

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Conference Room A
October 9, 2017
6:00 p.m.

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

Planning Commissioners On Phone: Rod Croteau.

PC Citizens Advisory Committee Members Present: Dustin Capri

PC Citizens Advisory Committee Members Absent: Karmen Vanderbeck (*excused*)

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. **Draft Request for Newport Transportation System Plan Update.** Tokos introduced Ken Shonkwiler, Transportation Planner with Oregon Department of Transportation. Tokos reviewed the draft Newport Transportation System Plan update. He said they hoped to identify where the location of the bridge would be. Berman asked what the timeframe would be for starting the project. Shonkwiler said in around 3 years, and contracting for consultants would start in January 2018. Berman asked if the TSP was a new plan or an update. Shonkwiler said it was an update.

Shonkwiler reviewed the process to update the TSP. Capri asked why Fogarty was not a collector road on Page 3. Tokos said the maps were updated in 2012 and Fogarty was found to be too narrow. Berman said that 31st Street should be Harney Street where it connected to Highway 101. Tokos would change this. Franklin asked why Angle and Alder were not collector streets. Tokos said there would be a process to update these. They would be looking at alternatives to get people through the community.

Tokos discussed intersections that could be addressed. Shonkwiler said that ODOT worked with the community on how they would like the area to look. Tokos said that firms that did TSP work didn't always emphasize the graphic visual side. He requested that the mock ups give visualization on what the future street scapes should look like. Tokos said that variants were on the 1997 version and explained what would be needed as far as variants. Patrick noted the sidewalk width variants. Capri said the Bike and Pedestrian Advisory Committee should have input on this. Hanselman said the Newport Vision 2040 Committee was concerned about this and wanted alternatives for autos. Shonkwiler said that typically an advisory committee would be formed to guide the TSP. He would work with Tokos to choose people from different groups to be a part of the AC. Tokos suggested running it through the sub committees. He said that the Bike and Pedestrian AC was working on sidewalk gaps and this was something to add to the TSP.

Berman asked why Task 2.1 said only up to five community stake holders. Shonkwiler said that after the proposal, only the main tasks would look similar. Tokos said they wanted the framework to be where we would like to go and how to do it. Berman noted that Tillamook and railroads references should be taken out of the draft. Capri asked if there could be a draft pre-proposal before the proposal. Yes. Branigan asked if it was strictly the Urban Growth Boundary. Tokos said it was the area strictly north of the bridge. He said the UGB funding would be limited to boundaries. Patrick asked if there would be a tool kit for the different street sections. Tokos said yes. Patrick said the touring rates on the street intersections needed to be right on the update.

A discussion ensued regarding congestion and the use of couplets to spread the commercial footprint. Capri asked how to give it importance at the beginning of the process. Tokos said data collection and modeling for traffic flow would be done. Capri asked what it would be designed to. Shonkwiler said it would be around the 30 percentile. He said some communities are electing to raise the mobility standards. Tokos said this would need to be added. Shonkwiler said this was a good opportunity to talk about who would do the maintenance and planting strips. Tokos said there would be a work session with the City Council to talk about the TSP and try to get it refined to get requests for proposals. Shonkwiler preferred to have this done before January so they could start the bidding process. They anticipated getting around 4-7

consultants to bid. The cost of the work would be around \$300,000 which included \$100,000 from the economic development. Berman asked what kind of burden it would be for staff over the next 2-3 years. Tokos said he didn't see much staff burden and it would be more concept oversight. Shonkwiler said the City would do mostly review work and it wouldn't exhaust staff. Patrick asked about the status of the South Beach update project. Tokos said it would take 5-6 years to complete.

- B. Review of Existing Vacation Rental and Bed and Breakfast Regulations.** Tokos reviewed the packet materials with the PC and told them that they would be used for reference in further meetings. He reviewed what the CC asked the PC to do for a recommendation. He then gave a PowerPoint slide presentation for the PC which gave a sequence of what would happen on the October 9th & 23rd and November 13th PC meetings. The PC was in agreement that the schedule was reasonable. A discussion ensued regarding a need for more time for a discussion on the October 23rd meeting. It was determined that the work session would be held at its normal time. The PC would then break to the regular session meeting, then come back to the work session after the regular session was over.

Tokos reviewed the pre-2012 regulations and the issues at the time. He then covered the desired outcomes the PC had at that time. Tokos reviewed who was on the 2011-2012 ad hoc work group. Berman said there were four vacation rental owners/managers and two homeowners on the ad hoc group. He felt that when some issues came down to a vote, the people with an economic interest usually prevailed. Tokos said there was a general agreement on a lot of what was done. Hardy didn't think it could be blamed on a vested interest because things such as property rights issues came into play. Tokos said hotels at the time weren't in favor of VRDs.

Tokos reviewed the process for adoption in 2012. He went over the purpose of the VRD and B&B rules. Tokos then reviewed the summary of the 2012 VRD and B&B amendments. Franklin said he was concerned on VRD complaints and wanted a better way to revoke licenses. Tokos noted that four VRDs had Condition Use permits. He said there were three VRDs that were approved for CU permits for parking and one was denied.

Tokos covered recent public comments that expressed concerns on VRDs and B&Bs. Berman said he was concerned on the 5% of VRDs that don't comply. Hanselman felt the neighbors of VRDs didn't have any recourse. Hardy asked why the neighbors didn't complain. Hanselman said they were and gave an example of VRD managers that weren't responding. Tokos reviewed public comments in support of VRDs and B&Bs. He showed the PC a map of the licensed VRDs and B&Bs in the city since 2012. He then reviewed the distribution of VRDs and B&Bs in Newport. Tokos discussed the caps other jurisdictions were doing on VRDs. Patrick asked how many homes in Newport were second homes. Tokos said 12 percent of the total housing. Hardy said the numbers weren't accurate as she saw some properties on the list that she managed.

Tokos went over the map of the VRDs and B&Bs in the Nye Beach area that received licenses since 2012. He then reviewed definitions and the locational issues. He said that when caps were reviewed at the time, the PC didn't know then how many VRDs there were. Capri asked what the City did when they found VRDs that aren't licensed. Tokos said they talk to them about getting licensed. Franklin asked if Airbnb asked for documents for verification on the units. Tokos said they didn't but noted that Vacasa did.

Tokos reviewed maximum overnight occupancy, landscaping requirements, waste management requirements, noise abatement, safety provisions, and enforcement. Berman said he would like to require a local contact for all VRDs and B&Bs. Patrick suggested looking at a three strikes you're out rule. Tokos said if the VRDs let their business licenses lapse, it complicates things when it comes to three strikes.

Tokos covered the VRDs and B&Bs process. Patrick asked if the information was put on the City's website, could the owner update their own information. Tokos said that only City employees could do updates to the website. Franklin asked how long it took to get a VRD license. Tokos said it varied. He then covered his observations pertaining to VRDs and B&Bs with the PC. Franklin asked about overlays in certain areas. Berman wanted to look at the Airbnb agreement concerning not requiring documentation. Franklin thought the rental management agencies should meet the City guidelines before they could get a business license. Patrick suggested density standards for specific areas of the City. Tokos said many units were in C-2 zones where people had expectations that there would be VRDs in the areas. HE questioned if density was okay there. He said the CC was looking for a level of specifics on what changes needed to be made and didn't want solutions. Tokos asked the PC what they wanted included on the October 23rd meeting to create a recommendation. Patrick wanted the PowerPoint presentation given to the PC. He also asked to review the Airbnb agreement, and a breakdown of condos and homes.

- 4. Director's Comments.** No Director comments.

5. **Adjournment.** Having no further discussion, the meeting adjourned at 8:02 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant