

MINUTES
City of Newport Planning Commission
Regular Session
Newport City Hall Council Chambers by Video
August 24, 2020

Planning Commissioners Present by Video: Jim Patrick, Lee Hardy, Bob Berman, Mike Franklin, Gary East, Jim Hanselman, and Bill Branigan.

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

1. **Call to Order & Roll Call.** Chair Patrick called the meeting to order in the City Hall Council Chambers at 7:00 p.m. On roll call, Commissioners Hardy, Berman, Franklin, East, Hanselman, Branigan, and Patrick were present.

2. **Approval of Minutes.**

A. Approval of the Planning Commission Work Session Meeting Minutes of August 10, 2020 and the Planning Commission Regular Session Meeting Minutes of August 10, 2020.

Commissioner Berman submitted minor corrections to both meeting minutes.

MOTION was made by Commissioner Berman, seconded by Commissioner Franklin to approve the Planning Commission Work Session and Regular Session Meeting Minutes of August 10, 2020 with minor corrections. The motion carried unanimously in a voice vote.

3. **Citizen/Public Comment.** None were heard.

4. **Action Items.**

A. **File 1-PD-20: Final Order and Findings for the OSU Student Housing Planned Development Amendments.**

Hardy wanted it noted that the questions the Commission asked about occupancy and the fire code for the development hadn't been answered. She thought the occupancy density was too high given the square footage of the units, and the parking was one third of the capacity of the units. Hardy thought this was poorly thought out. Franklin agreed with Hardy's comments.

MOTION was made by Commissioner Branigan, seconded by Commissioner East, to approve the Final Order and Findings for File No. 1-PD-20 with conditions. The motion carried in a voice vote. Commissioners Hardy and Franklin were a nay.

5. **Public Hearings.** At 7:04 p.m. Chair Patrick opened the public hearing portion of the meeting.

Chair Patrick read the statement of rights and relevance. He asked the Commissioners for declarations of conflicts of interest, ex parte contacts, bias, or site visits. None were heard. Patrick called for objections to any member of the Planning Commission or the Commission as a whole hearing this matter; and none were heard.

A. File 1-Z-20.

Tokos reviewed the staff report and covered the change to the 3-vehicle limitation cap on commercial, industrial, or public properties, and residential landlord-tenant laws. He explained that there were amendments other than those for car camping. Tokos reviewed the updates to Chapters 6.25, 9.50, 9.80, 14.03, and 14.06. He explained that the Commission would be giving a recommendation to the City Council. The Council would have a work session meeting on September 8th and a public hearing on Sept 21st.

Berman question why they wouldn't set the vehicle limit to the normal capacity of a porta potty instead of just over three vehicles. Tokos said this could be done and the Commission could set the occupancy to what they thought would be appropriate without requiring a permitting review process. Franklin was concerned that commercial and industrial areas were being used as housing in South Beach. He questioned if this would allow residential use in the areas where the residential wasn't allowed. Tokos explained the ordinance was targeted to car camping for homeless individuals and wouldn't affect this. Patrick had concerns about facilities allowing parking spaces to be used up for camping that would take away from the specific number of required parking spaces for business.

East noted that some ordinances were set up for car camping for homeless who had jobs and worked. He asked if this was the type of people they anticipated camping. Tokos thought it would vary. Berman didn't think there was a way to enforce this for homeless people. He was concerned that a business who needed employees would offer the spaces to staff instead of the homeless. Berman didn't think there was a way to distinguish who was homeless or not. Tokos said this example was a good reason to limit to three vehicles. Hanselman thought three vehicles would give everyone a chance to see how it was adopted by the community and whether there was a need to expand it based on the behavior and success of the program. He asked how "place of worship" was defined. Hanselman was concerned about places of worship ending up in homes in a residential area and creating a battle with homeowners. Tokos wasn't sure a place of worship had been defined. Berman thought there should be a definition. Tokos explained that if someone claimed their house was a place of worship it would be defined as an additional use and would be subject to a land use action. Hardy asked if the city would ask for a permit for anyone who wanted to institute car camping on their religious or commercial property. Tokos explained that this would be limited to three vehicles and there wouldn't be a permit.

Berman suggested instead of setting the hard number vehicles to three, they could add a conditional use provision to justify more than three. Patrick noted they would need a clear and objective standard to apply in order to grant the conditional use. He suggested they just start at three vehicles, see how it went, and then consider expanding later. Hardy thought there should be a permit process. Branigan asked if the three vehicle limit applied to public areas as well as commercial and religious properties. Tokos confirmed that it was.

Franklin thought a permitting process should be done without a fee, but with an inspection. Hardy suggested they ascertain liability coverage. If a problem occurred it would go back on the property owners, most of whom would be ignorant on what they were responsible for if something happened on their property. Patrick like requiring a permit to make sure they were complying, and to insure they knew all the parts of what they were signing up for, such as number of vehicles and access to facilities. Tokos thought they could do a simple permit. He recommended this be added to a motion to present it to the City Council.

Patrick asked if the Commission wanted to limit this to 30 day stays. Branigan liked it limited to 30 days. Berman thought they should leave it open and make it clear to the land owner they could make their own decision on length of stay. Branigan was concerned that the landlords wouldn't understand this. Hardy noted there wouldn't be a way to determine if someone had been there for 30 days. If they set a time limit there would need to be documentation recorded on the stays. If there wasn't a time limit the neighborhood needed to be engaged and notified that the event was going to occur and how long it would last, otherwise

there could be the same resistance as seen with short-term rentals. Tokos agreed it would be hard to enforce a 30 day stay. The landlord-tenant laws would be between the host and the guest and he didn't think there was anything in the local code the city could do to impact that one way or the other. Franklin asked if a city code with a 30 day stay limit gave the person who was offering the space an opportunity to have a police officer show up to tell the campers to leave after 30 days. He was also concerned that someone could move from a different parking slot to start the time stay over. Tokos didn't know if a standard in the municipal code would affect landlord tenant laws. Any stay over 30 days would be between the owner and tenant, and there wasn't much in the municipal code that would impact it. Hardy noted it was very different to remove an unauthorized occupant who didn't have paperwork and wasn't paying rent. She explained that the protections for the property owner had deteriorated. So rather than solving the base problems of homelessness to get them self-sufficient, they put band aids on it. Tokos reminded that there was language put together for 30 day stays but it wasn't in the code. Berman wanted it left that way. Patrick thought they should pass on the 30 day stay, do a maximum of three vehicles, and add that a permit is required to show a plan on how they would comply with the rules. Tokos noted the permit would be to arrange an inspection to make sure they had the required components.

Berman suggested adding in Section 9.50.050 that sanitary facilities needed to be open 24 hours a day. Hardy asked if the facilities had to have more than just a toilet. Berman confirmed they did.

MOTION was made by Commissioner Berman, seconded by Commissioner Hanselman to approve File 1-Z-20 with a positive recommendation to the City Council and include a change to require access to sanitary and trash facilities 24 hours a day/7 days a week, require a permit prior to occupancy, and make the maximum occupancy 3-vehicles with no time limit on stays. The motion carried in a voice vote. Hardy was a nay.

Berman requested that the Commission be informed if any facility chose to offer camping.

6. **New Business.** None were heard.

7. **Unfinished Business.**

A. **OSU Newport Housing - Biofiltration-Oil Removal.**

Tokos reported that documentation on the biofiltration-oil removal was provided for informational purposes. Patrick noted there was another biofiltration in place in Agate Beach.

B. **Work Program Update.**

Tokos reported the State wasn't where it should be as far as the middle housing piece. The Commission would have a September work session meeting to discuss. Tokos explained the Commission wasn't required to adopt middle housing codes but they had the option to do so under the statute.

Tokos reported the City Council asked to put together information for a work session to go over what they might do for electric vehicle (EV) readiness. The State Building Code Division was doing ongoing rulemaking to meet the Governor's' executive orders to make sure any new commercial construction and development would be required to have a level-2 fast charger or above. The State Building Codes Division had until 2022 to complete this. If the Council wanted to mandate that charging stations be installed, it would be a land use change that would have to go to the Planning Commission and would be in the parking code.

8. **Director Comments.**

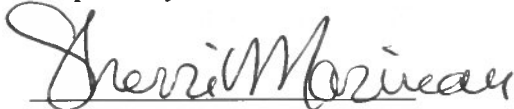
Tokos reviewed the new virtual meeting policy concerning written comment for agenda items needing to be submitted by noon of the hearing. These written comments will be acknowledged in the meeting but not read into the meeting. Notification would need to be received by 2:00 p.m. in order to provide the dial in information to the participant. This would be included in the scripts of notices that were sent out going forward.

Tokos reported that Public Works Director, Tim Gross resigned his position effective October 5th. Hardy asked if they would be interviewing new candidates. Tokos explained that this was the City Manager's call and something he would have to tackle.

Berman asked if under the new policy the public would be able to join in the Zoom meetings and watch the proceedings without commenting. Tokos noted they would have to contact the city to be able to dial into the meeting. There were no rules that required them to provide comment if they joined the meeting.

9. **Adjournment.** Having no further business, the meeting adjourned at 7:59 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sherri Marineau". The signature is written in black ink and is positioned above the printed name and title.

Sherri Marineau
Executive Assistant