

**MINUTES**  
**City of Newport Planning Commission**  
**Work Session**  
**Newport City Hall Council Chambers by Video Conference**  
**May 24, 2021**  
**6:00 p.m.**

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

**PC Citizens Advisory Committee Members Absent:** 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:** Meg Reed, and Susannah Montague.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
2. **Unfinished Business.**
- A. **Status Update South Beach / US 101 Corridor Refinement Plan.** Tokos noted the South Beach Urban Renewal Plan had to be completed by the end of 2025. Also the planning process would evaluate the redevelopment opportunities for a 2.3-acre agency owned property at NE 15th and US 101.

Tokos explained that the consultants completed an initial round of stakeholder engagement, a draft opportunity and constraints report, and were developing a set of online survey questions for a public survey that would launch towards the end of June. A Spanish language video-conference discussion session would be held as well. Tokos reported that staff would meet with the consultants on May 24th to provide feedback on the draft opportunities and constraints report before it was presented to the Newport Urban Renewal Agency at its June 21, 2021 meeting. There were placeholders in the report for wastewater management options at the airport. That information would be plugged into the document prior to the Agency's June 21 51 meeting. The code audit component of the project would begin in mid-June, and the Planning Commission would have a role in shaping those outcomes. The entire project was slated to wrap up in November. Berman thought the information that was submitted showed they were doing a very comprehensive job.

- B. **Review DLCD/City Evaluation of Beach Access Points Prioritized for Resiliency Retrofit.** Tokos reported that the boardwalk at Agate Beach would be updated to 14 feet instead of the 10 feet currently noted on the draft resiliency plan. Berman reminded that the Commission had been told before that it would be difficult to do a permanent structure at Agate Beach, and he asked if the new boardwalk would be robust. Tokos had concerns about the bridge and thought they could ask them to look at this harder. He also noted that the State Parks were engaged in the process and had given feedback on this. Berman pointed out that it looked like the plan implied there was a parking lot at 68th Street, but it was just a gravel area. Tokos noted the initial concept pushed this on a private property and they were told to come up with a design that didn't go well into the adjoining property. They still needed to clean up the graphic.

Hanselman questioned how big the parking area at Schooner Creek was that wasn't a part of the diagram. Berman reported it was had about five parking spots. Branigan asked if they should be spending this much money for five cars where there wasn't anywhere else to park on 68th Street and US 101. Tokos noted they were under no obligation to spend the money. This project was funded by DLCD and NOAA to look at what it would take to improve these beach access points so they were more resilient. Hanselman asked if they had any concept of usage for the access points. He noted that Agate Beach had more traffic than 68th Street. Tokos explained that the Nye Beach turnaround and Agate Beach had more traffic. They ruled out the surfer access

area partly because of the geologic issues of the area. Tokos explained the Nye Beach turnaround was a good way to address things because it had an aging seawall. To be able to both buttress the seawall, and provide accessible access seemed like an artful solution, but it would be pricy. They might have NOAA resiliency grant money that could pay for a substantial part of the costs. Hanselman thought this was a highly popular access point and they were on point to shore it up and make sure the access was usable.

Meg Reed addressed the Commission and noted she was looking for their input and comments for the final report. She noted that 68th Street wasn't as populated and would be a big design, but the geology of the other sites would be much more difficult to do something that would function in the event of an earthquake. Reed agreed that the Nye Beach turnaround was a good spot to go with, but noted it was expensive. She hoped there would be more graphic representation on the report. Escobar asked if there was ever consideration of enhanced access closer to the North Jetty. Reed reported this had been evaluated but wasn't included partly because of the steepness of the trails making it too difficult. Patrick thought they should consider making a trail from of the Coast Guard access onto the Bay. He thought there was a road there and it would be a good area to cut a trail for beach access

Berman asked what consideration had been given to the South Beach State Park. Reed explained they decided not to include this because funding for this evaluation was limited, and State Parks had jurisdiction at this location. She thought State Parks was coming up with plans but hadn't evaluated the seismic retrofits for some trails. Patrick thought they might want to tie this into the time it took to get to safe zone areas from the surface spots back to Agate Beach to make sure there was enough time to make it in an evacuation. Reed reported the whole city was included in the evaluation that Patrick was referring to. She thought that all areas to the north had decent evacuation times. If someone was on the beach it would be more difficult to evacuate to high ground in time though.

Tokos asked if the designs had been run by DOGAMI. Reed reported that she had sent them the initial drawings but never heard back from them. She would try to follow up with them and get back to KPFF. Tokos thought it would be good for them to take a look at it and reflect on how the solutions affected where they landed in respect to their Beat The Wave modeling, if at all. Hanselman questioned if the South Jetty had been evaluated. Branigan added that a lot of surfers used the South Jetty and the road to it was rough. Reed agreed that this area was tricky. OSU researchers were doing modeling in this area to see how the decision making affected the overall area.

- C. **Review of Draft Code Amendments Related to Food Trucks & Carts.** Tokos acknowledged the email Janet Webster had submitted. He explained she was a property owner who was thinking about doing a food cart pod on her property.

Tokos reviewed the draft revisions to NMC Chapter 4.10. The nature of the changes made it more realistic for mobile stands outside of residential areas. Tokos explained that what he had heard was that the Commission wanted these left out of residential areas. This had been reflected in the amendments. Berman asked if "residential areas" were defined in the code. Tokos noted he tried to shy away from getting too much into zoning codes and discussions that were not a part of the zoning ordinance. They could add "zoned for residential purposes" which were the R-1 through R-4 zones. Tokos would clear up the language.

Hanselman asked if they should expand the two hours to five hours for food trucks. Tokos explained that under Oregon Health Authority rules they would need to have accessible restrooms if they went past two hours. There would be no way to verify this in a right-of-way (ROW) and why it was two hours.

Susannah Montague addressed the Commission and asked if the two hour time limit applied to fixed stands. Tokos confirmed it did not apply to fixed stands and was tailored for food trucks that moved around. Branigan asked if city owned parking lots were considered ROWs. Tokos reported that when there was vending done on city owned parking lots, they would need a special events permits. The time limit applied to ROWs and the fixed business areas. Montague asked if the city would ever consider renting a portion of a parking lot to a fixed

stand. Tokos explained the City Council could designate a fixed stand spot in a public parking lot if they wanted to but they were not pursuing it at that time.

Berman asked if a truck hauling a food cart could legally take up multiple parking spaces. Tokos would follow up with the Police Department on this and get back to him.

Tokos reviewed the fee section next and noted the fees were not set by ordinance anymore. This meant that anywhere fees were noted they were taken out.

Montague asked if there would be a time limit for fixed stands. Tokos reported the code did not include a time limitation for fixed stands.

Berman asked if Section 4.10.025(A)(2) meant that they couldn't authorize someone else to operate a food cart on their private lot. Tokos explained this concerned the sidewalk area adjacent to a business. Assuming that the sidewalk was big enough to do vending, this would authorize vending on the sidewalk only for the owner of the business. Berman asked if the owner could give a non-employee the option to vend in this area. Tokos explained the owner would need to be the one operating the vending and they couldn't have a third party vendor. He reminded that these rules were for vending on public property, not on the business' private property. If there was enough space and width in front of a business on the ROW to put a stand right outside their business, they could get an endorsement to put their product there. Escobar suggested modifying it to say "operated by the operator of the business with the operator's approval." Tokos thought they could tweak the language. Montague reported that there were a lot of food carts in Eugene in parking lots of businesses. Tokos noted this section wasn't typically a food cart and would almost always be retail product on the sidewalks. This was because sidewalks weren't typically wide enough to accommodate food service.

Berman asked for clarification on what the random lottery award was as it related to endorsement renewals. He asked if it was possible for someone not to get a renewal because they weren't chosen in a lottery. Tokos reported they didn't have many issues with fixed stands because the locations were so limited. If this was to be expanded for other locations they could run into this. Berman wanted to see someone with an existing license have the option to continue it and renew the endorsement to keep operating. Hanselman asked if the boardwalk was a city or Port property. Tokos reported this was a city property but the Port had rights to cross it.

Tokos asked for the Commission's thought on lifting the restriction on vending in close proximity to elementary or secondary schools. Escobar asked how far this pushed vending away from schools. Tokos reported it eliminated vending right in front of a school and thought it would be a good discussion to have with the school district. Hanselman noted he worked at a high school with an open campus and explained how it harmed attendance. Vending meant kids would want to go across the streets and was hazardous. Hanselman thought dealing with the school district was an appropriate thing to do.

Berman asked what it meant in the draft when it said that endorsements could be amended to add months but not refunds would be allowed. Tokos explained that the Finance Department had people pay for their endorsement fees, then decide not to go forward with the endorsement and ask for refunds. Berman thought this should say there would be no refunds and then say they could add months to the endorsement by paying a monthly fee. Tokos would look at cleaning up the language.

Patrick noted that the Lincoln County Commons was by a school. Tokos explained this wouldn't affect them because the rules weren't for private property, they were for ROWs. He asked the Commission for their thoughts on if they should leave the language as is or go to the school district for their input. Patrick thought they should leave it as it was and not delete secondary. Branigan thought they should contact the school district to find out what they would like. Hanselman thought they should talk to each individual school. Escobar was comfortable with what was drafted. Tokos would reach out the school district about the possibility as it related to the secondary school and see what their thoughts were.

Tokos reviewed the vending stands revisions next. The changes expanded the size of the stands to allow some

food carts or trailers. Berman thought they should reevaluate the felony convictions prohibitions. Tokos would take a look at this.

Berman thought that if they weren't going to give out violations for multiple days and not abide by the code, they shouldn't include it in the code.

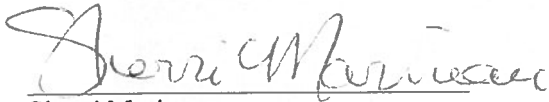
Montague asked if the Commission had a preferred area in town they wanted to see a fixed pod or stand at. Tokos noted the changes on the code did not have a preference for these areas but opened the door to commercial and other options in the city.

Montague asked if the requirement to get approval from adjacent property owners under Section 14.09.050(B) was a standard requirement. Tokos reported this was a discussion for the Commission on how to handle the competition piece. Montague asked if this was standard for a brick and mortar restaurant to get adjacent property owner approval. Tokos confirmed it was not. He explained if the Commission wanted to do this, the argument would be that the brick and mortar had to invest more in their business, and if a food truck could park in front of their location, it wasn't fair and a point of friction. Escobar noted that the draft didn't say it wasn't limited to competing food businesses. Tokos reported they could do this, and it was an option for the Commission to consider. Montague thought it would be nice if the businesses were unrelated.

Chair Patrick closed the meeting and noted that they would continue the discussion at the end of the regular session meeting that evening.

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

Respectfully submitted,



Sherri Marineau,  
Executive Assistant