

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
June 22, 2020
6:00 p.m.

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

Planning Commissioners Absent: Mike Franklin (*excused*).

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri, and Braulio Escobar.

PC Citizens Advisory Committee 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 6:01 p.m.
2. **Unfinished Business.**
 - A. **Update on the Implementation of Short-Term Rental Ordinance No. 2144.** Tokos reviewed the staff memorandum and updates on the implementation of Short-Term Rental (STR) Ordinance No. 2144. Updates included changes to the STR Hotline sign location requirements, and the 30 day proof of use requirement. The thought was to allow the Nye Sands Condos to be exempt from the 30 day use provision because of prolonged construction, and allow all other STRs to have the use requirements reduced from 30 days to 14 days. The fees will also stay the same and there will be an extension for the Work Group to be impaneled for an additional 12 months. The City Council would have a hearing on June 29th to confirm these changes.

Berman questioned how the city gathered information on proof of the 30 day use. Tokos explained that the remittance forms were modified to capture this information and this would be a part of the renewal process. Hanselman had concerns that the fees weren't being adjusted. He asked if all businesses would have the no change of fees extended to them. Hanselman thought it should be city wide, not just STRs. Berman clarified that what the Budget Committee was saying was that the total increase was very small and the they accepted the STR Work Group's suggestion to not increase the STR fees. Hanselman asked if this was available to other special interest groups or was it just because STR groups came forward. He thought this kind of deal in the budget should be for everyone. Berman didn't know if other business license fees increased, but the Budget Committee only talked about the STR fee increases being reduced. Hanselman asked what these fees covered. Tokos said the fees were intended to offset the cost of the third party software and administration costs of administering the program. The Short-Term Rental Work Group thought this was appropriated because STRs were under a curtailed order and recognized that STRs were not eligible for the grants the city were making available to commercial storefronts. Patrick asked if there was any other fees indexed for inflation. Tokos explained how land use fees were indexed and discussed with the Budget Committee. The land use fees were a balancing act to determine how much of the cost should be borne by the public and how much should be borne by the general fund. He explained that as new fees were established, the practice was to put in place inflationary adjustments.

- B. **COVID 19 Small Business Assistance Grant Update.** Tokos reviewed the memorandum. Awards were finalized at the end of business that day. There were a total of 171 applications and 117 were eligible for awards. Issues for noneligible applications included not providing all the information required for the application to be compete, failure to have a business license, and tax delinquency. The total ask for grant funds was around \$1,000,000 and the group determined the awards needed to be prorated. Priority was given to business that

didn't get other assistance. Some asked for more funds than their 2019 gross receipts collected. The committee decided that those applications should have the awards changed to something equivalent to their 2019 receipts, and then prorated based on the scoring system for the grants. The award checks totaled \$900,000 and were scheduled to go out that current week. The funds were interest earnings off of tax increment funds that were collected for urban renewal. Berman thought that the total grant funds that would be used was supposed to be \$1,000,000 instead of \$900,000. Tokos said the City Council took \$100,000 of the funds to leverage State funds as part of a different grant program. This program would have funds matched up with Lincoln County, Toledo, Yachats and Lincoln City. He expected this grant to open up the following week. These funds will be available for some of the businesses that were not eligible for the Newport grant program, such as independent contractors in salons.

Escobar asked if the new program would have \$130,000 for distribution. Tokos confirmed this was correct for the Newport, in addition to a portion of some of the County money. The program would be administered by the County through a nonprofit called Community Lending Works. The County would have a contract with the State. Capri asked if awards would be made public. Tokos said they would. This hadn't been posted yet but would be in the next few days.

- C. COVID Related Amendments to TSP Public Outreach Program and Schedule.** Tokos shared the rough draft of the public outreach for the TSP which included a memo from JLA Consultants. He explained that the City was about to do outreach and meet with the design team to look at how the TSP system was currently working, what the conditions would likely be, concepts for improving the system, and allow the public to work with the design team to do mock ups on how to reshape the public rights of way in the City Center to achieve different types of objectives. The pandemic changed this process. The consultants had to retool the schedule and shift things into virtual events which would be on the project website, and coupled with online and postage paid surveys. Round one would be by topic area with two 2-hour virtual public meetings. Tokos reported that he had done a virtual event with ODOT on the work with the Oregon Coast Bike Route, which worked reasonably well. The Project Advisory Committee would meet an additional two times to determine if what was being put out to the public, as far as options for the TSP, were things the group was comfortable with. The virtual events would have a way to capture comments from the public that were important issues to capture.

Tokos explained that for round two they would be taking what was heard and what the surveys and events were then modify the plan based on feedback, and run it through a preference on solutions that were more desirable. They could also work in a fiscally restrained list to know what was realistically available for funding. Tokos was confident that the dates could be done in July and August, but this might change. Capri thought this would mean more attendance than normal because people didn't have as much to do during the pandemic. Berman thought it was key to make this as aware as possible to get the broadest range of people to respond. He thought serious thought needed to be given to this.

Hanselman reminded the Commission that there was a large population that were non English speaking that they needed to hear from. Tokos thought a postage paid survey might bump up responses. Berman asked if it made sense to do a Spanish language outreach. He thought it would be a good way get the Spanish community's ideas. Tokos noted that all the materials were in English and Spanish. He would talk to the consultants about it. Depending on who was at the events, they might have to be subtitled.

Patrick was concerned about graphics. He thought printed displays were better than seeing things on a computer screen. Patrick suggested all graphics be scalable and have an inset to show details. Branigan thought there were other ways to do meetings other than Zoom where someone could zoom in on graphics. Berman suggested they advertise that the public should call or email to receive printed materials in advance. This could be done through an email or mail out.

Tokos asked if the Commission thought this was a reasonable way to do this. Patrick thought it was the only way to do it. Berman thought maybe there needed to be more than just two consultants and have a large cast of professionals instead. Patrick thought breaking it out in different sections would help.

Escobar asked if there was risk that things wouldn't be implemented because of less tax income. Tokos thought

there had been a change but noted he had never seen a TSP that had been fully realized. That is why there was a priority list to say what they thought they could fund in a 20-year period. Berman noted the budget assumed a 90 percent property tax take. Over the last few years it has been 95 percent. He didn't think it would be a show stopper since it was a plan for over 20 years.

3. New Business.

- A. Planning Commission Work Program Forecasting.** Tokos reviewed the work program that was shared with the Commission that day. He noted the TSP would help vet out the sidewalk plan but didn't address the land use aspects for regulations on development. The TGM Grant application was to get State resources to assist with reworking the land use regulations that applied to private properties so that it synced up with what they were going to be looking to do in the public right of way. Tokos reported that when he sent in the grant application it was with the thought that there had been time to do outreach on the TSP.

Tokos reviewed the HB 2001 Infrastructure Based Time-Extension Final Rules and the filing deadlines. He noted the Commission could review this or just agree that duplexes could go where single family dwellings were located. Berman thought that Tim Gross in Public Works should give some input on this before the work session meeting.

Tokos noted that for the July 27th work session on car camping, the legislature might make changes that dealt with the siding of emergency shelters. The most significant provision striped out the limitation in the statute that car camping at religious venues could only have three vehicles there at any given period of time. The change would mean there would be no limitation on vehicles and was why it was being programmed back in for discussion. Tokos was concerned about making updates to the code and then having the State turn around and do changes. Berman asked if there had been any conversations with religious facilities. Tokos reported there had not, but they could do outreach to them. He pointed out that there was language added to address City concerns on allowing anybody to set up a homeless shelter. They put in a provision to require someone to have experience to do a shelter in order to set one up.

Patrick asked if there were notice provisions if the Commission was involved with an outreach meeting. Tokos confirmed there would be.

Tokos explained that he anticipated the OSU student housing planned development amendments would come in on June 26th and was why there was a placeholder for them in July.

Tokos noted that there was a placeholder for doing video conferencing long term for public meetings, and to discuss any adjustments that needed to be done. The Commission might have to change how they were doing meetings when someone wanted to contest something. If there was something with a degree of controversy, the way they are holding meetings wouldn't work. Tokos explained that the legislature was looking at public meeting laws and how they are done because of the pandemic.

Tokos said the Commission would be putting the land use codes together to implement the HB 2001 provisions in September. Staff would be putting together a code to do what we are obligated to do under HB 2001. He needed input from the Commission as to whether or not they wanted to do any of the middle housing changes for 4-plexes, tri-plexes, and cottage clusters in areas where we currently allowed single family dwellings only. Most of the rulemaking work would be set up by August and why they would look at it then.

Berman asked what would be reviewed for the updated Transportation Standards. Tokos explained this was a parallel piece on the TSP, and they would be working to update the standards they applied for infill development and frontage improvement requirements. He noted the consultants stepped away from the TSP project because of the pandemic and they were now getting their heads back into the project.

Berman asked if there were any plans to have a joint City Council and Planning Commission meeting. Tokos said this has been the practice and would check with the City Manager's office. Patrick asked about having a joint TSP Committee meeting as well. Tokos thought they might need to do this as well.

Tokos noted the letter from the Commission for Nye Beach was shared with the Council. They took the Commission's recommendation and would be presenting it to the Vision Committee to see if it was a logical evolution of the 2040 Vision concept to do neighborhood scale visioning.

4. **Adjourn.** The meeting adjourned at 6:55 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.

Sherri Marineau,
Executive Assistant