

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
July 11, 2022
6:00 p.m.

Planning Commissioners Present: Jim Patrick, Bob Berman, Braulio Escobar (by video), Gary East, Jim Hanselman, and Bill Branigan.

PC Citizens Advisory Committee Members Absent: Dustin Capri, & Greg Sutton.

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

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:02 p.m.

2. **New Business.**

A. **Potential Code Revisions for Short-Term Rental Work Group Consideration.** Tokos reviewed the revisions to the Newport Municipal Code Chapter 4.25. He explained the status of short-term rental (STR) licenses and the STR Work Group's thoughts on phase outs of properties outside of the allowed zone. Berman asked what would be the best time for the Commission to pursue a package for STR changes. Tokos noted the Work Group was in charge of reporting to the City Council and had to wrap this up by the end of the year. He explained there would be some code changes involved in this. As a Planning Commission, they were free to initiate legislative amendments by motion independently. As a matter of strategy, they might want to wait until the Work Group made their recommendation. The Commission could also just share their thoughts with the Work Group and see where the recommendation landed as opposed to trying to initiate something in parallel with where the Work Group was going, which might confuse things. Berman voiced that he would write a letter to the Work Group for their next meeting and then look to make a move to take another look at it after the next year. Tokos noted the Council had expressed that they weren't really interested in a deep dive into the STR issues because it could be controversial. He reported that when he asked the Council for guidance on the cap adjustment they said they didn't want to look at this on any kind of regular basis because it was just too hard of an issue. The Council wanted to stick to 176 in the ordinance and get rid of the resolution language. Berman agreed with this and didn't think there was a need to adjust it. Tokos pointed out that doing an adjustment to the number by resolution was a way to give relief without having to go through a full ordinance review.

Tokos reviewed the changes the NMC Chapter 4.25. He covered the changes to the grace period for when properties were sold or transferred to a new owner that were immediately eligible for vacation rental use by the new owner. Berman asked if the 30 days in the language was for the new owners to apply for their licenses. Tokos confirmed that was correct and they were still under the grace period until they obtained their license. Escobar asked if the new owner was getting a STR license immediately did it mean they were cutting the cue for the waitlist. Tokos confirmed it did because this was how the process was set up for particular properties in the tourist commercial areas that were designed as vacation rentals. The code amendment said that these commercial areas should have a right to continue as STRs. Tokos noted that they were in areas where you would assume to see tourist uses and properties were expected to be vacation rentals. This didn't apply to rentals in residential

areas within the overlay. Escobar reminded that it wasn't the Commissions responsibility to override what the Work Group was doing but to give comments to the Work Group who would then convey this to the Council. Berman asked if the new owners who were applying were in essence getting a temporary license and would have to meet all of the conditions that were applied to the old owner's license. Tokos confirmed they did and noted that the advantage of going through the inspection process with the new owner meant they became familiar with what they needed to keep their rentals up to date. Escobar asked if any residents wanted to put anything on the ballot that would affect STRs county wide. Tokos reported that he hadn't heard about anything but didn't know what the status of the county measure was. He reminded that a ballot measure that applied to a rural residential property versus one in an urban environment, might not play out the same way.

Tokos reviewed the changes to NMC Chapter 4.25 to add rules for the STR waitlist. He noted they only went through the waitlist once a year because they didn't have the resources to go through it and reconcile the numbers more than that. This seemed to work reasonably well because the city was reconciling the number of licenses available after the annual renewals were done in order to offer licenses to people. Tokos noted that the owners who didn't meet the spacing standards on the waitlist could apply for a conditional use with the Commission. Escobar asked if the goal of the STR ordinance was to get STRs out of residential neighborhoods. Tokos explained that it wasn't so much. It was more about not having heavy concentrations of STRs in neighborhoods. Berman asked if they considered opening up licenses twice a year. Tokos explained that it took resources to go back down through the list. He would pass along the thought to the Work Group to see if they thought it was necessary. When licenses were offered to owners who were gearing up for the next summer season, making the licenses available after the renewals gave owners time to get tenants out of their properties and do other things such as working through inspections. Berman thought they should make licenses available more often and thought they it should be discussed with the Work Group. Marineau gave an overview of the process and timeline to offer short-term rental licenses to properties on the waitlist. Berman again stated he wanted it discussed with the Work Group. Tokos would do this and pointed out that offering licenses annually aligned with the STR license renewals. The biggest issue with renewals was on getting the owners to provide their insurance and getting applicants to supply all the necessary documents, which added a back and forth with them.

Berman questions why they needed 60 days to apply for a license from the waitlist when the owners didn't know if they met the requirements. Tokos explained that staff let owners know when they didn't meet the standards and gave them their options. Berman thought they should list when the 60 days started. Tokos suggested adding language that said "from when contacted" as the starting date. Berman asked if the applicants didn't get things done by August 15th would they lose their spot on the waitlist. Tokos confirmed they had a year to get everything done. Patrick asked how many waited until August 15th to complete the process to get a license. Tokos reported this happened and were typically done by those that had a tenant in the unit or had to make changes to the rental such as new egress windows for a bedroom.

Tokos reviewed the changes to add information on how civil infractions on properties counted as strikes against short-term rentals. He gave an example of a property that had an accessory dwelling unit (ADU) on a property that had a licensed STR dwelling that had a strike against the short-term rental. They were operating the ADU as an unlicensed short-term rental. Berman thought that a civil infraction was a broad statement and was serious. He questioned if they really wanted to add this. Tokos explained anything that was considered a civil infraction would be a strike. Berman asked if they had the numbers on how many strikes had been given to STRs. Tokos didn't have the numbers and explained the information would come from the Community Service Officer (CSO). Berman asked if there had been any revocations of short-term rental license. Tokos reported there wasn't, they

only had initial strikes. He also noted that there hadn't been many complaints about STRs either. Berman asked if the CSO made the determination on if something was a strike. Tokos confirmed they did. Berman asked if LodgingRevs changed hands. Tokos reported they were now GovOS since January of that year. Berman asked if they did an audit yet. Tokos reported they had to wait until Finance had the room tax automated before they could do this, and they needed an agreement with the State to do so. Berman asked if LodgingRevs was looking for unlicensed rentals. Tokos reported they did. They flagged properties that were renting without licenses and operating in excess of their occupancy. Hanselman asked if there was enforcement on weekends. Tokos reported the police were available on weekends to do enforcement instead of the CSO. He noted that the subject of enforcement on the weekends had been raised with the Work Group. Part of getting coverage on the weekends was determined by contract negotiations with the Police Department.

Tokos reviewed the changes to NMC Chapter 14.25. Berman thought the 14.25.030(A) should reference back to the procedures to the waitlist. Tokos asked for comments on changing the cap number to just 176 and not say anything in the code that they could have a cap number other than this number. Hanselman supported this because it was a way of protecting how the city thought about the housing shortage. He would rather not have properties go to vacation rentals. Tokos noted this would be a change to the land use code and there would be a hearing with the Commission. He explained that the public hearing would happen after the Work Group's recommendation to the Council in September.

B. Working Draft of Camping Ordinance Being Developed for the City Council. Tokos reported he had a meeting with community stakeholders the next day and the Council would have a meeting on July 18th to do some work on the camping ordinance. He noted there was a lot of errors on the presented draft and it needed to be cleaned up.

Tokos reviewed changes to NMC Chapter 9.50.000. Berman noted the title of the chapter needed to be changed to "Newport Camping Regulations." He also thought that number for Chapter 9.50.000 should be 9.50.005. Berman also thought that "Family" should be removed. Tokos noted that it had already been removed.

Tokos explained that they wanted to identify the areas where camping wasn't allowed instead of where it could be. Escobar asked if this set up scenarios where campers who relocated could cause the public to express concerns for the new locations. Tokos noted there would be concerns anytime campers moved. The city was setting up reasons why someone couldn't camp in certain areas, such as not camping near a high volume traffic area. He explained that they didn't list open spaces but were saying camp sites couldn't be within 100 feet of a trail. Escobar didn't have a problem with what was presented but asked where campers would move to. Tokos noted they would end up moving to areas where they were permitted to do so in the road rights of way and public spaces that were still available. Branigan asked if 50 feet was realistic. He thought it should be 100-150 feet. Berman worried about the fixed distances and how it would be applied when, for instance, a church wanted to use their parking lot for camping and it didn't meet the specific distance. Patrick noted these rules just applied to public rights-of-way, not private lots.

Berman questioned the registration requirement that asked for three written authorizations from the property owner, but only one of them required them to register with the city. Tokos noted that this was only for when they were providing an active car camping provision on their private property as a service to the homeless. Berman thought they should be registered whether or not it was a vacant or developed lot. Tokos agreed and noted that what they were looking for was to have somebody register with the city when they were providing camping to the houseless. Berman thought they should include

in the language who they should register with. Tokos expected this would be the Police Department because a lot of it involved police enforcement. He included the League of Oregon Cities guidance to make it clear we had to accommodate people who wanted to rest in a public space, which was their right. We couldn't force anyone to move unless we could point them to someplace that was permissible in a public space where they could rest. Tokos noted they tried to put some thought on which public spaces in the city were really inappropriate. One area they added some language was that it wasn't permissible to camp in a public right away in front of dwelling in residential areas. They took language out of the initial draft that said that property owners could make their property available to the houseless to camp in their backyards or bring their RVs on the property and connected to the waste system. They took this out because Newport was a tourist destination where there was a constant demand for an overflow of RVs. Anyone staying in an RV should be staying at a campground or RV park and couldn't use residential neighborhoods for that purpose. Tokos noted this might be added back in to say they could do it without taking money, but he questioned how they would enforce it. Berman noted that there were people parking their RVs at the Ernest Bloch Wayside who were staying there until the CSO came around to make them move. They weren't necessarily living in their RVs, they were looking for a cheap place to park their RV. Tokos noted this emphasized how they needed to spend time figuring out what an establish camp site was. Local jurisdictions had the authority to define this, and the city was sorting through it. Patrick recommended 72 hours for set up at residences because on the weekends the city didn't have time to take care of civil service. Tokos noted camping was a high priority for the Police, more so than STRs. They were already dealing with camping on the weekends. Patrick thought they needed to allow a longer time unless there was something in the law that said they needed to make it shorter. Tokos noted the League said that whatever the city did they needed to make sure it was enforceable. They had discussed that the 48 hours would be for the high priority camps where someone set up in a very inappropriate location.

Berman noted that the language that said the City Manager could revoke remote camping if the property owner had violated any applicable law, ordinance, rule, guideline or agreement meant that if an owner got a traffic ticket they could lose their agreement for camping. Tokos explained they had to afford these people an appeal process and this was a part of the League's guidance.

Escobar asked Tokos to send the Commission the revised draft of the document. Tokos would send it to the Commission after the group's next meeting and before it went to the Council. Patrick asked if a map showing the location of the areas could be done. Tokos noted they were trying to avoid doing the maps but the purpose of sharing the information on the changes was to get the Commission's higher level thoughts about the direction this was going and if they saw any major issues. Hanselman thought the language seemed to be written such that a law enforcement officer would be able to ask people to move on. He also thought it created laws to help support them.

Escobar asked if suggestions A through H in the code were suggested by Chief Malloy. Tokos confirmed they were. Escobar asked if this would impact the parking lot at 9th and Hurbert Street. Tokos explained this lot would continue to be made available with a limited number of spaces for car camping. There would be around five spaces total.

Patrick asked if the notices that had to be posted needed to be in English and Spanish. He asked if no trespassing signs for properties needed to be in Spanish as well. Tokos would check on this.

Berman pointed out that one person's junk was another person's treasure. He didn't want the CSO to determine what was junk. There needed to be some ability to determine what was junk for items that held meaning for people.

Tokos reported this would go to the Council on July 18th for a concept discussion, but not for adoption. It would be worked into a formal ordinance. He didn't know if the Commission would have to do a formal recommendation. If this worked into the land use regulations it would necessitate the Commission's involvement. Tokos would keep the Commission informed so they knew how everything came together.

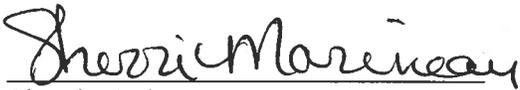
3. Unfinished Business.

- A. Updated Planning Commission Work Program.** Tokos reported that there would be a public hearing with Council for the Transportation System Plan (TSP) on July 18th. He would have the final version of the TSP uploaded to the city's website. Tokos reported they needed to pick up a few code changes to align with this and it would be in the draft code. The Council hearing would be a hearing only, not the adoption of the TSP. The Council would set it for adoption in August if they wanted to move forward with it.

Tokos noted the Housing Advisory Committee would meet on August 4th. The housing constructability assessment was being developed and the housing capacity analysis was also coming together. There was also be a kick off meeting with the Parking Advisory Committee on July 20th to go over the work that had been done to date, and to work on getting the metering program in place for the Bayfront for the following spring.

- 4. Adjourn.** The meeting adjourned at 7:14 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant

