

Planning Commission-City of Newport 5/28 Public Comment.

Thank you for the opportunity to speak tonight. I am Cheryl Connell, a 41 year resident of Newport. I served on the City of Newport VRD AD HOC Committee. I am also a survivor of several disruptive VRDs in my residential neighborhood.

I am here tonight representing a group of Newport residents who are advocates for safe and healthy VRD-free residential neighborhoods. We believe that the City Council's May 6th decision to approve Ordinance No. 2144, without your recommended 5 year phase out, is unjust. This new ordinance continues to favor the economic interests of largely nonresidential VRD owners over the health and safety needs of Newport's retirees, senior citizens, families, businesses and work force because it gives no planned, and therefore, no timely, relief.

Our goal is to establish your recommended 5 year phase out of VRD's that are outside of the new VRD overlay zone as enacted on as part of Ordinance No. 2144 and its associated resolutions by amendment. The Planning Director's May 16th Staff Memo to the City Council stated that if "there is a pressing need to consider further amendments, then they should be addressed as separate ordinance. If the nature of the amendment is something the Planning Commission has already provided a recommendation on, then the amendment could be presented to the City Council at a duly noticed meeting".

We wanted to let you know that our group will be presenting our case to enact a 5 year phaseout by amendment at next Planning Commission meeting as part of public comment. If you prefer, we can request to be an agenda item if you prefer. While not necessary according to the above memo, we will be doing so to invite your feedback and suggestions as to our next steps for eventual adoption by the City Council.

I am happy to answer any questions on this matter. If none, I appreciate your time tonight.

Memorandum

To: City Council

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

Date: May 16, 2019

Re: Implementation of Ordinance No. 2144, Newport Short-Term Rental Regulations

Following City Council adoption of Ordinance No. 2144, on May 6, 2019, a copy of the ordinance was provided to the Department of Land Conservation and Development as required by law. The agency confirmed by email that our ordinance adoption notice was received. The adopted ordinance, maps, resolutions, and the "summary of key amendments" handout are posted to the City's website and available at the planning office. Persons expressing interest in obtaining a short-term rental license are being advised that such licenses, if available, will be accepted no earlier than 8:00 am on July 1, 2019. For vacation rental dwellings, a wait list will be established as the City will not know if there are available licenses, under the 176 license cap, until the license renewal period ends on April 15, 2019.

At the May 6th hearing, the City Council asked that this work session be scheduled to discuss implementation and other aspects of the short term rental ordinance. This includes, but may not be limited to, the items listed below:

- Implementation. Staff is pulling together materials to implement the newly adopted ordinance. Persons with pending short-term rental applications have been notified that they have 180-days to complete the review process, including any required safety improvements to their units, or they will be subject to the new rules (ref: ORS 227.178(3)(a)). Application forms are being updated, good neighbor guidelines are being developed, and an administrative framework is being pulled together for how the city will handle the license wait list. City administration has met internally to discuss coordination required between the finance, community development, and police departments and staff training will occur once informational materials are finalized. Short-term rental license renewal instructions will be distributed to existing license holds prior to July 1, 2019 so that they are aware of, and can prepare for the 45-day period within which they can renew their business license and short-term rental endorsement. This work session is an opportunity for Council members to raise issues they would like to see addressed prior to the July 1, 2019 go live date.
- Advisory Committee. At the May 6th hearing, a majority of the City Council members expressed an interest in forming a short-term rental advisory committee of some form, and this work session is a forum for Council members to discuss what they see as an appropriate scope of responsibilities for such a committee.
- Testimony on Potential Ordinance No. 2144 Code Inconsistencies. At the May 6th, 2019 hearing the City Council received testimony that there may be an inconsistency

between the provision in NMC 4.25.030(C)(2) that requires an operator have a local representative that can respond to a unit in 30 minutes and the provision in NMC 4.25.030(D)(1) that requires complaints be responded to in one hour. The timeframes in these provisions are intentionally different. One hour was viewed as a reasonable amount of time to respond to a complaint. Not all complaints require somebody to dispatch to a property, but if they do the representative needs to be close enough that they can get there well within the one hour timeframe. That is where the 30 minute provision comes into play.

Another issue raised has to do with interplay between the street segment definition and 14.25.030(B), which stipulates that vacation rental use shall be limited to a single building on a lot, or group of lots, that abut a street segment. The question was whether or not the code is clear that this limitation only applies to one side of a street as opposed to both. The definition of a street segment, with a graphic, makes it clear as to where a segment starts and stops, and the standard clearly refers to one side of the street segment through the use of the term "abutting" a street. A lot abuts one side of a street segment, not both. The legislative intent is similarly clear, from the ad-hoc work group, to the Planning Commission, to the City Council that the spacing standards apply to one side, as opposed to both sides, of a street segment.

Lastly, comment was made that the "administrative relief" provision of NMC 14.25.035(B) should be revised to make it clear that persons who feel their property has been devalued as a result of short-term rentals being established near them can seek relief under this provision. This is as opposed to only aggrieved short-term rental operators. The language, as drafted, states that any property owner that believes they can establish that imposition of these regulations results in demonstrable reduction in a property's fair market value can seek relief. It is not limited to owners of short term rental properties. If a property owner believes they can show the value of their property is diminished because of short-term rentals in the vicinity of their residence, then they could pursue relief under this code provision.

- Enforcement. City staff is soliciting qualifications and quotes for services from third-party vendors to assist with code enforcement. Further, an additional City code enforcement officer position is in the proposed FY 19/20 budget. That position will perform a range of code enforcement responsibilities, including enforcing violations of the short-term rental ordinance. Given the timing of when Ordinance No. 2144 was adopted, and that funding for the new code enforcement officer will not be available until July 1, there will a transitional period within which a vendor is selected and gets up and running, and the City hires the new enforcement officer. This work session is an opportunity for Council members to raise issues they would like to see addressed as the City musters its code enforcement resources.
- Adequacy of Parking Requirements. Concerns were raised as to whether or not off-street parking requirements for short-term rentals contained in Ordinance No. 2144, are adequate in areas with special parking requirements such as Nye Beach. The ordinance requires one off-street parking space per bedroom dedicated to short-term rental use unless the dwelling is in a special parking district, in which case the requirements of the special parking district apply (ref: NMC 14.25.030). The City's three special parking districts, and the Nye Beach area specifically, have a complex set of rules that encourage full utilization of on-street parking by a broad range of uses to achieve higher densities and a more pedestrian friendly environment. That program is being evaluated by a parking advisory committee in a holistic manner, and Ordinance No. 2144 is structured such that any resulting changes to the district's rules would apply to short-term rentals, which is appropriate.

- Process for Further Code Changes. Now that an ordinance has been adopted, it would be reasonable for the City to wait and see how the newly adopted code is working and where adjustments may be needed. That will take at least a year, and likely longer. It is difficult for staff and confusing to the public, to try and amend and implement a code at the same time. If a majority of the Council believes there is a pressing need to consider further amendments, then they should be addressed as a separate ordinance. If the nature of the amendment is something the Planning Commission has already provided a recommendation on, then the amendment could be presented to the City Council at a duly noticed public hearing. Otherwise, the amendment must first be referred to the Planning Commission (ref: NMC 14.36.020(D)).

This work session is also an opportunity for Council members to discuss any other issues related to the recently adopted short-term rental ordinance that may not be covered in this memo.

Attachments

Ordinance No. 2144, as adopted, and related maps