

NEWBERG PLANNING COMMISSION MINUTES

October 12, 2023

I. CALL MEETING TO ORDER

Chair Musall called the meeting to order at 7:00 p.m.

II. ROLL CALL

Members Present: Jeffrey Musall, Jason Dale, Layne Quinn, Sharon Capri, Michael Griffiths, Avery Hansen, Kriss Wright(via Zoom), and Linda Newton-Curtis

Staff Present: Community Development Director Doug Rux(via Zoom), Planning Manager Clay Downing, Associate Planner Jeremiah Cromie, Assistant Planner James Dingwall, Senior Engineer Brett Musick, and Administrative Assistant Fé Bates

III. PUBLIC COMMENTS

None.

IV. QUASI JUDICIAL PUBLIC HEARINGS

IV.A. CUP23-0013 for Conditional Use Permit approval to use a single-family dwelling as a vacation rental home at 1025 E. Ginger Root Ct.

[CUP23-0013 PC Staff Report.pdf](#)

[Attachment 1. Application Materials.pdf](#)

[Attachment 2. Agency Comments.pdf](#)

Chair Musall opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There was none.

PC Hansen read the legal announcement.

Associate Planner Cromie presented the Staff Report for the record via PowerPoint and discussed the location, zoning, utilities, and applicable criteria in the Newberg Municipal Code Sections 15.225.060, and 15.445.300 – 15.445.350. The single-family home had three bedrooms, provided two off-street parking spaces, and had compatible use and similar size and scope to nearby properties. The property was located 0.72 miles from the downtown central business district, and the proposed use was similar to a long-term rental. The Applicant would be required to register with the City to pay Transient Lodging Tax (TLT). The property had a capacity of six guests, and would not allow RVs, tents, or other temporary shelters. The Applicant must post the required information next to the front door of the vacation rental.

Staff recommended that the Planning Commission move to adopt Planning Commission Order 2023-21 with conditions, approving conditional use permit CUP23-0013 for a vacation rental home at 1025 E. Ginger Root Ct.

Public Testimony: Mark and Lisa Waelde, Applicants, responded to Commissioner's questions noting they reside at the property half of the time, spending the other half of their time in California. The rental would

not be operating more than one-third to one-half of the time. The Applicants' son also resided at the property while attending George Fox University.

Chair Musall closed the public hearing.

Staff's recommendation remained unchanged.

Action:	To adopt Planning Commission Order 2023-21 to approve CUP23-0013 for Conditional Use Permit approval to use a single-family dwelling as a vacation rental home at 1025 E. Ginger Root Ct. with the attached conditions of approval in Exhibit B.
Motion:	PC Griffiths
Second:	PC Dale
Vote:	Yes: 8 No: 0 Abstain: 0 Absent: 0

IV.B. CUP23-0012 for Conditional Use Permit approval to use a single-family dwelling as a vacation rental home at 509 N Grant Street
[CUP23-0012 PC Staff Report.pdf](#)
[CUP23-0012 PC Attachment 1.pdf](#)
[CUP23-0012 PC Attachment 2.pdf](#)

Chair Musall opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. PC Newton-Curtis stated this property was across the street from a rental property she owned, but it would not bias her decision.

PC Hansen read the legal announcement.

Assistant Planner Dingwall presented the Staff Report for the record via PowerPoint and discussed the location, zoning, utilities, and applicable criteria in the Newberg Municipal Code Sections 15.225.060, and 15.445.300 – 15.445.350. The Applicants had initially requested approval for a six-bedroom home, but according to the City building permit data and the Yamhill County Assessor, the home only had four rooms. The Applicants chose to pursue the conditional use permit for only four bedrooms. The single-family home had two available off-street parking spaces, had compatible use with other residences in the area, and it was similar in size and scope to nearby buildings. This property was located 0.15 miles from the central downtown business district, and the proposed use was similar to a long-term rental. The Applicant would be required to register with the City to pay TLT. The property had a capacity of six guests, and would not allow RVs, tents, or other temporary shelters. The Applicant must post the required information next to the front door of the vacation rental.

Staff recommended that the Planning Commission move to adopt Planning Commission Order 2023-20 with conditions approving conditional use permit CUP23-0012 for a vacation rental home at 509 N. Grant Street.

Public Testimony: Gabriel Louthan, Applicant, had been a resident of Newberg and had attended Dayton High School and George Fox University. Mr. Louthan had moved with his family out of the area in the last few years to be closer to extended family and they kept the home to use as a short-term rental.

Mr. Louthan answered Commissioner questions as follows:

- Staging the vacation rental for guests was a family activity.
- Mr. Louthan had local contacts who could respond in the case of an emergency.
- Mr. Louthan was involved with another single-family home vacation rental on Third Street.
- Mr. Louthan clarified the application was for eight guests, not six as stated in the Staff Report.
- Two non-conforming bedrooms had been included in the initial Application.
- Mr. Louthan's local contacts were not a professional agency, and included a couple of cleaners and a separate contact who had helped complete odd jobs at the vacation rental.
- Mr. Louthan currently lived out of state in Idaho.
- Mr. Louthan was not planning to contract a property management company. He and his wife managed multiple properties in Newberg, several properties in McMinnville, and some properties in Idaho.

Chair Musall closed the public hearing.

Staff's recommendation remained the same.

Action:	To adopt Planning Commission Order 2023-20 to approve CUP23-0012 for Conditional Use Permit approval to use a single-family dwelling as a vacation rental home at 509 N. Grant Street with the attached conditions of approval in Exhibit B.
Motion:	PC Quinn
Second:	PC Newton-Curtis
Vote:	Yes: 8 No: 0 Abstain: 0 Absent: 0

IV.C. CUP23-0014 for Conditional Use Permit approval to use a single-family dwelling as a vacation rental home at 3841 N Shelly Court

[CUP23-0014 PC Staff Report.pdf](#)

[CUP23-0014 PC Attachment 1.pdf](#)

[CUP23-0014 PC Attachment 2.pdf](#)

[CUP23-0014 PC Attachment 3.pdf](#)

Chair Musall opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There was none.

PC Hansen read the legal announcement.

Assistant Planner Dingwall presented the Staff Report for the record via PowerPoint and discussed the location, zoning, utilities, and applicable criteria in the Newberg Municipal Code Sections 15.225.060, and 15.445.300 – 15.445.350. The Applicants had initially requested approval for a four-bedroom home, but Yamhill County Assessor records indicated the home only had three rooms. The Applicants chose to pursue the conditional use permit for only three bedrooms. Supplemental packets were provided including

comments received after the publication of the initial packet and a revised Staff Report with the adjustment to the requested number of bedrooms. The single-family home provided two parking spaces in the driveway with additional spaces along the home and in the garage. The property had compatible use and similar size and scope to nearby properties. The property was located in north Newberg in a primarily residential neighborhood, and the proposed use was similar to a long-term rental. The Applicant would be required to register with the City to pay Transient Lodging Tax (TLT). The property had a capacity of six guests, and would not allow RVs, tents, or other temporary shelters. The Applicant must post the required information next to the front door of the vacation rental.

Staff recommended that the Planning Commission move to adopt Planning Commission Order 2023-22 with conditions approving conditional use permit CUP23-0014 for a vacation rental home at 3841 N. Shelly Court.

Public Testimony: Julie Foster Giffin, Applicant, stated the vacation rental would provide a beautiful, convenient, functional living space for people visiting Newberg. Ms. Giffin noted the property was owned by her parents who intended to visit and stay in the home a few times per year, and when her parents were not staying in the home, they would advertise the vacation rental through Airbnb and Vrbo. Ms. Giffin confirmed there was a six-guest capacity, and the home provided six parking spaces. A landscape service would be employed to maintain the property, and the home had an automatic sprinkler system. A cleaning service would be hired to clean between guests. Trash service was provided weekly, and maintenance and repair services would be utilized when necessary. Ms. Giffin lived locally and would manage the property herself. Ms. Giffin confirmed the required information would be posted next to the door, and stated she would work to avoid any complaints, and would respond quickly to any issues. Ms. Giffin assured neighbors who had responded to the written notice that the property would be upkeep and maintained well. Ms. Giffin's family had experience with short-term rentals and had a process to vet those seeking to rent the property, which would primarily be couples and families. A noise policy would be posted on the rental listing and in the rental home as it was important that those renting the property were respectful to the neighborhood. Renters would be required to use the provided parking spaces only. Ms. Giffin would be visiting the property routinely including when vacant to assure all was well, and surveillance would be used to see who was coming and going at all times. Ms. Giffin's contact information would be provided to neighbors.

Commissioner's questions were answered as follows:

- Ms. Giffin lived in McMinnville and her parents lived in California.
- Ms. Giffin's parents recently purchased the property.
- Planning Manager Downing clarified the owners could choose whether or not to be listed as Applicants, and it was acceptable to list only Ms. Giffin as Applicant with the consent of the owners.

Additional Public Comments:

Joshua Lillie moved to Newberg with his wife twelve years ago and lived two houses from the subject property. Mr. Lillie stated the impact of having a vacation rental in the neighborhood would not be minimal, and neighbors were concerned about safety. There was no through traffic on Shelley Court, and the vacation rental would be located close to a school. A peer reviewed study on the National Institute of Health website stated that for several reasons Airbnbs and similar short-term rentals increased crime in neighborhoods.

The out-of-the-way location was neither convenient nor functional with no stores in walking distance and no public transport. Ridesharing was minimal in Newberg, and with the prevalence of wine country Mr. Lillie was concerned for his children's safety around drivers who may be impaired. Two other vacation rentals already existed in the neighborhood further than 500 feet from Mr. Lillie's home. The Applicants never lived in the subject property, and the title still listed the former owners as the property owners. Mr. Lillie was concerned the situation may lead to gentrification and have a harmful impact on neighborhood property values and affordability of housing in Newberg.

- The study mentioned by Mr. Lillie that was done by the National Institute of Health could be found at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8279333/>. The study considered causal factors toward increased crime rates and found that both the attraction of tourists and degradation of the social fabric that occurred with too many short-term rentals led to an increase in crime.

PC Dale stated that Planning Commissioners were bound by the Code, and until the changes being made to Code relating to vacation rentals went through, the Planning Commission was unable to deny vacation rentals based on the current criteria unless they did not meet the Code.

PC Quinn confirmed the City Council had formed an ad hoc committee to discuss regulating vacation rentals, and the Planning Commission had focused on making tangible changes to the vacation rental regulations. Recent Planning Commission meetings had discussed policies enacted to regulate vacation rentals in nearby towns and cities. Due to the influx of vacation rental Applications and the negative feedback received regarding vacation rentals, Newberg was in the process of developing vacation rental restrictions.

Robert Davis and his wife lived on Shelly Court for eight years and were concerned about future livability and safety issues in the neighborhood. Stated that three of the proposed parking spaces at the vacation rental would be blocked in by the other parking spaces, and the cul-de-sac was small and could become congested with increased traffic. Stated that there were three intersections within 300 feet of Shelly Court and none of them had stop signs, which may cause traffic safety issues with vacation renters who were not familiar with the area. The streets going north-south a few hundred feet from Shelly Court have already experienced increased traffic due to newly constructed homes in the area, and Mr. Davis had seen people go through the intersections without looking for cross traffic. Mr. Davis stated vacation rentals were not a development but were homes in neighborhoods. Natalie Drive, which ran in front of Shelly Court, was a feeder street to the nearby elementary, and many children in the neighborhood walked on Natalie Drive to go between home and school. The children tended to walk in groups with some children walking on the street which created concerns about safety and stranger danger. Mr. Davis encountered the previous owner of the subject property while shopping, and the previous owner stated she had hoped a young family would buy the house and utilize the vegetable garden at the home. The elementary school was within 500 feet of the subject property, and Mr. Davis wondered whether the school had received notification about the vacation rental property.

Mr. Davis clarified there were three nearby intersections without stop signs where people unfamiliar with the neighborhood did not know to stop.

PC Griffiths stated the purpose of the Planning Commission was to hear the concerns of the public and address concerns after applications had been signed off by other agencies such as the Fire and Police

Departments. Vacation rentals had been the most frustrating topic to deal with on the Planning Commission. It could appear to the public that the Planning Commission heard their concerns and ignored them. PC Griffiths reiterated the Planning Commission was required to follow the Code, and currently objections must be specific to an error in the City's findings, and the determinations were made according to the City Code despite neighbors not wanting the vacation rental there. Vacation rentals were a big topic currently before the City Council. Vacation rental issues were a very emotional topic and so were property rights. The Planning Commission provided a pathway to appeal City Staff decisions. The Planning Commission had recently sent a recommendation to the City Council to place a moratorium on vacation rentals. The City Council did not place a moratorium on vacation rentals, but they formed an ad hoc committee to look into the issue. PC Griffiths urged people to voice their concerns about vacation rentals to the City Councilor representing their area. Neighbors had consistently voiced opposition to vacation rentals to the Planning Commission which resulted in the City doing a study on the impacts of vacation rentals and bringing the topic before the City Council. The Planning Commission still had their hands tied regarding individual vacation rental Applications.

Mr. Davis stated he did not see any comments from Waste Management about trash collection. Garbage collection vehicles have to back up multiple times in the cul-de-sac without cars parked in the street to be able to turn around. The Application appeared to have adequate parking, but the vacation rental still may increase on-street parking by those visiting renters.

PC Dale encouraged Mr. Davis to bring the concerns over stop signs and other traffic safety issues to the Traffic Safety Commission in person or use the Traffic Safety Commission website to submit a form for voicing traffic concerns and view information regarding stop sign policy, marked crosswalks, and other traffic safety information. The next Traffic Safety Commission meeting was October 23, 2023.

PC Capri proposed the vacation rental could require renters to avoid parking on the street on garbage collection days.

PM Downing stated that Waste Management was one of the organizations contacted for agency referral, but they would not be listed in the Staff Report if they did not respond. Waste Management did not usually respond unless there was a problem.

Assistant Planner Dingwall confirmed the Superintendent of the School District received notification from the vacation rental and had not returned any comment to include with the Application. Chehalem Parks and Recreation District (CPR&D) owned a parcel north of the school and had also received notice. The school itself did not receive notice as it was outside of the 500-foot boundary even though the open space appeared contiguous with the parcel owned by CPR&D.

Marvin Bixby grew up in Newberg and had lived next to the subject property with his wife for over 20 years. Mr. Bixby had seen several different people live at the property over the years, and the property had been left vacant a few times which had been a problem. Mr. Bixby was concerned with the absence of the owner of the property as neighbors were uncertain who to contact in case of issues. The parking in the cul-de-sac was limited and there were often many children playing at the end of the cul-de-sac. Property values were also a concern.

PC Griffiths proposed asking the Applicant to notify renters in advance of the absence of stop signs and frequency of children playing in the cul-de-sac.

Mr. Bixby was concerned about who would take out the trash. The Applicant would address this during the rebuttal.

Mary Jo Sharp stated that Chapter 15.305 of the Newberg Municipal Code allowed for the usage of R-1 low density single-family dwellings for short term rentals under conditional uses found in 15.305.010 classification of uses. Ms. Sharp was concerned about the placement of the vacation rental by California property investors, the Hendrys. The vacation rental was near an elementary school and a middle school with the path leading to the school on the CPRD lot only 585 feet away. Amenities in the R-1 residential low-density area were geared toward serving families with young children. A family-friendly neighborhood kept children safe as they play and walk to school. Why was a vacation rental being placed so close to a school? The vacation rental would provide no significant benefit to the neighboring property owners. The vacation rental owners were residents of southern California, although they had a local contact. This appeared to be a business opportunity in the residential zone which was designed to attract families and schools. Ms. Sharp was concerned that the vacation rental was a business opportunity which was leveraging the family-friendly community and neighborhood for their own benefit. This neighborhood had a low walkability score on Zillow, meaning it was not close to any other businesses or stores and vacation renters would be reliant on driving in and out of the neighborhood. Ms. Sharp was concerned that if she made a complaint over the increased traffic due to the vacation rental the complaint would not be sufficient under Chapter 15.445.350 Complaints and Revocations of Registration Concerning Vacation Rentals, and it appeared that factor needed to be considered prior to the granting of the conditional use permit. There were already two other short-term rentals in the neighborhood near the schools, and Newberg Code had no restrictions on how many short-term rentals could be placed near school zones, which felt like a lack of protection for school residential areas and may have negative consequences on the family neighborhoods and the community. Ms. Sharp was concerned about the intentions and reasons for placing a vacation business near the schools, the lack of demonstrable benefit to the surrounding community, the family-friendly community being leveraged for the benefit of distant investors, negative impacts of vacation rentals on property owners and families, and the lack of restrictions in Newberg Municipal Code on short-term rental properties in proximity to schools, especially elementary schools.

PC Griffiths urged concerned members of the public to go to the City Council to present their concerns. The City Council had also heard from property owners who were concerned over restrictions on vacation rentals. McMinnville had a 300-foot vacation rental distance restriction which recently increased to 500 feet. Restrictions by zone or by proximity to the downtown area were being discussed. City Council has heard from people concerned about protecting property rights, and needed to hear the perspectives of those who were being negatively impacted by vacation rentals.

Applicant Rebuttal: Ms. Giffin stated instructions about when and where to take the trash out would be provided to renters. When renters were not staying, Ms. Giffin would take out the trash. The property did not have much available in walking distance, but the downtown area and other amenities were close enough for renters to enjoy. Vacation rentals brought people to the community which supported local businesses. Ms. Giffin intended to rent to families and people visiting students at George Fox University and would

renovate the home to create a beautiful luxury environment. Renters would be aware and respectful of the neighborhood environment. Information about the lack of stop signs could also be provided to renters.

PC Quinn appreciated the Applicant addressing the trash issue, and noted she lived in an area near intersections with no stop signs. A neighbor recently put signs up in her neighborhood cautioning drivers to slow down for children at play. Additional signs and informing renters about the neighborhood conditions would be appreciated by neighbors. Wine country was a draw for tourists and inebriated driving was a concern. Local tour guide information could be provided to renters to provide an opportunity to explore Wine Country with a safe ride.

Ms. Giffin stated the rental would not create more traffic than a family living in the home. The intention was to have renters park in the driveway and garage and not park on the street.

Chair Musall closed the public hearing.

Staff's recommendation remained unchanged.

PC Newton-Curtis stated a conditional use permit could be granted through a Type III procedure only if the proposal conformed to all the criteria, including that the location, size, design, and operating characteristics of the proposed development would be reasonably compatible and have minimal impact on livability. PC Newton-Curtis believed livability was being impacted in neighborhoods with vacation rentals, and she wondered how the City defined livability.

PM Downing clarified that the City did not have a particular definition for livability, which created challenges as the term was subjective. The Planning Department stance was that based on occupancy and provided parking the functional use of short-term rentals was similar to long-term rentals just with a shorter duration. This did not limit the Planning Commission's interpretation or consideration of livability based on issues raised by the public. Vacation rental parking requirements were the same as other single-family homes.

Action:	To adopt Planning Commission Order 2023-22 to approve CUP23-0014 for Conditional Use Permit approval to use a single-family dwelling as a vacation rental home at 3841 N. Shelly Court.
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Motion:	PC Dale
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Second:	PC Quinn
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Vote:	Yes: 5 No: 3 (Capri, Newton-Curtis, Hansen) Abstain: 0 Absent: 0
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PC Dale thanked attendees and reminded those in opposition that the decision could be challenged through the City Council.

Chair Musall stated City Council would be able to work on changing the Code.

PC Wright encouraged Commissioners to view Portland's short-term rental Codes.

ITEMS FROM STAFF

V. Anticipated Schedule of Planning Commission Activities [Planning Commission Forward Looking Calendar.pdf](#)

Community Development Director Rux stated the City Council had extended the Street Seat pilot program for another three years at the September 15th meeting.

PM Downing updated Commissioners that the City Council had formed an ad hoc Short-Term Rental Committee. Members of the committee would be appointed at the October 16th City Council meeting. Short-Term Rental Committee meetings would be announced on the City website and would be open to the public, though the level of public participation desired by the Committee was undetermined. During the meeting on November 6th the City Council would receive the short-term rental research information and draft white paper with the Planning Commission's comments on vacation rentals including the request for a joint meeting of the City Council and Planning Commission. It was unclear when the joint meeting would take place.

Commissioners and Staff expressed appreciation for the work being done on the issue of vacation rentals and the progress in formulating actionable comments to send to the City Council.

PM Downing informed Commissioners a list was being created of parties interested in participating in the short-term rental discussion, and those wishing to be added to the list could be referred to Planning Staff to be signed up to stay informed.

Commissioners and Staff discussed the following points:

- One plus to living next to a vacation rental was someone would not have to tolerate a bad neighbor.
- Mr. Bixby had stated that the lack of occupancy in the property next door had caused a transient or squatting situation. Short-term renting would not have the same problems as someone would be regularly monitoring and upkeeping the property.
- Issues brought up by the public regarding vacation rentals may be fears about the vacation rental that were alleviated when the vacation rental began operating.
- In Vancouver, British Columbia, regulations were just passed which allowed homeowners to rent out some or all of their principal home but prohibited the rental of a secondary residence in order to prevent the negative impact of short-term rentals on the already tight rental housing market.
- Concerns that someone from out of state bought a home in Newberg with the intention of turning it into a vacation rental which defeated the mission of making Newberg an amazing place to live and enjoy.
- Some cities had placed a moratorium that people renting out their residence could only do so 90 days of the year, which would eliminate the possibility of someone from out of state buying property in Newberg to use as a cash cow in a family neighborhood.
- Owners living at rental properties would address most of the issues, including affordability.
- Out of state property owners buying investment properties could still rent properties long-term.
- Long-term rentals had a completely different context since long-term rentals did not have the issue of hosting different people every night.
- Advertising the issue through local newspapers and other media to provide opportunities for the public to give feedback.

- Property rights were a sensitive issue.
- Concerns that vacation rental Applicants very commonly lived out of state.
- Snowbirds and other part-time residents were not as much of a concern.
- People had the right to do what they wanted with their property, at what point was it Central Planning like the Chinese?
- Possibly requiring vacation rental operators to be residents.
- Vacation rental traffic was not the only traffic posing hazards to neighborhoods.
- Importance of collaboration with the Police to do a study on vacation rental complaints.
- One-third of homes were occupied by single persons.
- Having facts to rely on rather than anecdotes and fears.
- The possibility of the market for vacation rental homes may become saturated causing a loss of profitability in vacation renting.
- Traffic studies were incredibly expensive and involved.
- When Shelly Park subdivision was being developed, the same concerns were raised including traffic, stop signs, kids playing, and property values dropping. Concerns did not materialize and residents were content.
- CDD Rux stated that for development application purposes, a property generating more than 40 p.m. peak hour trips was required by the Engineering Department to do a traffic study. A typical single-family home generated around 10 trips per day.
- In a situation without stop signs, was there a provision allowing residents to donate and install a stop sign?
- Many intersections did not have stop signs, and there was a process to having a stop sign installed which could include submitting an online complaint form to the Traffic Safety Commission who then determined where stop signs could be installed.
- CDD Rux clarified if a traffic sign was warranted but did not have funding in the budget, a citizen's group could possibly donate the funds to the City to have the stop sign installed.
- Public Works did budget annual funds for sign replacements. Traffic signs must meet specific standards on size, reflectivity, and other aspects.
- Specific criteria were used to determine whether a stop sign was warranted or not.
- Possibly asking the Police Commissioner to attend the next meeting to provide comments on short-term rentals.
- PM Downing stated the Police had been contacted when creating the white paper on vacation rentals and they had not provided comment.
- The Police Chief or a representative sat in on City Council meetings which may be a more appropriate venue to approach the Police regarding short-term rentals.
- The vacation rentals approved at this meeting were in less traditional places.
- Concern over the attraction of visitors to Wine Country was a dangerous perspective as Wine Country was a top driver of Newberg economy.
- Newberg had been thought of as bedroom community before Wine Country began in the 1970s which created tension and competing visions for the future of the City of Newberg.

VI. ITEMS FROM COMMISSIONERS

None

ADJOURNMENT

The meeting was adjourned at 8:54 pm.

Attest:



Jeff Musall, Planning Commission Chair



Fé Bates, Planning Commission Secretary