

MINUTES

**City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers
July 26, 2021
6:00 p.m.**

Planning Commissioners Present: Jim Patrick, Bob Berman, Lee Hardy, Braulio Escobar, Gary East, and Bill Branigan.

Planning Commissioners Absent: Jim Hanselman (*excused*).

PC Citizens Advisory Committee Members Absent: Dustin Capri (*excused*) and 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 6:00 p.m.
2. **New Business.**
 - A. **South Beach Commercial/Industrial Land Use Code Audit.** Tokos reported that he would be rearranging the agenda items to discuss the Food Cart discussion second. He introduced Elizabeth Decker with Jet Planning who was on the planning team that was working on the South Beach Refinement Plan. Tokos reviewed the key concepts that had been discussed for the refinement plan that included (a) should commercial zoning be extended south through the new 35th Street intersection, (b) should the City look to narrow the range of outright permitted uses in the I-i zone to provide greater certainty as to potential future uses, (c) is a 50-ft highway setback still appropriate in the industrial zones; (d) might there be an opportunity to frame zoning on the Investors XII site to complement OMSI's camp gray, (e) should the city look to more aggressively phase out non-conforming uses, (f) could there be an opportunity for the URA to pay SDCs for water/sewer connections as a way to incentivize annexations.

Branigan didn't think they needed the #4 improvement opportunities for the Aquarium crossing for the RV lot on Ferry Slip Rd because there were very few RVs there. He questioned the value on the lot.

Berman asked for more information on extending the zoning. Tokos explained that there was light industrial next to the SW 35th Street and US 101 intersection. The question was, as they saw more commercial development in the area, would this be something they might want to do. Tokos explained that anything he included on the memo wasn't a given but was a question on if it was worth looking at if they wanted to extend the commercial going south. Berman thought it was worth looking at. He felt that in order to a good discussion on this there needed to be a good zoning map to look at, and they needed to find out how the owners of the properties to find out how they felt about it. Escobar asked if the people in South Beach would have an opportunity to comment on this. Tokos reported they would, and the outreach that was happening currently was to ask what kinds of additional services they would like to see there.

Patrick had a problem with the fact that the "I" zones were what the city had the least of. If they were to turn properties into commercial, they needed to consider where they would get the industrial land to make up for it. Tokos didn't know that they were looking at too much land that would need to be converted to commercial. What they were referring to was the light industrial, which they had a fair amount of. Tokos reported that all properties that weren't zoned and in the unincorporated Urban Growth Boundary would come in as I-2 or I-3 zones. Patrick thought they should look at what was allowed in a I-1 zone. Tokos thought it was good to look to see if anything was permitted outright without review by a policy making body, or if there were certain uses that needed to be routed through a conditional use to insure compatibility.

Branigan noted the South Beach Church was in the I-1 zone and thought it should fall under commercial. Tokos reported the Urban Renewal Agency purchased this property to help facilitate the signal relocation project and traffic improvements. Part of the purchase agreement allowed the church to stay there for a couple of years. The Church has known they need to find another location but there was nothing to say they wouldn't make a pitch to policy makers to allow them to stay there in some capacity. One of the challenges for the Urban Renewal Agency was that it was there to help improve the economic vitality of the area which included the tax base, which a church didn't pay. It would be a tough sell to say this was the best use for the property. Branigan thought this area would be a good location to bring in things that South Beach was lacking, such as a grocery store. Tokos explained that one of the pieces on the plan was for EcoNW to provide a recommendation for how the Urban Renewal Agency would make that property available for private development that would enhance the area and meet the needs of the area that people were looking for.

Patrick asked about the 50 foot highway setback in the industrial zone and if the existing businesses were grandfathered in for this. Tokos confirmed a lot of them were grandfathered in. Patrick questioned why they had the 50 feet setback for industrial and not commercial. Tokos thought they could look at this. The question was if this was of value, how realistic it was to add lanes given the constraints of the area, and how to impose this type of setback. Berman thought the areas where there were on and off industrial and commercial needed to be the same and consistent.

Patrick thought they needed to consider the opportunity for the Urban Renewal Agency to pay for SDCs in certain areas to incentivized annexations. Tokos explained that they could have a short-term program where you would calculate what the connection costs would be across the properties and provide a window in which they City would cover the costs of SDCs in a specific amount of time. This had been done in Gresham to incentivize redevelopment in their city center.

Patrick asked for thoughts on the graceful phase out of nonconforming uses. Tokos thought this was about looking at how other jurisdiction were addressing nonconforming uses and how they were approaching phase outs. The question was if it was worth looking at. Berman asked if it could be done in a limited geographical area. Tokos reported it could potentially. Patrick was interested in looking at it.

Patrick asked how they would frame the zoning on the C-2 to make it more compatible. Tokos didn't have an answer but was putting the thought out there to find a complimentary use.

Berman asked how they could decide what the SDC credits were if they didn't know what was going to be developed. Tokos explained it would be a credit on the connection of the existing use.

Berman thought it would be nice to have a high resolution zoning map to reference. Patrick asked to have the map be on available on the city's website as well.

3. Unfinished Business.

- A. **File No. 1-Z-21, Policy Options for Food Truck/Food Cart Amendments.** Patrick reminded the Commission that this discussion was only for clarification on the text and there should be no deliberations.

Tokos covered the changes to Chapter 4 first. Patrick asked if the education zones included Pre-K schools. Tokos reported it was K-12 grades. Patrick noted that that the Montessori School was another school to consider. Berman asked if they needed a definition for elementary schools. Tokos noted this could be made with the recommendation at the hearing.

Tokos reviewed Chapter 14 to prevent vending in the Nye Beach and Bayfront parking district within the ROW. He then reviewed the policy option that applied to the size of stands in Public ROWs. Berman wanted the City Council to designate the areas for stands, instead of determining the size of the stands in the given areas. Tokos explained this would leave it up to the Council to decide how they wanted to use it. They would be using size limitations to accommodate different types of vending. Berman worried that the Council wouldn't be on top

of some of the subtleties and would have to rely on staff to point out some of the implications. Tokos reminded that one of the values of a resolution was that if it wasn't working they could adjust it without a full code amendment.

Branigan asked if signage should be added to the vending stands section. Tokos reminded that signs were managed under the sign code.

Berman asked if Chapter 14.09.050 Option A was about private property. Tokos confirmed it was. Berman asked if they included Option B, did it mean neither a truck nor a full pod would be allowed on a lot. Tokos confirmed this was correct. Patrick asked if this meant they couldn't do anything at the fairgrounds. Tokos explained this was a public zoned property and had its own set of rules under fair operations. Berman asked if Janet Webster could build a restaurant on her property. Tokos confirmed she could because it was a C-3 zone.

Tokos covered the 14.09.050(D) policy options. Berman asked who was responsible for verifying written permission. Tokos reported the city would verify this by the application. Berman asked what would happen if the property was sold. Tokos reported this would already be designated as a specific use and they wouldn't have to revisit it.

Tokos pointed out that because pods were a quasi-semi-permanent use, he changed the text from having to renew every two years to a type one decision making procedure. Once the decision was done, they wouldn't revisit the decision for pods.

Branigan asked if they needed to spell out that food trucks needed to abide by the OHA rules. Patrick reminded that food trucks would need to get the Health Authority approval before they could operate.

Escobar asked if the cart at Bier One was a food truck. Tokos confirmed it would be considered a cart. Both a stand and a food truck were considered the same under the Health Authority because they both fit under the vehicle parameters. East asked how the rules would apply when a business invited one or two food trucks/carts to operate on their property for a promotion. Tokos explained there were a few ways to do this. It could be a special event if it was in the context of street closures. If the food truck had a mobile vending license they could operate out of the adjoining ROW. They could also get authorized to operate off the private property.

Berman asked why they went from \$550,000 to \$2 million for the liability insurance. Escobar reported that \$500,000 didn't cover many things. Tokos reminded this was for public properties where the city had potential liability, not private properties.

4. New Business (Continued).

TGM Grant Application to Further Efforts to Revitalize the City Center Area. Tokos explained he included the discussion to see if there was anything the Commission would like to see picked up in it. Tokos reported that he had letters in support from the Bike and Pedestrian Committee, Lincoln County School District, Chamber of Commerce, JC Market, Centro de Ayuda, Bier One, and others.

Berman noted the area on the map was extensive, and asked if they made it broad intentionally. Tokos reported it was intentional to pick up US 20 as well, in part because they had some significant improvements there to facilitate more multi-family and maybe possibly down the C-3 area a little bit. They might want to tighten this up to add a targeted area boundary to show a focus in the City Center area where a lot of the interest was because there were a lot of vacancies.

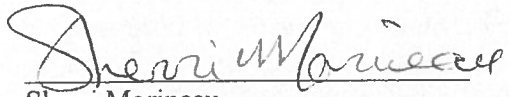
5. Unfinished Business (Continued).

- A. **Transportation System Plan Update - Outreach Plan for Event #2.** Tokos included the outline for outreach for the TSP which included a workshop on August 11th, and an online open house from August 2nd through August 31st. He asked the Commission to let him know if there was anything they wanted to include in the outreach. Berman asked if an entire project list would be included. Tokos was pushing to do this graphically

with maps that had an index on projects. Then when they did the in person meeting they would print the maps and provide post it notes so people could jot down what was important to them.

6. **Adjourn.** The meeting adjourned at 7:56 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant