



PLANNING COMMISSION WORK SESSION AGENDA

Monday, November 28, 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 Erik Glover, City Recorder at 541.574.0613, or e.glover@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 Discussion with Thompson Sanitary Regarding Trash Enclosure Standards for Multi-Family and Commercial Development Projects.

[Memorandum](#)

[Sample Standards from Recology Western Oregon](#)

[Code excerpts from listed cities](#)

[ORS 197.303 & 197.307 related to needed housing](#)

2.B Overview of Updated Zoning Maps (Presentation).

3. UNFINISHED BUSINESS

3.A NMC Chapter 14 Camping Related Land Use Amendments.

[Memorandum](#)

[Draft Chapter 14 Land Use Related Camping Revisions](#)

[Ordinance No. 2198 \(Codified as NMC Chapter 9 .50\)](#)

[HB 2809 \(2021\)](#)


[Minutes from the 9/26/22 Commission Work Session](#)

3.B Planning Commission Work Program Update.

[PC Work Program 11-23-22](#)

4. ADJOURNMENT

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director 
Date: November 22, 2022
Re: Discussion with Thompson Sanitary Regarding Trash Enclosure Standards for Multi-Family and Commercial Development Projects

Representatives with Thompson Sanitary will be attending the work session to share their thoughts on standards they would like the City to adopt to ensure that site design for new multi-family and commercial projects adequately addresses waste management needs. They have provided sample standards from Recology Western Oregon (enclosed).

Many cities approach trash enclosures from an aesthetic perspective, focusing primarily on screening and placement. The attached examples from Bandon, Corvallis and Dundee take this approach. Others push beyond aesthetics, getting at the functional needs of the solid waste haulers. The City of Redmond, Oregon City, and Seattle Washington fit this mold (samples enclosed).

It is important to keep in mind that in Oregon, multi-family development is considered “needed housing” meaning that any standards the City chooses to adopt must be clear and objective (ref: ORS 197.307). The City may apply clear and objective or discretionary standards to commercial projects.

This work session is an opportunity for the Planning Commission to discuss whether or not it wants to explore adopting trash enclosure standards and, if so, the types of standards that may be needed. The following are topic areas that could be addressed:

- Siting standards, including screening and location within a property
- Size requirements for enclosures correlated to scale of development (addressing recycling and trash)
- Specifications for compactors
- Minimum vehicle access, grade, and gate width requirements

The Commission should keep in mind that many of the sample codes are from communities that do not share the same terrain constraints as Newport. If the consensus amongst the group is to move forward with potential amendments related to one or more of these topic areas (or others) then staff can bring forward draft code language for review at an upcoming work session.

Attachments

Sample Standards from Recology Western Oregon
Code excerpts from listed cities
ORS 197.303 & 197.307 related to needed housing



SOLID WASTE PLAN GUIDE & ENCLOSURE STANDARDS

Each applicant for a land use permit should develop and submit a solid waste and recycling plan as part of the permit process. The plan should demonstrate steps the applicant will take to meet the State mandate to reduce or divert 50% of the waste generated by all residents and businesses in Western Oregon.

The *Plan Guide* includes the pre-construction, construction and operational phase of each project. Some helpful generation guidelines are included as well as some conversions to help assess the level of collection service required for each project.

The *Enclosure Standards* detail the standard container sizes and offers direction on the dimensions, placement and construction of the solid waste enclosure.

If you have any questions regarding the *Plan Guide* or the *Enclosure Standards*, please contact:

Rhonda Green
rgreen@recology.com
Waste Zero Specialist
503-468-8663

PLAN GUIDE

PRE-CONSTRUCTION & CONSTRUCTION

Try to reuse dirt, concrete, asphalt, wood, green waste, metals, etc. on site whenever possible. Divert unused dirt, concrete, asphalt, wood, green waste, metals, etc. to a recycling facility. These items can be collected by Recology Western Oregon and diverted to a recycling facility.

GENERAL

Include solid waste and recycling information in your employee orientations, policy manuals, lease agreements and CC&R's.

Color code inside containers or provide graphic signs that instruct your employees and/or customers to separate materials in the containers used to transport recyclables and refuse to the outdoor enclosures.

Review your operations at least annually, contact Recology Western Oregon (RWO) for a free waste audit to reduce waste and keep your solid waste services cost effective and up to date.

DESIGN

Incorporate adequate space for trash and recycling containers inside the facilities where waste and recyclables will be generated. Incorporate space for recycling containers in the enclosure where they will be stored for collection. Design in a manner that facilitates reuse. Recyclable materials currently recycled at commercial, industrial and multi-family establishments (some areas of unincorporated Polk County do not have collection of recycling. Contact RWO to ensure recycling services are available in your area):

- Plastic bottles and containers (#1-7), ***no shrink wrap or polystyrene peanuts***
- Glass bottles and jars, ***no ceramics, plate glass or windows***
- Aluminum & tin cans, pie tins, metal clothes hangers
- Newspaper & magazines
- Cardboard boxes and phone books
- Motor oil (multi-family only)

Recyclable materials currently recycled at our McMinnville Transfer Station:

- Appliances
- Wood products
- Yard waste, including tree leaves, branches and grass clippings.
- Car batteries
- Tires
- E-Waste

*Charges may apply

*Special pick-up of items can be scheduled

<u>Classification</u>	<u>Building Type</u>	<u>Quantities Generated</u>
Apartments	No kitchen facilities	.25-.50 C.Y./unit/month
	Single/No children	1.50-2.00 C.Y./unit/month
	Family	2.00-2.50 C.Y./unit/month
Commercial Buildings	Office	1.00 C.Y./10,000 Sq. Ft. /Day
	Department Store	1.00 C.Y./2,500 Sq. Ft. /Day
	Supermarkets	1.00 C.Y./1,250 Sq. Ft. /Day
	Drugstores	1.00 C.Y./2,000 Sq. Ft. /Day
Hotels & Motels	High Occupancy (90%)	.50 C.Y./Room/Week w/restaurant
	High Occupancy (90%)	.24 C.Y./Room/Week w/o restaurant
Institutions	Nursing Homes	1.00 C.Y. /20 Persons/Day
	Retirement Homes	1.00 C.Y. /20 Persons/Day
Restaurants	Family Style	1.00 C.Y. /20 Persons/Day
Schools	Grade School	1.00 C.Y. /8 Rooms/Day
	High Schools	1.00 C.Y. /10 Rooms/Day
	Universities	Audit required

Note: These guidelines are approximate and can be helpful when observation of current service level or comparison of similar application is not possible. Recycling services may reduce the above volumes. Please contact our office for help in waste generation estimates.

Conversion Table for Various Containers

1 gallon	0.134 cu. ft.
27 cu. ft.	1.00 cu. yd.
1 cu. yd.	202 gallons

One cubic yard is approximately six (6) 32-gallon carts
 One cubic yard is approximately two (2) 90-gallon carts

To find container capacity in cubic yards, measure Length X Width X Height in inches and divide by 46,656. This will give you the approximate volume in cubic yards.

****It is important to provide enough service as to prevent material from overflowing from the containers or being stored on the ground.**

ENCLOSURE STANDARDS

Prior to plan submission coordinate with RWO’s Commercial Account Specialist to review site plans. Plans that do not meet standards must be approved by Recology Western Oregon.

A. CONTAINER SIZES

- a. Commercial containers for refuse or cardboard recycling come in sizes ranging from 1 cubic yard (cu yd) to 8 cu yd (see Table A for actual dimensions). Sizes 1 cu yd – 3 cu yd can be equipped with wheels for maneuvering. Select 4yds can be equipped with wheels, contact RWO for details. Containers 5 cu yd – 8 cu yd must be stationary (no wheels). If a stationary container is used, the container **MUST** be directly accessible by our collection truck (See Diagram A below).
- b. Smaller 90-gallon carts are available for greater flexibility, for limited-sized lots or for low-volume generators of refuse or recycling (see Table A for actual dimensions).

TABLE A

Be sure to indicate on the plans the number and size of bin.

SIZE	HEIGHT (*)	WIDTH	LENGTH
32 gallon cart	40"	25"	21"
90 gallon cart	46"	36"	30"
1 yd front-load	31"	80"	30"
1.5yd front-load	37"	80"	39"
2 yd front-load	46"	80"	40"
3 yd front-load	50 1/2"	80"	58"
4 yd front-load	60 1/2"	80"	67"
5 yd front-load	60 1/2"	80"	67 1/2"
6 yd front-load	70 1/2"	80"	67 1/2"
8 yd front-load**	87"	80"	71 1/2"
10 yd roll-off box	2'	8'	16 3/4'
20 yd roll-off box	6'	8'	16'
30 yd roll-off box	8'	8'	20'
47 yd roll-off box	9'	8'	20'

(*) Add 7" if you add wheels

(**) container requires additional loading devices

- The above measurements are approximated due to variations from manufacturers, therefore if you need a precise measurement, please call our office.

B. ENCLOSURE DESIGN, LOCATION & ACCESSABILITY

- a. Recology Western Oregon requires all container/enclosures to have direct access for RWO collection trucks. Direct access means the collection truck can drive directly at the container, and insert the forks into the sides of the container without having to get out of the truck to move the bin (see Diagram A). *A minimum straight approach of 50 feet is necessary to line up directly with the container.* Opening/closing gates or fences and

locking/unlocking the container lids are part of the driver's responsibility and are included as part of the service provided. Enclosures with poor or no accessibility, enclosures with atypical orientations and enclosures that require a driver to move or push a container for servicing are not recommended because the likelihood of the driver injury and/or property damage increases. These enclosures require special approval. As a condition of approval RWO may require the property owner to indemnify the franchised hauler from property damage resulting from non-conforming enclosure design or access.

- b. It is difficult and dangerous for a collection truck to back-up. Providing a turn-around or separate exit that allows the truck to move forward rather than backwards is required. *Maximum back-up distance is 50 feet for any maneuver and must be in a straight line.*
 - c. Containers shall be placed in accordance with applicable jurisdictions Fire Code.
 - d. Trash enclosures cannot be installed behind parking spaces.
- C. TURNING RADIUS REQUIRED FOR ACCESS TO ENCLOSURE
Turning radius must be adequate for a 3-axle truck. The overall length, including the forks is 36 feet. Minimum outside turning radius is 46.5 feet. Please detail this on your plans. (See Diagram B)
- D. HEIGHT CLEARANCE OF THE ENCLOSURE APPROACH
Refuse trucks require at least 18 feet of vertical clearance over the entire approach to and from the enclosure and 23 feet above the enclosure itself or where the container is serviced.
- E. DRIVEWAYS
An asphalt or concrete driveway with 50 feet of straight, direct access that leads to and from the enclosure is required and should be built in accordance with the City Standards Plan and Specifications and be able to withstand trucks weighing up to 62,000 lbs. Gross Vehicle Weight (GVW).
- F. STRESS CONCRETE PAD
 - a. A concrete stress pad shall be installed to cover the front of the 10 feet X 18 feet enclosure pad and extend out an additional 8 feet from the enclosure opening. The pad shall be engineered to withstand up to 20,000 lbs of direct force from a single truck axle.
 - b. Apron surface shall be the same elevation as the pad threshold and the surrounding surfaces.
- G. ENCLOSURE CONCRETE PAD
 - a. Enclosure pad shall be engineered to withstand up to 20,000 lbs. of direct force from a single truck axle.
 - b. Apron must extend 8 feet from the pad times the width of the enclosure opening.
 - c. Trash enclosure pad and apron shall slope 1/8 inch per foot.
 - d. Pad surface shall be the same elevation as the apron threshold.
- H. TRASH ENCLOSURE
 - a. Material
Generally, the material should match the exterior surface of the building but can be in combination with plant materials capable of forming a complete evergreen hedge. Some options include:

- i. Reinforced masonry or concrete block
 - ii. Wood
 - iii. Cyclone fencing with slats to block visibility
 - b. Height
Minimum inside height of 6 feet unless the containers are greater than 6 feet tall, then at least 6 inches above the top of the tallest container. (See Table A)
 - c. Inside Dimension
 - i. The minimum interior dimensions for a trash enclosure needed to house at least two-four (4) cubic yard containers are 18 feet X 10 feet. *Interior dimensions may increase depending on the size and number of container i.e. additional recycling receptacles.* (See standard enclosure examples)
 - ii. The enclosure must be large enough to provide a 2-foot clearance from the interior walls to each side of the containers.
 - d. Wheel Stops/Enclosure Protection
Enclosures constructed of wood or chain link fencing material shall contain a bumper curb at ground level inside the enclosure, bumper rail, or bollards on the back wall to prevent damage from container impacts.
 - e. Gate/Doors
 - i. Frame shall be solid metal
 - ii. Gate opening for ingress/egress of containers must be a minimum of 18 feet wide with no posts in the middle.
 - iii. A separate, additional pedestrian entrance is encouraged from the side or 3 foot staggered gate entrance.
 - iv. Use bolts, not screws, to secure gate to the bollards or walls.
 - v. Provide means to secure gate doors both opened and closed. I.e. cane bolt
 - vi. w/sleeve and latch between doors and sleeve in payment.
 - vii. Hung gates must have a 4-inch clearance off the finished pad or apron.
 - viii. Gates in the opened position shall not infringe on the traffic aisles and open to at least 180 degrees when secured open.
 - f. Lighting
The area around and inside the enclosure should be provided with adequate lighting.
 - g. No Parking Signs
The area directly in front of the enclosure where the door hinges are attached shall be protected with brightly colored bollards with reflective taping at the top. Gates may be attached to bollards.
 - h. Bollards
The corners of the enclosure where the door hinges are attached shall be protected with brightly colored bollards with reflective tape at the top. Gates may be attached to bollards.
- I. STORM WATER COLLECTION
 - a. The size of the pad for drop boxes and compactors shall be at least 12 feet wide and at least 5 feet longer than the length of the drop box of compactor.

- b. The pad shall be located a minimum of two (2) feet from any perimeter wall or structure and in a location that conforms to local fire code provisions.
- c. Loading dock areas that accommodate drop boxes or compactors shall have guide rails and bumper stops placed at ground level or at dock level, where the rear of the drop box or compactor is to rest to protect any enclosure, wall, or structure from damage due to loading or unloading.
- d. Drop boxes and compactors shall be located on a level concrete pad, a minimum of six (6) inches thick (6,000 psi).
- e. Compactors shall be compatible with collection equipment and weight limits prescribed by State and local law. The local franchised hauler shall be consulted for equipment compatibility.
- f. Access to the front of a drop box or compactor pad shall be at least a length of 50 feet and a width of 12 feet.
- g. Reflective "No Parking" signs shall be placed in a prominent location on, or near, the collection areas to provide unobstructed and safe access for servicing receptacles.

DIRECTIONS FOR APPROVAL: Plans must be approved by RWO before permit is issued if they are smaller than the standard enclosure or deviates from standards.

Please sign below to document that you have read and understand the above *Plan Guide and Enclosure Standards*, and that the below listed project fully complies with the requirements outlined above.

SIGNATURE _____ DATE _____

PROJECT NAME/NUMBER _____

CONTACT NAME _____

PHONE NUMBER _____

Recology Western Oregon

_____ APPROVED AS PROPOSED

_____ APPROVED ON CONDITION

_____ NOT APPROVED

COMMENTS:

SIGNATURE _____ DATE _____

DIAGRAM A

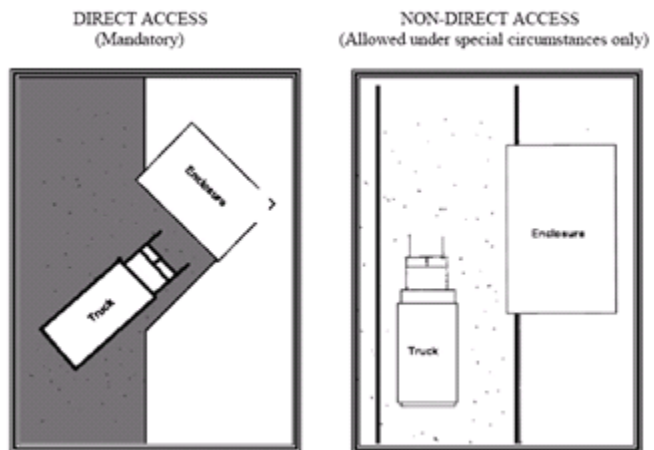
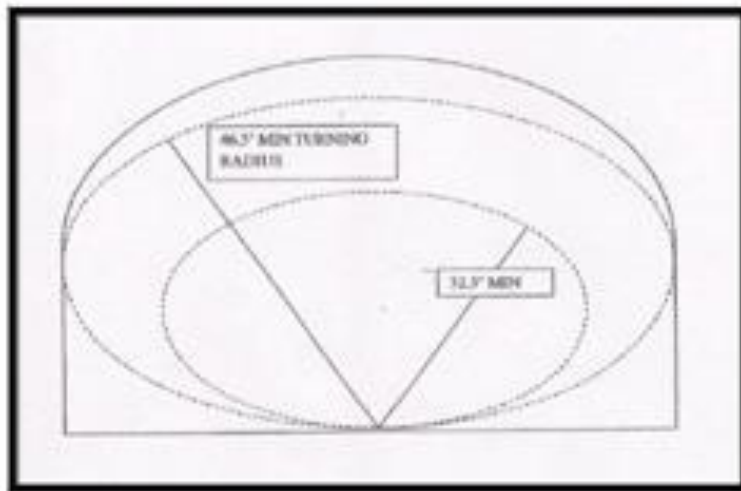
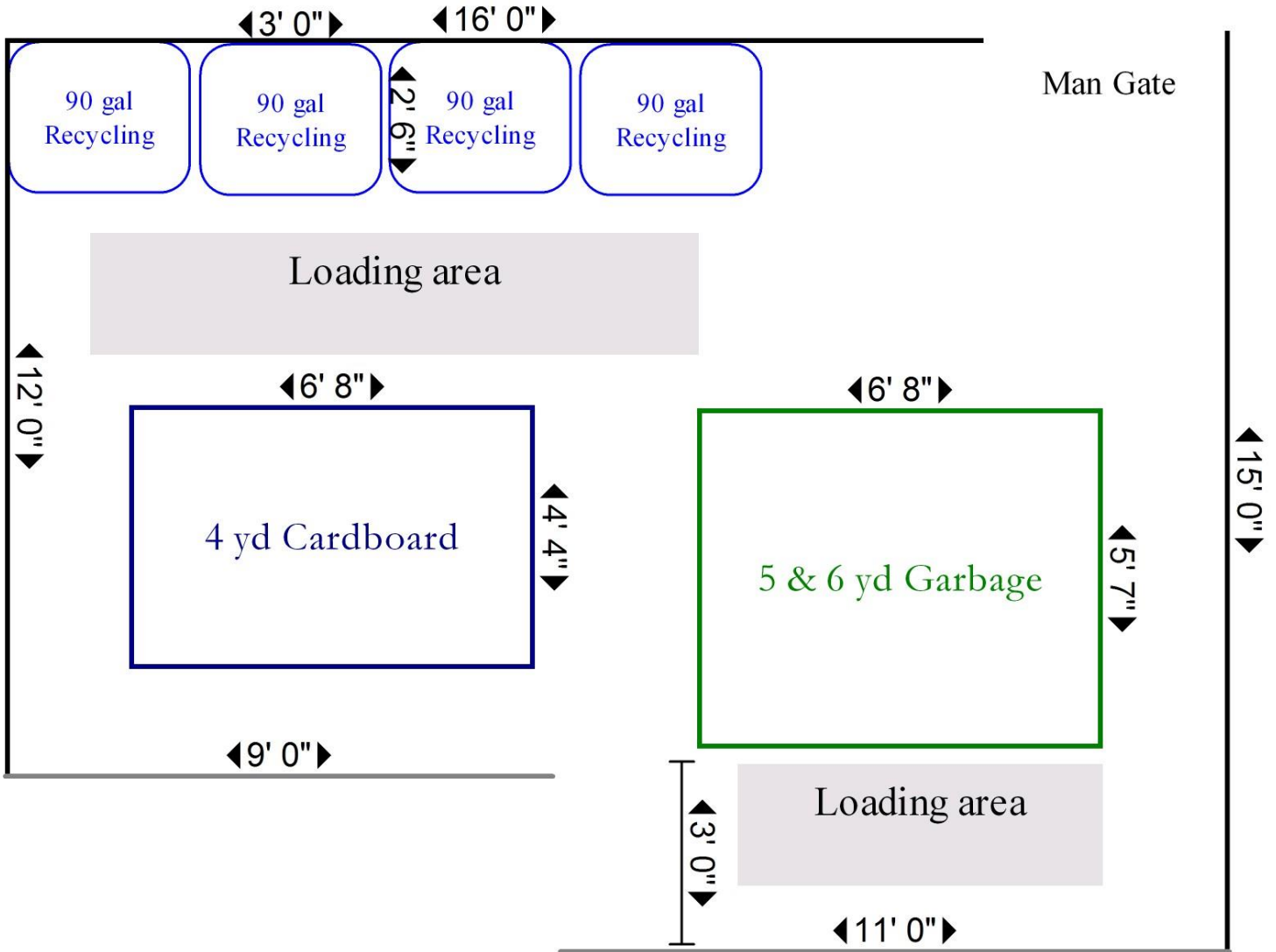


DIAGRAM B

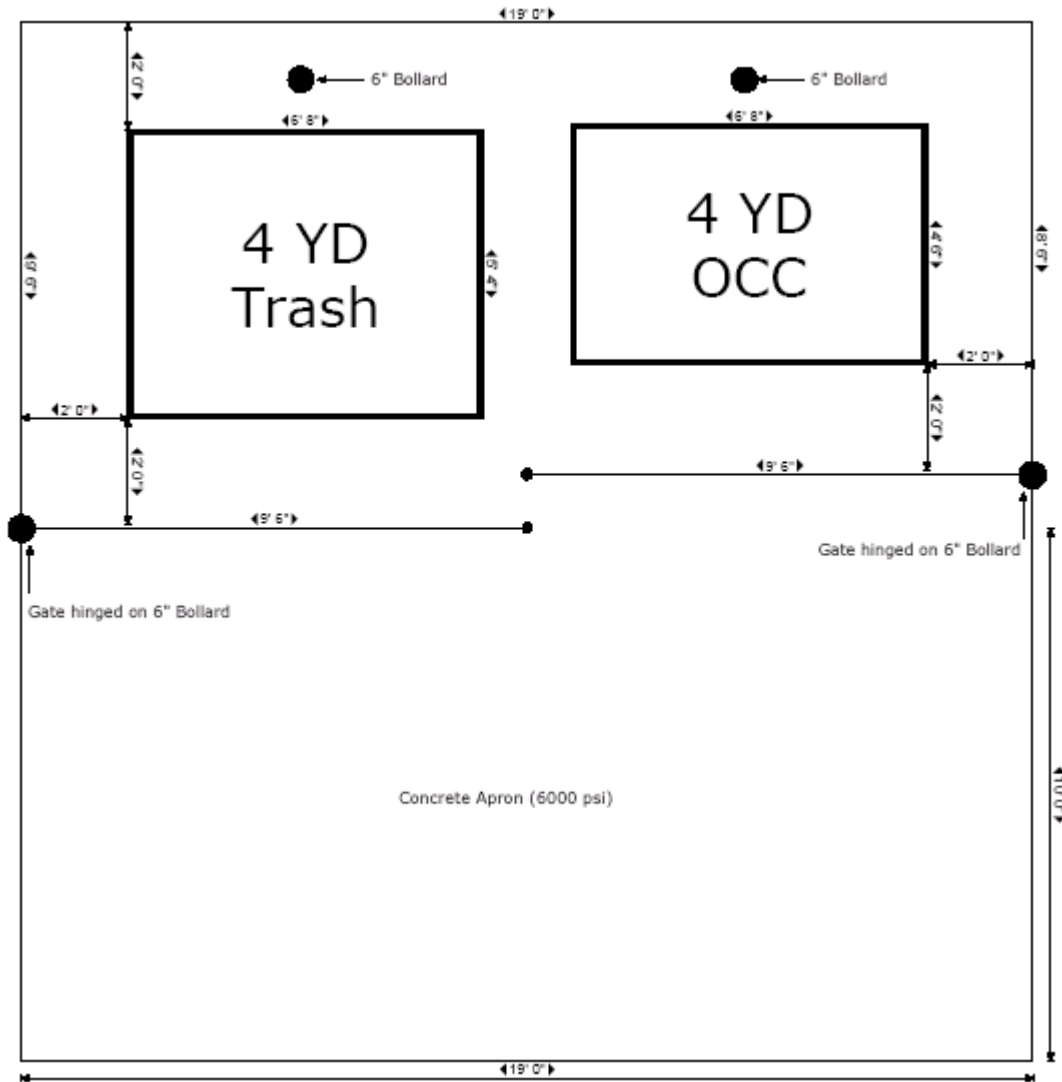
MINIMUM TURNING PATH FOR GARBAGE TRUCKS



STANDARD ENCLOSURE DESIGN WITH RECYCLING



ALTERNATE ENCLOSURE DESIGN WITHOUT COMMINGLED RECYCLING



Chapter 17.94

Commercial Design Standards

Sections:

- 17.94.010 Purpose
- 17.94.020 Scope
- 17.94.030 Pre-application conference
- 17.94.040 General Provisions
- 17.94.050 Non-conforming Buildings
- 17.94.060 Landscaping
- 17.94.070 Lighting
- 17.94.080 Parking Lots
- 17.94.090 Site Design, Building Design, Massing, Materials
- 17.94.100 Signage

17.94.010 Purpose

The purpose of this chapter is to promote growth management and the planning of development to protect resources and maximize Bandon's economic assets and advantages. Commercial Design Standards are intended to reflect Bandon's unique historic landscape and architectural character while encouraging the visual quality and continuity of commercial development. The standards will provide greater visual design interest, pedestrian-oriented site design, compatibility with uses and development on adjacent land, and a greater likelihood of building reuse. As future growth and urbanization occur, certain measures will be required to preserve the quality of life of Bandon's residents and the City's attraction to visitors.

17.94.020 Scope

The Commercial Design Standards shall apply to the following:

- A. All commercial development in any Light Industrial (LI) zone abutting Highway 101, and in the Commercial 2 (C-2), subject also to the provisions of Subsections C, D, E, and F below.
- B. All development on Light Industrial (LI) zoned property within the area bounded on the north by 2nd Street SE/Highway 101, on the south by 6th Street SE, on the west by Elmira Avenue SE, on the east by Grand Avenue SE, or the extended rights-of-way of those streets, subject also to the provisions of Subsections C, D, E, and F below.
- C. New construction of commercial buildings or groups of buildings exceeding 2,500 square feet of gross floor area.
- D. New construction of auto or equipment dealerships, auto service stations, and fast food restaurants of any footprint size.
- E. Buildings less than 5,000 square feet, and existing at the time this ordinance is adopted, are exempt from these requirements. However, this chapter shall apply to additions to these existing buildings which would result in a building greater than 5,000 square feet.
- F. For the purposes of this chapter the total square footage of buildings, or groups of commercial buildings less than twenty apart, which are served by a single or connected parking lot shall be calculated as one building.

17.94.030 Pre-application

- A. Developers of buildings affected by this section shall meet with City Planning Staff in a

pre-application review. 17.94.040 General Provisions

- A. These Design Standards include, but are not limited to:
 - 1. Landscaping,
 - 2. Building design, mass, scale, use of materials,
 - 3. Lighting.
- B. Dumpsters, trash enclosures, and other appurtenant structures shall be screened with landscaped areas or constructed of materials and finishes which are consistent with the main building.

17.94.050 Non-conforming Buildings

- A. If an existing building becomes non-conforming as a result of the adoption of these standards it may not be structurally modified unless the modification includes elements which result in a more conforming building.
- B. The square footage of the original non-conforming building may be increased a maximum of 20% if the modification includes elements which result in a more conforming building.
- C. If the square footage of a non-conforming building is increased more than 20% the resulting building, parking lot and all appurtenant structures shall conform to this chapter.

17.94.60 Landscaping

A. General:

- 1. All landscaping plans shall be approved by the approving authority and installed and subsequently maintained in good condition and in perpetuity by the owner of the property. Maintenance shall include, but not be limited to, watering, pruning, trimming, mowing, debris and weed removal, and if necessary replanting or replacement of failed landscape elements. Failure to maintain the landscaping in good condition shall be considered a nuisance and subject to citation to Municipal Court under Section 8.08 of the Bandon Municipal Code.
- 2. Building facades which face a street or sidewalk, shall have a four-foot-wide landscaping strip separating the building from the street and/or sidewalk. This section shall not apply to building facades separated from a street or sidewalk by a parking lot.
- 3. Landscape density shall be uniform throughout the site and include site amenities such as focal points, public trash receptacles, low wattage lighting, and water features, for areas around a building over 2,500 square feet.
- 4. Trees and shrubs used shall be selected from varieties compatible with the Southern Oregon Coast climate and which do not have destructive root systems which could damage either buildings or paved surfaces.
- 5. Trees shall be planted landscaped areas such that the tree trunk is at least 3 ft. from any curb or paved area.
- 6. The landscaped area shall be planted with shrubs and/or living ground cover to assure 50% coverage within 1 year and 90% coverage within 5 years. (Landscaped area is either covered with low lying plants or overhung by the branches of shrubbery).
- 7. All bare earth shall be covered with bark, mulch, landscape rock, or other similar landscaping material to prevent dust and soil erosion.
- 8. Landscaping shall conform to the vision clearance standards of the underlying zone.

B. Screening

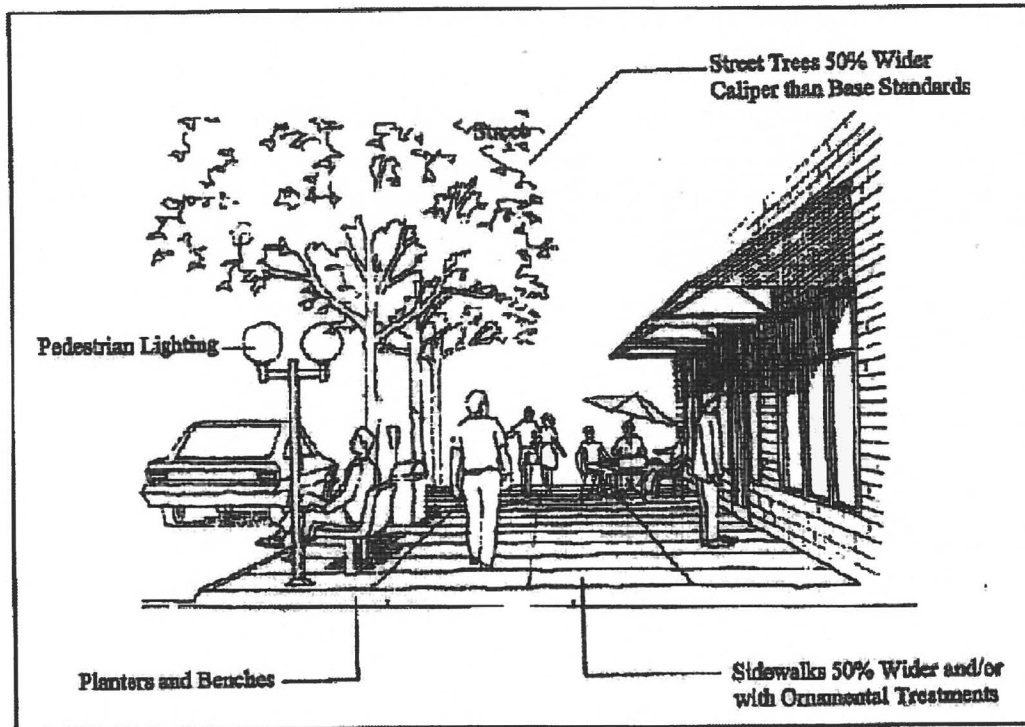


Figure 4.10-23 – Pedestrian Amenities

b. Design Standards and Design Variety Menus

1. **Encroachments** - Special architectural features, such as bay windows, decorative roofs, and entry features may, in accordance with Administrative Procedure 7.09 – Building Encroachments in the Public Right-of-Way, project up to three ft. into public rights-of-way, provided that they are not less than nine ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than eight ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.
2. **Loading/Service Facilities** - Loading and service areas such as trash enclosures shall be located to minimize conflicts with public pedestrian areas; screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting; designed to provide convenient access for trucks; and designed to minimize noise and other impacts with adjoining uses. Service areas shall be located to the back or sides of buildings, or in alleys where available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human-scale aspects of the development.
3. **Roof-mounted Equipment** - Roof-mounted equipment, such as heating, ventilation, and air conditioning equipment, shall be screened. Screening features shall be at least equal in height to the equipment, compatible with roof lines, and constructed of materials used in the building's exterior construction. Screening features include such elements as a parapet, wall, or other sight-blocking feature, etc. The roof-mounted equipment shall be painted to match the roof.

17.202.070 Site and building design standards in industrial zones.

The following standards apply to all development in the LI zone that is subject to site design review per Chapter 17.402 DMC.

A. Building Design. The intent of these standards is to create attractive employment areas within Dundee.

1. Architectural variation shall be provided for any wall facing a public street in order to break up the building mass. All walls facing a public street must have at least two of the following features; each feature must comprise at least 10 percent of the wall area.

- a. Contrasting building colors;
- b. Contrasting wall textures;
- c. Changes in building materials;
- d. Any of the following architectural features: awnings; columns; windows; arches; decorative relief, at least one inch in depth; pitched roof; other, as approved by the planning official.

2. Walls facing a public street must be constructed of one or more of the following building materials:

- a. Brick or masonry;
- b. Concrete or concrete block;
- c. Wood or wood composite;
- d. Architectural metal, provided the metal does not comprise more than 70 percent of the building wall facing the public street;
- e. Stucco;
- f. Other, as approved by the planning official.

3. The main building entrance shall face a public street.

B. Loading Areas, Outdoor Storage, and Trash Enclosures.

1. Areas used for trash collection or compaction, parking of trucks or trailers, and loading areas shall be located to the rear or side of the main building, to minimize the view of these areas from the public street. Where it is not possible to locate these facilities on a non-street building side, these facilities shall be screened from public view by landscaping or an opaque fence.

a. The planning official may approve a loading area adjacent to the public right-of-way where loading operations are:

i. Short in duration (i.e., less than one hour);

ii. Infrequent (i.e., less than three per day);

iii. Would not obstruct traffic during peak traffic hours (morning and evening);

iv. Would not interfere with emergency response services or pedestrian facilities.

2. Areas used for outdoor storage shall not be located between a front building wall and a public street. Front building walls are defined as being where the main entrance to the building is located. Outdoor storage areas must be screened by an opaque fence or wall.

3. Where a trash enclosure is required, the enclosure shall be composed of an opaque fence or freestanding masonry wall, with a gate. Gates need not be entirely opaque, but must include some elements to help screen the contents of the enclosure from view.

**City of Oregon City Policy:
Refuse And Recycling Standards For Non Single-Family or Duplex Uses**

Purpose:

- A. Efficient, safe and convenient location of refuse and recycling areas.
- B. Efficient, safe and convenient on-site maneuvering of collection vehicles, equipment and personnel for servicing solid waste and recycling areas.
- C. Compliance with the Regional Solid Waste Management Plan, OCMC Chapter 8.20 Solid Waste Collection and Disposal, And the Oregon Revised Statutes (ORS) Chapter 459.

Applicability:

These provisions shall apply to all new development, change in property use, expansions or exterior alterations to all uses other than single-family residential or duplexes.

Definitions:

Compactor: Any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or waste or recyclable materials.

Container: A receptacle with wheels, one (1) cubic yard or larger in size, used to store solid waste or waste or recyclable material, but not a drop box or compactor.

Drop Box: A single receptacle designed for the storage and collection of large volumes of solid waste or waste or recyclable materials, which is usually ten (10) cubic yards or larger in size.

Receptacle: A can, cart, container, drop box, compactor or a recycling bin or any other means of containment of solid waste or waste or recyclable materials.

Recycling Enclosure: A structure built consistent with the State of Oregon Structural Specialty Code designed to provide shelter for compactors, containers, drop boxes, receptacles, or any other solid waste and recycling containment facilities.

Recycling Shelter: A pre-manufactured structure designed for containment and storage of recyclable materials.

Recycling/Solid Waste Service Area: An area designed and established for the purpose of satisfying the local franchised collection firm's service requirements.

Recycling and Solid Waste Service Areas:

- A. Recycling and solid waste service areas including compactors, containers, and drop boxes shall be located on a level minimum 4-inch thick concrete pad, or an alternative approved by the Planning Division and the local collection firm. The pad shall be at ground elevation or a location compatible with the local collection firm's equipment and designed to discharge surface water runoff to avoid ponding.
- B. The recycling area shall be located in close proximity to the garbage container area(s) and be accessible to the local collection firm's equipment.
- C. The location of the recycling area and method of storage shall be approved by Clackamas County Fire District #1 Fire Marshal. Containers and drop boxes greater than one and one-half (1.5) cubic yards in size shall not be stored within five (5) feet of a combustible wall, opening or combustible roof eave lines. Curbs, bumpers or other restraints shall be provided to maintain this distance.
- D. Recycling containers, carts or shelters located outside a structure shall have lids.
- E. Property owner(s) shall maintain all recycling and solid waste service areas including enclosures, receptacles and shelters in a clean and safe condition.

- F. Recycling and solid waste service areas shall be used only for purposes of storing solid waste and recyclable materials and shall not be a general storage area to store personal belongings of tenants, lessees, property management or owners of the development or premises.
- G. Special Wastes or Recyclable Materials
 - 1. Environmentally hazardous wastes defined in ORS 466.005 shall be located, prepared, stored, maintained, collected, transported, and disposed in a manner acceptable to the Oregon Department of Environmental Quality.
 - 2. Containers used to store cooking oils, grease or animal renderings for recycling or disposal shall be stored in a separate storage area designed for such purpose.

Enclosures and Gates:

- A. The recycling and solid waste service area and all associated compacters, containers and drop boxes shall be fully enclosed and screened.
- B. Gates shall be designed to permit sufficient access for local collection equipment and personnel.
- C. The gate swing shall be free of obstructions and have restrainers in the open and closed positions.
- D. Enclosures shall contain a two (2) to four (4) inch high bumper curb at ground level located twelve (12) inches inside the perimeter of the outside walls of the enclosure or fencing to prevent damage from container impacts. Enclosures constructed of concrete, brick, and masonry block or similar type materials may opt for a bumper rail to prevent damage from container impacts. The rail shall be secured by anchor bolts recessed in the rail within the perimeter walls of the enclosure at a height compatible with the service receptacle.
- E. All areas around the receptacles shall be kept free of obstructions and accumulations of waste matter, grease, oil, water and standing water.
- F. Receptacles or recycling shelters located within a structure shall be consistent with Clackamas County Fire District #1 and structural specialty code provisions.

Receptacle Design Standards:

The design and location of receptacles shall be designed consistent with the following standards:

- A. Containers:
 - 1. A minimum of two (2) feet, including pad area, shall be provided around the sides and rear of each container.
 - 2. Containers greater than one and one-half (1.5) cubic yards in size shall not be stored within five (5) feet of a combustible wall, opening or combustible roof eave lines. Curbs, bumpers or other restraints shall be provided to maintain this distance.
 - 3. A minimum three (3) feet, including pad area, shall be provided in front of each container for maneuverability in depositing garbage or recyclable materials. In cases where the containers face each other, a minimum four (4) feet shall be provided.
 - 4. Containers shall be provided with a minimum twenty (20) feet of unobstructed overhead or vertical clearance for servicing.
- B. Drop Boxes and Compactors:
 - 1. The size of pad shall be at least fourteen (14) feet wide and at least five (5) feet longer than the length of the drop box or compactor.
 - 2. Setbacks:
 - a. The pad shall be located a minimum of two (2) feet from any perimeter wall or structure.
 - 3. Loading dock areas shall have a guide rail and bumper stop placed at ground level or at dock level where the rear of the drop box or compactor is to rest to protect any enclosure, wall, or structure from damage due to loading or unloading.

Vehicle Access:

- A. The minimum safe vehicular access to the front of a service container pad, shelter or enclosure shall be a length of forty-five (45) feet and width of twelve (12) feet as well as a minimum of sixty-five (65) feet in front of the loading hook placement position.
- B. The vehicular access to a pad or enclosure shall be hard-surfaced consistent with the off-street parking provisions of Chapter 17.52-Off Street Parking and Loading of the Oregon City Municipal Code.
- C. The percent of grade for access to the pad or enclosure shall not exceed three percent (3%), unless approved by the local collection firm and the Planning Division.

Signs:

"No Parking" signs shall be placed in a prominent location on the enclosure, when needed, and painted on the pavement in front of the enclosure, when needed, to provide unobstructed and safe access for servicing receptacles. Signs clearly identifying recycling containers and type of recyclable material shall be placed on each respective container and be maintained at all times.

Existing Development:

Developments existing prior to the adoption of this Ordinance shall provide improvements proportional with proposed development and consistent with these provisions.

Exceptions:

Modifications may be permitted when consistent with the purpose of these provisions and the Oregon City Municipal Code. Written evidence from the local collection firm shall be submitted to the Planning Division indicating that the proposed changes are compatible with the collection firm's methods of operation.

CHAPTER 8 DEVELOPMENT REGULATIONS

perceived focal point is internal to the site. At no time shall unbroken spans of side or rear walls of buildings be visible from any street without architectural treatments and screening added. Orientation of the building shall consider compatibility with neighboring structures in terms of setbacks, height of building, architectural treatment, and entrances of neighboring buildings.

2. Buildings shall comply with the City's access policies regarding vehicle access and provide adequate pedestrian ways to safely navigate the parking areas and to connect to the public sidewalks. Adequate internal vehicle access shall be designed to minimize or eliminate vehicle/vehicle or vehicle/pedestrian conflicts.
3. Commercial Drive-up windows and drive-throughs should be oriented away from the principal street.
4. **Industrial Building Basic Architecture.** To avoid the effect of single, long, or massive walls with no relation to human size, industrial buildings shall provide features of architectural interest for all street-facing facades.
 - a. **Defined Building Entrance and Orientation.** At least one entrance (not including emergency exit) of any building shall be oriented toward the street. A primary building entrance shall be clearly defined and recessed or framed by a sheltering element such as an awning, canopy, or portico.
 - b. Street-facing facades shall include a change of material (such as a wainscot or similar architectural features) along the façade(s).
 - c. Awnings, canopies, or structural overhangs of at least 3 feet in depth shall be provided over doors and windows along the primary street-facing façade. This requirement does not apply to roll up doors.

E. **Multi-Family Complexes.** This section establishes a process for the review of multi-family complexes development proposals in order to promote functional, safe, innovative, and attractive development that is compatible with the natural and man-made environment. The intent is to promote compatible development, foster the attractiveness and functional utility of multi-family development, protect public and private investments in the area, raise the level of community expectations for the quality of its environment.

1. **Table A. Minimum Standards.** The following minimum standards apply in each of the Residential zones:

Multi-Family Complex Standards:	R-4	R-5
Minimum Setback Distance		
Front	15	15
Side	15	15
Rear	20	15
Garage	20	20
Maximum Building Height	45	45

2. **Building Orientation.** All buildings facing a public street right of way shall have a functional primary entrance oriented to each public street frontage, except for buildings fronting along and facing a Major Arterial Street as designated on the City of Redmond Transportation System Plan. Additional primary entrances, if provided, or, in cases where buildings are internal to the development and do not front on the public street right of way, shall be oriented to a private common area (common areas include private streets,

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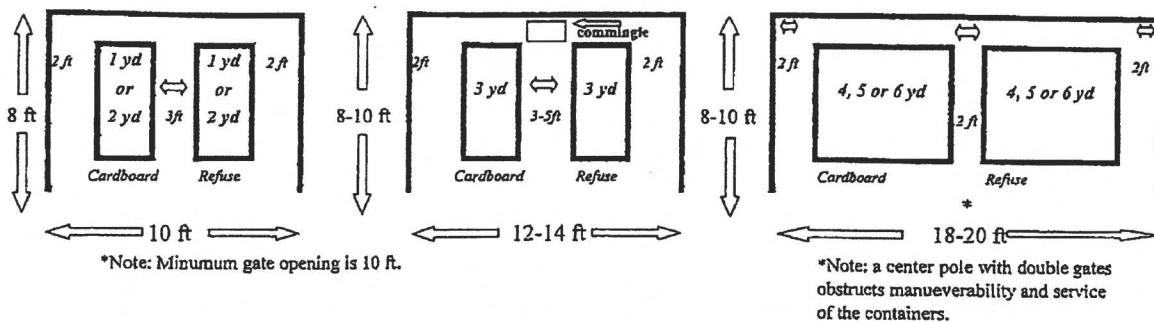
courtyards, or open spaces). A hard-surfaced pedestrian sidewalk or pathway connecting the building entrances to the public streets right of way shall be provided.

3. **Building Form.** In order to preclude large expanses of uninterrupted building surfaces, each floor of the building shall include at least three of the following features within every 30 lineal feet or portion thereof along all elevations of the structure:
 - a. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 4 feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
 - c. Offsets or breaks in roof elevations of two feet or greater in height.
 - d. Offset or breaks in building façade elevations of 2 feet or greater in relief.
4. **Detailed Architectural Features.** All buildings shall provide detailed design along all elevations (e.g., front, rear, and sides). Detailed design requires use of at least five of the following architectural features on all front and exterior side (corner lot) elevations and at least three of the following architectural features on all interior and rear yard elevations, at a minimum of every 30 lineal feet of horizontal wall. Architectural features shall be varied on the different building elevations. The standard applies to each full and partial building story.
 - a. Dormers
 - b. Gables
 - c. Recessed and covered porch entries of at least 4 feet in depth
 - d. Towers, at least 2, minimum 2-foot elevation change to roof ridge.
 - e. Eaves (minimum 12-inch projection)
 - f. Off-sets in building face or roof (minimum 16 inches)
 - g. Window trim on all windows on the façade
 - h. Bay or oriel windows
 - i. Balconies
 - j. Decorative patterns on exterior finishes (e.g., paint scheme, scales/shingles, wainscoting, ornamentation, and similar features)
 - k. An alternative feature providing visual relief and detail, similar to option a-j above, may be approved through the development review process.
5. **Exterior Finish.** The exterior finish on all vertical surfaces shall be comprised primarily of materials such as masonry/wood lap siding, shingles, brick, or stucco. The use of sheet metal, plywood, T1-11 siding, smooth face cinder block and other similar materials is not permitted except as minor accents. Textured cinder blocks are permitted on side and rear façades but shall not exceed 40% of the total exterior wall area of the ground/bottom floor.
6. **Building Alignment.** There shall be no window to adjoining window alignment when adjacent buildings are less than 30 feet apart.
7. **Trash Receptacles.** A common trash enclosure shall be required and is subject to the following standards.
 - a. Trash enclosures shall be oriented away from adjacent residences and shall be screened by use of brick or stone walls.

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- b. Trash enclosures shall be accessible to trash pick-up vehicles and shall provide an unobstructed, straight on approach a minimum of 40 feet in length.
- c. Trash enclosures, a minimum of six feet in height, shall be constructed of masonry, durable and attractive walls, with solid screen doors and shall be visually consistent with project architecture. Gate opening shall be a minimum of 10 feet wide and shall not include a center pole or other obstruction preventing access to the enclosure. Gates must swing open 180 degrees and shall include a gate stop to hold it open.
- d. Enclosure areas shall contain sufficient space to accommodate both refuse disposal and recycling containers adequate to accommodate the degree of development. Disposal needs shall be calculated at 0.3 yards per dwelling unit for refuse and 0.2 yards per dwelling unit for recycling. The following construction specifications shall be used as a guide for enclosure design based on the calculation requirements listed herein:

Construction Specifications for Enclosures



- e. The area standards for trash enclosures listed in subsection (d.) above shall be met unless documentation is submitted from the applicable trash collection company indicating that an alternative design will be adequate to accommodate the amount of refuse and recycling that is anticipated to be generated on an ordinary basis.
8. **Mechanical Equipment.** External mechanical equipment, such as heating or cooling equipment, pumps, or generators, that is located on the ground or on the roof of buildings, must be entirely screened from view at ground level by sight obscuring walls, fences, parapet, or other similar means consistent with the overall architecture of the development. Landscaping is not an acceptable alternative for such screening as specified herein. Screening shall be compliant with all applicable codes. No heating or cooling equipment shall be placed on exterior walls unless completely screened from view.
 9. **Common Open Space.** Common open space(s) shall be incorporated into the site plan for multi-family complexes as a primary design feature. A minimum of 15 percent of site area (inclusive of required setbacks but exclusive of dedicated street rights-of-way and land dedicated to other public uses like parks and schools), shall be provided as common open space and be suitable for a recreational play area, or group or community activities. However, in no case shall less than 3,000 square feet of common open

23.54.040 - Solid waste and recyclable materials storage and access

- A. Except as provided in subsection 23.54.040.I, in RSL, downtown, multifamily, master planned community, and commercial zones, storage space for solid waste and recyclable materials containers shall be provided as shown in Table A for [23.54.040](#) for all new structures, and for existing structures to which two or more dwelling units are added.
1. Residential uses proposed to be located on separate platted lots, for which each dwelling unit will be billed separately for utilities, shall provide one storage area per dwelling unit that has minimum dimensions of 2 feet by 6 feet.
 2. Residential development for which a home ownership association or other single entity exists or will exist as a sole source for utility billing may meet the requirement in subsection 23.54.040.A.1, or the requirement in Table A for [23.54.040](#).
 3. Non-residential development shall meet the requirement in Table A for [23.54.040](#).

EXPAND

Table A for [23.54.040](#):

Shared Storage Space for Solid Waste Containers

Residential development	Minimum area for shared storage space
2-8 dwelling units	84 square feet
9-15 dwelling units	150 square feet
16-25 dwelling units	225 square feet
26-50 dwelling units	375 square feet
51-100 dwelling units	375 square feet plus 4 square feet for each additional unit above 50
More than 100 dwelling units	575 square feet plus 4 square feet for each additional unit above 100, except as permitted in subsection 23.54.040.C
For residential uses that are not readily described as a discrete number of dwelling units, such as congregate residences, the Director shall determine the amount of storage space required based on the number of sleeping rooms as a substitute for the number of dwelling units.	
Non-residential development (Based on gross floor area of all structures on the lot)	Minimum area for shared storage space
0—5,000 square feet	82 square feet

Table A for [23.54.040](#):

Shared Storage Space for Solid Waste Containers

5,001—15,000 square feet	125 square feet
15,001—50,000 square feet	175 square feet
50,001—100,000 square feet	225 square feet
100,001—200,000 square feet	275 square feet
200,001 plus square feet	500 square feet
Mixed use development that contains both residential and nonresidential uses, shall meet the requirements of subsection 23.54.040.B.	

- B. Mixed use development that contains both residential and non-residential uses shall meet the storage space requirements shown in Table A for [23.54.040](#) for residential development, plus 50 percent of the requirement for non-residential development. In mixed use developments, storage space for garbage may be shared between residential and non-residential uses, but separate spaces for recycling shall be provided.
- C. For development with more than 100 dwelling units, the required minimum area for storage space may be reduced by 15 percent, if the area provided as storage space has a minimum horizontal dimension of 20 feet.
- D. The storage space required by Table A for [23.54.040](#) shall meet the following requirements:
 - 1. For developments with eight or fewer dwelling units, the minimum horizontal dimension (width and depth) for required storage space is 7 feet. For developments with nine dwelling units or more, the minimum horizontal dimension of required storage space is 12 feet;
 - 2. The floor of the storage space shall be level and hard-surfaced, and the floor beneath garbage or recycling compactors shall be made of concrete; and
 - 3. If located outdoors, the storage space shall be screened from public view and designed to minimize light and glare impacts.
- E. The location of all storage spaces shall meet the following requirements:
 - 1. The storage space shall be located on the lot of the structure it serves and, if located outdoors, shall not be located between a street-facing facade of the structure and the street;
 - 2. The storage space shall not be located in any required driveways, parking aisles, or parking spaces;
 - 3. The storage space shall not block or impede any fire exits, any public rights-of-way, or any pedestrian or vehicular access;
 - 4. The storage space shall be located to minimize noise and odor impacts on building occupants and beyond the lot lines of the lot;
 - 5. The storage space shall meet the contractor safety standards promulgated by the Director of Seattle Public Utilities; and
 - 6. The storage space shall not be used for purposes other than solid waste and recyclable materials storage and access.
- F. Access for service providers to the storage space from the collection location shall meet the following

requirements:

1. For containers 2 cubic yards or smaller:
 - a. Containers to be manually pulled shall be placed no more than 50 feet from a curb cut or collection location;
 - b. Collection location shall not be within a bus stop or within the right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;
 - c. Access ramps to the storage space and collection location shall not exceed a grade of six percent; and
 - d. Any gates or access routes for trucks shall be a minimum of 10 feet wide.
 2. For containers larger than 2 cubic yards and all compacted refuse containers:
 - a. Direct access shall be provided from the alley or street to the containers;
 - b. Any gates or access routes for trucks shall be a minimum of 10 feet wide;
 - c. Collection location shall not be within a bus stop or within the street right-of-way area abutting a vehicular lane designated as a sole travel lane for a bus;
 - d. If accessed directly by a collection vehicle, whether into a structure or otherwise, a 24-foot overhead clearance shall be provided.
- G. Access for occupants to the storage space from the collection location shall meet the following requirements:
1. Direct access shall be provided from the alley or street to the containers;
 2. A pick-up location within 50 feet of a curb cut or collection location shall be designated that minimizes any blockage of pedestrian movement along a sidewalk or other right-of-way;
 3. If a planting strip is designated as a pick-up location, any required landscaping shall be designed to accommodate the solid waste and recyclable containers within this area.
- H. The solid waste and recyclable materials storage space, access and pick-up specifications required in this [Section 23.54.040](#), including the number and sizes of containers, shall be included on the plans submitted with the permit application for any development subject to the requirements of this [Section 23.54.040](#).
- I. The Director, in consultation with the Director of Seattle Public Utilities, has the discretion to modify the requirements of this [Section 23.54.040](#) as a Type I decision, if the applicant proposes alternative, workable measures that meet the intent of this [Section 23.54.040](#) and if either:
1. The applicant can demonstrate difficulty in meeting any of the requirements of this [Section 23.54.040](#); or
 2. The applicant proposes to construct or expand a structure, and the requirements of this [Section 23.54.040](#) conflict with opportunities to increase residential densities and/or retain ground-level retail uses.
- J. Ramps to accommodate solid waste container access
1. A ramp to the street to accommodate solid waste container access that is not more than 5 feet in width may be approved by the Director of Transportation if:
 - a. Access to solid waste containers is not from an alley;
 - b. No on-site parking is provided;
 - c. The lot contains solid waste containers that are 1 cubic yard or larger; and
 - d. There are no existing ramps to accommodate solid waste container access or other curb cuts within 150 feet of the street lot line, as measured parallel to the street lot line. For purposes of this subsection 23.54.040.J.1.d, curb ramps at crosswalks are not considered existing ramps.
 2. The standards of subsections 23.54.040.J.1.a through 23.54.040.J.1.d may be modified by the Director of Transportation where unusual topography, inability to temporarily stage solid waste containers in a parking lane, or other local conditions present significant challenges for accommodating solid waste container access.

197.307 Needed housing policy; clear and objective standards for housing; siting of

manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12

inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2; 2011 c.354 §3; 2017 c.745 §5; 2019 c.401 §7]

197.303 “Needed housing” defined. (1) As used in ORS 197.286 to 197.314, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last review under ORS 197.296 (2)(a)(B) and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;
- (b) Household demographics;
- (c) Household incomes;
- (d) Vacancy rates; and
- (e) Housing costs.

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last review under ORS 197.296 (2)(a)(B) if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.


(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

(5) Subsection (1)(a) and (d) of this section does not apply to:

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

(6) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1; 2011 c.354 §2; 2017 c.745 §4; 2019 c.639 §6; 2019 c.640 §10a]

Memorandum

To: Planning Commission/Commission Advisory Committee
From: Derrick I. Tokos, AICP, Community Development Director 
Date: November 23, 2022
Re: NMC Chapter 14 Camping Related Land Use Amendments

On September 26, 2022 the Planning Commission met in work session to consider potential amendments to the City's Zoning Ordinance related to camping. The Zoning Ordinance is codified in Chapter 14 of the Newport Municipal Code. At that time, the City Council was considering, but had not yet adopted, Ordinance No. 2198, which was a substantial rewrite of the City's camping regulations for public rights-of-way and public property. That ordinance has since been adopted.

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. The September 26, 2022 work session provided 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.

Attached is a draft set of code revisions that build upon concepts the Commission discussed. They 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. No changes have been made to how camping is addressed for commercial/industrial properties in circumstances where there is a charge or fee, or to secure the trade or patronage of a person. In these cases, 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."

Draft amendments to NMC Chapter 14.06 address the use of a recreational vehicle as a place of habitation. Revisions clarify the circumstances where this can occur, including new language that would allow overnight use of a recreational vehicle in the driveway of a property developed with a dwelling when the accommodations are free of charge. City standards for use of a recreational vehicle, or other structure, as temporary living quarters concurrent with a construction project have been reformatted and clarified (NMC Chapter 14.09). Lastly, language has been added to NMC Chapter 14.16, related to accessory uses and structures, clarifying 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 provides clarity and provides sidebars to ensure that camping activities are subordinate to the principal residential use of the property.

I will be prepared to walk through the revisions in detail at the work session, and if the Commission is satisfied with the changes then it can initiate the legislative hearing process, by motion, at its regular meeting.

Attachments

Draft Chapter 14 Land Use Related Camping Revisions
Ordinance No. 2198 (Codified as NMC Chapter 9.50)
HB 2809 (2021)
Minutes from the 9/26/22 Commission Work Session

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

CHAPTER 14.01 PURPOSE, APPLICABILITY, AND DEFINITIONS**

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:

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.

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.

CHAPTER 14.03 ZONING DISTRICTS

14.03.010 Purpose.

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

14.03.060 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

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.

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 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 a 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 12-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.

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.

14.09.030 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.

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 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.

DRAFT

CHAPTER 9.50 CAMPING PROHIBITED IN CERTAIN PLACES

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 Highway
- h. NW Rocky Way
- i. NW Gilbert Way
- j. Public rights-of-way within 100 feet of the edge of pavement of Highway 101 or Highway 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.

(Chapter 9.50 adopted October 1, 2007 by Ordinance 1937; effective October 31, 2007, and replaced by Ordinance No 2198, adopted on October 3, 2022; effective October 3, 2022.)

Enrolled
House Bill 2809

Sponsored by Representatives SMITH DB, GOMBERG; Representatives CATE, HAYDEN, LEIF, MOORE-GREEN, MORGAN, RESCHKE, WILDE, WRIGHT, ZIKA, Senator KENNEMER (Pre-session filed.)

CHAPTER

AN ACT

Relating to temporary siting of recreational vehicles on properties with dwellings destroyed by natural disasters; amending ORS 197.493.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.493 is amended to read:

197.493. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a **residential dwelling**, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

(a)(A) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

[(b)] (B) Occupied as a residential dwelling; and

[(c)] (C) Lawfully connected to water and electrical supply systems and a sewage disposal system[.]; or

(b) Is on a lot or parcel with a manufactured dwelling or single-family dwelling that is uninhabitable due to damages from a natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:

(A) The dwelling has been repaired or replaced and an occupancy permit has been issued;

(B) The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or

(C) Twenty-four months after the date the dwelling first became uninhabitable.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

Passed by House April 15, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate May 28, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
September 26, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar, Jim Hanselman, Bill Branigan, Gary East, and John Updike.

PC Citizens Advisory Committee Members Present: Annie McGreenery.

PC Citizens Advisory Committee Members Absent: Dustin Capri (*excused*), and Greg Sutton.

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.

2. **New Business.**

A. **Discuss Priorities for Updating Special Parking Area Requirements.** Tokos reviewed the staff memorandum with the Commission. He covered the three special area parking requirements for Chapter 14.14.00 for Nye Beach, Bayfront, and City Center. Tokos then reviewed questions the city should be asking when doing the updates. Hanselman asked if the parking district maps were accurate. Tokos confirmed they would make sure they were close.

Patrick questioned if they would be able to require parking spaces under the conditional use rules if there was commercial with residential on the top floors. He thought they should require off-street parking for these. Escobar stated that he had difficulty supporting, reducing or eliminating the off street parking requirements because parking was at a premium in Newport. He gave an example of the 4-plex that was built by Nana's restaurant that wasn't required to have parking. Tokos reminded that the Nye Neighborhood Association was asked if they observed any problems with parking in the area and they said there were no issues. Escobar pointed out that the parking at the Inn at Nye Beach might be different than Nana's. Tokos noted the difference between commercial and residential was that they are often being utilized at different times. Branigan reminded that they were only metering in the Bayfront first then they would proceed to the other areas. Tokos clarified that what they were only talking about putting language in to eliminate or reduce off street parking requirements where metering was implemented.

Hanselman asked if Nye Beach could be a metering section eventually. Tokos explained they were not moving forwards with metering in Nye Beach, only the Bayfront. Nye Beach would be assessing how the Bayfront worked and then the city would be talking to Nye Beach to see if the permit program should be expanded. This would be a metering/permit combo program. Tokos reminded the Commission that they could frame this how they saw fit. They could say metering only, or metering as a component. Berman asked what the impact of eliminating parking requirements would have had on the new grocery store that almost went in on the Bayfront. Tokos reported they would have had to put in some off-street parking to supplement. Escobar asked if some of the properties on the Bayfront were sold, such as the Sail Inn or the Coffee House, would the requirement to have off-street parking

be eliminated. Tokos explained if they eliminated the off-street parking requirement, he could see properties utilizing their driveway for outdoor seating permanently and those areas wouldn't go back to parking. The concept with metering was that they would see a revenue stream that was significant enough that they could get a vanpool or enhanced transit going, or save up for a period of time to make a legitimate run at structured parking. Escobar asked if metering would generate more overturned spaces. Tokos explained it would because it was a proven commodity at that point. Hanselman asked if this required enforcement and consequences for people move out of the parking space. Tokos confirmed this was the expectation. The budget included funding for an enforcement officer once the metering was in place to create a revenue stream to help pay for the officer. There would be people who occasionally didn't pay and why there would be enforcement. Hanselman asked what the residential population of Bay Blvd was. Tokos reported it was almost nonexistent. Hanselman thought the competition for parking on the Bayfront was different due to the residential demand in Nye Beach. Branigan reported that he spent time talking to the city of Bend about their parking program and they told him they have a full time parking manager. There were a lot of parking systems available, and Bend's system was paid through an app through a person's cell phone. A person would key in their license number when they used their app to park. The enforcement officer would look at the license plates to determine who was in violation and then issue a parking ticket. They also asked people to pay voluntarily and most people paid. Escobar asked if this allowed people to use the app to pay for their parking. Branigan said they could, and noted they had different zones that had time limits. Most park people are honest, and the revenue stream was enormous from Bend.

Berman had a problem with eliminating off-street parking. He asked if there was a way to put a box around it specifically to address situations such as the new grocery store to say if they were going to be developing more than a certain number of square feet they must have a certain number of parking spaces. Tokos asked if he was saying they should put in language for eliminating parking but also include a policy alternative to reduce but not eliminate. Berman agreed with this but thought they could say for all development under a certain parameter of either square feet or dollars. Patrick thought they should go by what the anticipated traffic was. Updike asked if they were eliminating the requirement for the parking, not the parking itself, because certain lenders required certain parking requirements. He reported that his experience in Tucson, which had the same concerns as Newport, was that eliminating the requirement didn't create problems when it was implemented along with permit parking programs. In most cases it was the lenders who would look to see if there was enough parking spaces to make the project financially feasible. Patrick suggested they be given a couple of policy options.

Tokos reviewed the question to require ADA parking spaces in the right-of-way or if the city would address it programmatically. He thought that the best way to deal with it was for the city to add them programmatically on the Bayfront. Patrick pointed out that the map didn't pick up the parking on Lee Street and further up. Tokos reported that the Parking Committee had this on their radar and as they worked on metering they would have more detailed maps. Berman asked how they did ADA spaces for parallel parking. Tokos noted this could be done but they would have to do a ramp for them. He thought the better play for ADA was to address the needs in the public realm where the bulk of the parking was, and do it programmatically with city funding.

Escobar asked how they anticipated implementing EV charging stations in the areas where parking meters were. Tokos explained EV charging was getting more efficient and could provide a charge in a timeframe that somebody could park and enjoy the Bayfront. He noted the State was now requiring the infrastructure to support EV charging to go in new commercial and multifamily projects with over five dwelling units. They didn't have to put the chargers in but they had to size for their power.

Berman asked what “programmatically” meant. Tokos explained this meant taking a look at the off street parking they’ve seen on the Bayfront and if they wanted to introduce EV charging they did it in a thoughtful way as a project.

Tokos thought he could pull together some alternative bicycle parking standards as opposed to what was in the current code. This would cover wall mounted attachments for bikes on the Bayfront as an alternative to the conventional bike racks. Berman asked if this was limited to the parking districts. Tokos explained they were putting these in the special parking areas because the areas had space constraints. Updike suggested there be another programmatic opportunity for bike lockers that were off street. Berman suggested the little pump station location for this. Patrick suggested doing a combination bicycle parking and motorcycle parking where there were small stall spaces. Berman thought EV charging should have a clause for e-bikes, e-scooters, and motorcycles.

3. Unfinished Business.

- A. Discuss Scope of Camping Related Land Use Amendments. Tokos reported they hadn’t touched the land use rules at this juncture. They would do a land use fix on the heels of the camping ordinance that was to be adopted by the City Council. The latest version of the amendments were sent to the Commission before the current meeting. The version changed Subsections B and C to just Subsection B. Tokos covered the changes to the rules for three vehicles or tents on commercial, industrial, public, or religious institutions.

Branigan thought they needed to add something to say that at any time the institution could say people couldn’t camp at their location anymore. Tokos confirmed this was include. Branigan thought they needed to add that private institutions had an obligation to keep the premises clean, tidy, and sanitary and to remove the trash. He also thought they needed to give 4 hours for campers to move or some sort of time limit. Tokos explained the city had the ability to trespass on properties, which went hand in hand with this.

Patrick thought that if campers didn't have permission from the land owner to camp they could be removed from the property. Tokos reported the city adopted a trespass ordinance that codified long standing city policy, which would be tweaked one or more times to line up with the ordinance. He would pass the Commission’s thoughts along to the Chief Malloy for the October Council hearing.

Escobar asked if the ordinance would allow camping on the front lawn of City Hall. Tokos reported it would not and there was a list of the city owned properties people couldn't camp on. Berman asked why the Ernest Bloch Wayside wasn't included. Tokos reported it wasn't city property and was owned by ODOT. The ordinance only applied to properties under the city’s jurisdiction. Berman noted that only the main fire station was listed, but not the other two. He asked if they should be included. Tokos explained the public didn't have access to these and they tried to limit it to areas the public could access.

Berman pointed out there wasn't any distinction between homeless type camping and recreational camping. Tokos noted the courts came down on this to say people had the right to rest. Whether or not they were homeless wasn't a part of this. Tokos explained they had guidance from the League of Oregon Cities that helped cities do legislation that wouldn't tie them up in courts. If the city had a shelter, they could send the homeless to them and they would have more leeway on moving people. Escobar asked what happened when people didn't want to go to shelters. Tokos explained the rules didn't require them to like the option of where to move, just that they had an option.

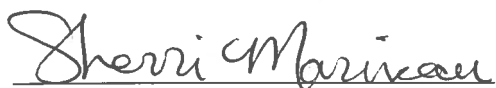
Tokos noted that the zoning ordinance changes the Commission would review were for camping on private property. Hanselman thought that the size limit of tents should be a consideration. Berman expressed concerns about people putting up a large tent for weddings. Hanselman thought it should be defined as overnight tents. Escobar asked if this had been a problem. Tokos reported it was and continued to be an issue. The clearer they could be about it would be better. Berman thought they should allow one tent on vacant lots. He thought as many doors they had for people to live in, even if in tents, he would support. Hanselman couldn't support this unless there were sanitary facilities on the lot. He felt the hardest thing to deal with was public health. If they allowed tents on lots it wouldn't consider the public health needs. Patrick suggested they could allow them if they were adjacent to facilities. Tokos thought this would work for open lots where the lot next door had a home with facilities for campers to use. Escobar didn't think they wanted to adversely impact the traditional use that families had and make it overly restrictive for when owners wanted to camp out in their backyards at their homes. Updike thought the Eugene example addressed this. Tokos thought they could change "family" to a number of individuals.

Tokos reviewed the topic of RVs being occupied on private lots. Currently they weren't allowed to occupy RVs on private lots and would have to be in a park. Berman would like to see a mechanism in place to allow this to help address the housing shortage. Tokos noted that Eugene had an example where they allowed one vehicle in a driveway. This made sense because they wouldn't be setting up next to a home that wasn't already accustomed to seeing vehicles next door. Escobar didn't see a need to change the ordinance. Berman didn't see any reason they shouldn't do this to help with the housing shortage. Patrick wanted to see two policy options so they could see what the public thought. Updike pointed out that some HOAs had restrictions for parking in driveways because this had been a problem. Tokos asked if the second policy option to allow RVs should be kept to just one. Berman agreed and thought it should say they couldn't charge for the RV to park.

B. Planning Commission Work Program Update. Tokos pointed out that there was a joint meeting with the City Council in November. This would be the Commission's work session meeting.

4. Adjourn. The meeting adjourned at 7:08 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

Tentative Planning Commission Work Program

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



November 28, 2022 Work Session

- Discussion with Thompson Sanitary Regarding Trash Enclosure Standards for Multi-Family Dev
- Overview of Updated Zoning Web Maps
- Review of Camping Related Land Use Amendments (Follow-up from 9/26/22 WS)

November 28, 2022 Regular Session

- File 2-CUP-22-A Continued Hearing on Appeal of CUP Denial of Real Estate Office in C-2
- File 3-CUP-22 Final Order and Findings for Remodel of the Ernest Bloch House
- Initiate Legislative Amendment Process for Camping Related Land Use Amendments

December 12, 2022 Work Session

- Review Draft Amendments to Special Parking Area Regulations (Follow-up to 9/26/22 WS)
- Review of South Beach Transportation Overlay Zone Trip Budget (req. by Ord. #2045)

December 12, 2022 Regular Session

- File 2-CUP-22-A Final Order and Findings on Appeal of CUP Denial of Real Estate Office in C-2
- Initiate Legislative Amendment Process for Special Parking Area Amendments

December 26, 2022 (Cancelled)

January 9, 2023 Work Session

- Placeholder for Review of Draft Multi-Family/Commercial Trash Enclosure Standards

January 9, 2023 Regular Session

- Annual Organizational Meeting
- File 5-Z-22 Public Hearing on Draft Ordinance No. 2202 – STR Work Group Recommendations
- File 3-AX-22/7-Z-22 Public Hearing on South Beach Church Annexation & Zone Change

January 23, 2023 Work Session

- Review Draft Housing Production Strategy Component of Housing Study (Part II)
- Placeholder for Work Session on Draft Ord. No. 2202 – Considering Feedback from 1/9/23

January 23, 2023 Regular Session

- Public Hearing on Housing Capacity Analysis Portion of Housing Study (Part I)
- File 4-Z-22 Public Hearing on Camping Related Land Use Amendments

February 13, 2023 Work Session

- Review Options for Updating the City's Erosion Control and Stormwater Mgmt Standards
- Update on Status of South Beach Island Annexation Process
- FY 23/24 Goal Setting Session

February 13, 2023 Regular Session

- File 3-Z-22 Public Hearing on Special Parking Area Amendments
- File 5-Z-22 Placeholder for Hearing No. 2 on Draft Ord. No. 2202 – STR Work Group

February 27, 2023 Work Session

- Placeholder for Review of Amendments Related to Yaquina Bay Estuary Plan Update
- Placeholder for City Center Revitalization Project Update (Consultant to be hired by 1/23)

February 27, 2023 Regular Session

- Placeholder to Review County Changes to Boston Timber Opportunities UGB Land Swap