



## **PLANNING COMMISSION WORK SESSION AGENDA**

**Monday, January 23, 2023 - 6:00 PM**

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

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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](mailto: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](mailto: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.

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### **1. CALL TO ORDER**

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

### **2. NEW BUSINESS**

**2.A Review of Ordinance No. 2202, Implementing Short-Term Rental Ordinance Implementation Work Group Recommendations**

Memorandum

Attachment A - Draft Amendments to the NMC Presented to Council on April 15, 2019

Attachment B - ORS 227.186 Statutory Language and Sample Notice

Attachment C - Email from Kay Keady in the Finance Department

Attachment D - Email from Fire Chief Rob Murphy

Attachment E - Cheryl Connell Public Testimony

Attachment F - Draft Ordinance No. 2202

**2.B FY 23/24 Goal Setting Session**

Memorandum

FY 22/23 Planning Commission Goals

FY 22/23 Community Development Department Goals

Greater Newport Vision 2040 Strategy Brochure

**3. UNFINISHED BUSINESS**

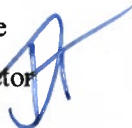
**3.A Planning Commission Work Program Update.**

PC Work Program 01-20-23

**4. ADJOURNMENT**

# Memorandum

To: Planning Commission/Commission Advisory Committee

From: Derrick I. Tokos, AICP, Community Development Director 

Date: January 20, 2023

Re: Ordinance No. 2202, Implementing Short-Term Rental Ordinance Implementation Work Group Recommendations

On January 9, 2023, the Planning Commission conducted a public hearing to consider amendments to the City of Newport's Short-Term Rental regulations recommended by the Short-Term Rental Ordinance Implementation Work Group that was appointed by the Newport City Council. After considering public testimony, the Commission elected to continue the public hearing to February 13, 2023 so that it could hold a work session to further evaluate the recommendations. Members of the Short-Term Rental Ordinance Implementation Work Group have been invited to participate in the work session.

Commissioner Berman requested that language be prepared that would phase out non-conforming vacation rentals, situated outside Vacation Rental Overlay Zone, within a specific number of years. This is an option that the City Council considered and ultimately did not choose when it adopted the current regulations with Ordinance No. 2144, in May of 2019. It was one of the final issues the Council had to resolve at the time, and enclosed as Attachment "A" are two options that were presented to the Council at an April 15, 2019 work session. The first version of NMC 14.25.035((A)(2) would have phased out non-conforming short-term rentals in 10 years or upon sale or transfer, whichever is sooner. A variation of the second option for structuring 14.25.035(A)(2) is what the Council selected, which phases them out upon sale or transfer without the hard date. If the Commission is inclined to pursue a hard phase out date, then it would need to direct staff to prepare an ordinance to that effect. It cannot be included with the package of revisions recommended by the Short-Term Ordinance Implementation Work Group because state law requires very specific notice prior to the first evidentiary hearing on an ordinance that would prohibit a land use(s) previously allowed in the affected zone. Draft Ordinance No. 2202, recommended by the Short-Term Rental Ordinance Implementation Work Group, includes a single change to the land use regulations listed in Newport Municipal Code Chapter 14.25. That revision is procedural, codifying the 176 license cap, currently set by resolution, into the City's Municipal Code. It does not have the effect of prohibiting a use; therefore, the statutory notice was not provided prior to the January 9<sup>th</sup> hearing. The specific statutory language is in ORS 227.186. A copy of the statute, with relevant language highlighted, is enclosed along with a sample of the required notice that was provided when Ordinance No. 2144 was considered (Attachment "B").

A question was raised at the January 9, 2023 hearing as to how the City handles change of ownership of hotels/motels and whether or not they are afforded a grace period to obtain a business license akin to the proposed language contained in draft Ordinance No. 2202. An email from Kay Keady in the City's Finance Department notes that the City is informed of when a hotel/motel is sold when licenses are renewed in July, or when monthly room taxes payments are remitted (Attachment "C"). A request was also made about hotel/motel safety inspections. The Fire Department strives to inspect these facilities annually. An email from Chief Murphy includes information about how the process works along with statistics for some of the inspected hotels/motels (Attachment "D").

Lastly, enclosed for reference is a copy of the only public testimony submitted at the January 9, 2023 hearing, from Cheryl Connell, and draft Ordinance No. 2202 (Attachments "E" and "F").

Attachments

- D. Guestroom Limitations. The following limitations apply to the number of bedrooms within a dwelling unit that may be occupied by guests staying at a short-term rental.
  - 1. Vacation Rentals and Bed and Breakfast Facilities. A maximum of five (5) bedrooms.
  - 2. Home shares. A maximum of two (2) bedrooms.
- E. Parking Standards. One (1) off-street parking space per bedroom that is dedicated to short-term rental use, unless the dwelling unit is within a parking district as defined in section 14.14.100, in which case on-street parking may be used to meet the one (1) space per bedroom requirement provided the parking is allocated in accordance with the requirements of the parking district. Parking spaces shall comply with the dimensional standards of subsection 14.14.090(A). Off-street parking on driveways that extend into underdeveloped rights-of-way may be used to satisfy this requirement provided a stipulation is placed on the endorsement that the authorization may be revoked if the street is improved and driveway shortened.
- F. Shared Access. Short-term rentals that rely upon use of shared access and parking areas may only be permitted if a covenant or other binding legal instrument establishes that the owner of the unit maintains exclusive use of the required parking space(s).
- G. Landscaping. For short-term rentals situated on individual lots or parcels in residential zones, at least 50% of the front yard and 40% of the total area shall be landscaped. No more than 50% of the front yard landscaping may be impervious surfaces, such as patios and decks. Driveway and parking areas shall not satisfy any portion of these landscaping requirements.

*Explanatory note: All other standards in this section are as they were recommended by the Planning Commission.*

#### 14.25.035 Non-Conforming Short-Term Rentals

- A. The non-conforming use provisions of NMC Chapter 14.32 shall apply to all short-term rentals licensed prior to the effective date of this ordinance, except:
  - 1. Vacation rental units located inside the Vacation Rental Overlay Zone shall count towards the specific cap number established pursuant to NMC 14.25.030(A)(1); however, those units within, or adjacent to, a commercial or water-

related zone are not subject to the density limitation of NMC 14.25.030(A), and may be sold or transferred notwithstanding the waiting list provisions of NMC 14.25.030(A)(2).

2. Vacation rental use of dwelling units located outside the Vacation Rental Overlay Zone shall cease ten (10) years from the effective date of this ordinance or upon sale or transfer of the units, whichever is sooner.

or

2. The non-conforming use provisions of NMC Chapter 14.32 shall apply to all short-term rentals licensed prior to the effective date of this ordinance, except that vacation rental use of dwelling units located outside the Vacation Rental Overlay Zone shall cease upon sale or transfer of the units.

*Explanatory Note: This section only applies to short-term rentals licensed under the rules this draft code is intended to replace. The Commission recommended that bed & breakfast facilities and home share units throughout the city, and vacation rental units within the zoning overlay, be treated as non-conforming uses. Such uses are allowed to continue without having to comply with this new Chapter 14.25, as long as they are not discontinued for a period of 12 consecutive months. The only exception is that vacation rentals within the overlay count against the license cap, with those units in or adjacent to commercial or water-related zones being exempt from the wait list provisions.*

*The Commission recommended that vacation rentals outside the zoning overlay be phased out in 5 years. At its April 1, 2019 work session, a majority of the Council members indicated that they were uncomfortable with phase out language shorter than 10 years. Phasing out units at the time they are sold or transferred was also discussed. A number of individuals that own vacation rentals outside the overlay have testified that they need to use their homes as short-term rentals to offset expenses until they can transition to Newport on a full time basis. The Council asked for a longer phase out period in response to that concern, and others where vacation rental owners expressed that they have made substantial investments in their properties that they should be allowed to recover.*

- B. In the event that a property owner believes they can establish that imposition of these regulations results in a demonstrable reduction in the property's fair market value, such owner may apply to the City for compensation and/or relief from the regulation under ORS 195.310 to 195.314. If the property owner demonstrates with credible evidence a reduction in fair market value the City may provide compensation and/or regulatory relief in a form and amount of its choosing. The property owner may appeal any such final determination pursuant to ORS 195.318.

*Explanatory Note: This addresses circumstances where the owner of a short-term rental believes the ordinance has adversely impacted their property value, and requires they address the issue with the City before pursuing other remedies. Council members, at the March 8, 2019 work session, asked that this type of language be added to the ordinance and agreed to keep it in the ordinance at the April 1, 2019 joint work session with the Planning Commission.*

DRAFT

**227.186 Notice to property owners of hearing on certain zone change; form of notice; exceptions; reimbursement of cost.** (1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll.

(2) All legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance.

(3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.

(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (city) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

On (date of public hearing), (city) will hold a public hearing regarding the adoption of Ordinance Number \_\_\_\_\_. The (city) has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ City Hall located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (city) Planning Department at \_\_\_\_\_.

(6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by a city pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628, 197.633 and 197.636, the city shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment may affect the use of the property. The notice also shall:

(a) Contain substantially the following language in boldfaced type across the top of the face page extending from the left margin to the right margin:

This is to notify you that (city) has proposed a land use regulation that may affect the permissible uses of your property and other properties.

(b) Contain substantially the following language in the body of the notice:

As a result of an order of the Land Conservation and Development Commission, (city) has proposed Ordinance Number \_\_\_\_\_. (City) has determined that the adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone, and may change the value of your property.

Ordinance Number \_\_\_\_\_ will become effective on (date).

Ordinance Number \_\_\_\_\_ is available for inspection at the \_\_\_\_\_ City Hall located at \_\_\_\_\_. A copy of Ordinance Number \_\_\_\_\_ also is available for purchase at a cost of \_\_\_\_\_.

For additional information concerning Ordinance Number \_\_\_\_\_, you may call the (city) Planning Department at \_\_\_\_\_.

(7) Notice provided under this section may be included with the tax statement required under ORS 311.250.

(8) Notwithstanding subsection (7) of this section, a city may provide notice of a hearing at any time provided notice is mailed by first class mail or bulk mail to all persons for whom notice is required under subsections (3) and (4) of this section.

(9) For purposes of this section, property is rezoned when the city:

(a) Changes the base zoning classification of the property; or

(b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.

(10) The provisions of this section do not apply to legislative acts of the governing body of the city resulting from action of the Legislative Assembly or the Land Conservation and Development Commission for which notice is provided under ORS 197.047 or resulting from an order of a court of competent jurisdiction.

(11) The governing body of the city is not required to provide more than one notice under this section to a person who owns more than one lot or parcel affected by a change to the local comprehensive plan or land use regulation.

(12) The Department of Land Conservation and Development shall reimburse a city for all usual and reasonable costs incurred to provide notice required under subsection (6) of this section. [1999 c.1 §3; 1999 c.348 §11; 2003 c.668 §3]



**SAMPLE**

CITY OF NEWPORT  
169 SW COAST HWY  
NEWPORT, OREGON 97365

COAST GUARD CITY, USA



phone: 541.574.0629  
fax: 541.574.0644  
<http://newportoregon.gov>

mombetsu, japan, sister city

**PUBLIC NOTICE OF  
POTENTIAL LAND USE CHANGE**

**This is to notify you that the City of Newport has proposed land use regulations that may affect the permissible uses of your property and other properties. Specifically, the land use regulations relate to circumstances under which dwelling units may be used as vacation rentals. The proposed changes are contained in draft Ordinance Number 2144.**

**The City of Newport has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zone districts, and may change the value of your property.**

**On Tuesday, November 13, 2018, the City of Newport Planning Commission will conduct a public hearing regarding the adoption of Ordinance Number 2144. The hearing will be held at 6:00 p.m. in the Newport City Hall Council Chambers, located at 169 SW Coast Highway.**

**Newport Municipal Code Section 14.36.010 allows city land use regulations to be amended by the City Council, upon recommendation of the Planning Commission, when it is determined that such changes are required by public necessity and the general welfare of the community. These are the approval criteria for the proposed land use regulations, and testimony and evidence must be directed toward these criteria or other criteria, including criteria within the Newport Comprehensive Plan and its implementing ordinances, which persons believe apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to an issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue.**

**Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, and testimony from proponents and opponents to draft Ordinance Number 2144. Written testimony sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing.**

**Draft Ordinance Number 2144, and related materials, are available for inspection and may be purchased for reasonable cost at the Community Development Department, Newport City Hall, located at 169 SW Coast Hwy, Newport Oregon 97365. A copy of draft Ordinance Number 2144 may also be downloaded from the City of Newport website at: <http://newportoregon.gov/>.**

**For additional information concerning draft Ordinance Number 2144, you may contact Derrick Tokos, City of Newport Community Development Director, at 541-574-0626 or [d.tokos@newportoregon.gov](mailto:d.tokos@newportoregon.gov). Testimony may also be submitted via this email address.**

**Derrick Tokos**

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**From:** Kay Keady  
**Sent:** Thursday, January 12, 2023 4:20 PM  
**To:** Derrick Tokos  
**Cc:** Steve Baugher  
**Subject:** Vacation Rentals, Motel & Hotel

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Derrick,

The City is notified of any status changes for Vacation Rentals and Hotel/Motels during the License renewal time in July or on a monthly room tax report.

Kay Keady  
Finance  
541-819-7205  
[k.keady@newportoregon.gov](mailto:k.keady@newportoregon.gov)

## Derrick Tokos

**From:** Robert Murphy  
**Sent:** Thursday, January 19, 2023 9:13 AM  
**To:** Derrick Tokos  
**Subject:** FW: Hotel/Motel Inspection Program

Hi Derrick,  
 Please see the email from Chris describing our Hotel/Motel inspection program. I hope this is what you were looking for. If you have any questions, please let me know.

*Rob Murphy*

Fire Chief  
 Newport Fire Department  
 245 NW 10th St.  
 Newport, OR 97365  
 541-265-9461  
[r.murphy@newportoregon.gov](mailto:r.murphy@newportoregon.gov)



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**From:** Chris Rampley <C.Rampley@NewportOregon.gov>  
**Sent:** Thursday, January 19, 2023 9:11 AM  
**To:** Robert Murphy <R.Murphy@NewportOregon.gov>  
**Cc:** Tom Sakaris <T.Sakaris@NewportOregon.gov>  
**Subject:** Hotel/Motel Inspection Program

Each year we try to inspect every hotel and motel within the fire district. We meet with the Chief Engineer (Larger facilities) or the manager and conduct a full inspection.

The major areas of emphasis are fire alarm systems, fire sprinkler systems, exiting and electrical safety. We check every boiler room, laundry, electrical room, utility closet and elevator equipment room. We review sprinkler and fire alarm testing and inspection reports.

We sample rooms (usually one per floor/wing) and if problems are found we will go room to room.

The top 2 or 3 facilities will full time maintenance staff usually pass on the first inspection. The majority tend to require a single re-inspection. There are very few 2<sup>nd</sup> and 3<sup>rd</sup> re-inspections, and usually this is due to delays with parts or private contractors.

Here is an example of some of the data we collect:

Hotel	Total rooms	Max Guests	Alarm System	Monitored Alarm	Integrated System	Sprinklers	Cooking/ Kitchen	Fire Ext. Training	Gas Appliance
Hallmark	156	617	Y	Y	Y	Y	4	Y	Y
Travelodge	38	94	Y	N	N	N	N	N	N
Shilo Inn	179	571	Y	N	Y	Partial	12	N	N
Waves of Newport	60	238	Y	N	N	Partial	4	N	N
Inn @ Nye Beach	38	152	Y	Y	Y	Y	N	N	Y
La Quinta Inn	72	426	Y	Y	Y	Y	12	N	Y
Holiday Inn Express	85	340	Y	Y	Y	Y	N	N	N
Motel 6	51	154	Y	Y	Y	Y	N	N	Y
Knights Inn/Npt Bay	50	155	Y	N	N	N	N	N	N
Money Saver	42	130	Y	N	N	N	4	N	N
Days Inn	32	84	Y	N	Y	N	2	N	N
Rodeway Inn	42	128	N	N	N	N	11	N	N
Comfort Inn	70	225	Y	N	Y	N	N	N	N
Newport Bay Motel	56	168	Y	N	N	N	12	N	N
America's Best Value	42	108	Y	N	N	N	1	N	N
Summer Winds	33	100	N	N	N	N	5	Y	N
Econo Lodge	43	172	Y	N	N	N	N	N	N
Totals	1,089	3,862	Y 89% N 11%	Y 28% N 72%	Y 44% N 56%	Y 33% N 67%	Y 6% rooms	Y 11% N 89%	Y 22% N 78%

Christopher Rampley  
Engineer, Fire Investigator  
Newport Fire Department  
541.265.9461

January 6, 2023

TO: All Members of the Newport Planning Commission

FROM: Cheryl S. Connell

RE: January 9 Meeting Agenda Item 5.C on File 5-Z-22

Dear Planning Commission Members,

I am writing to you as a 45 year resident of Newport to offer testimony and recommendations for your consideration regarding Draft Ordinance No. 2022- Short – Term Rental Work Group Recommendations.

**--Proposed Code Change to 4.25.030, Addition of "30 Grace Period for New Owner to Obtain STR Business License Endorsement"**. This change would allow STRs in W2 and other zones pursuant to NMC 14.25.035 (A) (1) and which are about to transfer ownership to continue renting to guests immediately after change or ownership-- WITHOUT a license--for up to 30 days.

Recommendation: The Commission should not approve this proposed change, as it is not necessary and does not further the general welfare of the community as required per NMC 14.36.010. Instead, leave the current language in place as it is necessary and does further the general welfare of the community.

Rationale: 4.25.030 Section C. Approval Standards sets forth requirements to legally operate an STR that must be met in order to obtain and/or renew a business license endorsement. Two of them relate to guest safety as well as neighborhood/municipal safety. If a newly transferred STR is allowed to operate without a license, it means that the required Fire and Safety and Structural Safety checks have not been done/documented. Without it, there is no certainty that the STR meets these basic yet critical safety requirements. This lack of assurance places the new guests, as well as the neighboring houses or commercial area in which the STR is located, at risk. In addition, should the new property owner delay past the proposed 30 day grace period, the City does not have recourse to immediately make the property owner cease rental of the STR. The City would have through the citation process, and due to the property owners right to contest this action by the City, the City would likely end up in Municipal Court for adjudication causing further delays and continuing to place guests and neighboring areas at risk. Keeping the current language, therefore, is necessary and does further the general welfare of the community

**--Proposed Code Change to 14.25.030 "Approval Standards (A) Density"**. This change places limits on the number of STRs only in the Vacation Rental Overlay at 176 dwelling units, down from the current limit of 200 dwelling units. New STRs could not be added until there were fewer than 176 licensed dwelling units in the Vacation Overlay Zone.

Recommendation: The Commission should not approve this proposed change. The limit should not be restricted only to STRs in the Vacation Overlay Zone. Instead, include both STRs INSIDE this Zone and

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STRs OUTSIDE of this Zone as counted towards the 176 maximum count, as it is necessary and does further the general welfare of the community as required per NMC 14.36.010. Continue to not include home share (HS) or Bed and Breakfast (B&B) facilities in this number.

Rationale—The total number of STR's (not including HS or B&B) as of July 11, 2022 was 185 (see Attachment 1 to this document). Of the 185, 149 units are inside the Vacation Rental Overlay Zone and 36 units are outside the Vacation Rental Overlay Zone. The Short Term Rental Ordinance Implementation Work Group characterized the proposed 176 limit as a "hard cap". A true "hard cap" would include the 36 units outside the Overlay Zone in this total as these units are still operating as short term rentals. Yes, 185 units is over the proposed 176 limit. 185 total STR units is still a sustainable number to maintain a healthy balance in Newport. Another benefit is that inclusion of STRs outside the Overlay Zone in the 176 limit would create a de facto moratorium on new units being added to the City while the City works through improving its processes regarding the Workgroup's recommendations of STR fee collections, STR TRT auditing, Municipal Code enforcement and Municipal Court timeliness. These are just a few reasons why this recommendation is necessary and how it furthers the general welfare of the community.

Thank you for your attention to this matter.

Sincerely,



Cheryl S. Connell

# Memorandum

To: Short-Term Rental Ordinance Implementation Work Group  
From: Derrick I. Tokos, AICP, Community Development Director  
Date: July 11, 2022  
Re: Update on Licensed Short-Term Rentals, Cap, and Waitlist

Enclosed is a list and summary table of licensed short-term rentals as of July 7, 2022. At this time, there are 193 licensed short-term rentals inside the city limits. Of that number, 149 are vacation rental dwellings inside the overlay, 36 are vacation rentals outside the overlay, and eight (8) are B&Bs or home shares. The City imposed a 176-license cap inside the overlay with Resolution No. 3850, when the current short-term rental regulation was put in place in May of 2019 with the passage of Ordinance No. 2144.

There is a group of formerly licensed vacation rental properties inside the overlay that count against the cap number. They include nine (9) properties that were non-conforming, having been established before Ordinance No. 2144 was adopted, and as non-conforming uses they must be discontinued for 12 consecutive months before the right to operate a vacation rental is extinguished. One additional unit is within or adjacent to commercial zoned property and the new owners have 12 months to obtain their license.

A total of 23 licenses were made available last fall to properties on the waiting list. Six (6) of those owners have completed the licensing process, seven (7) applied by the November 30, 2021 deadline and are working through the process of obtaining a license, and 10 did not apply by the November deadline. Those 10 license slots will be held over until the next renewal period closes, creating another licensing window (i.e. August 15, 2022). There are presently 78 properties on the waitlist, a few of which may not meet all of the City's standards (e.g. there might already be another vacation rental building on the street segment). We have also learned from experience that some on the waitlist may no longer be interested in a vacation rental license. That said, as things stand, it will likely take 3-4 years for a property owner on the waitlist to be in a position to obtain a license.

For property outside of the overlay, the number of units has dropped from 45 to 36 licenses since November of 2019. There are presently two (2) licensed B&Bs, and six (6) licensed homeshares in the city.

A searchable database of licensed short-term rentals is available on the City's website at:  
<https://www.newportoregon.gov/dept/cdd/str.asp>

**Attachments:**

List and summary table of short-term rentals  
Status of licenses offered to properties on the waitlist

ATTACHMENT 1 CONNELL TO  
NEWPORT PLANNING COMMISSION  
JANUARY 6, 2023

pg 3 of 3

CITY OF NEWPORT

ORDINANCE NO. 2202

**AN ORDINANCE AMENDING TITLE IV AND TITLE XIV  
OF THE NEWPORT MUNICIPAL CODE RELATING TO  
SHORT-TERM RENTALS**

(Newport File No. 5-Z-22)

WHEREAS, with Resolution No. 3857, the City Council established a Short-Term Rental Ordinance Implementation Work Group (hereafter "Work Group") to collect and evaluate information related to the implementation of new short-term rental regulations enacted with Ordinance No. 2144; and

WHEREAS, the Work Group was further tasked with summarizing its observations as to the effectiveness of Ordinance No. 2144 in achieving policy objectives, including whether or not the ordinance should be revised or its implementation improved, and to provide periodic status reports to the Planning Commission and City Council; and

WHEREAS, the Work Group met on a quarterly basis from August of 2019 through September of 2022, coordinating with staff, taking testimony from the public, and providing periodic reports to the Commission and Council; and

WHEREAS, in the course of performing these tasks, the Work Group determined that a targeted set of amendments to Ordinance No. 2144 is needed to improve its overall functionality and effectiveness; and

WHEREAS, the Work Group's recommendations, outlined in draft Ordinance No. 2202, were forwarded to the City Council for its consideration at a public meeting on October 17, 2022, after which the Council, by motion, elected to initiate the process set forth in Newport Municipal Code (NMC) Chapter 14.36 to amend city regulations put in place with Ordinance No. 2144; and

WHEREAS, the Planning Commission held a public hearing on January 9, 2023 to consider draft Ordinance No. 2202, at which the public was afforded an opportunity to provide testimony on the proposed amendments. After considering testimony and due deliberation, the Commission voted to **[recommend or not recommend]** the amendments be adopted; and

WHEREAS, the City Council held a public hearing on \_\_\_\_\_ regarding the question of the proposed amendments and, after considering the recommendation of the Planning Commission and evidence and argument in the record, adopted the ordinance, concluding that it is necessary and furthers the general welfare of the community; and

**[Note: Council could also elect to further amend or choose not to adopt the ordinance.]**

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



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

**Section 1.** Findings. The findings set forth above are hereby adopted in support of amendments to Ordinance No. 2144, as codified in Titles IV and XIV of the Newport Municipal Code, and further described in Sections 2 and 3 of this Ordinance.

**Section 2.** Municipal Code Amendment. Chapter 4.25, Title IV, of the Newport Municipal Code is hereby amended as set forth in Exhibit "A".

**Section 3.** Municipal Code Amendment. Chapter 14.25, Title XIV, of the Newport Municipal Code is hereby amended as set forth in Exhibit "B".

**Section 4.** Effective Date. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dean H. Sawyer, Mayor

ATTEST:

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

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

## CHAPTER 4.25 SHORT-TERM RENTAL BUSINESS LICENSE ENDORSEMENTS

### 4.25.005 Purpose

A short-term rental business license endorsement is a permission to operate a short-term rental on property within the City of Newport. This chapter provides an administrative framework for licensing the annual operation of a short-term rental, in order to ensure the safety and convenience of renters, owners, and neighboring property owners; protect the character of residential neighborhoods; protect the City's supply of needed housing; and address potential negative effects such as excessive noise, overcrowding, illegal parking, and nuisances (e.g. accumulation of refuse, light pollution, etc.).

It is the intent of these regulations to strike a reasonable balance between the need to limit short-term rental options within neighborhoods to ensure compatibility, while also recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing for tourists, employees of businesses, and others who are in need of housing for a limited duration.

### 4.25.010 Definitions

The following definitions apply in this chapter.

- A. Authorized Agent. A property management company or other entity or person who has been designated by the owner to act on their behalf. An authorized agent may or may not be the designated point of contact for complaints.
- B. Bed and Breakfast Facility. A short-term rental where the operator resides on the premises and meals are provided for a fee.
- C. Bedroom. A habitable room that (a) is intended to be used primarily for sleeping purposes; (b) contains at least 70-square feet; and (c) is configured so as to take the need for a fire exit into account.

- D. Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- E. Home share. A short-term rental, other than a bed and breakfast facility, where a portion of a dwelling unit is rented while the homeowner is present. For the purposes of this definition, "present" means the homeowner is staying in the dwelling overnight for the duration of the rental.
- F. Owner. Means the natural person(s) or legal entity that owns and holds legal or equitable title to the property.
- G. Short-Term Rental. A dwelling unit, or portion thereof, that is rented to any person for a period of less than thirty (30) consecutive nights.
- H. Sale or Transfer. Means any change of ownership during the period of time that a license is valid, whether or not there is consideration, except:
1. A change of ownership in real property where title is transferred pursuant to a declaration of right of survivorship as recognized in ORS 93.180.
  2. A transfer of ownership in real property to a trust, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity so long as the conveyance does not result in any new individuals possessing titled or equitable interest in the property.
  3. A transfer of ownership between titled interest holders.
  4. A transfer of ownership between, or to include spouses, domestic partners, or children.

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Examples: The following scenarios serve as examples of some, but not all, of the types of transactions that will or will not constitute a sale or transfer as defined in this chapter:

- Title is held by a married couple or domestic partnership at the time the license is obtained. Partner

dies and survivor retains license? This would not constitute a sale or transfer (Exception H.1).

- An individual owns a parcel subject to a declaration of right-of-survivorship to their children at the time a license is obtained. The individual dies and title is transferred pursuant to that provision? This would not constitute a sale or transfer (Exception H.1).
- Married couple possesses title to property at time license is obtained. They later elect to convey property into an irrevocable trust and retain a life estate in the deed? This would not constitute a sale or transfer (Exception H.2).
- A corporation consisting of three shareholders owns a parcel at the time a license is obtained. They later convert the corporation to a limited liability company controlled by two of the original three shareholders? This would not constitute a sale or transfer (Exceptions H.2. and H.3).
- A limited liability company is formed with four individuals possessing ownership interest at the time a license is obtained. A fifth person later obtains an ownership interest in the company? This would constitute a sale or transfer.
- Four tenants in common own a parcel at time license is obtained. An owner sells their 1/4 interest to one of the other existing owners? This would not constitute a sale or transfer (Exception H.3.) Alternatively, what if they sell their 1/4 interest to a new person? That would constitute a sale or transfer.
- Title is held by a married couple at time license is obtained. They later acquire a home equity line of credit to repair the home, which lender secures with a deed of trust. Lender subsequently forecloses after a default under the term(s) of the security agreement? The instrument the lender uses to obtain possessory interest is a sale or transfer.
- Two married couples possess ownership interest in an LLC at the time a license is obtained. One of the couple's divorces and one of the partners drops off the title. Remaining partner remarries and the new spouse

is added to the LLC? This is not a sale or transfer (Exception H.4).

- Property is held by an individual at time license is obtained. The individual dies and children inherit property (no right of survivorship)? This would not constitute a sale or transfer (Exception H.4).
- An individual possesses title to the property at the time a license is obtained. He/she later adds their domestic partner to the title to the property? This would not constitute a sale or transfer (Exception H.4).

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I. Vacation Rental. A short-term rental where the entire dwelling unit is rented.

#### 4.25.015 Annual Short-Term Rental Business License Endorsement Required

No owner of property within the Newport city limits may advertise, offer, operate, rent or otherwise make available for occupancy or use a short-term rental without a business license with a short-term rental endorsement. Advertise or offer includes through any media, whether written, electronic, web-based, digital, mobile or otherwise.

#### 4.25.020 Application Information and Filing Fee

A. Applications for short-term rental business license endorsements are to be on forms provided by the City, and shall include the following:

1. Owner Information. Owner's name, permanent residence address, telephone number, email address (if available) and short-term rental address and telephone number. In circumstances where the owner is a legal entity, a copy of the articles of organization or equivalent shall be provided identifying ownership interest holders in the short-term rental property.
2. Authorized Agent. The name, telephone number, mailing address and email of a property management company or other entity or person who has been designated by the owner to act on their behalf.

3. Representative Information. The name, telephone number, mailing address and email of a local representative who can be contacted concerning use of the property or complaints related to operation of the short-term rental. For the purposes of this requirement, local means the representative's address is within 30 minutes travel time of the subject property.
4. Liability Insurance. Letter of intent to insure (for new applications) or certificate of insurance (for renewals) establishing that the owner will have, or has, liability insurance which expressly covers the vacation rental operations on the subject property in the amount of \$1,000,000 combined single limit for bodily injury and property damage. Where letters of intent to insure are provided, certificate of insurance shall be submitted to the city prior to use of the unit as a short-term rental.
5. Land Use Authorization. A land use compatibility statement, signed by the Community Development Director or designee and that is current within 90-days, indicating that the short-term rental satisfies the land use standards for short-term rentals listed in NMC Chapter 14.25.
6. Occupancy. Occupancy limits and number of bedrooms (as specified in the Land Use Authorization).
7. Parking. Statement that required off-street parking spaces are available, with a photo(s), dated within the last 90 days, of interior and exterior parking spaces. A site plan including a parking diagram of the parking spaces shall also be provided.
8. Proof of Residential Use (for Home shares and Bed and Breakfast Facilities). At least two of the following items shall be submitted as evidence that the dwelling is the primary residence of the owner.
  - a. A copy of the voter registration
  - b. A copy of an Oregon Driver's License or Oregon Identification Card
  - c. A copy of federal income tax return from last tax year (page one only and financial data should be redacted)

9. Good Neighbor Guidelines. Written acknowledgement that a copy of the good neighbor guidelines has been reviewed and relayed to short-term rental tenants, by incorporating it into the rental contract, including it in the rental booklet, posting it online, providing it in a conspicuous place in the dwelling unit, or a similar method.
  10. Listing Number. For renewals, the listing numbers or website addresses of where the short-term rental advertises.
  11. Fire Safety. Completed checklist identifying that the unit complies with the fire safety standards listed in NMC 4.25.030(C)(5).
  12. Structural Safety. Completed checklist identifying that the unit complies with the Structural safety standards listed in NMC 4.25.030(C)(6).
  13. Waste Management. Proof of garbage service as required in NMC 4.25.030(D)(10).
  14. Other Requirements. Such other information as the City Manager or designee deems reasonably necessary to administer this chapter.
- B. Incomplete Application. If a license application does not include all required materials, the application will be considered incomplete and the City will notify the applicant, in writing, explaining the information required. If the applicant provides the missing required information within 30 calendar days of the date of the notice, the application will be reviewed. If the applicant does not provide the required information, the application will be deemed withdrawn and the City will refund the application fee.
- C. License Fee. The fee for the application of a short-term rental business license endorsement, and any of its components requiring city action, shall be established by resolution of the City Council.

#### 4.25.025 Term of Annual Business License Endorsement and Transferability

- A. Term. A short-term rental business license endorsement shall be issued for a period of 12-months, effective July 1st

of each year, and may be renewed annually by the owner provided all applicable standards of this chapter are met.

- B. Transferability. The business license endorsement shall be issued in the name of the owner(s) and is not transferable.

#### 4.25.030 Business License Endorsement and Endorsement Renewal

- A. Endorsement Must Be Obtained. An endorsement to a business license for a short-term rental shall be obtained and renewed as required in this section. The ability to operate a short-term rental in the City of Newport shall be discontinued for failure to obtain or renew an endorsement to operate as provided in this chapter.

- B. Application and Renewal Application Process. A person engaging in a short-term rental who has not yet obtained a business license endorsement, or who is required to renew an existing endorsement, shall do so as follows:

1. Time of Application.

- a. Existing Non-Conforming Short-Term Rentals. A business license endorsement renewal application completed in accordance with the provisions of NMC 4.25.020, is due on July 1, 2019 and annually every year thereafter.

- b. New Short-Term Rentals. A business license endorsement for a short-term rental shall be obtained before beginning operations. Endorsement applications, completed in accordance with the provisions of NMC 4.25.020, may be submitted and issued at any time. The endorsement may be renewed annually thereafter on July 1st of each year.

2. Notice. On or about July 1 of each year, the City shall send notice to owners of property with short-term rental endorsements informing them that the endorsement must be renewed no later than August 15 of each year and that failure to do so will result in expiration of the endorsement. Notice shall be sent by first-class mail to the address the owner provided with the endorsement on file with the City.



3. Expiration of Endorsement. Failure of an owner to renew an endorsement by August 15 shall result in expiration of the endorsement, and the ability of the owner to operate shall be conclusively presumed to be discontinued with no further action by the City.
4. Grace Period. In circumstances where a property is sold or transferred and is immediately eligible for vacation rental use pursuant to NMC 14.25.035(A)(1), the new owner shall be afforded a 30-day grace period to apply for a short-term rental business license endorsement. Vacation rental use of the dwelling unit may occur within those 30-days, and during the period of time that the short-term rental business license endorsement is under review.

*Staff: Individuals or entities that purchase vacation rental properties within or adjacent to commercial or water related zones, inside the vacation rental overlay, can immediately begin to use their properties for vacation rental purposes provided they obtain a license. Wrapping up a real estate transaction and obtaining a license takes time, and the properties are often booked well in advance by prospective guests creating a situation where bookings can fall into a gap between the change in ownership. At its 4/27/22 meeting, the STR Implementation Work Group supported establishing a grace period that will allow new owners to continue renting properties while they work through the licensing process. The proposed code language addresses the issue.*

#### C. Approval Standards.

The owner or authorized agent has the burden of proof to demonstrate compliance with standards for the approval or renewal of an endorsement. The approval standards also serve as continuing code compliance obligations of the owner. To receive approval, an owner or authorized agent must demonstrate that the approval standards listed below have been satisfied:

1. Zoning. The property is in compliance with requirements of NMC Chapter 14.25.
2. Contact Information. The owner or authorized agent has provided information sufficient to verify a qualified

person will be available to be contacted about use of the short-term rental during and after business hours. The qualified person shall be available to be contacted by telephone to ensure a response to the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. The qualified person must be able to reach the premises within 30 minutes. The individual identified as the "qualified person" may be changed from time to time throughout the term of a license. To do so, the license information shall be revised with the city at least 14-days prior to the date the change takes effect, except when the failure to do so is beyond the owner or authorized agent's control. In an emergency or absence, contact forwarding information to a qualified person should be provided by the owner or authorized agent. In the case of home shares, the contact person shall be the permanent resident who will be hosting the transient accommodations.

3. Notice to Neighbors. The owner or authorized agent of a vacation rental shall post a non-illuminated sign on the premises, between 1 and 2 square feet in size, containing the owner and/or representatives contact information. Such sign shall be placed in a location clearly legible, from an adjacent street. In the event the City establishes a 24/7 hotline for dispatching calls to operators of short-term rentals, then the contact information contained on the placard or sign shall be that of the firm providing the dispatch service. For vacation rentals in condominiums, the number and placement of signs shall be as specified by the City.
4. Electronic Availability. The City will make a database electronically accessible within which any person can enter in an address of a short-term rental and obtain the owner, authorized agent, and/or representative's name, telephone number, and email address.
5. Fire and Emergency Safety. A completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, unobstructed exits, etc.) shall be required with each new endorsement and renewal. The owner or authorized agent shall be responsible for completing the fire safety checklist and ensuring continued compliance. Verification by the City of Newport Fire Marshall shall be required prior to

issuance of a new endorsement and may be required for renewals at the City Manager's discretion.

6. **Structural Safety.** A completed checklist, signed by the City of Newport Building Official, indicating that the short-term rental has been inspected and complies with the building safety standards listed below. Such checklist shall be completed prior to issuance of a new endorsement and may be required for renewals at the City Manager's discretion.
  - a. Bedrooms shall have an operable emergency escape window or exterior door with a minimum opening size of 5.7 sq. ft. (5.0 sq. ft. at grade floor), with minimum net clear dimensions of 20-inches in width and 24-inches in height and having a sill height not more than 44-inches above the finished floor.
  - b. All stairs with 4 or more risers shall have a handrail on at least one side. Handrails shall be secure, continuous, and have returns at each end.
  - c. The open sides of stairs, decks, porches or other walking surfaces more than 30-inches above grade or the floor below shall have guardrails configured such that a 4-inch sphere cannot pass through.
  - d. Windows within a 24-inch arc of doors and glass within bathtub or shower enclosures shall be safety glazed, or have an equivalent means of protection.
  - e. Wood frame decks shall be structurally sound. In cases where a deck supports a hot tub or other features of a similar size and weight, engineering analysis of the supports may be required.
  - f. Electrical plug-ins and light switches shall have faceplates.
  - g. Electrical breaker boxes shall have all circuits labeled, and empty breaker spaces must be plugged.
  - h. GFCI (Ground Fault Circuit Interrupter) protection shall be provided for exterior outlets, kitchens, garages, laundry areas, and bathroom receptacles.

- i. Functioning smoke detectors shall be installed in all bedrooms and outside each bedroom in hallways or other rooms providing access to bedrooms, and on each story including basements. Such alarms shall be installed in compliance with State Fire Marshal Rules and any applicable requirements of the State Building Code, and there shall be available in the premises a written notice containing instructions for testing the alarms.
  - j. Functioning carbon monoxide alarms shall be installed if the unit (a) contains a heater, fireplace, appliance or cooking source that uses coal, kerosene, petroleum products, wood or other fuels that emit carbon monoxide as a by-product of combustion; or (b) includes an attached garage with an opening that communicates directly with a living space. Such alarms shall be installed in compliance with State Fire Marshal Rules and any applicable requirements of the State Building Code, and there shall be available in the premises a written notice containing instructions for testing the alarms.
  - k. Water heaters shall be strapped and secured in accordance with seismic protections standards, with a TEP (Temperature and Pressure Relief) line that is run to an approved location.
  - l. A 2A10BC fire extinguisher shall be provided on each floor.
  - m. Address numbers shall be posted and visible from the street.
  - n. Any violation of applicable codes that the Building Official determines to be hazardous shall be corrected prior to use of the dwelling as a vacation rental.
7. Proof of Use. For vacation rental renewals, room tax remittance records must show that the unit has been rented at least 30 days within the 12-month fiscal year. The City Manager may reduce the required number of rental days, or set aside this provision entirely, in circumstances where a vacation rental, or group of

rentals, cannot be rented for reasons beyond the control of the vacation rental owner.

8. Room Tax Compliance. The unit shall be in compliance with room tax requirements of Chapter 3.05 of the Newport Municipal Code.
9. Violations. A short-term rental business license endorsement that is revoked shall not be renewed. An owner whose endorsement has been revoked shall not be eligible to reapply for a new endorsement for a period of two years.

#### D. Ongoing Operational Requirements

1. Complaints. The owner or representative shall respond to neighborhood complaints within one hour and shall maintain a written record of complaints, the dates they were received, and efforts taken to resolve issues that have been raised. The written record shall be provided to the City upon request.
2. Guest Registry. Owner or designee shall maintain a guest and vehicle register for each tenancy. The register shall include the name, home address, and phone number of the primary tenant; the total number of occupants; vehicle license plate numbers of all vehicles used by the tenants, and the date of the rental period. This information shall be provided to emergency responders, and city finance and code compliance personnel when requested for enforcement or audit purposes. Guest registry information is to be treated as confidential to the extent allowed by law.
3. Mandatory Postings. The short-term rental business license endorsement issued by the City shall be displayed in a prominent location within the interior of the dwelling adjacent to the front door. The endorsement will contain the following information:
  - a. A number or other identifying mark unique to the short-term rental endorsement which indicates that it was issued by the City of Newport, with date of expiration.

- b. The name of the owner and authorized agent and a telephone number where the owner and authorized agent may be contacted.
  - c. The property address.
  - d. The number of approved parking spaces.
  - e. The maximum occupancy permitted for the short-term rental.
  - f. Any required information or conditions specific to the operating license.
  - g. The City of Newport official logo.
4. Emergency Information. Owner or designee shall provide information within the dwelling unit to inform and assist renters in the event of a natural disaster, power outage, or other emergency. Required information includes, but is not limited to:
- a. A tsunami evacuation map produced by Lincoln County Emergency Services, Oregon Department of Geology and Mineral Industries or other agency with similar authority.
  - b. Phone numbers and addresses for emergency responders and utility providers.
  - c. Other information as established by resolution of the City Council.
5. Noise. Noise levels shall conform to the requirements of Chapter 8.15 of the Newport Municipal Code.
6. Nuisance. The short-term rental shall not be used in a manner that creates a public nuisance as defined in Chapter 8.10 of the Newport Municipal Code.
7. Required Parking. Off-street parking spaces approved for short-term rental use shall be available and are to be used by tenants at all times that the unit is rented. A parking diagram illustrating the location of the approved parking spaces shall be provided to tenants and be available in a prominent location within the short-term rental dwelling.

8. Occupancy. Maximum occupancy shall be limited to that which is specified in the Land Use Authorization.
9. Landscaping. Where the Land Use Authorization indicates landscaping is such landscaping shall be maintained. Changes may be made to the type and location of required landscaping as long as 50% of the front yard, and 40% of the total lot area remains landscaped.
10. Solid Waste Management. Weekly solid waste disposal service shall be provided while the dwelling is occupied as a short-term rental. The owner or authorized agent shall provide for regular garbage removal from the premises, and trash receptacles shall be stored or screened out of plain view of the street. City may require that an owner or authorized agent utilize solid waste collection valet service in circumstances where there have been verified complaints that a short-term rental is not adhering to these requirements. For the purpose of this section, valet service means the collection driver retrieves the cart from where it is stored, rolls it out for service, and then places it back in its original location.
11. Liability Insurance. Liability insurance is required that expressly covers vacation rental operations on the subject property in the amount of \$1,000,000 combined single limit for bodily injury and property damage.
12. Group Events. Company retreats, weddings, rehearsal dinners, family reunions and similar gatherings are permitted on the premises of a short-term rental during periods of transient use provided the total number of individuals does not exceed occupancy limits at any time during the rental period.

#### 4.25.035 Inspections

Dwelling units for which a short-term rental business license endorsement is being sought, or has been obtained, shall be subject to initial inspection, and periodic re-inspection, by the City to ensure compliance with the provisions of this chapter. The timeframe for such inspections is subject to the City's discretion and available resources.

#### 4.25.040 Appeals

A decision on a new short-term rental business license endorsement application, renewal of an endorsement, or the revocation of an endorsement may be appealed as provided in NMC 4.05.075.

#### 4.25.045 Waiting List

The process for administering a waiting list for the issuance of short-term rental business license endorsements, pursuant to NMC 14.25.030(A)(2), shall include the following:

- A. Upon request, an owner of a dwelling unit will be placed upon the waiting list. The City will note the date and time of the request, owner(s) name, mailing address, phone number, email address and the physical address of the dwelling unit.
- B. At the close of the annual short-term rental business license endorsement renewal period, the City will determine the number of vacation rental endorsements available to persons on the waitlist. This will occur once per calendar year.
- C. Endorsements will be made available to properties in chronological order beginning with the owner on the waiting list for the longest period of time.
- D. For properties that cannot satisfy spacing, or other approval standards in section 14.25.030, the City will inform the owner(s) of their right to seek relief from the standard(s) through the conditional use permitting process as provided in NMC 14.25.010. Those that wish to seek conditional use permit approval will be provided at least 60-days to submit their application. Owner(s) may also choose to forgo the conditional use permit process and stay in their present position on the waitlist, where upon their circumstances will be reevaluated the following calendar year.
- E. Owners of property that can satisfy approval standards in section 14.25.030 will be notified, in writing, that a short-term rental business license endorsement is available and that they have 60-days to apply for the license and endorsement.



- F. Those owners that advise the City of their intent to submit a conditional use permit application, or apply for a business license and short-term rental endorsement, by the application deadline and fail to do so will no longer be eligible for a short-term rental endorsement and their names will be removed from the waiting list. If they wish to be added back to the waiting list, then their names will be placed at the end of the list.
- G. Owners that submit conditional use permit applications or business license and short-term rental endorsements by the filing deadline will have until August 15<sup>th</sup> of the following year to complete the permitting process and obtain a license and endorsement.
- H. Short-term rental endorsements that are not acted upon will be carried forward and made available to persons on the waiting list following the close of the next annual short-term rental business license endorsement renewal period.

*Staff: Ordinance No. 2144 calls for the establishment of a waiting list once the maximum number of vacation rental licenses is reached. That occurred shortly after the ordinance was adopted. The City established an administrative process for managing the waitlist. At its 4/27/22 meeting, the STR Implementation Work Group expressed interest in seeing the administrative process codified. This new subsection accomplishes that objective.*

#### 4.25.~~045050~~ Violations

Penalties, as specified in section 4.25.~~050055~~, shall be imposed for one or more of the following violations:

- A. Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental where the owner does not hold a valid endorsement issued pursuant to this section.
- B. Advertising; renting; using; or offering for use, occupancy or rent; a short-term rental in a manner that does not comply with the endorsement requirements of NMC Chapter 4.25.
- C. Failure to comply with the endorsement standards and operational requirements of NMC Chapter 4.25.
- D. Failure by the owner to pay the transient room tax required by NMC Chapter 3.05.

E. Failure of the owner or owner’s representative to respond to tenant, citizen or City complaints or inquiries. “Failure to respond” occurs if City staff is unable to reach the owner or designated representative after three attempts within a 48-hour period, using the information that the owner or designee has on file with the City.

F. Any act occurring on the real property upon which the short-term rental is situated where it is established that a civil infraction has taken place under the provisions listed in NMC Chapter 2.15.

*Staff: There have been circumstances where non-license related code violations have occurred on properties with licensed short-term rentals. This change will result in such violations also being a “strike” against the short-term rental. The STR Implementation Work Group expressed a desire for the change at its 4/27/22 meeting. It is reasonable for the City to expect that persons operating licensed short-term rentals will manage their properties in line with all city ordinances, not just those directly related to the operation of the rental. This change reinforces that expectation.*

#### 4.25.050055 Penalties

Penalties for a violation of subsection 4.25.045050(A) shall be a civil infraction to be enforced pursuant to the provisions listed in NMC Chapter 2.15. Where the owner possesses a valid short-term rental endorsement, the penalties for violations of subsections 4.25.045(B-E) shall be as follows:

- A. For the first violation within a 12-month period, City shall issue a written warning to owner.
- B. For the second violation within a 12 month period, City shall suspend owner’s short-term rental endorsement for 30 days.
- C. For the third violation within a 12-month period: 1) City shall revoke owner’s short-term rental endorsement; and 2) where an endorsement includes a Conditional Use Permit, city shall also initiate the revocation procedure as outlined under section 14.52.150.

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

## CHAPTER 14.25 SHORT-TERM RENTAL LAND USE REGULATIONS

### 14.25.010 Purpose

This chapter establishes criteria by which short-term rental uses may be permitted in order to ensure the safety and convenience of renters, owners, and neighboring property owners; protect the character of residential neighborhoods; protect the City's supply of needed housing; and address potential negative effects such as excessive noise, overcrowding, illegal parking, and nuisances (e.g. accumulation of refuse, light pollution, etc.).

It is the intent of these regulations to strike a reasonable balance between the need to limit short-term rental options within neighborhoods to ensure compatibility, while also recognizing the benefits of short-term rentals in providing recreation and employment opportunities, as well as transitional housing for tourists, employees of businesses, and others who are in need of housing for a limited duration.

### 14.25.010 Approval Authority

- A. Upon receipt of a request by an owner or authorized agent to complete a land use compatibility statement for a short-term rental the Community Development Director, or designee, shall determine if the request satisfies the standards of section 14.25.030. If the request satisfies the standards, then the Director shall sign the statement confirming that short-term rental is a permitted use. Such action is ministerial and, as a non-discretionary act, is not subject to appeal.
- B. In the event that the Community Development Director or designee, determines that an application does not meet one or more of the standards of section 14.25.030, then the land use compatibility statement shall not be signed.
- C. If one or more of the standards under section 14.25.030 cannot be met, an owner may seek relief from those standards through a conditional use permitting process, pursuant to section 14.34.010. Such an application is subject to review by the Planning Commission via a Type

III decision making process, consistent with section 14.52.010, and is to be limited in scope to those standards that cannot be satisfied.

- D. A Conditional Use Permit may authorize more than one vacation rental use on street segments in R-1 and R-2 zones where ten or more lots front the street. In such cases, no more than one vacation rental may be permitted for every five lots fronting the street.
- E. An approved Conditional Use Permit that grants relief from, or provides alternative requirements to, one or more of the standards of section 14.25.030 shall serve as evidence that standards have been satisfied so that the Director can sign the land use compatibility statement.

#### 14.25.015 Submittal Requirements

Land use compatibility statements shall be submitted on a form provided by the Community Development Department, and shall include the following:

- A. Site plan, drawn to scale, showing the dimensions, property lines, existing buildings, landscaped area, and off-street parking locations.
- B. Floorplan of the dwelling unit that identifies the rooms dedicated to short-term rental use.
- C. If the dwelling unit is within a residential zone, a calculation of the percentage of front yard and total lot area maintained in landscaping.
- D. If the dwelling unit relies upon shared parking areas, a copy of a covenant or other binding legal instrument detailing unit owner rights and responsibilities related to the parking areas.

#### 14.25.020 Establishment of a Vacation Rental Overlay Zone

A Vacation Rental Overlay Zone is hereby established to identify areas within the city limits where vacation rentals are compatible uses and, by exclusion from the overlay, areas where vacation rentals are prohibited in order to protect the City's supply of needed housing and character of its residential neighborhoods. The sole purpose of the Vacation Rental Overlay Zone is to identify where vacation rentals are

permitted uses and does not alleviate a vacation rental from having to satisfy requirements that are otherwise applicable under the Newport Municipal Code.

The Vacation Rental Overlay Zone shall be indicated on the Zoning Map of the City of Newport with the letters VROZ and is the area described as follows:

Real property lying within the corporate limits of the City of Newport beginning at the southwest corner of the intersection of NW 12<sup>th</sup> Street and US 101; thence west along the south line of NW 12<sup>th</sup> Street to the statutory beach line of the Pacific Ocean; thence southerly along the statutory beach line of the Pacific Ocean to the north line of SW 95<sup>th</sup> Street; thence east along the north line of SW 95<sup>th</sup> Street to its intersection with US 101; thence south along the west line of US 101 to a point opposite the south line of SE 98<sup>th</sup> Street; thence east across US 101 to the southeast corner of the intersection of US 101 and SE 98<sup>th</sup> Street, such point being coterminous with the Wolf Tree Destination Resort Site incorporated into the Newport Urban Growth Boundary pursuant to City of Newport Ordinance No. 1520; thence southerly, easterly, northerly, and westerly around the perimeter of the Wolf Tree Destination Resort Site to a point at the northeast corner of the intersection of SE 98<sup>th</sup> Street and US 101; thence north along the east line of US 101 to its intersection with SW Naterlin Drive; thence north and east along the south line of SW Naterlin Drive to SW Bay Street; thence south and east along the south line of SW Bay Street to the Mean Higher High Water(MHHW) line of Yaquina Bay; thence easterly and northerly along the MHHW line to its intersection with the Newport Urban Growth Boundary; thence northerly along the Urban Growth Boundary line to the south line of the Yaquina Bay Road; thence west along the south line of the Yaquina Bay Road to the point where it transitions into SE Bay Boulevard; thence west along the south line of SE Bay Boulevard to SE Moore Drive; thence north and west along the east line of SE More Drive to US 20; thence west along the south line of US 20 to the west line of SE Grant Street; thence north across US 20 to the west line of NE Grant Street; thence north along the west line of NE Grant Street to NE 1<sup>st</sup> Street; thence west along the north line of NE 1<sup>st</sup> Street to US 101; thence north along the east line of US 101 to the north line of NE 12<sup>th</sup> Street; thence west across US 101 to the point of beginning.

#### 14.25.025 Allowed Locations

- A. Home share and bed & breakfast facility use of a dwelling unit is permitted in all residential and commercial zone districts.
- B. Vacation rental use of a dwelling unit is permitted within the Vacation Rental Overlay Zone.

#### 14.25.030 Approval Standards

- A. Density. The total number of vacation rentals within the Vacation Rental Overlay shall be ~~capped at~~ limited to a level not to exceed 200-176 dwelling units. In the event that number is reached, the City shall establish a waiting list for the issuance of business license endorsements as they become available on a first come, first served basis.

~~1. A specific cap number shall be established by City Council resolution and that number shall serve as the maximum number of business license endorsements the City will issue for vacation rentals.~~

~~2. In the event the cap number established by City Council is reached, the City shall establish a waiting list for the issuance of business license endorsements as they become available on a first come, first served basis.~~

*Staff: The STR Implementation Work Group, at its 4/27/22 meeting, expressed a desire to eliminate the option of adjusting the license limit by resolution (up to a maximum of 200). Instead, they elected to have a license limit of 176 fixed in the ordinance. This amendment achieves that objective.*

- B. Spacing. Vacation rental use shall be limited to a single building on a lot, or group of lots, that abut a street segment. All dwelling units contained within the building are eligible for vacation rental use. For buildings on corner lots, this standard applies to both street segments.
- C. Occupancy. Maximum occupancy for a short-term rental shall be two (2) persons per bedroom, plus two additional persons per property.

- D. Guestroom Limitations. The following limitations apply to the number of bedrooms within a dwelling unit that may be occupied by guests staying at a short-term rental.
1. Vacation Rentals and Bed and Breakfast Facilities. A maximum of five (5) bedrooms.
  2. Home shares. A maximum of two (2) bedrooms.
- E. Parking Standards. One (1) off-street parking space per bedroom that is dedicated to short-term rental use, unless the dwelling unit is within a parking district as defined in section 14.14.100, in which case on-street parking may be used to meet the one (1) space per bedroom requirement provided the parking is allocated in accordance with the requirements of the parking district. Parking spaces shall comply with the dimensional standards of subsection 14.14.090(A). Off-street parking on driveways that extend into underdeveloped rights-of-way may be used to satisfy this requirement provided a stipulation is placed on the endorsement that the authorization may be revoked if the street is improved and driveway shortened.
- F. Shared Access. Short-term rentals that rely upon use of shared access and parking areas may only be permitted if a covenant or other binding legal instrument establishes that the owner of the unit maintains exclusive use of the required parking space(s).
- G. Landscaping. For short-term rentals situated on individual lots or parcels in residential zones, at least 50% of the front yard and 40% of the total area shall be landscaped. No more than 50% of the front yard landscaping may be impervious surfaces, such as patios and decks. Driveway and parking areas shall not satisfy any portion of these landscaping requirements.

#### 14.25.035 Non-Conforming Short-Term Rentals

- A. The non-conforming use provisions of NMC Chapter 14.32 shall apply to all short-term rentals licensed prior to the effective date of this ordinance, except:
1. Vacation rentals located inside the Vacation Rental Overlay Zone within, or adjacent to, a commercial or water-related zone shall count towards the specific cap number established pursuant to NMC 14.25.030(A)(1), but are not subject to the density limitation of NMC

14.25.030(A), and may be sold or transferred notwithstanding the waiting list provisions of NMC 14.25.030(A)(2).


2. All other vacation rentals located inside the Vacation Rental Overlay Zone shall count towards the specific cap number established pursuant to NMC 14.25.030(A)(1) and, upon sale or transfer, shall be subject to the density limitation of NMC 14.25.030(A) and the spacing standards of NMC 14.25.030(B).
  3. Vacation rental use of dwelling units located outside of the Vacation Rental Overlay Zone shall cease upon sale or transfer of the units.
- B. In the event that a property owner believes they can establish that imposition of these regulations results in a demonstrable reduction in the property's fair market value, such owner may apply to the City for compensation and/or relief from the regulation under ORS 195.310 to 195.314. If the property owner demonstrates with credible evidence a reduction in fair market value the City may provide compensation and/or regulatory relief in a form and amount of its choosing. The property owner may appeal any such final determination pursuant to ORS 195.318.

*(Chapter 4.25 was repealed and replaced by Ordinance No. 2144, adopted on May 6, 2019, effective May 7, 2019.)*



## Memorandum

To: Planning Commission/Commission Advisory Committee  
From: Derrick I. Tokos, AICP, Community Development Director  
Date: January 20, 2023  
Re: Annual Goal Setting Session



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The City Council will be holding its annual goal setting session on January 30, 2023 and this agenda item has been scheduled to provide the Planning Commission an opportunity to review and update its goals so that they can be shared with the Council members.

Attached is a copy of the Commission's FY 22/23 goals and those of the Community Development Department. Also enclosed is a brochure listing the Greater Newport Vision 2040 strategies. As with past years, we will look to align our goals with the strategies. Please forgive the formatting of the Commission and Department goals, as it is a function of the web application the City is using and I didn't have the time to clean them up manually.

I'll come prepared to review where we are at in implementing goals, and to discuss major initiatives for the upcoming fiscal year.

### Attachments

FY 22/23 Planning Commission Goals  
FY 22/23 Community Development Department Goals  
Greater Newport Vision 2040 Strategy Brochure

City of Newport, OR :: Goals

Goal#	Goal Title	Goal Type	Goal Text	V2040 Strategies	Objectives
3	Lay the groundwork for a set of regulations and incentives to pair with the Transportation System Plan update that will facilitate revitalization of the US 101 / 20 corridors, including the City Center area.	Ongoing		A3 A4 A5 A6 F4	473 Conduct business outreach and market analysis. 474 Recruit advisory committee. 475 Develop an adoption ready set of plan/code amendments and a framework for a business facade improvement program.
5	Initiate updates to Newport commercial / industrial buildable lands inventory.	Ongoing		A1 A4 C3	104 Initiate updates to Newport commercial / industrial buildable lands inventory.
6	Update off-street parking requirements in line with Parking Study or related recommendations adopted by the City Council.	Ongoing		A14 C1 C8	105 Update off-street parking requirements in line with Parking Study or related recommendations adopted by the City Council.
9	Implement recommendations from the Homelessness Taskforce that rely upon revisions to City land use regulations.	Ongoing		A2	108 Implement recommendations from the Homelessness Taskforce that rely upon revisions to the City land use regulations.
42	Implement Recommendations from US 101 Corridor Refinement Plan	Ongoing		A3 A14	266 Pursue annexation of unincorporated "island properties" to normalize the city limits, if found to be feasible. 265 Revise commercial and industrial zoning as recommended by the code audit.
43	Initiate any Needed Refinements to Historic Nye Beach Design Review Overlay	Ongoing		A6 F4	353 Examine the feasibility of a neighborhood visioning process for Nye Beach as part of a review of any needed updates to the Design Review Overlay. 268 Initiate refinements to the Historic Nye Beach Design Review Overlay, as needed.
44	Initiate Newport Housing Needs and Buildable Lands Update	Ongoing		A2 A7 A9 A14 F4	271 Develop an RFP, select consultants through a competitive selection process, and initiate work on the project. 476 Recruit advisory committee. 477 Complete the plan in line with agreed upon scope of work and adopt recommended ordinance changes.
45	Update the citys Erosion Control and Stormwater Management Standards for Private Development	Current FY		B1 B5	478 Identify stormwater management options that include boilerplate systems for small scale development projects. 479 Develop standards that can reasonably be implemented at existing staffing levels. 480 Prepare an adoption ready set of revisions by the end of the fiscal year.
46	Support City Council Dark Sky Lighting Initiatives	2-5 Years		B6	481 Initiate project after City Council puts in place a plan for retrofitting street lights and lights at city facilities. 488 Develop outdoor lighting standards for new commercial and residential construction that conform to dark sky requirements. 489 Prepare informational materials to inform the public about the Citys requirements and where dark sky compliant fixtures can be purchased.
47	Update Commercial/Multi-Family Code to Include More Bike Racks and Covered Bike	Current FY		A11 A15	490 Identify best practices and provide Commission with options. 496 Coordinate changes with Parking Advisory Committee.

Goal#	Goal Title	Goal Type	Goal Text	V2040 Strategies	Objectives
	Storage			497	Prepare adoption ready set of amendments for Council consideration.
48	Identify Opportunities to Normalize City Limits	2-5 Years		499	Engage with ODOT to identify opportunities to annex US US 101 and US 20 rights-of-way in cases where the city limits border both sides of the road.

City of Newport, OR :: Goals

Goal#	Goal Title	Goal Type	Goal Text	V2040 Strategies	Objectives
51	Establish a set of land use regulations and incentives to complement the Transportation System Plan update and facilitate revitalization of the US 101 / 20 corridors, including the City Center area.	Ongoing	A3 A4 A5 A6 F4	429 644 645 646	Coordinate with funding partners to get consultants under contract and initiate project. Conduct business outreach and recruit advisory committee. Develop draft updates to the City's codes to support downtown redevelopment. Create framework for an urban renewal funded business facade improvement program.
53	Implement Parking Study recommendations adopted by the City Council.	Ongoing	A14 C1 C8	261 262 263 264 430	Recruit and empanel a Parking Advisory Committee to provide recommendations to policymakers and staff regarding city parking policy and programs. Initiate refinements to the Historic Nye Beach Design Review Overlay, as needed. Prepare a Request for Proposals for installation of meters and related improvements (target spring 2021 for implementation). Develop draft ordinance changes to lift Bayfront off-street parking standards that serve as an impediment to development/redevelopment (to be implemented concurrent with metering). Initiate discussions with Nye Beach businesses on alternatives for managing parking in a sustainable manner.
54	Facilitate Provision of Additional Housing Opportunities within the City	Ongoing	A2 A6 A7	265 266 267 269	Incorporate "skinny" public street options into subdivision and zoning ordinances to reduce costs that may be an impediment to development. Adjust exaction requirements to ensure they are equitable, particularly for small scale residential projects. Initiate refinements to the Historic Nye Beach Design Review Overlay, as needed. Assist policy-makers in identifying a location and, in the permitting of, an overnight homeless shelter.
57	Partner with DOGAMI and DLCD on Tsunami Resiliency Initiatives	Ongoing	A13 E5 F4	647	Pursue grant funding to implement beach access resiliency recommendations.
58	Initiate work on HB 2003 Mandated Housing Needs and Buildable Lands Update	Ongoing	A2 A7 A9 A14 F4	448 648 649	Develop an RFP, select a consultant(s) through a competitive review process, and initiate work on the project. Recruit project advisory committee. Develop adoption ready housing capacity analysis and production strategy.
59	Support Development of STR Ordinance Implementation Work Group Recommendations	Ongoing	A8 A9 F1 F4	449 450 451	Assist Work Group in understanding how City Administration implements ordinance implementation through the summer of 2021 via a series of quarterly meetings. Provide the Work Group with requested information and options for addressing identified issues. Develop ordinance amendments or potential administrative procedural changes at the request of the Work Group for presentation to the City Council.
60	Assist BLM and FHWA on Lighthouse Drive Transportation	Ongoing	A10 A11 B2 F4	452	Assist BLM, FHWA, ODOT, and consulting team with development of study, including background data and recommendations from Newport TSP Update and public outreach.

Goal#	Goal Title	Goal Type	Goal Text	V2040 Strategies	Objectives
	Study				453 Provide feedback to BLM/FHWA regarding community priorities for infrastructure investment and incorporate recommendations as an amendment to the Newport TSP. 454 Incorporate recommendations into City TSP. 455 Coordinate with BLM/FHWA on project refinement of Lighthouse to Lighthouse trail connection if FLAP funds are awarded (2024/25 federal funding cycle).
61	Facilitate Acquisition of Additional Land in Big Creek Watershed	Ongoing		A13 B1 B6	456 Contact ownership interests within the watershed to ascertain interest in participating in land sales and/or exchanges. 457 Consult with OCCFA and Sustainable Northwest and prepare application to secure USDA, OWEB or other grant funds to supplement city resources for land acquisition. 458 Initiate Big Creek Watershed Forest Assessment if OWEB grant application is approved (April 2022 award timeframe).
62	Yaquina Bay Estuary Management Plan Update	Ongoing		B6 C1 C5 F4 F7	459 Participate on taskforce to update the plan, providing technical expertise and background data relevant to portions of the estuary within the city limits of Newport. 460 Conduct work sessions with City policy-making bodies to keep them informed of the proposed amendments, and assist DLCD with public outreach. 461 Initiate updates to the estuary management chapter of the Newport Comprehensive Plan and Corresponding chapter of the zoning ordinance.
63	Update Newport Unsafe Building Codes	Ongoing		E5	462 Coordinate with Police Departments Code Enforcement staff and State Building Codes Division to develop draft amendments. 463 Conduct work sessions with policymakers to review amendments and update based upon feedback. 464 Initiate ordinance amendment process.
64	Identify Funding Partnerships for TSP Project Priorities	2-5 Years		A3 A10 A11 A15 A16	465 Coordinate with ODOT, private developers, and other potential partners to identify joint funding opportunities.
65	Implement Recommendations from US 101 Corridor Refinement Plan	Ongoing		A1 A3	466 Update the Citys development codes in line with the recommendations from the code audit. 467 Advance priority urban renewal projects. 468 Initiate annexation of unincorporated islands in South Beach.

In 2040, the Greater Newport Area is an enterprising, livable community that feels like home to residents and visitors alike. We have carefully planned for growth with well-maintained infrastructure, affordable housing for all income levels, robust public transportation, diverse shopping opportunities, and distinct, walkable districts and neighborhoods.

ENHANCING A LIVABLE REGION



## ACKNOWLEDGEMENTS

The Greater Newport Area Vision 2040 was developed with the guidance and collaboration of The Greater Newport Area Vision 2040 Advisory Committee, the Newport City Council, and City of Newport staff, based on thousands of comments and suggestions received from Greater Newport Area community members and visitors. A special thank you to the entire community, but especially to all those who helped guide the process.

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## GREATER NEWPORT AREA VISION 2040 OUR COMMUNITY VISION

In 2040, Greater Newport is the heart of the Oregon Coast, an enterprising, livable community that feels like home to residents and visitors alike. We live in harmony with our coastal environment – the ocean, beaches and bay, natural areas, rivers, and forests that sustain and renew us with their exceptional beauty, bounty, and outdoor recreation. Our community collaborates to create economic opportunities and living-wage jobs that help keep the Greater Newport Area dynamic, diverse, and affordable. We take pride in our community's education, innovation, and creativity, helping all our residents learn, grow, and thrive. Our community is safe and healthy, equitable and inclusive, resilient and always prepared. We volunteer, help our neighbors, support those in need, and work together as true partners in our shared future.

*Look Inside to Explore Our Vision Focus Areas and Strategies to Achieve Our Vision*



LEARN MORE



[www.newportoregon.gov/vision2040](http://www.newportoregon.gov/vision2040)



541-574-0603



### KEY STRATEGIES - Indicates priority for ★ Latino Communities † Senior Communities

#### TIER I

- A1. Infrastructure Investments.**  
Maintain and upgrade local infrastructure within available funding.
- A2. Housing Supply.\*†**  
Increase supplies of affordable and workforce housing, including rentals and for sale units at prices that are accessible to a broad range of the general public.
- A3. Transportation Corridors.**  
Revitalize Highway 101 and Highway 20 in and around Newport to serve as attractive gateways to the community.

#### TIER II

- A4. City-Wide Beautification.\***  
Promote city-wide beautification, generating a fresh yet familiar look for Newport through streetscaping, improvements to building façades, and ocean-friendly landscaping.
- A5. City Center Revitalization.†**  
Develop a City Center improvement strategy that expands options for living, shopping, working, and dining in the area by promoting walkability, mixed-use development, and refurbishment of historic buildings.
- A6. Mixed-Use Development.**  
Promote mixed-use neighborhoods in appropriate areas of the city, incorporating a blend of commercial uses, employment, and residential development that creates a distinct sense of place.
- A7. Housing Development Incentives.\*†**  
Implement incentives to lower development costs and encourage construction and renovation of an array of housing types to augment the supply of affordable, quality, energy-efficient units.

- A8. Vacation Rentals.**  
Assess the growth and distribution of vacation rentals and take longer-term actions that may be required to address impacts on neighborhoods and the community.
- A9. Understanding Impacts of Seasonal Housing.**  
Gain a better understanding of the impacts that seasonal housing, including second homes and vacation rentals, has on the availability and affordability of housing and the provision of public services within the community.
- A10. Street, Highway and Bridge Improvements.**  
Engage the State of Oregon and community partners to identify bridge alternatives and future street and highway improvements that meet local needs while mitigating congestion and accommodating future growth and increased traffic.

- A11. Bicycle and Pedestrian Safety and Amenities.\*†**  
Work to improve the safety of bicyclists and pedestrians throughout Newport. Plan, fund, and develop improvements to bicycle and pedestrian amenities in strategic areas of the city, including sidewalks, crosswalks, overpasses, "traffic calming," bike racks, and planned bicycle and pedestrian routes.

- A12. Multiuse Paths and Trails.**  
Maintain and expand the multiuse path and trail system.
- A13. Strategic Investments and Partnerships.**  
Pursue strategic investments and partnerships to adequately meet the needs of the community as it grows and develops.

- A14. Developable Land.**  
Ensure an adequate supply of buildable land by first encouraging redevelopment of underutilized and redevelopable properties. Extend infrastructure to undeveloped land that is zoned for development-related uses.
- A15. Complete Streets.\*†**  
Design neighborhoods around streets that are well integrated with local transit, are ADA accessible, and accommodate "active transportation" such as cycling, walking, and wheelchair moving.

- A16. Public Transit Improvements and Expansion.\*†**  
Develop targeted improvements to the local transit system, including better scheduling, signage, and plans for system expansion. Work with Lincoln County to upgrade bus service in Newport and surrounding areas, with improved routes and more frequent service.
- A17. Transit Reliability and Promotion.\*†**  
Develop and promote transit as a robust and reliable alternative to driving within the Greater Newport Area.

#### TIER III

- A18. Telecommunication Technology.**  
Promote universal, high-speed internet access throughout the city. Expand community and business access to new telecommunication technologies.

# CREATING NEW BUSINESSES & JOBS

In 2040, the Greater Newport Area collaborates to create economic opportunities and living-wage jobs that help keep Newport dynamic, diverse, and affordable. Our economy is balanced and sustainable, producing living wage jobs in the trades and professions, while supporting new start-up companies and small businesses based on local talent, entrepreneurship, ideas, and resources.



## KEY STRATEGIES

### TIER I

- C1. Expanded Working Waterfront.\***  
Leverage our maritime industries and marine-related assets to expand and diversify the capacity of marine businesses, including full utilization of the International Terminal.
- C2. Science Economy Expansion.**  
Expand Newport's science and marine economy, promoting it nationally and internationally as a hub for scientific research, ocean observation, education, and utilization and conservation activities.
- C3. Living Wage Jobs.\***  
Partner with new and existing businesses to retain, expand, and create jobs that pay living wages, providing at least a minimum income necessary so that workers can meet their basic needs.

### TIER II

- C4. Airport Improvements.**  
Maintain and enhance the Newport Municipal Airport as a viable community asset that can support business growth and development and improve access to and from the community.

- C5. Marine Economy and Economic Development.** Link OSU's Marine Studies Initiative and the area's marine economy into economic development planning.
- C6. Tourism Diversification.** Diversify Newport's tourist industry by promoting expansion of ecotourism as well as interpretive programs based on Newport's maritime industries.
- C7. Arts and Cultural Destination.** Promote the Greater Newport Area as a major arts and cultural destination.
- C8. Local Businesses Support.** Support and retain existing local businesses.
- C9. Small Business Development.** Expand training and education for small business development and entrepreneurial skills, including resources for artists, craftspeople, trades, and technology start-ups.
- C10. Green and Sustainable Business.** Promote and support businesses in the Greater Newport Area that use and market green and sustainable technologies, materials, and products.

- C11. Sustainable Fisheries.** Support innovation and new markets in sustainable fisheries by leveraging new technologies and partnering with the science community.
- C12. Diversified Agricultural Economy.** Promote the production, marketing, and direct sales of seafood, value added wood products, and local agricultural products.
- C13. "Shoulder Season" Attractions and Festivals.** Develop new attractions, festivals, and marketing to sustain tourism through the shoulder season.

### TIER III

- C14. Viable and Sustainable Commercial Air Service.** Work with local, state, and federal partners to develop a model for sustainable commercial air service.
- C15. Permanent Farmers Market.\*** Create a permanent home for a year-round farmers market with expanded hours and business acceleration opportunities for food, beverage, and agriculture related start-ups.



# LEARNING, EXPLORING, & CREATING NEW HORIZONS

In 2040, the Greater Newport Area takes pride in our community's education, innovation, and creativity, helping all our residents learn, grow, and thrive. Our schools are appropriately funded through diverse means of support to meet the highest standards of educational achievement. Our college and university prepare students for rewarding lives and productive careers. The arts and opportunities for creative expression and learning are high quality, diverse, and available and accessible to everyone.



## KEY STRATEGIES

### TIER I

- D1. Funding for Schools.** Develop creative, diverse, and alternative sources of funding for educational facilities, classes, programs, and extracurricular activities in the Greater Newport Area schools, including consideration for pre-K and early childhood education.
- D2. Vocational Technology and STEM Programs.** Expand vocational tech and Science, Technology, Engineering and Mathematics (STEM) education, including K-12, OCCC, and OSU, and offer classes, training, and certification for marine sector and other jobs.

### TIER II

- D3. Art in Public Spaces.** Integrate the arts as a key element of the city's identity, including expanding the presence of public art throughout the community.

- D4. Expanded and Upgraded Arts Footprint.** Invest in improvements to performing and visual arts venues, including the Performing Arts Center and Visual Arts Center, to increase their capacity to accommodate arts and cultural events.
- D5. Summer Arts Offerings.** Expand outdoor summer arts events and offerings, such as music and theater.
- D6. Schools and Local Talent.** Promote increased partnerships between schools and local talent, including scientists, artists, craftspeople, and tradespeople who share their knowledge with area classes and students.
- D7. Teacher and Administrator Diversity.\*** Increase the diversity of teachers and administrators to be more representative of student demographics.

- D8. Bilingual and Cross-Cultural Education.\*** Establish comprehensive bilingual and cross-cultural educational programs throughout the community, including English for Speakers of Other Languages (ESOL) instruction, to promote better integration and improved achievement of residents of all ages.
- D9. Expanded and Integrated Higher Education.†** Support Oregon Coast Community College (OCCC) in gaining accreditation and expanding its offerings, including workforce education and the trades.
- D10. Education Partnerships.†** Encourage K-12, community college, professional, and noncredit education partnerships that promote pathways to marine educational programs at Oregon State University (OSU)'s Newport campus.

- D11. School-to-Work Programs.\*** Work with local schools, OCCC, OSU, and employers to develop a school-to-work program for students, training and certifying them to fill the needs of local employers and the job market.

### TIER III

- D12. Access to the Arts.\*†** Increase the availability of, and access to, lower cost arts venues and performances while supporting new, innovative opportunities, including workshops, film, and student work.



# PRESERVING & ENJOYING OUR ENVIRONMENT

In 2040, the Greater Newport Area lives in harmony with its coastal environment. Our ocean, beaches and bay, natural areas, rivers, and forests sustain and renew us with their exceptional beauty, bounty, and outdoor recreation. We retain our connection to nature, protecting our land, air, water, natural habitats, and biodiversity, and promoting more sustainable ways of living.

### TIER I

- B1. Sewer and Stormwater Management.** Maintain, upgrade, and modernize stormwater and sewer infrastructure to reduce overflows, keep our waterways and beaches clean, and minimize flooding in a manner that is both fiscally responsible and environmentally friendly.
- B2. Integrated Shared-Use Trail System.\*†** Develop an integrated trail system, accommodating multiple uses, that connects neighborhoods, visitor destinations, open spaces, and natural areas.

### TIER II

- B3. Parks and Recreation Needs and Upgrades.\*** Engage the community in identifying priorities and future needs related to open space, trail, and park and recreation assets. Make recommendations for future park upgrades, planning, and development, paying particular attention to funding maintenance.
- B4. Trail-Building Program.** Establish a City trail-building program that provides opportunities for volunteer involvement.

- B5. Green Building and Development.** Promote and incentivize environmentally responsible, resource-efficient building and development techniques, including onsite stormwater management, permeable pavement, energy-efficient buildings, ecological landscaping, and native plantings.
- B6. Environmental Conservation Partnerships.** Prioritize conservation of significant open spaces and natural resource areas, including beaches and headlands, midcoast watersheds, the Yaquina Bay Estuary, rivers, streams, forests, and fish and wildlife habitat. Partner with local environmental organizations and agencies to expand and strengthen programs to protect and restore natural areas and resources and preserve environmental quality.
- B7. Comprehensive Recycling and Reduced Waste.** Target the Greater Newport Area to achieve the highest rate of recycling of any city in Oregon through source reduction, reuse, recycling, composting of food waste, and curbside glass recycling.

- B8. Renewable Energy.** Increase the use of renewable energy to achieve energy independence in the Greater Newport Area, harnessing a combination of renewable energy sources and technologies.

### TIER III

- B9. Climate Action Plan.** Develop a comprehensive public-private climate action plan to lessen the Greater Newport Area's contribution to climate change, as well as to mitigate the impacts of climate change on the community itself.



## KEY STRATEGIES



### TIER I

- F1. Transparency and Communication.** Encourage and support continued open communication, transparency, and accountability on the part of City leaders and staff.
- F2. Vision as Foundational Document.** Ensure Greater Newport's 2040 Vision serves as the foundation for ongoing public processes, planning, and decision-making.

### TIER II

- F3. Vision-Focused Council and Community.** Promote key elements of Greater Newport's 2040 Vision through the Newport City Council, City staff, Greater Newport Area partners, and Vision advocates who engage with community partners.
- F4. Community Engagement.\*†** Develop new avenues for Greater Newport Area residents and businesses to engage and participate in the development of plans and policies, and to contribute to the decision-making process.

- F5. Culturally Competent and Inclusive Outreach.\*** Develop new forms of culturally competent outreach, such as Spanish-language publications and public service announcements, to reach out to and involve the entire community.
- F6. Model Communities.** Research the best practices of other communities that have been successful in implementing vision plans and strategic community objectives, and learn from their successes.
- F7. Collaboration and Partnerships.** Sustain positive relationships and high levels of civic collaboration between public, private, faith-based, civic, neighborhood, and community-based organizations and the community at large.



- F8. Community Forums.\*** Develop community forums that bring people of different backgrounds and cultures together to discuss issues and share solutions.
- F9. Youth Involvement.** Work through the schools, Oregon Coast Community College, and Oregon State University to increase involvement of younger generations in current affairs and community issues, local government, volunteerism, long-range planning, and decision-making.
- F10. Retiree Involvement.†** Encourage area retirees to become more active in civic life, contributing their skills, time, energy, and resources to address community needs, mentor young people, and promote their own health and engagement.
- F11. Volunteerism.†** Cultivate the community's spirit of collaboration and engagement to create meaningful opportunities for public involvement and volunteerism for all ages.

# FOSTERING COLLABORATION & ENGAGEMENT

In 2040, the Greater Newport Area's local governments and public agencies, schools and higher educational institutions, businesses, local employers, nonprofits, community groups, faith based institutions, and residents work together as true partners in our shared future. Governments reach out to engage and listen to residents, involve them in important plans and decisions, and collaborate for a better community in a rapidly changing world.

# IMPROVING COMMUNITY HEALTH & SAFETY

In 2040, the Greater Newport Area is safe and healthy, equitable and inclusive, resilient and always prepared. We volunteer, help our neighbors, and support those in need. Our community's physical, environmental, social, and economic assets allow all of our residents, including families and children, young people, and seniors, to live healthy lives and find the support and services they require, including excellent, affordable, and accessible healthcare and childcare.

## KEY STRATEGIES

### TIER I

- E1. Affordable and Accessible Healthcare.\*†** Work to improve access to and affordability of healthcare for all in the community through improved healthcare facilities, education, and preventive services.
- E2. Medical Professionals and Specialists.\*†** Recruit and retain more healthcare providers and medical professionals in the community, including medical specialists in pediatrics, geriatrics, mental health, chronic diseases, services for veterans, and the prevention and treatment of addiction.

- E3. Expanded Mental Healthcare.\*†** Expand mental health services in the area, including improved community education, prevention, and counseling services, as well as trauma-informed care that diagnoses and treats the mental health impacts of adverse life experiences.

### TIER II

- E5. Disaster Preparedness.** Expand disaster preparedness and self-reliance programs and activities, focusing on neighborhood level organizing, and including multilingual information, training, and assistance.
- E6. Proactive Police and Fire Services.\*** Support police and fire services in meeting and addressing growth and changing community needs. Support improved community policing practices that promote positive interactions between public safety officers and the public.
- E7. Homelessness Solutions.** Implement proactive solutions to expand services and resources for people who are homeless, including homelessness prevention and other programs and partnerships to help the area's homeless population obtain stable housing.
- E8. Translation and Multilingual Services.\*** Increase and support existing local capacity to provide translation and multilingual services, including assistance with employment, physical health, mental health, rehabilitation, education, nutrition, legal, immigration, and financial education needs.
- E9. Accessible and Affordable Childcare.** Increase the number and capacity of quality accredited childcare facilities and staff in the region and make childcare more accessible and affordable for all families.
- E10. Accessible and Affordable Eldercare.†** Work toward meeting the need for quality and affordable housing, independent living, and care facilities for elders in the Greater Newport Area.



- E11. Foster Care Improvements.** Study and make recommendations to address the area's child foster care challenges, including causes, solutions, and prevention. Increase the number and quality of foster homes, while implementing preventive approaches that will help keep more children from entering the foster care system.
- E12. Access to Healthy Food.** Improve community "food security" by addressing issues of availability, accessibility, and affordability of healthy food.

### TIER III

- E13. All-Weather Facilities and Activities.\*** Improve affordable access to recreational and community facilities, including indoor spaces for sports, family and cultural celebrations, classes, youth programs, and other recreational and social activities that are accessible during evenings and the rainy season.



# 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 Regular Session

- File 2-CUP-22-A Final Order and Findings on Appeal of CUP Denial of Real Estate Office in C-2

## 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
- File 4-CUP-22 Public Hearing on Conditional Use Permit for Toyota of Newport
- Potential Amendments Related to 1886 Building and City Historic Structure Demo Restrictions

## January 23, 2023 Work Session

- Work Session on Draft Ord. No. 2202 – Considering Feedback from 1/9/23
- FY 23/24 Goal Setting Session

## January 23, 2023 Regular Session

- File 4-CUP-22 Final Order and Findings Toyota of Newport Conditional Use Permit
- File 1-CP-21 Public Hearing on Housing Capacity Analysis Portion of Housing Study (Part I)
- File 4-Z-22 Public Hearing on Camping Related Land Use Amendments
- File 5-CUP-22 Public Hearing on Conditional Use for Relief from STR Spacing Standards

## February 13, 2023 Work Session

- Review Draft Housing Production Strategy Component of Housing Study (Part II)
- Placeholder for Review of Draft Multi-Family/Commercial Trash Enclosure Standards
- Update on Status of South Beach Island Annexation Process

## February 13, 2023 Regular Session

- File 5-CUP-22 Final Order and Findings on Conditional Use for Relief from STR Spacing Standards
- File 5-Z-22 Continued Hearing on Ord. No. 2202 – STR Work Group Recommendations

## February 27, 2023 Work Session

- Placeholder for Review of Amendments Related to Yaquina Bay Estuary Plan Update
- Review Draft Amendments to Special Parking Area Regulations (Follow-up to 9/26/22 WS)
- 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