

## NEWBERG PLANNING COMMISSION MINUTES

January 11, 2024

*Meeting audio did not begin until the quasi-judicial public hearing for Case No. CUP23-0018 (Agenda Item V.A.). Information before that point was taken from documents attached to the agenda or provided in the Roll Call/Motions/Testimonies document provided by Community Development Department staff.*

### CALL MEETING TO ORDER

Chair Musall called the meeting to order at 7:02 p.m.

### ROLL CALL

Members Present: Jeffrey Musall, Jason Dale, Nina Inglesby, Michael Griffiths, Linda Newton-Curtis, Kriss Wright (via Zoom), and Layne Quinn (via Zoom)

Staff Present: Interim Community Development Director Clay Downing (ICDD Downing), Associate Planner Jeremiah Cromie (AP Cromie), and Administrative Assistant Fé Bates (AA Bates)

### PUBLIC COMMENTS

None.

### CONSENT CALENDAR

Approval of December 14, 2023 Minutes

[PC Minutes \(12.14.23\).pdf](#)

Action: To approve the December 14, 2023, meeting minutes as presented.

Motion: PC Griffiths

Second: PC Newton-Curtis

Vote: Yes: 7 No: 0 Abstain: 0 Absent: 0

### COMMISSION APPOINTMENTS

This item did not appear on the agenda and was verbally added following the Consent Calendar.

Action: To appoint Jason Dale as Planning Commission Chair for 2024

Motion: PC Musall

Second: PC Griffiths

Vote: Yes: 7 No: 0 Abstain: 0 Absent: 0

Action: To appoint Linda Newton-Curtis as Planning Commission Vice Chair for 2024

Motion: PC Dale

Second: PC Musall

Vote: Yes: 7 No: 0 Abstain: 0 Absent: 0

Chair Dale officiated the meeting following his appointment.

Nina Inglesby was introduced as a new member of the Planning Commission.

### **QUASI JUDICIAL PUBLIC HEARINGS**

CUP23-0018 Conditional Use Permit to use a single-family dwelling as a vacation rental home at 1314 N College Street

[Staff Report CUP23-0018 \(1314 N College St\).pdf](#)

[Attachment 1. Application Materials](#)

[Attachment 2. Referral Comments](#)

[Attachment 3. Public Comments](#)

*[0:09 Meeting audio begins here]*

PC Inglesby read the legal announcement. Chair Dale opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none.

AP Cromie presented the Staff Report via PowerPoint and discussed the location, zoning, utilities, and the applicable criteria in the Newberg Municipal Code (NMC) Sections 15.225.060, and 15.445.300 – 15.445.350. The single-family home had two bedrooms, provided two off-street parking spaces, was located 0.61 miles from the downtown central business district, and had compatible use and similar size and scope to nearby properties. The property's proposed use was similar to a long-term rental and was compatible with other residential uses. The Applicant would be required to register with the City to pay Transient Lodging Tax (TLT). The property had a capacity of four 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 2024-001 with conditions, approving conditional use permit CUP23-0018 for a vacation rental home at 1314 N College St.

Applicant Testimony: Marjan Ramezany explained that she planned to rent the home through Airbnb who would screen renters and lived only forty minutes from the rental property. Ms. Ramazany had a good relationship with the neighbors, and stated she would seek a professional management company after receiving a permit.

ICDD Downing confirmed that a condition could be added requiring the Applicants to provide the information to the City regarding who would be managing the property before beginning operation of the vacation rental as it was currently listed on the application as "To Be Determined," but that the Planning Commission did not have the authority to require them to hire a management company.

PC Wright asked whether Applicants were required to have a property management company under NMC 225.060 B. ICDD Downing clarified that the Applicants could choose to list themselves as both the

operator/owner and the rental management contact, and the Commission could choose to add a condition that the management contact be determined prior to approval.

Ms. Ramazany stated she had previous experience managing bookings and handling customer relations for her friend's short-term rental property in Lincoln City.

Chair Dale closed the public hearing.

Staff recommendation remained the same.

PC Griffiths noted that an opposing letter had been submitted by email. No address had been provided and the sender's home location relative to the vacation rental was uncertain.

ICDD Downing stated there were no restrictions on how far a short-term rental property owner could live from their rental property while providing property management services for the property. A restriction would likely only be considered if complaints were received regarding the issue.

PC Newton-Curtis questioned whether it was appropriate to accept applications with information still to be determined and preferred having solid information provided.

ICDD Downing stated that the Planning Commission had previously approved applications with the property management information to be determined, but the Commission could require that the Applicant be listed as the property management contact until they notify the City otherwise.

AP Cromie stated the Applicant planned to post their contact information in the vacation rental with the other required information.

Action:	To adopt Planning Commission Order 2024-001 with conditions, approving Conditional Use Permit CUP23-0018 for a vacation rental home at 1314 N College St.
Motion:	PC Musall
Second:	PC Quinn
Vote:	Yes: 7 No: 0 Abstain: 0 Absent: 0

CUP23-0022 Conditional Use Permit to use 1 bedroom of a single-family dwelling as a vacation rental home at 3232 E Province Court

[Staff Report CUP23-0022 \(3232 E Province Ct\).pdf](#)

[Attachment 1. Application Materials](#)

[Attachment 2. Agency Referral Comments](#)

AA Bates read the legal announcement. Chair Dale opened the public hearing and called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none.

AP Cromie presented the Staff Report via PowerPoint and discussed the location, zoning, utilities, and applicable criteria in the NMC Sections 15.225.060, and 15.445.300 – 15.445.350. The single-family home had five existing bedrooms, and only one of the bedrooms would be used for vacation rental purposes. The property provided two off-street parking spaces and had compatible use and similar size and scope to nearby properties. The property was located near two arterial roads, Springbrook Rd and OR-99 to provide access to the downtown central business district and other Newberg amenities. The proposed use was similar to a long-term rental and was compatible with other residential uses. The Applicant would be required to register with the City to pay TLT. The property had a capacity of two 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 2024-002 with conditions, approving conditional use permit CUP23-0022 for a one-bedroom vacation rental at 3232 E Province Ct.

ICDD Downing noted that registering to pay TLT was a condition of approval, and that a welcome packet was provided to new vacation rental operators inviting them to register to pay TLT. Compliance Officers did not investigate vacation rentals to ensure the required information had been posted and compliance would only be addressed if complaints about the matter were received. There currently were no post-approval inspections of vacation rentals. PC Newton-Curtis was not convinced that people could be trusted to do what was expected of them.

ICDD Downing explained that with the application being only for the rental of one-bedroom, if the Applicants moved out of the property, they would have to submit a new application or request a modification of the current application to rent the rest of the house. He also clarified that a bed and breakfast was required to always have a staff member present and a vacation rental did not have that requirement, though that did not prevent the owners from being present. AP Cromie added that stays at a bed and breakfast were limited to a duration of 15 days, but vacation rentals did not have a limit based on stay duration.

Applicant Testimony: Bailey Smith stated she was present to answer any questions.

Chair Dale closed the public hearing.

Staff recommendation remained the same.

Action:	To adopt Planning Commission Order 2024-002 to use one bedroom of a single-family home as a vacation rental at 3232 E Province Ct.
Motion:	PC Musall
Second:	PC Wright
Vote:	Yes: 7 No: 0 Abstain: 0 Absent: 0

CUP23-0017 Conditional Use Permit to use a single-family dwelling as a vacation rental home at 312 E Chandler Dr



[CUP23-0017 PC Staff Report.pdf](#)  
[CUP23-0017 PC Attachment 1.pdf](#)  
[CUP23-0017 PC Attachment 2.pdf](#)  
[CUP23-0017 PC Attachment 3.pdf](#)

The application for CUP23-0017 was withdrawn by the Applicant prior to the hearing.

## **NEW BUSINESS**

ICDD Downing stated Staff had discussed with the City Attorney that in the event of a deadlocked vote, as had occurred at the last meeting, the Planning Commission must come to a final decision by a majority vote. Failure of a motion to pass was not a final decision.

AP Cromie confirmed that a hearing could be tabled until the next meeting, but a final decision must be provided to Applicants within the 120-day period to avoid legal proceedings, unless the Applicant granted an extension.

ICDD Downing clarified that the Applicant had withdrawn the CUP23-0017 application for a vacation rental which had been tabled at the last Planning Commission meeting. The public testimony portion of CUP23-0017 had been closed and no further action was required. In the future, if a hearing was tabled during a turnover in the membership of the Planning Commission before the final decision was made, another Staff Report would be presented to provide all Commissioners with the same information.

## **ITEMS FROM STAFF**

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

ICDD Downing discussed the forward-looking calendar and updated the Commission on the hire of the new Community Development Director Scot Siegel, the progress of the Short-Term Rental Ad Hoc Committee's (STRAHC) recommendations for the City Council, two Notices of Funding Availability (NOFA) which had been approved by the City Council to fund large housing projects through the Construction Excise Tax (CET) and the Newberg Affordable Housing Trust Fund (NAHTF), and an upcoming presentation to the City Council to prioritize projects on the work plan with a potential annual review.

ICDD Downing noted that Commissioners could to attend the STRAHC meeting on January 17, 2024, as the Planning Commission would not be able to review the STRAHC recommendation or modify the Planning Commission recommendation before both were presented to the City Council.

AP Cromie stated that taxing vacation rentals as commercial properties was a method that could be used to curtail numbers of short-term rentals without restricting anything outright.

## **ITEMS FROM COMMISSIONERS**

PC Musall announced his intention to resign from the Planning Commission following the meeting.

Commissioners and Staff members present shared personal facts in turn to get to know each other better.

AA Bates reminded Commissioners to make sure to turn in old iPads and get a new iPad.

**ADJOURNMENT**

The meeting was adjourned at 8:22 pm.

**ATTEST**

  
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Jason Date, Planning Commission Chair

  
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Fé Bates, Planning Commission Secretary