

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers**  
**November 28, 2022**  
**6:00 p.m.**

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

**PC Citizens Advisory Committee Members Present:** Annie McGreenery, and Dustin Capri.

**PC Citizens Advisory Committee Members Absent:** 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 6:00 p.m.

2. **New Business.**

A. **Discussion with Thompson Sanitary Regarding Trash Enclosure Standards for Multi-Family and Commercial Development Projects.** Tokos introduced Rob and Amy Thompson with Thompson Sanitary Services to the Commission. He noted they supported working with the planning department on a standardization of recommendations for new development or remodels. Rob acknowledged the 10 page example that they submitted to the Commission. Escobar asked what drove the discussion on policy changes. Rob reported that recently there was a code violation and nuisance at the Surf View Apartments for the use of their compactor. Thompsons was okay with compactors, but if the property didn't properly manage the ongoing maintenance, things would become unsanitary. Thompsons would be willing to pick up bulky items and police trash around enclosures, but this would be for an additional fees. Amy reported that since the apartments were opened Thompsons staff received constant calls to fix situations there. Trash would pile up because there wasn't anybody staffing the compactors, and tenants were confused because they thought Thompsons wasn't servicing the property.

Berman asked if any standards were in place currently. Tokos confirmed there weren't any standards for trash enclosures. Berman asked if they implemented standards would it apply to the Surf View apartments. Tokos confirmed they wouldn't because it was a completed development. He explained they couldn't avoid all issues moving forward. Some of the problems at Surf View were operational and couldn't be resolved by standards. Tokos explained they could put standards in place to ensure there were more trash enclosures required at the beginning of development.

Hanselman asked if the franchise agreement with Thompsons required them to service the apartment complex, and if Thompsons had the option to say they no longer wanted to service a property. Tokos pointed out that there were problems with other multifamily and commercial properties in Newport. Surf View was contractually obligated to have trash services because they were an affordable housing project. The franchise agreement listed that Thompsons had the ability to require customers to make changes or they wouldn't provide services to them. Tokos explained they didn't want to go down that road but could if necessary. This discussion was about if there were standards they could apply for

new developments. What happened after developments were completed was a different nuisance. Tokos noted what they were looking at was the standards to add to the code. Patrick asked if there were other things Thompsons was having problems with. Rob Thompson explained the franchise provided Thompsons rates and service levels that have been approved and reviewed by the City Council on an annual basis. This was the same arrangement with the County. They weren't allowed to provide preferential rates or services outside of those confines. Rob explained the last thing they wanted to do was to not provide service in order to get compliance. It was more beneficial to have standardization on the front side. Rob reported they had other challenges to providing services such as substandard streets and lack of landscaping maintenance. Patrick pointed out that apartments could do trash service more than once a week, and wanted to make sure they weren't setting up standards that could be taken care of on a timed basis instead. Rob reported that they could service commercial accounts five or six times a week. If the container was locked in an enclosure they charged extra for that. Thompsons tried not to have a subsidy where there wasn't a fee for extra services. When they subsidized they embedded it in the rate for all to pay.

Amy Thompson reported the plan guide they provided gave people an idea of what enclosures they would need and the kind of size requirements that would mean. Capri noted that the building and planning departments unofficially suggest developers reach out to utilities to get the cart sizes and talk about the topography of the lots and how they could affect trash service pickup. He thought the topography piece should be key and thought the city could look at this on a case by case basis. Tokos agreed that they needed to be thinking of terrain constraints. A number of the sample codes they had referenced were from areas that were flat which made it easy for them to be able to put in the access standards. Tokos thought they should keep in mind this was for multifamily and commercial, not residential. He reminded when putting in requirements they needed to have clear and objective standards. Redmond quantified this in terms of the number of yards per unit, and Seattle did this on a dwelling range. Newport could do something that was straightforward and achievable such as the height of an enclosure, and its proximity to a building. They could even take a look at under what circumstances a compactor made sense. Rob Thompson stated he supported this fully. Tokos thought that they needed to be cautious about access because of Newport's terrain which could create major issues for projects because of parcel size and slopes.

Branigan thought they could add language that automated compactors were not acceptable. Tokos noted this would be a discussion with Thompsons because compactors were a valuable option for people. Rob Thompson explained that compactors needed to be loaded and there had to be someone who would maintain them. Hanselman thought it would be a good contingency to say if they wanted a compactor they are required to have an everyday staff member maintain it.

Escobar asked if there had been any dialogue between the Surf View management and Thompson. Amy Thompson reported there had been. They tried to do recycling education with them, but it was almost impossible for them to make sure everyone was educated because there was so much turnover at the apartments. She also noted that the access to the compactor was a far distance for the tenants to walk to. Rob Thompson gave an example of another apartment complex in Newport that had multiple waste receptacles that managed the waste really well. He reiterated that they were willing to sit down with the City and find something that worked for them.

Berman thought the standards would be pretty easy to come up with. Once the occupancy was granted, the monitoring and enforcement would begin. Berman wanted something in the code that would do this. Tokos explained this would go into the nuisance code. When talking about standards, they needed to be clear about the standards for new development. Tokos thought it would be trickier to have standards for how managers managed on an ongoing basis. Amy Thompson noted there was a Recycle

Modernization Act passed the previous year for Oregon which changed how Thompsons picked up recycling in the next five years. She thought that this Act would address some of the standards, and give them some guidelines for recycling.

McGreenery asked if access to the different locations could be improved in the standards. Rob Thompson explained that all of their trucks were side loading only. It would be straight forward to write some of this in the code to get what they needed. Capri pointed out the only thing in the code currently was the requirement to put a label on the trash enclosure. Tokos confirmed there was little in the way of parameters that were in the current code. He noted they also had to consider access for the user. They also needed to be sensitive to ADA requirements to make sure those with mobility limitations had access to trash and recycling.

Escobar thought the 25 page set of rules from Recology Western Oregon was a little overkill for Newport and suggested Thompson edit the document. Rob Thompson was receptive to this and noted the document was their first version. Hanselman thought Thompsons had a good handle on what the issues were. He suggested they provide their remedies for issues to the Commission to help them come up with standards. Rob thought they could do this. Tokos would work with Thompsons on this. He reminded this meeting was to make sure the Commission was comfortable with this being a issue they wanted to address. Then, with general consensus, they would work with Thompsons on a short list of standards they could incorporate into the code that would apply to multifamily and commercial.

Tokos reported there was one other area they needed to tackle that wasn't included in this. They needed to address what to do when people wanted to put waste receptacles off site. Nye Beach was an example of this. Rob Thompson explained the type of structure Nye Beach was proposing was large and close to the street. Thompsons liked what they were proposing, but they didn't have any language to encourage the builders to do it this way. Rob noted he didn't have any thoughts to add concerning people wanting to have their refuge placed away from businesses.

Branigan asked if Dahl Disposal Services was having the same issues. Rob Thompson stated he couldn't speak for them but he knew that they had the same trucks as Thompsons. He was happy to talk to them about what their issues were. Rob wanted to point out that often the developer was different than the management, which stuck Thompsons in the middle when there was issues. McGreenery asked if the public had any concerns brought to Thompsons concerning this. Amy Thompson reported that a few months previously this had happened. This didn't happen often for the majority of the city, but was more so with multifamily. Tokos pointed out that the common issues were about unsightly garbage and smell. He stated that what he heard was that there was general consensus to work on this with Thompsons and bring back a short set of standards to review. The Commission was in general agreement with this.

East asked how much of an issue it would be for Thompsons collections if they added a standard that the units had to be one or two enclosures per building. Rob Thompson explained they could provide a range of how many containers they should have per resident or building. There was a lot of flexibility to work with the customer, and code enforcement could work to keep things out of a nuisance issue. The more services they had the higher the cost. This would typically mean there would be less problems. East asked if the reason the complex chose to only having one compactor was due to the budget. Tokos thought it was. Capri asked if the size of the containers had been standardized. Rob confirmed they were. Capri asked if there was composting available for multifamily. Rob reported they didn't have it for commercial yet.

**B. Overview of Updated Zoning Maps (Presentation).** Tokos reviewed the web map with the Commission. He explained the plan was to make the map available on the City's website soon. Newport's GIS technician had recently left the City and they were having to contract with a third party vendor to provide assistance on this. Tokos reviewed the look of the map and asked the Commission if they saw any missing pieces. He pointed out that this was the same look as the map for the Transportation System Plan map, and the Camping Ordinance map that showed where the areas were that weren't permissible for camping. Tokos explained most people wanted to find out what the zoning for properties were. This was included in the map, as well as the hazards maps and floodplain areas. Tokos explained this would be teed up on the website but he wanted to see if the Commission was comfortable with the utility of them first. Berman asked if there was a link to map yet. Tokos said the link wasn't done. Berman thought the tsunami maps should be included.

Capri asked if the DOGAMI maps were included. Tokos reported the City didn't adopt all of the DOGAMI areas so they didn't display this. He noted they were going to try to set it up so people could print the maps with a blanket statement that the City didn't warrant anything displayed on the map. They also wanted to make sure people were talking to the City on certain things. This is why utilities wouldn't be included because the map wouldn't be down to a survey level.

Patrick thought there should be a layer to show what properties were and weren't in the city. Tokos explained the zoning map would show this. Updike asked if the viewer could turn on a parcel layer. Tokos reported they could and it would show the addressing as well. He pointed out that they added the five foot contours on the map as well. Berman commented how he liked the map. Tokos would let the Commission know when the map was available.

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

**A. NMC Chapter 14 Camping Related Land Use Amendments.** Tokos reviewed the draft amendments to Chapter 14. He noted how they needed to define the definitions of camping and these changes would make this clear. Tokos explained that the zone districts changes were for camping for fees. Free of charge camping was under Chapter 9.50. Berman asked if all the RVs that hooked up to the Elks property was covered on this. Tokos explained that the property was authorized for camping and was considered a limited recreational RV park.

McGreenery asked if there was a permit process when someone brought in a RV to use for residential camping. Tokos explained there was added language that covered this. The City wasn't looking to do permits but to set parameters on how this would be legal. Berman asked if they added in the code that this didn't supersede CC&Rs. Tokos explained they could put this in the code, but if a CC&R said an owner couldn't do it, the CC&R would supersede the code and it would be privately enforceable.

Escobar asked how much time the code enforcement spent monitoring RVs to use on the streets. Tokos noted the staff spent a fair amount of time working with homeless individuals and those who couldn't find a parking space. He didn't have an exact figure but the camping ordinance has helped because it gave enforcement some clear guidance as to how to operate.

Tokos reviewed the changes to the manufacture dwelling text for properties outside of manufacture dwelling parks. Branigan asked if the language to allow RVs to park for no more than 12 months was negotiable. Tokos explained the 12 month time period would be up for debate by the Commission.

Tokos reviewed the temporary living quarters language for when someone was repairing or building a new home. He then covered the accessory use language to make it clear that owners could put up a

relative in a tent in the back yard. He reminded there had been interest in designating the number of tenants and limiting this to one tent. Updike pointed out they hadn't defined what a tent was and asked what the reason was for this. Tokos thought they could take a look at defining it and also determine a size parameter. He noted the City had a size parameter for sheds and gazebos. Tokos thought they could limit the tent size to no larger than accessory sheds. Patrick asked if a yurt was considered a tent. Tokos would look into this and thought it might be listed as an accessory dwelling unit because a yurt typically had cooking facilities, which would cause it to fall under an accessory dwelling. Updike asked if accessory dwellings had setbacks requirements. Tokos confirmed they did.

Updike asked if the 12 months would be consecutive. Tokos explained it was considered consecutive and was set up by statute. The timeframe could be whatever the Commission thought was reasonable. Branigan thought it should be six months. The Commission was in general agreement to have it be six months.

**B. Planning Commission Work Program Update.** No discussion was heard.

4. **Adjourn.** The meeting adjourned at 7:02 p.m.

Respectfully submitted,



Sherri Marineau,  
Executive Assistant