

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers by Video Conference**  
**April 12, 2021**  
**6:00 p.m.**

**Planning Commissioners Present by Video Conference:** Jim Patrick, Bob Berman, Jim Hanselman, Braulio Escobar, Gary East, and Bill Branigan.

**Planning Commissioners Absent:** Lee Hardy (*excused*).

**PC Citizens Advisory Committee Members Present by Video Conference:** Dustin Capri, and Greg Sutton.

**City Staff Present by Video Conference:** Community Development Director (CDD) Derrick Tokos; and Executive Assistant, Sherri Marineau.

**Public Members Present by Video Conference:** Lisa Phipps, and Susannah Montague.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **New Business.**
  - A. **Yaquina Bay Estuary Management Plan Update.** Tokos introduced Lisa Phipps, the Department of Land Conservation and Development (DLCD) North Coast Regional Representative. Phipps presented a PowerPoint presentation concerning the Yaquina Bay Estuary Management Plan Update. She gave an overview of the project, its goals, and the process their agency had set out for completing the Plan update. The Plan, adopted almost 40 years before, included natural resource and land use inventories to inform where conservation and development areas should be established. It also served as a technical resource to support the development of local policies and regulations that influence how in-water work was to be performed. Phipps noted they built some dollars into the project to go to jurisdictions to assist with this process. They hoped that by providing some financial compensation for the jurisdiction's time it would help mitigate some of the challenges.

Capri entered the meeting at 6:03 p.m.

Branigan asked if the intent of the project was for local jurisdictions, was there any intent for this to become a legislative issue for the State. Phipps reported there wasn't and it was intended to address local needs. Berman asked what the adoption process would be, and if it would lay out requirements for the individual authorities to comply with the documents once it was adopted. Phipps explained the City of Newport already has an estuary plan. If changes were made to update the Comprehensive Plan, Ordinance, or both, then it would become the policy the city would follow. Tokos noted the city wasn't obligated to adopt anything, but thought there might be something in this plan the city would want to adopt. This would happen through a legislative process. Berman asked if Newport decided to adopt this, and the Port of Newport did not, how do conflicts get resolved. Phipps reported that the Port did not have to adopt this. The Port could agree on their own to adopt some of the polices, but this was a land use process for the city and the county.

Hanselman asked what kind of scientific expertise would be a part of the project. Phipps reported the consultants and stake holders would have a lot of expertise. The stakeholders included the Oregon Department of Fish and Wildlife, the Department of State Lands, NOAA Fisheries, and the Army Corp of Engineers. They were bringing in a lot of resource experts, industry representatives, natural resource groups, and political perspectives, as wells as the consultants. Hanselman asked if the old plan was available to review. Phipps thought the City had it available, and the Estuary Management Plan was available on the DLCD's website.

Hanselman and Sutton expressed interest in being a representative on the committee. Tokos reminded there would need to be a motion made to designate the representative at that night's regular session meeting.

- B. Newport Beach Access Resiliency Plan Evaluation Memo.** Tokos reviewed his memorandum and explained how KPFF Consulting Engineers had been retained by the DLCD to evaluate beach access locations within the City of Newport to identify two to three locations best suited for seismic improvements and to provide recommendations on the scope and nature of such improvements. Their work could then be used by the City to secure funding to implement the recommendations, increasing the likelihood that the improved access points will be passable as points of egress following a nearshore Cascadia earthquake.

KPFF visited beach access points north of the Yaquina Bay Bridge, and reviewed available geotechnical documentation. They recommended the Nye Beach Turnaround, Agate Beach State Recreation Site, and Schooner Creek at NW 68th Street as candidate sites for retrofits. City staff and Meg Reed reviewed the document and concurred with the analysis. KPFF was developing a package of retrofit options for the three locations and expected to have concept drawings prepared within the next couple of weeks. This project was fully funded with a grant from the National Oceanic and Atmospheric Administration. Work had to be completed by the end of the fiscal year.

Patrick noted the descriptions of the Yaquina Bay North and South were listed as the same thing as well as the Lucky Gap North surfer access. Tokos noted they looked at both access points at the surfer access and walked both locations. There had been some difficulty at the access to the north side of this location to hold the toe of the stairs at this location when it came to creating an easier access from the stairs. The sand had eroded at this area, which made it difficult to access it and create a stable landing.

Berman asked how much the State Parks would be involved and what their policies were for maintaining access points. He thought there seemed to be a conflict on what was described in the memo and what State Parks insisted on. Tokos explained they had conveyed to KPFF that any retro fit working being done below the vegetation line, that would be subject to State Park jurisdiction, would had to be vetted with them before it landed in a final report to make sure there were no issues should those solutions be pursued in the future. Berman asked if this went through, did it mean a permanent bridge would be installed at Agate Beach to get over the creek. Tokos thought this might be a possibility. He noted this work would be completed by the end of the fiscal year because of the time limit on the NOAA funds. He would bring back their recommended solutions so the Commission had a chance to look at it.

### **3. Unfinished Business.**

- A. Review Initial Draft of Code Amendments Related to Operation of Food Carts.** Tokos introduced Susannah Montague, a food cart owner who had made a presentation to the City Council on food carts. Montague explained that as far as the five hour time limit went, she thought it was reasonable for a fixed stand to be open for five hours shifts in lieu of moving the food cart every five hours. Her thoughts were to be open from 11 a.m. to 3 p.m. at the same location. Montague explained that for the location rules, she was okay with being a part of a pod but wasn't pursuing it at that time. She noted that the County standards to operate a food cart were already set high for them to get approved. She thought that using the County's existing requirements took a lot of the burden off of the Commission to insure only quality food carts and operators were in Newport. Montague also noted that the County required restrooms to be within five feet on the food cart and she met this standard with porta potties.

Berman asked Montague if she considered a trailer that was a permanently parked to be a mobile or fixed stand. Montague thought this should be a fixed stand. Berman asked for her thoughts on generator sounds. Montague noted that her current plan was to have a generator, but the more she thought of it she would need a location where they could plug into electricity and not use generator. Escobar asked if there was any reason for a five hour limit if they were to be a semi-permanent stand. Montague explained that she was trying to see how she could operate under the five hour time limit. She thought she could do this by being open for a total of five

hours. She would be happy with operating five hours or less a day, but didn't want to have to move her food cart every five hours.

Capri thought this made a lot of sense. He asked if someone was able to currently put a food truck on a privately owned property in Newport. Tokos noted that what they were currently addressing was if they could place a food cart on a private property in Newport. The five hour limit was a part of the initial discussion. Capri thought that if someone owned private property, and it was zoned for it, why would the City be against allowing them. Tokos reminded that this was what they were working on currently. He reviewed how the food truck rules came into play because of a request in the past for one to be placed at the Wilder development. Capri thought they should give consideration to trucks that wanted to buy a property and put a food truck there permanently. Escobar thought standalone food carts in Newport could benefit from this. Hanselman noted he was fine with food trucks being close to a brick and mortar restaurant, but thought a permanent truck on a private property would start to feel like a brick and mortar. A discussion ensued regarding the differences between brick and mortar restaurants and permanently fixed food trucks. Capri asked if people weren't allowed to do a pod on a private property in Newport under the current ordinance. Tokos confirmed this was correct.

Tokos acknowledged the public comment that was submitted by Janet Webster. She had a specific concepts she wanted to do on a property she had that was next to the School District. There was a separate vending code that prohibited vending close to schools. Tokos reminded the Commission that this was something they needed to take a look at.

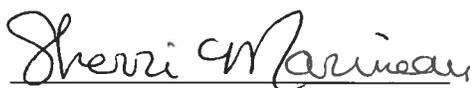
Tokos reviewed the concepts for mobile food trucks and cart regulatory changes with the Commission. Berman asked if more than one definition for mobile food trucks was needed. Tokos explained this was defined by the County and the State, and he was trying to use the same terminology throughout.

Montague noted that for the discussion on transient versus non-transient vendors, she was speaking as a non-transient vendor. She noted that a generator was a part of her current plan but she might not need one. Montague reported that the County and Portland did allow generators. The newer generators were quieter and less stinky. She offered to research these and report back to the Commission.

Hanselman asked Montague what size of generator was required for a food truck. He thought that if they were regulated by sound or size that could be a solution to allowing generators. Montague wanted to look into this before the Commission made a decision. Capri asked if there was a noise ordinance for the City. Tokos confirmed there was one with a certain decibel level requirement. Berman thought they needed to look at requiring generators to comply with the noise ordinance. Tokos would bring information on the noise ordinance back to the Commission.

4. **Adjourn.** The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Sherri Marineau,  
Executive Assistant

