking for multi-family residential units in the areas listed in section (2) be unbundled parking.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0440

Parking Reform Near Transit Corridors

(1) This rule applies to cities and counties that:

(a) Are within a metropolitan area; and

(b) Have not adopted land use regulations without parking mandates as provided in OAR 660-012-0420.

(2) Cities and counties may not require parking spaces for developments on a lot or parcel that includes lands within three-quarters mile of rail transit stops.

(3) Cities and counties may not enforce parking mandates for developments on a lot or parcel that includes lands within one-half mile of frequent transit corridors, including:

(a) Priority transit corridors designated under OAR 660-012-0710;

(b) Corridors with bus service arriving with a scheduled frequency of at least four times an hour during peak service; and

(c) Corridors with the most frequent transit route or routes in the community if the scheduled frequency is at least once per hour during peak service.

(4) Cities and counties may use either walking distance or straight-line distance in measuring distances in this rule.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0445

Parking Management Alternative Approaches

(1) In lieu of adopting land use regulations without parking mandates under OAR 660-012-0420, cities and counties shall select and implement either a fair parking policy approach as provided in subsection (a) or a reduced regulation parking management approach as provided in subsection (b).

(a) A fair parking policy approach shall include at least three of the following five provisions:

(A) A requirement that parking spaces for each residential unit in developments that include five or more leased or sold residential units on a lot or parcel be unbundled parking. Cities and counties may exempt townhouse and rowhouse development from this requirement;

(B) A requirement that parking spaces serving leased commercial developments be unbundled parking;

(C) A requirement for employers of 50 or more employees who provide free or subsidized parking to their employees at the workplace provide a flexible commute benefit of \$50 per month or the fair market value of that parking, whichever is greater, to those employees eligible for that free or subsidized parking who regularly commute via other modes instead of using that parking;

(D) A tax on the revenue from commercial parking lots collecting no less than 10 percent of income, with revenues dedicated to improving transportation alternatives to drive-alone travel; and

(E) A reduction of parking mandates for new multifamily residential development to no higher than one-half spaces per unit, including visitor parking.

(b) A reduced regulation parking management approach shall include all of the following:

(A) A repeal of all parking mandates within one-half mile pedestrian travel of climate-friendly areas;

(B) A repeal of parking mandates for transit-oriented development and mixed-use development;

- (C) A repeal of parking mandates for group quarters, including but not limited to dormitories, religious group quarters, adult care facilities, retirement homes, and other congregate housing;
- (D) A repeal of parking mandates for studio apartments, one-bedroom apartments and condominiums in residential developments of five or more units on a lot or parcel;
- (E) A repeal of parking mandates for change of use of, or redevelopment of, buildings vacant for more than two years. Cities and counties may require registration of a building as vacant two years prior to the waiving of parking mandates;
- (F) A repeal of requirements to provide additional parking for change of use or redevelopment;
- (G) A repeal of parking mandates for expansion of existing businesses by less than 30 percent of a building footprint;
- (H) A repeal of parking mandates for buildings within a National Historic District, on the National Register of Historic Places, or on a local inventory of historic resources or buildings;
- (I) A repeal of parking mandates for commercial properties that have fewer than ten on-site employees or 3,000 square feet floor space;
- (J) A repeal of parking mandates for developments built under the Oregon Residential Reach Code;
- (K) A repeal of parking mandates for developments seeking certification under any Leadership in Energy and Environmental Design (LEED) rating system, as evidenced by either proof of pre-certification or registration and submittal of a complete scorecard;
- (L) A repeal of parking mandates for schools;
- (M) A repeal of parking mandates for bars and taverns;
- (N) Setting parking maximums consistent with OAR 660-012-0415(1), notwithstanding populations listed in that section; and
- (O) Designation of at least one residential parking district or parking benefit district where on-street parking is managed through permits, payments, or time limits.
- (2) Cities and counties may change their selection between subsections (1)(a) and (b) at any time.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

660-012-0450

Parking Management in More Populous Communities

- (1) Cities with populations over 100,000 shall either:
- (a) Adopt land use regulations without parking mandates; or
- (b) Price at least 10 percent of on-street parking spaces, and report the percentage of on-street parking spaces that are priced as provided in OAR 660-012-0900. Residential parking permits priced at lower than \$15 per month, 50 cents per day per space, or equivalent amounts do not count towards this total.
- (2) Cities may change their selection made between subsections (1)(a) or (b) at any time.

Statutory/Other Authority: ORS 197.040

Statutes/Other Implemented: ORS 197.012 & ORS 197.712

History:

LCDD 3-2022, adopt filed 08/17/2022, effective 08/17/2022

LCDD 2-2022, temporary adopt filed 06/01/2022, effective 06/01/2022 through 11/27/2022

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director
Date: September 23, 2022
Re: Discuss Scope of Camping Related Land Use Amendments

On October 3, 2022, the Newport City Council will consider and potentially adopt Ordinance No. 2198, relating to camping within public rights-of-way and public property. Enclosed is a copy of the draft ordinance, which the Council considered at its September 19, 2022 meeting. There are likely to be a few more minor changes, but it is now close to being in a finished form. The Planning Commission considered and provided feedback on the draft when it met on August 22, 2022.

Ordinance No. 2198 addresses camping outside of the context of the City's land use regulations and, with the exception of vehicle camping provisions for homeless individuals authorized under ORS 203.082 (renumbered to ORS 195.520), it does not address camping on private property. This work session has been scheduled to provide the Planning Commission an opportunity to discuss revisions it might want to make to City land use regulations to clarify and/or expand upon existing camping use allowances.

The City's existing land use regulations limit camping in commercial areas to recreational vehicle parks or public zoned property where identified in a city or state parks master plan (NMC 14.03.060(C)(2)(c)(vi.)). Permitted camping is of the type where a fee is charged, or it is allowed in exchange for trade or patronage of a person. This language is buried in the commercial use category section of the code and it might be prudent to call it out more explicitly. It also does not address circumstances where there is no fee, trade or patronage, meaning that a use of that nature is not allowed. The Commission might want to be explicit about this if that is the intent. There is no reference to camping in industrial or water-related/dependent zoned areas, so that use or activity is not allowed in these areas.

With regards to developed residential property, the act of someone pitching a tent in the backyard would be considered accessory to the primary use of the property (i.e. the dwelling). This is a pretty common occurrence, particularly in warm weather months, and typically involves family members or guests. The City cannot regulate who can stay in a tent, so a property owner could let a homeless individual(s) stay in a tent on their property. Accessory structures and uses are permitted outright in all residential zones. While it is possible that more than one tent could be allowed, the City must be able to find the activity to be customarily incidental and subordinate to the residential use of the property. An accessory use is defined as follows:

Accessory Structure or Use. A structure or use incidental and subordinate to the primary use of the property and which is located on the same lot or parcel as the primary use or is on a contiguous lot or parcel under the same ownership. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building. (NMC Chapter 14.01.020)

Accessory structures, as opposed to uses, cannot be used as a place of habitation unless it is an accessory dwelling unit (NMC 14.16.020(A)). The Commission may want to consider putting in place sidebars regarding the number of tents and/or guests that would be permitted. It might also be prudent to address circumstances where somebody wants to set up a tent on undeveloped residential property (which isn't currently allowed). Enclosed are sample codes from Coos Bay, Eugene and Seaside that address the topic.

Newport does not currently permit recreational vehicles to be used as a place of habitation on any property in the City unless it is in a manufactured dwelling park, recreational vehicle park, an authorized location in a local/state park; it is being used as temporary living quarters while a dwelling is being repaired or replaced (NMC 14.06.050(A)(3)); it is associated with overnight vehicle camping by homeless individuals allowed under NMC Chapter 9.50; or it is being used as a job shack on a non-residential construction project (NMC 14.09.030). The cross references to NMC Chapter 9.50 will need to be updated to align with changes in Ordinance No. 2198.

Language prohibiting recreational vehicles from being used as a place of habitation is contained in NMC 14.06.050. Some jurisdictions allow one or more recreational vehicles to be parked on privately owned property, provided it is free of charge and they have permission from the owner. Options for allowing this type of use are outlined in the enclosed sample codes, including relevant standards. This work session is an opportunity for the Commission to consider whether or not it wants to change the existing recreational vehicle rules.

Once I have your feedback, I'll put together a draft set of revisions for your consideration at a future work session. It could be a fairly minor set of revisions, cleaning up cross references and reorganizing and clarifying existing rules, or it could include new allowances for camping or recreational vehicle use on residential and non-residential properties if that is an option the Commission wishes to pursue.

See you on Monday!

Attachments
Ordinance No. 2198
Referenced NMC Chapters
Sample Codes

CITY OF NEWPORT

ORDINANCE NO. 2198

AN ORDINANCE REPEALING AND REPLACING CHAPTER 9.50 OF THE NEWPORT MUNICIPAL CODE RELATED TO CAMPING

WHEREAS, the Newport City Council has discussed the potential revision of its camping regulations on multiple occasions, including April 5, 2021, January 3, 2022, April 18, 2022, June 20, 2022, July 18, 2022, September 6, 2022, and September 19, 2022; and

WHEREAS, due to various state and federal regulations and court decisions, the City’s existing ordinances related to enforcing camping on public property have been rendered inoperable, resulting in confusion and creating health and safety issues; and

WHEREAS, a revision to the current camping ordinance is necessary in order to protect the health and safety of residents, and align the City’s regulations with the above referenced state and federal regulations and court decisions; and

WHEREAS, the continued health and safety of residents of the City of Newport is furthered by emergency adoption of this ordinance.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 9.50 of the Newport Municipal Code related to camping is repealed and replaced as follows:

- 9.50.005 Title and Purpose
- 9.50.010 Definitions
- 9.50.015 Permitted Camping
- 9.05.020 Camping Prohibited in Certain Places
- 9.50.030 Scheduling and Notice of Campsite Cleanup
- 9.50.040 Removal, Storage and Retrieval of Personal Property
- 9.50.050 Violation - Penalty
- 9.50.060 Nonexclusive Remedy
- 9.50.070 Interpretation

9.50.005 Title and Purpose

The title of this chapter shall be known as the “Newport Camping Regulations.” The purpose of this chapter is to protect the health and safety of residents and regulate the use of public property by establishing time, place, and manner guidelines.

9.50.010 Definitions

The following definitions apply in this chapter:

- A. “Camp” or “camping” means to pitch, erect, create, use, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.

- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "City manager" means the Newport city manager, or the city manager's designee.
- E. "Dwelling" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- F. "Established Campsite" or "to establish a campsite" mean any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia for more than 24 consecutive hours.
- G. "Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion.
- H. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- I. "Public property" means any real property or structures owned, leased, or managed by the City, including public rights-of-way.
- J. "Public rights-of-way" means all property dedicated to the public for transportation purposes and administered by the City, including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas managed by the City. "Right-of-way" also includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. "Right-of-way" includes the subsurface under and airspace over these areas. "Right-of-way" does not include the airwaves for purposes of CMRS, broadcast television, DBS and other wireless providers, or easements or other property interests owned by a single utility or entity.
- K. "Recreational vehicle or RV" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.
- L. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.
- M. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.
- N. "Vehicle" means a motor vehicle or recreational vehicle.

9.50.015 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 NMC 1.70.030; or
3. A special event permit has been issued in accordance with NMC 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 vehicle camping space to homeless persons living in vehicles, provided:
 - a. Such accommodations are made free of charge; and
 - b. Occupancy is limited to three or fewer vehicles at the same time; 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; and an inspection is performed by the City to confirm that sanitary facilities are in place, required setbacks are met, and any storage areas are screened, before overnight vehicle camping is commenced.

B. With written authorization of the property owner of the property:

1. Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:
 - a. Real property developed and owned by a religious institution, place of worship, regardless of the zoning designation of the property;
 - b. Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;

- c. Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the City. The City may require the site to be part of a supervised program operated by the City or its agent.
- C. A property owner who authorizes any person to camp on property pursuant to subsection B of this section must:
1. Provide or make available sanitary facilities;
 2. Provide garbage disposal services so that there is no accumulation of solid waste on the site;
 3. Provide a storage area for campers to store any personal items so the items are not visible from any developed public right-of-way;
 4. Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, clean, and habitable conditions at the property.
- D. A property owner who permits camping pursuant to subsection B of this section may revoke that permission at any time and for any reason.
- E. Notwithstanding any other provision of this chapter, the city manager may:
1. Revoke the right of any person(s) to authorize camping on property described in subsection B of this section upon finding that the person(s) has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property.
 2. Revoke permission for a person(s) to camp overnight on public property upon finding that the person(s) has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property.
 3. A permission or authorization revoked by the city manager under this subsection E is subject to a right to appeal and hearing procedure as provided in NMC 8.11.100.
- F. Any person whose permission to camp on property has been revoked pursuant to subsections D or E of this section must vacate and remove all belongings from the property within four hours of receiving such notice.
- G. All persons participating in the temporary camping program described in this

section do so at their own risk, and nothing in this section or chapter creates or establishes any duty or liability for the City or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage.

9.50.020 Camping Prohibited in Certain Places

A. Except as expressly authorized by the Newport Municipal Code, at all times it is unlawful for any persons to establish or occupy a campsite in the following locations:

A. Except as expressly authorized by the Newport Municipal Code, at all times it is unlawful for any persons to establish a campsite in the following locations:

1. City of Newport park sites developed with active use recreational facilities or that are designed as public gathering spaces including, but not limited to:

- a. Agate Beach Neighborhood and Dog Park
- b. Betty Wheeler Memorial Field
- c. Big Creek Park (developed portions)
- d. Coast Park
- e. Don and Anne Davis Park
- f. Founding Rock Park
- g. Frank Wade Memorial Park
- h. Literacy Park
- i. Mombetsu Sister City Park
- j. Sam Moore Skate Park and Parkway (developed portions)
- k. Wilder Twin Park

2. Within visual line of sight from a publicly constructed and signed recreational trail;

3. The following city-owned facilities, and associated grounds, that are open to the public:

- a. City Hall
- b. 60+ Activity Center
- c. Recreation/Aquatic Center
- d. Library
- e. Performing Arts Center
- f. Visual Arts Center
- g. Main Fire Station

4. Publicly owned or maintained parking lots unless identified as “car camping lots”;

5. Public rights-of-way adjacent to, or within 100 feet of, an elementary school, secondary school, day care facility, or child care facility;

6. Public rights-of-way adjacent to a dwelling;

7. The following developed public rights-of-way that are more heavily trafficked, or that are in areas with industrial activities:

- a. SW Bay Blvd. from SW Bay St. to S. Pine St.
- b. SE Bay Blvd. from S. Pine St. to SE Niemi Ct. (including boardwalk/piers)
- c. SW Elizabeth St. from SW Government St. to W. Olive St.
- d. SW Coast St. from SW 2nd St. to W. Olive St.
- e. NW Coast St. from W. Olive St. to NW 11th St.
- f. NW Spring St. from NW 8th St. to NW 12th St.
- g. NW Oceanview Dr. from NW 12th St. to N. Coast Hwy.
- h. NW Rocky Way
- i. NW Gilbert Way
- j. NE 1st St. from Hwy. 101 to NE Benton St.
- k. NE Avery St. from Hwy. 20 to NE 2nd St.
- l. Public rights-of-way within 100 feet of the edge of pavement of Hwy. 101 or Hwy. 20

B. Except as expressly authorized by the Newport Municipal Code, it shall be unlawful for any person to store personal property within public rights-of-way.

C. Except as expressly authorized by the Newport Municipal Code or a special event permit, it shall be unlawful to carry out open burning or to have a recreational fire on public property. The meaning of the terms “open burning” and “recreational fire” shall be as defined in the most recently adopted version of the State of Oregon Fire Code.

D. A person or persons camping in a motor vehicle or recreational vehicle must adhere to the parking regulations outlined in NMC chapters 6.05 through 6.35.

E. Notwithstanding the provisions of this section, the City Manager may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location:

1. In the event of emergency circumstances;
2. In conjunction with a special event permit; or
3. Upon finding it to be in the public interest and consistent with Council goals and policies.

F. The City Manager may adopt administrative rules to implement any of the provisions of this section.

9.50.030 Scheduling and Notice of Campsite Cleanup

A. Cleanup of illegal campsites will be by the chief of police or designee.

- B. Signs may be posted advising that camping is prohibited. Whether or not a sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.
- C. Notwithstanding subsections A and B of this section, 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 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 will be in both English and Spanish.
- F. Copies of all notices shall be provided to the Oregon Department of Human Services and/or 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 solid waste. Solid waste 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. When conducting a campsite removal, the City shall arrange in advance for a location for personal property to be stored.
- 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 and/or disposed of by the police department as appropriate.

9.50.050 Violation - Penalty

Violation of this chapter is a civil infraction subject to a civil penalty as provided in NMC 1.50.010.

9.50.060 Nonexclusive Remedy

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

9.50.070 Interpretation

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

Section 2 - Effective Date. This ordinance shall take effect on the date of adoption by the City Council to ensure the continued health and safety of residents of the City of Newport.

Adopted by the Newport City Council on October ____, 2022.

Signed by the Mayor on October ____, 2022.

Dean H. Sawyer, Mayor

ATTEST:

Erik Glover, City Recorder

4.816 Permitted Overnight Sleeping.

(1) Notwithstanding any other provision of this code:

(a) Persons may sleep overnight in a vehicle in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than six vehicles used for sleeping at any one time. For purposes of this subsection [\(1\)](#), the term “vehicle” includes a car, tent, camper, trailer, and Conestoga hut.

(b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, “family” means persons related by blood or marriage, or no more than two unrelated adults.

(c) Persons may sleep overnight in a vehicle, on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city or its agent. The city may require the site to be part of a supervised program operated by the city or its agent. The property owner may not grant permission for more than six vehicles used for sleeping at any one time.

(2) A property owner who allows a person or persons to sleep overnight on a property pursuant to subsections [\(1\)\(a\)](#), [\(1\)\(b\)](#) or [\(1\)\(c\)](#) of this section shall:

(a) Provide or make available sanitary facilities;

(b) Provide garbage disposal services as required by sections [6.050](#) and [6.055](#) of this code;

(c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;

(d) Require a tent or camping shelter in a backyard to be not less than five feet away from any property line; and

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

(3) A property owner who permits overnight sleeping pursuant to subsection [\(1\)](#) and [\(2\)](#) of this section, may revoke that permission at any time and for any reason. Any person who receives permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.

(4) Notwithstanding any other provision of this section, the city manager or the manager’s designee may:

- (a) Prohibit overnight sleeping on a property if the city finds that 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; or
- (b) Revoke permission for a person to sleep overnight on city-owned property if the city finds that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity is incompatible with the use of the property or adjacent properties.
- (5) The city manager or the manager's designee may impose administrative civil penalties on property owners who fail to comply with the requirements of subsections [\(1\)](#) and [\(2\)](#) of this section, as provided in section [2.018](#) of this code.
- (6) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a nuisance and may be abated as such. As used in this section, "campsite" has the meaning given in section [4.815](#) of this code.
- (7) The city manager may adopt administrative rules in the manner provided in section [2.019](#) of this code to implement this section.
- (8) With authorization from the city manager or designee in connection with a specific special event, persons may sleep overnight on public property which has a community center, swimming pool, or other city-operated athletic facility located thereon at which the special event is being held. The authorization shall be limited to no more than eight days in any two-week period.
- (9) Nothing in section [4.815](#) or [4.816](#) of this code creates any duty on the part of the city or its agents to ensure the protection of persons or property with regard to permitted overnight sleeping.
- (10) *Permitted overnight sleeping rest stop program.*
- (a) Up to 15 persons may sleep overnight in vehicles, as that term is defined in subsection [\(1\)\(a\)](#) of this section, on property authorized pursuant to subsection [\(c\)](#) below. However, for rest stop sites that have been operating in good standing for at least six months, the operator of the rest stop may request, and the city manager may approve, that up to 20 persons may sleep overnight at a specified site under this program.
- (b) No site may be used for overnight sleeping pursuant to subsection [\(a\)](#) above unless one or more entities enters into the agreement with the city referenced in subsection [\(c\)](#) below and one or more entities provides adequate garbage, toilets and supervision. The entity providing supervision shall work with surrounding and nearby neighbors (businesses or residences) to address any concerns.
- (c) The city manager shall recommend to the city council one or more proposed sites authorized by subsections [\(a\)](#) and [\(b\)](#) above. Any such site may not be located in a residential area or close to a school unless the city council determines that any potential impacts to the surrounding residences or to the school can be effectively mitigated. Before a proposed site may be used, the site must be approved by the city council by motion and an agreement must be executed between the city and the entity referred to in subsection [\(b\)](#) above. Such an agreement may include but is not limited to provisions concerning:

1. Supervision;
2. Selection of the individuals who may camp at the site;
3. Number of continuous days that someone may camp at the site;
4. Hours that people may stay at the site in addition to 9:00 p.m. to 7:00 a.m.;
5. Structures and other items that may be placed on the site; and
6. Closure of the site for non-compliance with the terms of the agreement.

(Section 4.816 added by Ordinance No. 20130, enacted August 5, 1998; and amended by Ordinance No. 20255, enacted June 10, 2002, effective July 10, 2002; Ordinance No. 20517, enacted and effective September 25, 2013; and Ordinance No. 20621, enacted July 22, 2019, effective August 23, 2019.)

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The Eugene Code is current through Ordinance 20670, passed July 11, 2022.

Disclaimer: The city recorder's office has the official version of the Eugene Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.eugene-or.gov](http://www.eugene-or.gov)

[Code Publishing Company](#)

8.45.030 Temporary camping program.

(1) With written authorization of the private property owner of the property:

(a) Up to three total motor vehicles or tents, in any combination, may be used for camping in any parking lot on the following types of property:

(i) Real property developed and owned by a religious institution, place of worship, regardless of the zoning designation of the property;

(ii) Real property developed with one or more buildings occupied and used by any organization or business primarily for nonprofit, commercial or industrial purposes;

(iii) Vacant or unoccupied commercial or industrial real property, after the property owner has registered the temporary camping location with the city. The city may require the site to be part of a supervised program operated by the city or its agent.

(b) Up to one family may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from property owner and tenants of the property, for camping by either:

(i) Using a tent to camp in the back yard of the residence; or

(ii) Using a single motor vehicle parked in the driveway of the dwelling.

(2) A property owner who authorizes any person to camp on a property pursuant to subsection (1) of this section must:

(a) Provide or make available sanitary facilities;

(b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;

(c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;

(d) Require a tent or camping shelter in a residential backyard to be not less than five feet away from any property line; and

(e) Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.

(3) A property owner who permits camping pursuant to subsection (1) of this section may revoke that permission at any time and for any reason.

(4) Notwithstanding any other provision of this chapter, the city manager or their designee may:

(a) Revoke the right of any person to authorize camping on property described in subsection (1) of this section upon finding that any activity occurring on that property by the camper(s) is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or

(b) Revoke permission for a person or family to camp overnight on city-owned property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property or adjacent properties.

(5) Any person whose authorization to camp on property has been revoked pursuant to subsections (3) and (4) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

(6) All persons participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage.

(7) Owners of vacant land may authorize the placement of a recreational vehicle on their property for the purpose of housing security personnel who will temporarily live on the vacant property for the purpose of protecting public health and safety, given the following:

(a) Approval by the public works director, or his designee, of a completed city authorized security contact form.

(b) A security plan is provided to the city which details the security services which will be provided, and the enforcement authority granted to the on-site security personnel.

(c) A limit of one recreational vehicle per two acres of vacant land. Properties under two acres will require special approval from the public works director, or his/her designee.

(i) Occupancy per recreational vehicle is limited to no more than two adults.

(ii) Recreational vehicles shall be 10 feet or more from any property line.

(d) A landowner who places and/or authorizes the placement of a recreational vehicle on vacant land for the purpose of housing any person providing security services, as provided for herein, must:

(i) Provide or make available sanitary facilities; or provide agreement with mobile waste pumping services.

(ii) Provide garbage disposal services so that there is no accumulation of solid waste on or about the site.

(iii) Generator noise must comply with provisions of this code (CBMC [9.20.010](#), Unreasonable noise).

(iv) Provide a storage area for security personnel to store any personal items so that those items are not visible from any public street.

(v) Not require or accept the payment of any monetary charge, nor performance of any valuable service, in exchange for providing the authorization to occupy a recreational vehicle on the property pursuant to this vacant land security program; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.

(e) Notwithstanding any other provision of this chapter, the city manager or his/her designee may revoke the right of any person to authorize security personnel to temporarily reside on vacant property as provided herein, upon finding that any activity occurring on that land is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare.

(f) Any person whose authorization to temporarily reside on property pursuant to this vacant land security program has been revoked pursuant to subsection (7)(e) of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

(g) All persons participating in the vacant land security program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees, or agents, with respect to any loss related to bodily injury (including death) or property damage. [Ord. 559 § 5 (Exh. A), 2022; Ord. 545 § 6 (Exh. A), 2021].

ORDINANCE NO. 2022-04

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON,
 ADDING CHAPTER 102 TO THE CODE OF SEASIDE, ESTABLISHING CAMPING
 REGULATIONS, DEFINITIONS, and PROGRAM FOR TEMPORARY CAMPING, PROHIBITED
 CAMPING, PENALTIES AND ENFORCEMENT**

WHEREAS, the City Council is interested in creating a Camping Ordinance in the City of Seaside, Oregon.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1: Chapter 102 of the Code of Seaside is hereby created and added to read:

Chapter 102 CAMPING REGULATIONS

102.01 Title and purpose.

The title of this chapter shall be known as the "City of Seaside, Oregon, camping regulations." The purpose of this chapter is to protect the safety of all citizens, housed or unhoused, and regulate use of publicly and privately owned property by establishing time, manner, and place guidelines. Intent: not to include those vacationing in the City of Seaside. Intended only for those experiencing homelessness.

102.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires different meaning:

- A. "Camp" or "camping" means to pitch, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, vehicles, recreational vehicles "RV's", or trailers.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking devices or utensils and similar equipment.
- D. "Campsite" means any place where one or more persons have established temporary Sleeping accommodations by use of camp facilities and/or camp paraphernalia.
- E. "City manager" means the Seaside City Manager, or the city manager's designee.
- F. "Motor vehicle" has the meaning given that term in ORS 801.360.
- G. "Park areas" has the meaning all public parks owned by ~~in~~ the City of Seaside.
- H. "Parking lot" means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.
- I. "Private property" means land or belongings owned by a person or a group and kept for their exclusive use.
- J. "Prohibited campsite" means any campsite:
 - (a) Described in Code of Seaside 102.06; or
 - (b) Not authorized under the Code of Seaside.
- K. "Public property" means public lands, premises and building, including but not limited to any buildings used in connection with the transaction of public business or any land, premises or building owner or leased by the City of Seaside.
- L. "Public rights-of-way" has the meaning set forth in Code of Seaside 95.01.
- M. "Recreational fire" has the meaning given that term in Code of Seaside Chapter 94.
- N. "Recreational vehicle" has the meaning given that term in ORS 174.101.
- O. "Solid waste" means any rubbish, garbage, trash, debris, yard waste, food waste, sewage or other discarded materials.
- P. "Solid waste disposal services" means contracted solid waste collection service for a campsite with the city's exclusive franchisee for the collection of solid waste.

- Q. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.
- R. "Street" means any highway, lane, road, street, right-of-way, alley, and every way or place in the city of Seaside that is publicly owned or maintained for public vehicular travel.

102.03 Private property program for temporary camping.

- A. Private Property – Non residential
 - (1) With written authorization of the private property owner of the property up to six (6) persons and up to three (3) total motor vehicles, RV's or tents, in any combination, may be used for camping in any parking lot.

- B. Private Property - Residential
 - (1) Up to six (6) persons may use a residentially zoned property developed with an occupied residential dwelling, with further authorization from property owner and tenants of the property, for camping by either:
 - (a) Using a tent to camp in the back yard of the residence; or
 - (b) Using a single motor vehicle parked in the driveway of the dwelling.

- C. Property Owner Responsibility
 - (1) A property owner who authorizes any person to camp on a property pursuant to subsection (A) and (B) of this section must:
 - (a) Provide or make available sanitary facilities; (i.e., including toilets, wash facilities, and drinking water facilities).
 - (b) Provide garbage disposal services so that there is no accumulation of solid waste on the site;
 - (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 - (d) Require a tent or camping shelter to be not less than five feet away from any property line; and
 - (e) Not require or accept the payment of any monetary charge nor performance of any valuable service in exchange for providing the authorization to camp on the property; provided, however, that nothing in this section will prohibit the property owner from requiring campers to perform services necessary to maintain safe, sanitary, and habitable conditions at the campsite.
 - (f) Register with the city camping permit program.

- D. A property owner who permits camping pursuant to subsection (A) and (B) of this section may revoke that permission at any time and for any reason.

- E. Notwithstanding any other provision of this chapter, the city manager or their designee may:
 - (a) Revoke the right of any person or organization or commercial entity to authorize camping on property described in subsection A of this section upon finding that any activity occurring on that property by the camper(s) is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
 - (b) Revoke permission for a person or group to camp overnight on private property upon finding that the person or family member has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property or adjacent properties.

- F. Any person whose authorization to camp on property has been revoked pursuant to subsections (D) and (E) of this section must vacate and remove all belongings from the property within twenty-four (24) hours of receiving such notice.

- G. All persons or organization or commercial entity participating in the temporary camping program described in this section do so at their own risk, and nothing in this code creates or establishes any duty or liability for the city or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage.

102.04 Public property program for temporary camping.

- A. Campers participating in the city's program for temporary camping are permitted to use public property locations identified in the city policy.
- B. All vehicles, motorized or recreational, participating in the city's program for temporary camping under this section shall be currently registered and displaying an unexpired registration plate with current tags or current trip permit issued by the Oregon State Department of Motor Vehicles (DMV) and shall be in compliance with required vehicle insurance responsibilities.
- C. The city may revoke permission for a person or group to camp overnight on public property upon finding that the person or group has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper(s) is incompatible with the use of the property. or adjacent properties.

102.05 Program for temporary camping permit

- A. Persons camping and property owners participating in the city's program for temporary camping shall obtain a cost-free permit from the city.
- B. Permits shall only be valid for three 3 weeks at a time before participants must obtain a new permit.
- C. In addition to the provisions within the penalties and enforcement section 102.99, violators of any provision of this chapter may be denied participation in the program for temporary camping.

102.06 Prohibited public property camping.

- A. Except as expressly authorized by Section 102.04, at all times it is unlawful for any persons to establish or occupy a campsite on the following public property:
 - (a) All public park areas;
 - (b) All publicly owned or maintained parking lots; and
 - (c) All publicly owned or maintained restrooms; and
 - (d) All publicly owned property located within residential zoning districts:
 - (1) Low density residential (R1)
 - (2) Medium density residential (R2)
 - (3) High Density Residential (R3)
 - (4) Resort Residential (RR)
 - (5) Residential Commercial (RC)
 - (e) All publicly owned property along 12th Avenue.
 - (f) All publicly owned property between 1st Avenue to Avenue A.
 - (g) All publicly owned property along Avenue G.
 - (h) All publicly owned property along Avenue U.
 - (i) All publicly owned property along Necanicum Drive.
 - (j) All publicly owned property along Holladay Drive.
 - (k) All publicly owned property along Highway 101.
 - (l) All publicly owned property along Wahanna Drive.
 - (m) All publicly owned property along Sunset Boulevard.

- B. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to camp as defined in Chapter 102 on any publicly owned property during the hours of 8:00 a.m. to 8:00 p.m.
- C. Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours of 8:00 a.m. to 8:00 p.m.
- D. Except as expressly authorized by the Codes of Seaside Chapter 94 or special event permit, it shall be unlawful to have a recreational fire on public property.
- E. A person or persons camping in a vehicle or recreational vehicle must adhere to parking regulations, Code of Seaside Chapter 72, and public right-of-way regulations, Code of Seaside Chapter 95.01.
- F. Notwithstanding the provisions of this chapter, the city manager or designee may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location:
 - (a) In the event of emergency circumstances;
 - (b) In conjunction with a special event permit; or
 - (c) Upon finding it to be in the public interest and consistent with council goals and policies.
- G. The city manager may adopt administrative rules to implement any of the provisions of this chapter.

102.99 Penalties and enforcement.

- A. Any person who violates any provision of this chapter shall, upon conviction, be subjected to a fine in the amount not to exceed \$25. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- B. In addition to any other penalties that may be imposed, any campsite or camp facilities or camp paraphernalia used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a public nuisance and may be abated as such. Movement from one location within city limits to another does not constitute abatement by the owner.

SECTION 2: Ordinance 2022-04 will take effect on the thirtieth day after its adoption.

ADOPTED by the City Council of the City of Seaside on this 25th day of April 2022 by the following roll call vote

YEAS: WRIGHT, HORNING, FRANK, BARBER, POSALSKI

NAYS: PHILLIPS, MONTERO

ABSTAIN: NONE

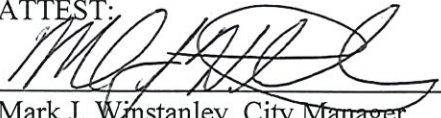
ABSENT: NONE

SUBMITTED to and **APPROVED** by the Mayor on this 25 day of APRIL, 2022



 JAY BARBER, MAYOR

ATTEST:



 Mark J. Winstanley, City Manager

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 charge or fee or to secure the trade or patronage of a person 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.

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.

7. 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

- a. Characteristics. Basic utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic utility 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; and suspended cable transportation systems.
- c. Exceptions.
 - i. Services where people are generally present are classified as Community Services or Offices.
 - ii. Utility offices where employees or customers are generally present are classified as Offices.
 - iii. 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 Corridors

- a. Characteristics. Utility 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.
- b. Examples. Examples include regional electrical transmission lines; and regional gas and oil pipelines.
- c. Exceptions.

- i. Utility corridors that are located within motor vehicle rights-of-way are not included.

(This section amended by the adoption of Ordinance No. 2199 on August 15, 2022; effective September 14, 2022.)

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.
- 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. Child Care Center

- a. Characteristics. Child Care Center use is a child care facility, other than a family child care home, that is certified under ORS 329A.280. Such facilities provide day or evening care to children under the age of 13 outside of the children's homes, with or without compensation. Child Care Centers may also

provide care to children under 18 years of age who has special needs or disabilities and requires a level of care that is above normal for the child's age.

- b. Examples. Pre-schools, nursery schools, latch key programs, and residential facilities.
- c. Exceptions.
 - i. Child Care Center use does not include care given by a "Family Child Care Home" that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330. Family Child Care Homes are located in a dwelling and are permitted on residential and commercial property developed with a dwelling.

(14.03.060(E)(4) amended by the adoption of Ordinance No. 2194 on May 16, 2022; effective June 15, 2022.)

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 and small wireless facilities are classified as Basic Utilities. Small wireless facilities shall be subject to design standards as adopted by resolution of the City Council.

(Section 14.03.060(E)(8)(c)(iii) was amended by Ordinance No. 2180, adopted on April 5, 2021; effective May 5, 2021.)

9. Transportation Facilities

- a. Characteristics. Includes facilities designed to convey, or facilitate the conveyance of, people or goods from one location to another.
- b. Examples. Examples include streets, pedestrian pathways, bicycle facilities, shared use paths, trails, transit stops and rail lines.

(Section amended by the adoption of Ordinance No. 2199 on August 15, 2022; effective September 14, 2022.)

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.
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 utilized as temporary living quarters while a dwelling is being repaired or replaced, provided such use is terminated by the date an occupancy is issued for the dwelling or within 24-months, whichever is sooner; or
 4. An area where overnight vehicle camping is permitted pursuant to Section 9.50.050(A)(2) through 9.50.050(A)(4).

(14.06.050(A) was amended by the adoption of Ordinance No. 2194 on May 16, 2022; effective June 15, 2022.)

- 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.

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

CHAPTER 14.09 TEMPORARY USES

14.09.010 Purpose

The purpose of this section is to provide some allowance for short-term uses that are temporary in nature, where no permanent improvements are made to the site, and the use can be terminated and removed immediately. Temporary activities include special events as defined in [9.80.010](#) of the Newport Municipal Code, temporary living quarters, construction trailers, leasing offices, mobile food units, kiosks, storage buildings, and similar structures.

14.09.020 Special Events Structures

Placement of special events structures is regulated under [Chapter 9.80](#) of the Newport Municipal Code.

14.09.030 Temporary Living Quarters

Notwithstanding any other restrictions and prohibitions in this code, a recreational vehicle may be used as a temporary living quarters subject to the following conditions:

- A. The request for temporary living quarters must be in conjunction with a valid, active building permit.
- B. The time limit shall be no longer than one (1) year from issuance. After the expiration of the time limit, the recreational vehicle used for the temporary living quarters must no longer be used for on-site living purposes.
- C. The recreational vehicle used as the temporary living quarters must be self-contained for sanitary sewer.
- D. Temporary living situations for non-residential projects may use a job shack or other such structure instead of a recreational vehicle as the living quarters and may have a portable toilet instead of a self-contained unit.
- E. The location of the temporary living quarters on the site shall satisfy the vision clearance requirements as set forth in [Section 14.21](#) of the zoning code.
- F. Prior to the issuance of a temporary living quarters permit, the applicant shall sign an agreement that the applicant shall comply with the provisions of this subsection.

CHAPTER 14.16 ACCESSORY USES AND STRUCTURES

14.16.010 Purpose

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

14.16.020 General Provisions

- A. Accessory uses and structures are those of a nature customarily incidental and subordinate to the primary use of a property. Typical accessory structures include detached garages, sheds, workshops, greenhouses, gazebos, and similar structures that, with the exception of Accessory Dwelling Units, are not intended for habitation by people. The Community Development Director, or the Director's designee, shall determine if a proposed accessory use is customarily associated with, and subordinate to, a primary use and may at his/her discretion elect to defer the determination to the Planning Commission. A determination by the Planning Commission shall be processed as a code interpretation pursuant to [Section 14.52, Procedural Requirements](#).
- B. An accessory use or structure shall be subject to, and comply with, the same requirements that apply to the primary use except as provided in this section.

14.16.030 Accessory Use or Structure on a Separate Lot or Parcel

An accessory use or structure may be located on a lot or parcel that is separate from the primary use provided:

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

containing the primary use. This restriction shall remain in effect until a primary use is situated on the same lot or parcel as the accessory building or the accessory building is removed.

14.16.040 Development Standards (Excluding Accessory Dwelling Units)

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

- A. The maximum floor area of the accessory structure in a residential zoning district shall not exceed 1,500 square feet or 65% of the total floor area of the primary structure, whichever is less.
- B. The maximum height of an accessory building in a residential zoning district shall not exceed that of the primary structure.
- C. Accessory buildings shall not extend beyond the required front yard setback lines of adjacent lots or parcels.
- D. Regardless of the setback requirements, a rear yard in a residential zone district may be reduced to five (5) feet for a one-story detached accessory building provided the structure does not exceed 625 square feet in size and 15 feet in height.

14.16.050 Development Standards - Accessory Dwelling Unit Standards

Accessory Dwelling Units shall conform to the following standards:

- A. Accessory Dwelling Units are exempt from the housing density standards of residential zoning districts.
- B. A maximum of one Accessory Dwelling Unit is allowed for each detached single-family dwelling on a lot or parcel.

(Section 14.16.050(B) was amended by Ordinance No. 2182, adopted on May 17, 2021; effective on June 16, 2021.)

- C. Accessory Dwelling Units may be a portion of the primary dwelling, attached to a garage, or a separate free-standing unit.
- D. The maximum floor area for a freestanding Accessory Dwelling Unit shall not exceed 800 square feet or 75% of

the area of the primary dwelling, whichever is less.

- E. The maximum floor area for an Accessory Dwelling Unit that is a portion of a primary dwelling or attached to a garage shall not exceed 800 square feet or 75% of the area of the primary dwelling, whichever is less. However, an Accessory Dwelling Unit that results from the conversion of a level or floor (e.g. basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 800 square feet.
- A. The maximum height of an Accessory Dwelling Unit detached from the primary dwelling shall not exceed that of the primary dwelling. An Accessory Dwelling Unit attached to the primary dwelling is subject to the height limitation of the residential zone district within which it is located.
- B. Accessory Dwelling Units shall not extend beyond the required front yard setback lines of the adjacent lots or parcels.

(Section 14.16.050 adopted by Ordinance No. 2152, adopted on November 4, 2019; effective December 4, 2019.)

14.16.060 Conditional Use Approval of Accessory Dwelling Units

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

(Chapter 14.16 was replaced on the adoption of Ordinance No. 2055; adopted on June 17, 2013; effective July 17, 2013.)

CITY OF NEWPORT

ORDINANCE NO. 2198

AN ORDINANCE REPEALING AND REPLACING CHAPTER 9.50
OF THE NEWPORT MUNICIPAL CODE RELATED TO CAMPING; AND
AMENDING SECTION 6.25.010 OF THE NEWPORT MUNICIPAL CODE

WHEREAS, the Newport City Council has discussed the potential revision of the City's camping regulations on multiple occasions, including April 5, 2021, January 3, 2022, April 18, 2022, June 20, 2022, July 18, 2022, September 6, 2022, and September 19, 2022; and

WHEREAS, due to various state and federal regulations and court decisions, the City's existing ordinances related to enforcing camping on public property have been rendered inoperable, resulting in confusion and creating health and safety issues; and

WHEREAS, a revision to the current camping ordinance is necessary in order to protect the health and safety of residents, and align the City's regulations with the above referenced state and federal regulations and court decisions; and

WHEREAS, on October 3, 2022, the City Council held a public hearing on the revision to the current camping ordinance and determined that the continued health and safety of residents of the City of Newport is furthered by emergency adoption of this ordinance.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 9.50 of the Newport Municipal Code related to camping is repealed and replaced as follows:

- 9.50.005 Title and Purpose
- 9.50.010 Definitions
- 9.50.015 Permitted Camping
- 9.05.020 Camping Prohibited in Certain Places
- 9.50.030 Scheduling and Notice of Campsite Cleanup
- 9.50.040 Removal, Storage and Retrieval of Personal Property
- 9.50.050 Violation - Penalty
- 9.50.060 Nonexclusive Remedy
- 9.50.070 Interpretation

9.50.005 Title and Purpose

The title of this chapter shall be known as the "Newport Camping Regulations." The purpose of this chapter is to protect the health and safety of residents and regulate the use of public property by establishing time, place, and manner guidelines.

9.50.010 Definitions

The following definitions apply in this chapter:

- A. "Camp" or "camping" means to pitch, erect, create, use, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.
- C. "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or outdoor cooking devices or utensils and similar equipment.
- D. "City manager" means the Newport city manager, or the city manager's designee.
- E. "Dwelling" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- F. "Established campsite" or "to establish a campsite" mean any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia for more than 24 consecutive hours.
- G. "Motor vehicle" means a vehicle that is self-propelled or designed for self-propulsion.
- H. "Parking lot" means a developed location that is designated for parking vehicles, whether developed with asphalt, concrete, gravel, or other material.
- I. "Personal property" means items that can reasonably be identified as belonging to an individual and that have apparent value or utility.
- J. "Public property" means any real property or structures owned, leased, or managed by the City, including public rights-of-way.
- K. "Public rights-of-way" means all property dedicated to the public for transportation purposes and administered by the City, including streets, roads, bridges, alleys, sidewalks, trails, paths, and all other public ways and areas managed by the City. "Right-of-way" also includes public utility easements to the extent that the easement allows use by the permittee planning to use or using the public utility easement. "Right-of-way" includes the subsurface under and airspace over these areas. "Right-of-way" does not include the airwaves for purposes of CMRS, broadcast television, DBS and other wireless providers, or easements or other property interests owned by a single utility or entity.
- L. "Recreational vehicle or RV" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by the Oregon Department of Transportation in OAR Chapter 735, Division 022. Examples include motor homes, camping trailers, tent trailers, truck campers and camper vans.
- M. "Solid waste" means any garbage, trash, debris, yard waste, food waste, or other discarded materials.

- N. "Store" or "storage" means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.
- O. "Vehicle" means a motor vehicle or recreational vehicle.

9.50.015 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 (Zoning) of the Newport Municipal Code; or
 - 2. Camping is occurring in accordance with a duly executed emergency declaration made pursuant to NMC 1.70.030; or
 - 3. A special event permit has been issued in accordance with NMC Chapter 9.80 authorizing camping.
- B. Notwithstanding the prohibitions in Section 9.50.020, the owner of a commercial or industrial property, a public entity, or a religious institution/place of worship may allow vehicle or tent camping to persons, provided:
 - 1. Such accommodations are made free of charge; and
 - 2. Occupancy is limited to three or fewer vehicles or tents at the same time, in any combination; and
 - 3. Vehicles or tents are located within an on-premise parking lot, and are spaced at least 10 feet apart; and
 - 4. All items and materials are stored in vehicles or tents or in a separate storage area that is screened from view from adjacent properties and public rights-of-way; and
 - 5. 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; and an inspection is performed by the City to confirm that sanitary facilities are in place, required setbacks are met, and any storage areas are screened, before vehicle or tent camping is commenced.
- C. A property owner who allows camping pursuant to subsection B of this section may revoke that permission at any time and for any reason.
- D. Notwithstanding the provisions of this section, the city manager may:
 - 1. Revoke the right of a property owner to allow camping on property described in

subsection B of this section upon finding that the property owner or a camper has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on that property by a camper is incompatible with the use of the property.

2. Revoke permission for a person to camp on public property upon finding that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that any activity occurring on public property by the person is incompatible with the use of the property.
3. A permission revoked by the city manager under this subsection D is subject to notice in the manner provided in NMC 8.11.090 and a right to appeal and hearing procedure as provided in NMC 8.11.100.

E. Any person whose permission to camp on property has been revoked pursuant to subsections C or D of this section must vacate and remove all belongings from the property within four hours of receiving such notice.

F. All persons participating in a camping program described in subsection B of this section do so at their own risk, and nothing in this section or chapter creates or establishes any duty or liability for the City or its officers, employees or agents, with respect to any loss related to bodily injury (including death) or property damage.

9.50.020 Camping Prohibited in Certain Places

A. Except as expressly authorized by the Newport Municipal Code, at all times it is unlawful to establish, use, or occupy a campsite in the following locations:

1. City of Newport park sites developed with active use recreational facilities or that are designed as public gathering spaces including, but not limited to:
 - a. Agate Beach Neighborhood and Dog Park
 - b. Betty Wheeler Memorial Field
 - c. Big Creek Park (developed portions)
 - d. Coast Park
 - e. Don and Anne Davis Park
 - f. Founding Rock Park
 - g. Frank Wade Memorial Park
 - h. Literacy Park
 - i. Mombetsu Sister City Park
 - j. Sam Moore Skate Park and Parkway (developed portions)
 - k. Wilder Twin Park
2. Within visual line of sight from a constructed and signed recreational trail on public property;
3. The following city-owned facilities, and associated grounds, that are open to the public:

- a. City Hall
 - b. 60+ Activity Center
 - c. Recreation/Aquatic Center
 - d. Library
 - e. Performing Arts Center
 - f. Visual Arts Center
 - g. Main Fire Station
4. City owned or maintained parking lots unless identified as a vehicle camping lot;
 5. Public rights-of-way adjacent to, or within 200 feet of, a lot or parcel containing an elementary school, secondary school, day care facility, child care facility, or facility providing services to homeless persons;
 6. Public rights-of-way adjacent to a lot or parcel containing a dwelling;
 7. The following developed public rights-of-way that are more heavily trafficked, or that are in areas with industrial activities:
 - a. SW Bay Blvd. from SW Bay St. to S. Pine St.
 - b. SE Bay Blvd. from S. Pine St. to SE Niemi Ct. (including boardwalk/piers)
 - c. SW Elizabeth St. from SW Government St. to W. Olive St.
 - d. SW Coast St. from SW 2nd St. to W. Olive St.
 - e. NW Coast St. from W. Olive St. to NW 11th St.
 - f. NW Spring St. from NW 8th St. to NW 12th St.
 - g. NW Oceanview Dr. from NW 12th St. to N. Coast Hwy.
 - h. NW Rocky Way
 - i. NW Gilbert Way
 - j. Public rights-of-way within 100 feet of the edge of pavement of Hwy. 101 or Hwy. 20
- B. Except as expressly authorized by the Newport Municipal Code, it shall be unlawful for any person to store personal property within public rights-of-way.
 - C. Except as expressly authorized by the Newport Municipal Code or a special event permit, it shall be unlawful to carry out open burning or to have a recreational fire on public property. The meaning of the terms “open burning” and “recreational fire” shall be as defined in the most recently adopted version of the State of Oregon Fire Code.
 - D. Any person camping in a motor vehicle or recreational vehicle must adhere to the parking regulations outlined in NMC chapters 6.05 to 6.25.
 - E. Notwithstanding the provisions of this section, the City Manager may temporarily authorize camping or storage of personal property on public property by written order that specifies the period of time and location upon finding it to be in the public interest and consistent with City Council goals and policies.
 - F. The City Manager may adopt administrative rules to implement the provisions of

this section.

9.50.030 Scheduling and Notice of Campsite Cleanup

- A. Cleanup of illegal campsites will be scheduled by the chief of police or designee.
- B. Signs may be posted advising that camping is prohibited. Whether or not a sign is posted, a specific dated and timed notice will be posted and distributed in the area of a scheduled cleanup at least 72 hours before the cleanup.
- C. Notwithstanding subsections A and B of this section, 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 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 will be in both English and Spanish.
- F. Copies of all notices shall be provided to the Oregon Department of Human Services and/or the Lincoln County Human Services Department.

9.50.040 Removal, Storage and Retrieval of Personal Property

- A. Personal property will be separated from solid waste during cleanups. Solid waste 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. When conducting a campsite removal, the City shall arrange in advance for a location for personal property to be stored.
- 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 and/or disposed of by the police department in accordance with the department's written policies and procedures.

9.50.050 Violation - Penalty

Violation of this chapter is a civil infraction subject to a civil penalty as provided in NMC 1.50.010.

9.50.060 Nonexclusive Remedy

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

9.50.070 Interpretation

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

Section 2. Section 6.25.010 of the Newport Municipal Code is amended as set forth below (deleted language shown in ~~strikethrough~~ and language to be added is depicted with underline):

- 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 in areas where camping is permitted as identified in ~~Section 9.50.050~~ NMC 9.50.015.

Section 3 - Effective Date. This ordinance shall take effect on the date of adoption by the City Council to ensure the continued health and safety of residents of the City of Newport.

Adopted by the Newport City Council on October ____, 2022.

Signed by the Mayor on October ____, 2022.

Dean H. Sawyer, Mayor

ATTEST:

Erik Glover, City Recorder

Tentative Planning Commission Work Program

(Scheduling and timing of agenda items is subject to change)



July 11, 2022

Work Session

- Potential Code Revisions for Short-Term Rental Work Group Consideration
- Working Draft of Camping Ordinance Being Developed for the City Council

July 25, 2022

Regular Session

- Public Hearing File No. 2-Z-22 - 1-CP-22 South Beach Commercial - Industrial Amendments

August 8, 2022

Work Session

- Final Scope of Work for TGM Funded City Center Revitalization Project
- Review Updates from Hearing #1 to South Beach Commercial - Industrial Amendments
- Review Updated Camping Ordinance (non-land use)

August 22, 2022

Work Session

- Housing Study - Residential Land Needs Recommendation
- Review Final Draft of Yaquina Head Traffic Study

August 22, 2022

Regular Session

- Public Hearing #2 File No. 2-Z-22 - 1-CP-22 South Beach Commercial - Industrial Amendments
- Initiate Legislative Amendments to Adopt Yaquina Head Traffic Study

September 12, 2022

Work Session

- Housing Study – Overview of the Constructability Assessment
- Yaquina Bay Estuary Management Plan - Needs and Gap Assessment

September 26, 2022

Work Session

- Discuss Priorities for Special Parking Area Code Changes
- Camping Related Land Use Amendments (Council hearing on other camping changes 10/3)

October 10, 2022

Work Session

- Identify Candidates for City Center Revitalization Project Stakeholder/Advisory Committees
- Final Recommendation from STR Work Group

October 10, 2022

Regular Session

- Public Hearing on File 2-CP-22 to Adopt Yaquina Head Traffic Study

October 24, 2022

Work Session

- Review of the South Beach Transportation Overlay Zone Trip Budget (req. by Ord. #2045)
- Review Options for Updating the City's Erosion Control and Stormwater Mgmt Standards

October 24, 2022

Regular Session

- File 3-NCU-22 Application by NW Natural for Replacement Equipment at the LNG Plant

November 14, 2022

Joint Council / Commission Work Session on Housing Study