

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers**  
**August 22, 2022**  
**6:00 p.m.**

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

**Planning Commissioners Absent:** Gary East (*excused*).

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

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

**Public Present:** Traci McDowall, and Daniel Myrick.

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

2. **Unfinished Business.**

A. **Revised Camping Ordinance.** Tokos explained that the ordinance was prepared by City Manger's office and there were a number of typographical issues in the document that would be addresses in the future. He asked the Commission to forward their edits to him so they were included in the draft ordinance.

Tokos reviewed the revised draft of the camping ordinance. He described how the League of Oregon Cities (LOC) handed out guidance as to what jurisdictions should be considering as part of their camping regulations. This draft was designed from the LOC's latest guidance and identified where camping or resting would not be permitted.

Tokos reviewed the definitions section. Berman suggested changing Item "D" in definitions to say they could sit for 72 hours without being disturbed, instead of 48 hours. This would allow at least one business day to respond if something happened at the beginning of the weekend. Tokos explained this was a pivotal definition for what constituted an established campsite. If someone was in a dangerous location that was obstructing the public's ability to use public space, there was general agreement that this was something the code enforcement should respond to immediately. Updike asked if there was guidance from the LOC on what the definition should be. Tokos explained they didn't indicate a specific model definition, but they did say it should be within the compacity of what the city could enforce. Patrick reiterated that this supported giving 72 hours to be able to enforce.

Berman noted that Item "L" in definitions referred to a "permittee" to use the public utility easement. He questioned who a "permittee" was and thought it needed to be defined better. Berman asked if the Commission would see the ordinance document again before adoption. Tokos reported that it would go to the City Council next and this was the time for the Commission to give their comments. There would be some cleanup items in the land use code which would be addressed separately.

Berman noted that under 9.50.015(A)(4) the words "may offer" should be changed to "offers". Hanselman asked if there was a time limit on how long the vehicle could be parked on private property. Tokos reported that with respect to privately owned properties, it would be actively managed and was up to the owners to make the judgement.

Escobar asked if the city attorney had reviewed the ordinance. Tokos reported that this would be fully reviewed by the city attorney. Escobar gave an example of how Walmart was being sued due to campers catching fire to a nearby vehicle resulting in three children dying. They were being sued for not maintaining the campsite in a safer manner. Escobar was concerned about the potential liability for the city for car camping. Tokos explained that when they were talking about allowing camping on public property as opposed to private, the ordinance was setting up a framework for what property owners could do. It would be up to the private property owner to decide how much liability risk or issues they wanted to take on because they were choosing to do it. Tokos described how the city lot at 9th and Hurbert Street was set up for car camping and how it would be shifted to private management. He noted the city attorney had been directly involved with this.

Udike asked if Section 9.50.015(4)(E) should be more clear to say the level of access to facilities should be "24/7." Tokos would make sure this was picked up in the section. Berman pointed out that the wording for Section 9.50.015 "C" and "D" should be the same. One said "authorized to camp" and the other said "day camp." Escobar suggested changing it to "permits to authorizes" to make it consistent.

Berman pointed out that Section 9.50.020 had a problem with the sentence structure. He thought "1, 2, 3, 4" should be "A, B, C, D" because these were not all park areas. Branigan thought it should say "parking areas." Tokos agreed that the numbering was off and should be renumbered. Escobar asked if camping was prohibited in city parks. Tokos confirmed it was but reported that not all city properties were parks. Escobar asked if the car parked in front of City Hall was within 50 feet of US 101. Tokos explained there was ample parking area there to shift that car over if necessary. Patrick asked where the 50 feet would be measured from. Tokos thought this would be the curb line. He would add language for this.

Udike pointed out that park areas was a defined term under "H" and asked if the Commission was comfortable that that correctly defined that the park areas were subject to the restrictions, or if it need to be adjusted. Tokos wasn't sure if this defined what they exactly were. Escobar asked if recreational cooking need to be defined in Section 9.50.02. Hanselman noted that this was already a defined under definition "M." Tokos asked for any further thoughts on Section 9.50.020. Patrick wanted to see a map on the areas prohibited. Tokos explained they were intentionally not doing maps for this.

Hanselman noted the definition for "recreational fires" needed to say the fire needed to be constantly monitored by an adult because there was nothing that suggested this. Patrick questioned if all cooking with fires was prohibited. Tokos explained the intent was that someone couldn't start a fire in a parking lot. Berman asked if a fire pit or propane fire was a part of this. Patrick thought the easiest way to look at it was no open fires. Tokos would ask if this needed to be clarified.

Tokos pointed out that Section 9.50.030 for campsite cleanup was in line with the LOC guidance. He noted the Section 9.50.040 had similar guidance. Berman thought they needed a definition for "junk." He didn't want just any person making decisions on what was valuable. Escobar noted that in the landlord tenant section of the ORS there was a section concerning left or abandoned property. He suggested looking at this section to see what needed to be thrown away, held or preserved.

Berman noted in Section 9.50.040(B) they shouldn't include the part that talked about the requirement to have the location to store items be reasonably accessible to the cleanup area. Not all sites would have an area for this. Berman thought they should remove "to the cleanup areas" and say "reasonably accessible and preferably served by public transportation." Hanselman asked when they did cleanups of these homeless camp sites, were the campers given a number of days to evacuate, clean up, and find new homes. Berman thought it was 72 hours. A discussion ensued regarding what constituted property abandonment.

Traci McDowall addressed the Commission and reported that she was an attorney who did a lot of landlord tenant law. She explained that one of the things that she was seeing as they went through this draft was that it didn't seem that the intent for the landlord tenant law would apply in these situations. McDowall suggested they strongly consider this. If their intent was that it did not apply, she recommended they expressly state this within the ordinance to make it clear. This was especially important if they were going to take a look at the abandoned property provisions of the Oregon landlord tenant law and potentially include some of those provisions for guidance. As they took pieces from the landlord tenant law, it would become more and more like the landlord tenant law rather than how they intended it to apply. McDowall thought this would go against the intent of this ordinance.

Daniel Myrick addressed the Commission and stated he was homeless. He explained the reality for him was that these camping ordinances were aimed directly at the homeless class. Myrick reported that he had been a victim of these ordinances in many cities. They homeless were struggling to survive. According to the American Civil Liberties Union, people who are urinating in public, sleeping on the sidewalk, or living in substandard housing, were engaging in a life sustaining activity. Myrick stated that no city ordinance could supersede these federal laws that protect them. He thought that homelessness was racism because it removed a man's identity as a member of the human race. Myrick thought the camping ordinance was fine if it applied to the people who believed that their human worth resided in money. He felt all homeless people should be exempt from any such ordinance whatsoever.

- B. Draft Housing Study Residential Land Needs Assessment.** Tokos reported that at the fourth meeting of the Housing Advisory Committee they would be looking at the housing needs, and a defined buildable lands inventory. They were also looking at a constructability analysis that identified nine areas in the urban growth boundary where they were looking at what it would take to serve these properties. They would also be considering land cost, infrastructure, and things of that nature, to see if they were likely to be able to realize housing at price points that people in Newport could afford. Tokos noted they needed to wrap up the buildable land inventory piece with the housing needs by the end of the year. This was a requirement under state law. The housing production strategy didn't have to be wrapped up until the middle part of the next year, and it would kick off on October 13th. The subsequent meetings would cover potential housing strategies, finalized housing strategies, production strategies purposes, housing needs, and the housing capacity analysis. They would also be looking at what strategies they should be pursuing to help facilitate the construction of immediate housing, and going over the strategies they've already implemented.

Tokos reviewed the community conversations and their timeframes. He noted they were stretching out the windows for the conversations so they had better participation outside of the summer months. Tokos then covered the buildable and inventory map looking at the different types of designations in the Comprehensive Plan.

Tokos discussed the constrained lands map, the buildable lands acreage, and the population forecasts from Portland State University. Escobar asked if there was enough land to sustain the 626 new

dwelling units. Tokos confirmed that there was. He noted there weren't any lands outside of Urban Growth Boundary (UGB) that were flat. If they didn't have enough buildable land, then they would probably be looking at how they could carve this out within the existing city through changes to the rules. This would help them see more intense development in areas where there were services. Berman asked if they knew how much of the land inventory was in the city versus the UGB. Tokos reported that ECONorthwest had this number and he would get it for the Commission. Patrick asked what the vacancy rate was based on. Tokos explained this included rentals and owner occupancies. Patrick asked how they treated a second home. Tokos would ask ECONorthwest for this information.

Tokos continued reviewing the forecast of housing needed. Berman asked if the total of the new single-family units were the number of developments or units. Tokos reported this was units. He noted there were about 5,000 vehicles commuting to Newport a day and if these units were built they would be filled. The challenge was creating conditions where units could be built at price points people could afford. Tokos pointed out that the affordable housing apartment complex on 60th Street was the first one built in that scale since the early 1990's. Branigan asked if dwelling units had a minimum square footage per unit. Tokos explained they didn't.

Tokos discussed the future density for housing then the land sufficiency to meet the needs.

- C. **Review Final Draft of Yaquina Head Traffic Study.** Tokos reviewed the Yaquina Head Traffic Study which was specific to the Yaquina Head Outstanding Natural Area and was initiated by the BLM, in partnership with federal highways. The city was brought in as a partner on this and it had been coordinated with the Newport Transportation System Plan (TSP) update. Much of what had been done in terms of the BLM property was to improve access to the natural area. There were connections outside of this for the intersection at Lighthouse Drive and US 101. There was a current joint application with the BLM and Newport for a \$4.5 million grant to do the connection on the west side of US 101 from Lighthouse to Lighthouse down to Oceanview Drive. Tokos noted it would be helpful to have this included in the TSP by reference. It was a fairly minor amendment to the comprehensive plan so they could then convey to the federal highways that this has been locally adopted. Tokos pointed out that this was a final study and finished at this point. Berman thought this has been done professionally.

Tokos discussed how the study would be moved forward and how it would be wrapped into the TSP. Berman asked if the project from Lighthouse to the beginning of the BLM property was enumerated in the TSP. Tokos would check on this. He pointed out that if this was adopted it would be a city project. Berman asked if the city's grant application had enough money to do this project. Tokos explained that the BLM had its own funding source to deal with their own internal property. If the larger Federal Lands Access Program monies came through, they would be looking at improvements to the natural areas and pathway improvements down to Oceanview Drive. If not, the BLM would be moving forward with improvements to the natural areas anyway.

### 3. **New Business.**

- A. **Citizen Advisory Board Position.** Tokos noted the Gail "Annie" McGreenery expressed interest in being a Planning Commission Citizens Advisory member. If the Commission was in agreement they could do a motion to add her as a member during the regular session meeting.

### 4. **Adjourn.** The meeting adjourned at 6:59 p.m.

Respectfully submitted,

*Sherri Marineau*

Sherri Marineau,  
Executive Assistant