

**CITY OF NEWPORT**

**ORDINANCE NO. 2206**

**AN ORDINANCE AMENDING CAMPING RELATED PROVISIONS OF  
THE NEWPORT ZONING ORDINANCE**

(Newport File No. 4-Z-22)

**Findings:**

1. On November 28, 2022, the Newport Planning Commission initiated amendments to the Newport Zoning Ordinance, codified as Title XIV of the Newport Municipal Code, to add new camping related land use definitions, clarify rules related to temporary use of an RV as a residence during repair/replacement of a permanent dwelling; allow RV camping in the driveway of a residential lot with limitations; and confirm that camping in a tent in the backyard is accessory to a residential use.
2. The amendments complement Ordinance No. 2198, adopted by the City Council on October 3, 2022, which rewrote the City's camping regulations for public rights-of-way and public property. Ordinance No. 2198 addressed 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.
3. On September 26, 2022 and November 28, 2022, the Planning Commission discussed a range of potential revisions to City land use regulations to clarify and/or expand upon existing camping use allowances. The result of that work is this set of proposed amendments, more specifically described as follows:
  - a. Newport Municipal Code (NMC) Chapter 14.01 is being amended to include definitions for "camp," "camp facilities," and "camp paraphernalia," used in Ordinance No. 2198 in order to help ensure the City is consistent in how it interprets the terms between the two chapters. A definition for "tent" has also been added to clarify the range of shelter options that can entail. The "tent" definition aligns with the same definition included in the 2019 Oregon Structural Specialty Code.
  - b. NMC Chapter 14.06 addresses the use of a recreational vehicle as a place of habitation. The amendments clarify the circumstances where this can occur, including new language that will allow overnight use of a recreational vehicle in the driveway of a property developed with a dwelling in circumstances where the accommodations are provided free of charge.
  - c. NMC Chapter 14.09 sets out City standards for use of a recreational vehicle, or other structure, as temporary living quarters concurrent with the repair or replacement of a dwelling. The chapter has been reformatted for clarity. HB 2809 (2021) requires that cities allow use of a recreational vehicle as a place of habitation for up to 24-months when they are repairing/replacing a home damaged by a disaster. It is intended to be ministerial (i.e. no

permit is required). Residual language in this Chapter referring to a permit has been removed and language has been added making it clear that a permit is not needed. The use of a recreational vehicle, or other structure, as temporary living quarters concurrent with the repair or replacement of a dwelling will now be allowed generally, not just in circumstances where a home has been damaged or destroyed by a disaster.

d. Lastly, NMC Chapter 14.16, related to accessory uses and structures, is being amended to clarify that camping in a single tent in the backyard of a property with an occupied dwelling is permitted provided a fee is not charged. This is consistent with how the City has historically interpreted its accessory use/structure regulations. The added language includes limitations to ensure that camping activities are subordinate to the principal residential use of the property.

4. While the Planning Commission considered City regulations that relate to camping “for a fee” or to secure the trade or patronage of a person, it chose not to make changes to those rules at this time. Accordingly, this type of camping will continue to be limited 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.)). Ordinance No. 2198, codified in Chapter 9.50, regulates camping on commercial and industrial lands in circumstances where the accommodations are made “free of charge.”

5. The Newport Planning Commission held a public hearing on January 23, 2023 to consider public testimony and comment on the draft amendments and, at the conclusion of the hearing, passed a motion recommending the City Council adopt the amendments. In making its recommendation, the Commission concluded that the amendments satisfy the City’s requirement that legislative amendments be necessary and further the general welfare of the community because they offer temporary housing options that are not currently available to members of the community.

6. The City Council held a public hearing on February 21, 2023 regarding the question of the proposed amendments, and, after considering the recommendation of the Planning Commission and evidence and argument in the record, adopted the ordinance, concluding that it is necessary and furthers the general welfare of the community.

7. 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 public hearings.

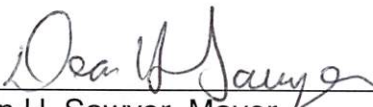
#### **THE CITY OF NEWPORT ORDAINS AS FOLLOWS:**

**Section 1.** Findings. The findings set forth above are hereby adopted in support of the amendments to Title XIV of the Newport Municipal Code adopted by Section 2 of this Ordinance.

**Section 2.** Municipal Code Amendment. Chapters 14.01, 14.06, 14.09 and 14.16 of Title XIV of the Newport Municipal Code are hereby amended as set forth in Exhibit "A".

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

Date adopted and read by title only: February 21, 2023  
Signed by the Mayor on 02-22-, 2023.

  
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Dean H. Sawyer, Mayor

ATTEST:

  
\_\_\_\_\_  
Erik Glover, Asst. City Manager/City Recorder

(Unless otherwise specified, new language is shown in double underline, and text to be removed is depicted with ~~striketrough~~. Staff comments, in *italics*, are for context and are not a part of the revisions.)

## CHAPTER 14.01 PURPOSE, APPLICABILITY, AND DEFINITIONS\*\*

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### 14.01.020 DEFINITIONS

As used in this ordinance, the masculine includes the feminine and neuter, and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

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**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.

**Camp Facilities.** Includes, but is not limited to, tents, huts, temporary shelters, motor vehicles, or recreational vehicles.

**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.

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**Tent.** A structure, enclosure, umbrella structure or shelter, with or without sidewalls or drops, constructed of fabric or pliable material supported in any manner except by air or the contents it protects.

*Staff: These are the same definitions used in NMC Chapter 9.50, and are being added to NMC Chapter 14 to make it clear that the terms are to be interpreted the same way in both chapters of the Municipal Code. Definition of tent added at the suggestion of the Commission at a 11/28/22 work session. The definition listed is from the 2019 Oregon Structural Specialty Code.*

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## CHAPTER 14.03 ZONING DISTRICTS

### 14.03.010 PURPOSE.

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

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#### 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.

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##### C. Commercial Use Categories

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##### 2. Retail Sales and Service

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##### 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.

*Staff: No change to highlighted language. A limited allowance for camping on commercial or industrial properties "free of charge" is provided in NMC Chapter 9.50. The City's temporary use regulations in NMC Chapter 14.09 allow for temporary living quarters to be used during construction of non-residential projects.*

## CHAPTER 14.06 MANUFACTURED DWELLINGS AND RECREATIONAL VEHICLES

### 14.06.010 PURPOSE

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

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### 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. 3. A property lot, parcel, or tract where construction is occurring and where the recreational vehicle satisfies the conditions listed in NMC 14.09.030; or 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 9.50.015; or 50(A)(2) through 9.50.050(A)(4).~~
- ~~5. A lot, parcel, or tract developed with an occupied dwelling unit provided:~~
  - ~~a. Such accommodations are made free of charge; and~~
  - ~~b. Occupancy is limited to a single vehicle that is parked in a gravel or paved driveway; and~~
  - ~~c. Sanitary facilities in the dwelling are made available to the vehicle occupants; and~~
  - ~~d. The vehicle is self-contained for sanitary sewer; and~~
  - ~~e. All items and materials are stored in the vehicle or in a separate storage area that is screened from view from adjacent properties and rights-of-way; and~~
  - ~~f. The vehicle is used as a place of habitation for no more than 6-months.~~

*Staff: Language related to temporary living quarters used by individuals who are actively engaged in on-site construction are being consolidated in NMC Chapter 14.09. This will eliminate discrepancies between the two code chapters. Cross-references to the recently updated camping ordinance have been fixed and, per the Commission's request, an allowance has been added for a single recreational vehicle to be used as a place of habitation. The standards for this new allowance borrow from the camping and temporary use sections of the Newport Municipal Code and code language from the City of Eugene that the Commission reviewed at a 9/26/22 work session. Changed length of time from 12-months to 6-months based on feedback from Commission at 11/28/22 work session. Reference to "an occupied" dwelling added by Commission at the 1/23/23 hearing so that it is consistent with new language in NMC 14.16.020(B).*

## 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.

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### 14.09.030 TEMPORARY LIVING QUARTERS

A. 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:

- A1. The individual(s) occupying the recreational vehicle are actively engaged in the construction or repair of a building on the premises; and request for temporary living quarters must be in conjunction with a valid, active building permit.
- 2. Any required building permits have been obtained; and
- B3. The recreational vehicle is used as a place of habitation for no more than 24-months, or the date that occupancy is granted, whichever is sooner; and 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.
- C4. The recreational vehicle used as the temporary living quarters must be self-contained for sanitary sewer; and.
- 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.
- E5. The location of the temporary living quarters on the site shall satisfy satisfies the vision clearance requirements as set forth in Section 14.21 Section 14.17 of the zoning code.

~~F6. 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.~~

B. 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.

C. A permit is not required to utilize a recreational vehicle as a temporary living quarters as provided in this subsection.

*Staff: This section has been revised to include language being deleted from Chapter 14.06 that was added to satisfy the requirements of HB 2809 (2021). That bill requires cities allow use of a recreational vehicle as a place of habitation for up to 24-months when they are repairing/replacing a home damaged by a disaster. It is intended to be ministerial (i.e. no permit is required), so residual language in this section referring to a permit has been removed and language has been added making it clear that a permit is not needed. The Commission had previously indicated that it was comfortable with this allowance being available to construction of buildings generally, not just circumstances where a home has been damaged or destroyed.*

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## 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 includes a single tent, not more than 120 square feet in size, used to camp free of charge in the backyard of a lot, parcel, or tract with an occupied dwelling unit.

BC. 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.

*Staff: Language has been added to clarify that use of a tent to camp in the backyard of a developed residential property is an accessory use provided the accommodations are made free of charge. The City has historically viewed a tent being used in this manner as accessory to the residential use. Limiting camping to a single tent will help to ensure the activity is subordinate to the principal use of the property. Size limitation added at the Commission's request following an 11/28/22 work session. A 120 sq. ft. limit will accommodate most 6 person tents and smaller 8-person tents.*