

CITY OF NEWPORT
ORDINANCE NO. 2142

**AN ORDINANCE AMENDING CHAPTERS 14.01 AND 14.03
OF THE NEWPORT MUNICIPAL CODE (ORDINANCE NO. 1308, AS AMENDED) TO
PROVIDE FOR EXTENDED STAY HOTEL AND MOTEL USES**

Findings:

1. On August 7, 2018, the City of Newport received an application from Pacific Seafood Group requesting text amendments to the Newport Municipal Code to allow extended stay (i.e. non-transient) hotel and motel uses. Pacific Seafood Group is interested in developing housing for their work force and has identified commercial zoned property that would be suitable for that purpose. The Municipal Code does not currently allow extended stay hotel and motel use of an entire building; and
2. This amendment creates definitions for non-transient hotels and motels, distinguishing them from their transient counterparts. Further, the proposal revises the section of the Municipal Code that defines commercial use categories to include non-transient hotel and motel uses in the personal service oriented retail category. This change means that non-transient hotels and motels will become outright permitted uses in the C-1, C-3, and I-1 zones, and conditional uses in the C-2 and I-2 zone districts; and
3. The Newport Planning Commission and Planning Commission Citizens Advisory Committee held a work session on August 13, 2018 to consider the proposed code amendment and, as a result of that meeting, the proposal was revised to make the availability of cooking facilities in each unit, or for a group of units, a distinguishing feature between transient and non-transient hotel and motel uses; and
4. The proposed change is necessary and furthers the general welfare of the community because there is a clear need for affordable, workforce housing in Newport. This is documented in the Housing Needs Analysis contained in the Newport Comprehensive Plan, and through Housing Policy 2, Goal 2 of that Plan the City has committed to coordinating with private developers in the provision and improvement of workforce housing; and
5. Applicant has prepared, and the City accepts, findings of fact and conclusions of law that further justify the proposed amendments, including compliance with relevant Statewide Planning Goals and Administrative Rules, as outlined in Exhibit A to this ordinance; and
6. The Planning Commission held a public hearing to consider testimony on the proposed amendments on September 24, 2018, and voted to recommend adoption of the amendments; and

7. The City Council held a public hearing on October 15, 2018 regarding the question of the proposed revisions and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record; and
8. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The above findings, and those contained in Exhibit "A" to this ordinance, are hereby adopted as support for the amendments, below.

Section 2. Chapters 14.01 and 14.03 of the Newport Municipal Code (Ordinance No. 1308 (as amended)), are amended as shown in Exhibit "B."

Section 3. This ordinance shall take effect 30 days after its adoption.

Date adopted and read by title only: October 15, 2018.

Signed by the Mayor on October 16, 2018.


Sandra Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

Approved as to form:


Steven E. Rich, City Attorney

BEFORE THE PLANNING COMMISSION

AND THE CITY COUNCIL

FOR THE CITY OF NEWPORT, OREGON

In the Matter of a Type IV Application to)	FINDINGS OF FACT
Amend Newport Development Code)	AND CONCLUSIONS OF LAW
("NDC") Sections 14.01.020 and)	DEMONSTRATING SATISFACTION OF
14.03.060.2.b.iii to Allow Work Force)	THE APPLICABLE APPROVAL
Housing (the "Application") in the C-1, C-2)	CRITERIA
and C-3 Zoning Districts)	

I. Request.

This Type IV legislative amendment Application to the text of the NDC, the City's land use regulations, requests that the Planning Commission recommend approval of, and that the City Council approve, two amendments:

- to NDC Section 14.01.020 to amend the definitions of "hotel" and "motel" to remove the reference to the percentage of lodging rooms available for rent to transient guests for a continual period of less than thirty days; and
- to NDC Section 14.03.060.2.b.iii, to amend the uses in the retail sales and service, personal service-oriented land use category, whereby hotels, motels and other temporary lodging are allowed with guests having an average length of stay less than thirty days in the C-1, C-2 and C-3 zoning districts.

The purpose of the text amendment is to allow work force housing in the City's three commercial zoning districts to accommodate the unmet need for short-term housing for employees for longer than thirty days.

II. Classification of Application and Procedure.

A. Authority to Initiate the Application.

NDC 14.36.020.C provides that a legislative amendment to the City's land use regulations may be initiated by a property owner. **Exhibit 1** to this Application is a completed "City of Newport Land Use Application" form signed by the authorized representative of Pacific Seafood Group, a property owner within the City of Newport, Oregon.

B. Characterization of Application as a Legislative Application.

This Application is characterized as a legislative application and is not a quasi-judicial application. The application is properly characterized as a legislative application because it makes new law as opposed to applying existing law.

C. Procedure Type.

This Application is characterized as a Type IV Application because the final decision is made by the Newport City Council following a recommendation by the Newport Planning Commission and involves a land use action, such as a text amendment to the NDC. NDC 14.52.020.

This Application meets the requirements of NDC 14.52.040, "Application for a Land Use Action", by providing information relevant to a legislative amendment. The Application includes the name and address of the Applicant as required by NDC 14.52.040.A, and findings of fact and other information to support the request and addresses all applicable approval criteria, as required by NDC 14.52.040.K.

D. Proposed Amendments.

Exhibit 2 shows the proposed amendments:

1. NDC 14.01.020, "Definitions".

These amendments modify the definitions of "hotel" and "motel". The definitions currently limit the percentage of guests who may occupy rooms for more than thirty days. The proposed amendments remove this restriction. However, hotel and motel operators retain the choice of how long to rent rooms to guests.

2. NDC 14.03.060.2.b.iii, "Commercial Use Categories, Personal Service-Oriented."

This amendment modifies this use category by allowing hotels, motels and other temporary lodging establishments to offer rooms to guests with an average stay longer than thirty days.

E. Public Review Procedure for the Application.

After the City accepts the Application, the City is required to provide notice of the Planning Commission hearing to the Oregon Department of Land Conservation and Development ("DLCD") thirty-five (35) days before the Planning Commission hearing. The City is not required to mail notice of the hearing to surrounding property owners. The Planning Commission will hold a public hearing on the Application and make a recommendation to the Newport City Council. The Newport City Council will hold a public hearing on the Application and provide notice of its decision within twenty (20) days to DLCD and anyone who testified orally or in writing before either the Planning Commission or the City Council.

III. Reasons for the Amendments.

Pacific Seafood Group makes this Application because it is a large employer in the City and has found it difficult to keep existing employees and hire new employees because of the lack of affordable housing. Pacific Seafood Group maintains two processing plants in the City, employing about 430 persons. The peak demand for work force housing occurs during the

Shrimp, Whiting and Crab seasons, about six to eight months each year. As explained in Part IV, “Applicable Approval Criteria”, the City has an acknowledged need for work force housing. In this case, the lack of housing at affordable prices, acknowledged in the Newport Comprehensive Plan (the “Plan”), makes it difficult for Pacific Seafood Group’s employees to find acceptable housing for needed rental periods at affordable prices. Pacific Seafood Group has determined that it must provide work force housing for its employees.

This amendment to the NDC is necessary to allow Pacific Seafood Group to purchase buildings in one of the City’s three commercial zoning districts and to provide work force housing in those buildings without a limitation on the percentage of occupants who must stay fewer than thirty days. The proposed amendment, discussed with the City’s Planning Director prior to submittal of this Application, amends the definitions of “hotel” and “motel” and the retail sales, personal service-oriented use category, to accomplish this purpose. If adopted by the Newport City Council, hotels and motels in the City’s three commercial zoning districts can offer occupancy to guests without the current limitation on the number of guests staying more than thirty days. This amendment is a reasonable solution to the identified problem without requiring Pacific Seafood Group or another developer to construct additional multi-family dwelling units, or to compete with full-time residents for affordable housing.

IV. Applicable Approval Criteria.

This legislative amendment to the City’s land use regulations requires the Applicant to demonstrate that the applicable approval criteria, including relevant Statewide Planning Goals (the “Goals”), administrative rules implementing the Goals (the “Rules”), and provisions of the acknowledged Newport Comprehensive Plan (the “Plan”), are satisfied. ORS 197.195(2)(d). This part of the Application addresses the relevant Goals, Rules and Plan goals and policies for the proposed legislative amendment.

A. Relevant Goals.

1. Goal 1, “Citizen Involvement”:

“To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

FINDING: The City can find that Goal 1 is satisfied because the City will follow its acknowledged Citizen Involvement Program in reviewing the proposed land use regulation amendments. The City will provide notice of the legislative amendment in the local newspaper of record and make public hearings available where persons can testify about the Application.

The City can find that Goal 1 is satisfied.

2. Goal 2, “Land Use Planning”:

“To establish a land use planning process and policy framework as a basis for all decision and actions related to use

of land and to assure an adequate factual basis for such decisions and actions.”

FINDING: The Application contains an adequate factual basis for the proposed legislative amendment to the City’s acknowledged land use regulations. The adequate factual base includes a description of the problem and the proposed amendments to the NDC, to address the problem.

Additionally, the City must demonstrate that it has “coordinated” the Application, as “coordination” is defined in ORS 197.015(5), with affected governmental units including but not limited to local governments, special districts and state and federal agencies by providing them with notice of the Application, an opportunity to comment and considering their comments in the decision-making process as much as possible.

The City can also find that the proposed legislative amendment to the NDC do not require an amendment to the acknowledged Plan.

The City can find that Goal 2 is satisfied.

3. Goal 9, “Economic Development”:

“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

FINDING: The City can find that the proposed legislative amendments support the City’s Goal 9 program by providing adequate work force housing to support Pacific Seafood Group and other employers in the City.

The City can find that Goal 9 is satisfied.

4. Goal 12, “Transportation”:

“To provide and encourage a safe, convenient and economic transportation system.”

FINDING: The City can find that Goal 12 is satisfied because the proposed text amendments do not add a new use to the City’s three commercial zoning districts nor will the proposed legislative amendments add additional vehicle trips on local and state streets and highways.

The City can find that Goal 12 is satisfied.

B. Applicable Administrative Rules.

1. OAR Chapter 660, Division 9, “Economic Development”.

FINDING: The City can find that this administrative rule implementing Goal 9 is inapplicable because it applies to amendments to comprehensive plans for areas within urban growth boundaries. OAR 660-009-0010(1). This Application does not amend the Plan.

2. OAR Chapter 660, Division 12, “Transportation Planning”.

FINDING: OAR 660-012-0060 is entitled “Plan and Land Use Regulation Amendments.” OAR 660-012-0060(1) provides that the administrative rule applies to amendments to existing land use regulations. The administrative rule requires a determination of whether a land use regulation amendment would “significantly affect” a transportation facility. OAR 660-012-0060(1)(a)-(c) identifies when a land use regulation amendment significantly affects a transportation facility. The City can find that OAR 660-012-0060 is inapplicable to this Application because none of the three situations constituting when a “significant affect” occurs are applicable to this Application.

The City can find that the Transportation Planning Rule is satisfied by this Application.

C. Newport Comprehensive Plan.

The acknowledged Plan contains two sections relevant to this Application: the Economy and Housing Sections.

1. “Economy”.

FINDING: Plan Pages 24 and 25 note that the fishing and seafood processing industry in Newport generates one-third of the state’s commercial fishing activities and one-third of the state’s harvested seafood. In fact, the Plan identifies fishing and seafood processing as “potential growth industries.” Plan Page 26 states that industrial employment in Newport will increase from 11% of employment in Newport in 2010 to 15% by 2032. Part of this increase in employment is attributable to the increase of seafood processing employment.

The City can find that fishing and seafood processing is an increasingly important part of the City’s economy as noted in the Plan’s Economic Opportunities Analysis (the “EOA”). The City can find that by supporting work force housing for Pacific Seafood Group’s employees and other employers in the City, that industrial employment is strengthened, especially for seafood processing, which is considered a “potential growth industry.”

The City can also find that Economy Policy 4 is relevant to this Application. Economy Policy 4 provides:

“The City shall encourage growth of businesses involving fishing and value-added seafood.”

The City can find that the evidence supports a conclusion that additional work force housing opportunities are needed for housing for employees in the seafood industry. This legislative amendment encourages the provision of additional work force housing so that the seafood industry has a readily available supply of workers and those workers have affordable and adequate housing.

The City can find that the Plan's "Economy" Section is satisfied.

2. "Housing".

FINDING: The Plan contains a Housing Opportunities Analysis (the "HOA"). The reason that this legislative amendment is needed is to provide for more opportunities for work force housing. The City lacks affordable, longer-term, work force housing. The HOA at Plan Page 114-B notes that while affordable housing has been decreasing, housing costs have been increasing. Further, the HOA at Plan Page 114-f notes that there are very few high density housing locations available in locations that are "ideal for workers." HOA Plan Page 114-f notes that another impediment to work force housing is the cost of rental housing.

Housing Policy 2 at Plan 114-h provides that:

"The City shall cooperate with private developers * * * in the provision and improvement of * * * work force housing."

The City can find that this Application implements Housing Policy 2 in two ways. First, it allows for private developers to provide for work force housing without cost to the City or other governmental entities. Second, it provides an affordable housing solution for work force housing without competing for multi-family housing with permanent and seasonal residents.

The City can find that the Plan "Housing" Section is satisfied.

C. Conclusion.

The City can find that the acknowledged Plan supports both the Plan's acknowledgement of value-added seafood as a growth industry in the City and encourages private developers to provide solutions to the City's work force housing needs.

D. NDC.

FINDING: The NDC contains no approval criteria for an amendment to the City's acknowledged land use regulations.

V. CONCLUSION.

For the reasons contained in this Application, the Planning Commission and the City Council can find that the proposed text amendment to the NDC satisfy applicable Goals, Administrative Rules and Plan policies. By adopting the proposed text amendment, the City will encourage private employers to find a solution to work force housing needs for their employees.

The Applicant respectfully requests that the Planning Commission recommend approval to the City Council and that the City Council approve the text amendment as proposed.

EXHIBITS

Exhibit 1 "City of Newport Land Use Application" form

Exhibit 2 Proposed text amendments in redline format

City of Newport Land Use Application

PLEASE PRINT OR TYPE • COMPLETE ALL BOXES • USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): Pacific Seafood Group	Property Owner Name(s): N/A
Applicant Mailing Address: See attached.	Property Owner Mailing Address: N/A
Applicant Telephone No.: See attached.	Property Owner Telephone No.: N/A
E-mail: See attached.	E-mail: See attached.
Authorized Representative(s): See attached.	
Authorized Representative Mailing Address: See attached.	
Authorized Representative Telephone No.: See attached.	E-Mail: See attached.

Project Information

Property Location: N/A		
Tax Assessor's Map No.: N/A	Tax Lot(s):	
Zone Designation: N/A	Legal Description: N/A	
Comp Plan Designation: N/A	N/A	
Brief Description of Land Use Request(s): Amendment to the Newport Development Code (the "NDC") to allow hotels, motels and other temporary lodging with an average length of stay greater than 30 days in the C-1, C-2, and C-3 zones in NDC 14.03.060.C.2.iv and to amend the definitions of "hotel" and "motel" in NDC Section 14.01.020 to remove the length of stay requirements.		
Existing Structures:		
Topography and Vegetation:		
APPLICATION TYPE (please check all that apply)		
<input type="checkbox"/> Annexation <input type="checkbox"/> Appeal <input type="checkbox"/> Comp Plan/Map Amendment <input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> PC <input type="checkbox"/> Staff <input type="checkbox"/> Design Review <input type="checkbox"/> Geologic Permit	<input type="checkbox"/> Interpretation <input type="checkbox"/> Minor Replat <input type="checkbox"/> Partition <input type="checkbox"/> Planned Development <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Shoreland Impact <input type="checkbox"/> Subdivision <input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> UGB Amendment <input type="checkbox"/> Vacation <input type="checkbox"/> Variance/Adjustment <input type="checkbox"/> PC <input type="checkbox"/> Staff <input checked="" type="checkbox"/> Zone Ord/Map Amendment <input type="checkbox"/> Other _____
FOR OFFICE USE ONLY		
File No. Assigned: _____		
Date Received: _____	Fee Amount: _____	Date Accepted as Complete: _____
Received By: _____	Receipt No.: _____	Accepted By: _____

(SEE REVERSE SIDE)

Community Development & Planning Department • 169 SW Coast Hwy, Newport, OR 97365 • Derrick I. Tokos, AICP, Director

Applicant Mailing Address:

Mr. Michael Miliucci
Dulcich Realty, LLC
PO Box 97
Clackamas, OR 97015

Applicant Telephone Number and Email Address:

(503) 905-4500
mmiliucci@pacseafood.com

AUTHORIZED REPRESENTATIVE INFORMATION

1. The authorized representative is:

Michael Miliucci
Pacific Seafood Group
PO Box 97
Clackamas, OR 97015
Telephone: (503) 906-4500
Email: mmiliucci@pacseafood.com

2. The authorized representative is represented by:

Michael C. Robinson
Schwabe, Williamson & Wyatt, P.C.
1211 SW Fifth Avenue, Suite 1900
Portland, OR 97204
Telephone: (503) 796-2756
Email: mrobinson@schwabe.com

APPLICATION SUBMITTAL REQUIREMENTS

Zoning Ordinance Map or Text Amendment

The following information must be submitted with a City of Newport Land Use application for Zone Ordinance Map or Text Amendment:

Text Amendments:

- 1. A copy of the proposed language.
- 2. Fee of \$1,262.00.

Map Amendments:

- 1. A current 18" x 24" Lincoln County Assessor's tax map(s) showing the subject property and the notification area. The notification area is all properties within 300 feet of the subject property. *(Lincoln County Assessor's office is located in the Lincoln County Courthouse at 225 W Olive St, Newport)*
- 2. A list of names and addresses of property owners, as shown in the records of the Lincoln County Assessor, within the notification area described in #1 above.
- 3. Written findings of fact addressing the following criteria:
 - (a) The change furthers a public necessity.
 - (b) The change promotes the general welfare.
- 4. A written explanation of the requested change.
- 5. Fee of \$1,262.00.

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development & Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

Pacific Seafood Group
Applicant Signature(s)

7-30-19
Date Signed

Pacific Seafood Group
Property Owner Signature(s)

7-30-19
Date Signed

Michael M.
Authorized Representative Signature(s)
Michael Milinucci
CORPORATE COUNSEL

7-30-19
Date Signed

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

Definitions

Hotel. A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), with or without cooking facilities, and ~~where more than 50 percent of the lodging rooms are for rent to transient guests for a continuous period of less than 30 days.~~ A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a hotel use.*

Motel. A building or group of buildings in which lodging is provided for guests for compensation, containing guest units with separate entrances from the building exterior, with or without cooking facilities, ~~and where more than 40 percent of the lodging rooms are for rent to transient guests for a continuous period of less than 30 days.~~ A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a motel use.*

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.

C. Commercial Use Categories

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, motels, and other temporary lodging with an average length of stay greater than 30 days; taxidermists; mortuaries; veterinarians; kennels limited to boarding and training with no breeding; and animal grooming.

iv. Entertainment-oriented: Restaurants (sit-down and drive through); cafes; delicatessens; taverns and bars; hotels, motels, 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.

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

(Deleted language shown in strike through. New language is depicted with a double underline.)

14.01.020 Definitions.

Hotel (transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), with or without cooking facilities, and where ~~more than 50 percent~~ or more of the lodging rooms are for rent to ~~transient~~ guests for a continuous period of less than 30 days. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a hotel use.*

Hotel (non-transient). A building in which lodging is provided for guests for compensation and contains a common entrance and where lodging rooms do not have an entrance opening directly to the outdoors (except for emergencies), where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, and where 50 percent or more of the lodging rooms are offered for rent to guests for a continuous period of 30 days or longer. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a hotel use.*

Motel (transient). A building or group of buildings in which lodging is provided for guests for compensation, containing ~~guest units~~lodging rooms with separate entrances from the building exterior, with or without cooking facilities, and where ~~more than 40-50 percent~~ or more of the lodging rooms are for rent to ~~transient~~ guests for a continuous period of less than 30 days. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a motel use.*

Motel (non-transient). A building or group of buildings in which lodging is provided for guests for compensation, containing lodging rooms with separate entrances from the building exterior, where cooking facilities are provided within individual lodging rooms, or for groups of lodging rooms, offered for rent to guests for a continuous period of 30 days or longer. A bed and breakfast facility or a vacation rental conducted in a single family dwelling or individual dwelling unit is not a motel use.*

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.

C. Commercial Use Categories

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.

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.

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.

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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.

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