

MINUTES
City of Newport Planning Commission
Work Session
Newport City Hall Council Chambers by Video Conference
March 22, 2021
6:00 p.m.

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

PC Citizens Advisory Committee Members Present by Video Conference: Dustin Capri.

PC Citizens Advisory Committee Members Absent: 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: Brodie Becksted and Heidi Rogers.

1. **Call to Order.** Chair Patrick called the Planning Commission work session to order at 6:00 p.m.
 2. **Unfinished Business.** None were heard.
 3. **New Business.**
- A. **Citizen Proposal to Amend the W-2" Water-Related" Zone District to Allow Personal Service Retail Uses Subject to Conditional Use Approval.** Tokos reviewed the Water-Related and Water-Dependent Zoning map. He noted the Becksted was interested in establishing real estate office in the W-2 zone which would need a text amendment to the city's zoning code.

Brodie Becksted and Heidi Rogers addressed the Commission. Becksted gave the history of the property on the Bayfront, sharing how it started as a dwelling and how it was converted into a commercial property. There had been different businesses in it over the years and they currently wanted to do a real estate office at the location. Becksted thought this would be a good use because it would be owner occupied and not so seasonal. He asked for the Commission's thoughts.

Berman noted there was a reason for the original zoning on the Bayfront so they would not end up with a lot of businesses that weren't typically tourist in this area. This was the same in Nye Beach. Becksted reported that the majority of their business was based online and mobile. He thought they could do something different in this area because it wasn't in the thick of all the retail. Rogers added that they thought it would be a popular place and would attract other real estate agents to the area. She thought that real estate use would add energy to the Bayfront. Becksted agreed and gave an example of how Hawaii allowed real estate offices in popular tourist areas. He noted that they wanted to invest in Newport and thought this would fill a void in a vacant area.

Escobar asked where their staff would park. Becksted explained that this use would need less parking than retail. This had been one of their concerns and noted they were also concerned about parking metering being implemented on the Bayfront. Capri thought that the demand on parking from their office would be for one or two employees. Becksted reported they had 13 brokers in their office, and one or two were in the office each day. Everything was pretty mobile for them. Becksted thought the parking demand would be less than the previous tenant who had done a tasting room for a winery. He also noted that he owned Newport Brewing and thought it would be nice to do tastings at this site and comingle with the real estate office to promote both businesses. Capri thought this was a great idea. Becksted thought it would be a good spot to have tastings and get more exposure, but noted this would be a small amount of use. Branigan thought it was a good idea.

Tokos added that effectively what the Commission would be looking at was the conditional use process where personal service uses would be permissible anywhere in the W-2 zone, and wasn't site specific.

East asked if Becksted would be doing a small retail area for their brewery at this location. Becksted gave an overview of how they would operate offering drinks to go and taps at the location. He noted it would mainly be real estate services. Capri thought that this was a safer bet because W-1 and W-2 land was at a premium, and the risk of other professional service industries going in there was pretty low. Becksted noted that trying to find a tenant in a property like this was tough because of the cost of renting the property. He wanted to put energy in the area to try to promote it. Branigan agreed and didn't see an issue with this. Patrick noted the list of what they could do there wouldn't be viable at the price range. This property was at the dead end and he would be happy with anything that would work in this area.

East thought it was a good idea and there wasn't a whole lot on that end that would restrict what they wanted to do. Patrick reminded that this would be a conditional use process and happy with it being this way. Berman thought it was something to look at but noted they needed to look at the bigger consideration. He was into looking at a proposal. Berman asked if it became a conditional use, what criteria would they have to meet. Tokos noted they would look at consistency with the area as one of the criteria to meet. There was more wiggle room on this standard than the others. Becksted reported this location could be a marijuana store but didn't think this would be a good use for it.

Hardy asked what the vacancy rate was. Becksted reported that the west and east sides of the Bayfront were pretty vacant but the middle was great. The ends of the Bayfront needed something different.

Hanselman had a problem making decisions based on one property. He didn't like expanding conditional uses in any zone and thought it was a can of worms because they couldn't predict what would come of it. He would much rather have this be an overall change of the Bayfront rather than focusing on one property.

Tokos thought they should do is next steps and work on what the language would look like for the application. There would be a public hearing before the Planning Commission to take into consideration any testimony. They would provide a recommendation to the City Council, who have a public hearing and make a change by ordinance.

Capri thought they should be looking at Becksted's project as a side note. He explained that with every project on the Bayfront, the second floor was the biggest challenge. It was difficult to do a second floor as commercial. There were a lot more potential uses when there was commercial on the ground floor with administrative or professional services above.

B. Background and Initial Discussion of Options for Redrafting Food Cart Rules. Tokos acknowledged the public comment that Janet Webster submitted to the Commission. This discussion fell under a City Council goal to update the food trucks, which had received some attention in recent years. This would be broken up into two pieces. The first would pertain to uses for mobile units in public rights-of-way (ROW) in contained units. The City of Newport's current mobile vendor rules fit the mobile food trucks like ice-cream trucks where they were only allowed to stop for no more than 15 minutes. The second part would be for fixed based vendors/stands which were limited to locations where the Council determined it was appropriate to allow them. The location by the Nye Beach Turn around was one of these locations and the location next to the Hatfield Pump Station at Hatfield Drive and Bay Blvd. Tokos reported that there had been growing interest in having mobile food trucks in Newport. He reviewed the two ideas that were included in the packet. There were different ways this could happen and he was hoping to get the general sense on what issues the Commission wanted to see addressed.

Hanselman asked for a clarification on the rules that restricted food carts from being located within a half mile perimeter from a food establishment. Tokos explained that around 2010, Wilder put together a proposal and submitted an application to amend the city's code to allow food carts on private properties. They were sensitive to the potential conflict with brick and mortar restaurants who had fixed biased costs such as system

development fees. They set up the proposed amendments such that food trucks were allowed as long as they were a half mile from a brick and mortar restaurant. The city adopted this but Wilder was never able to attract anyone at their location. The issues with food pods and mobile vehicles was a little different and had a few different nuances to them. This was why they were being addressed as a two different options. Berman asked if the half mile rules stemmed from one specific request, not in the insistence of restaurant owners. Tokos confirmed this was true. Because of this he didn't think they really needed engage or do outreach with the restaurant community because they would be so far away from them it really wouldn't be competition. Tokos noted there would be a public hearing notice process sent out to fixed based restaurant operators which would give them an opportunity to give testimony.

Branigan asked how long a mobile food truck could park at a given location and if there should be a time limit for them. Tokos thought there should be a around a five hour time limit. This would allow them to cover thing like shift workers on the Bayfront, and baseball tournaments in the field. Tokos noted this wasn't for food trucks that were permanent on private property because they would be connecting into the city services, have parking areas, and have some sort of enclosure for seating. This was something you would typically see in a pod configuration. Branigan asked if they would want to restrict how many food trucks could be at a specific location. Tokos would take a look at provisions like this, and how jurisdictions tackled it and why.

Capri didn't like allowing food trucks on public properties. He thought private properties made more sense because these businesses supported Newport every day through property taxes and all the fees they paid to operate their businesses. Tokos noted there were jurisdictions that don't allow trucks to park within public ROWs and required them to park on parking lots. He noted these may be public lots, though. Tokos would bring back examples of this. Escobar thought if they were at baseball fields they would already have permission beforehand. Tokos agreed and would be his expectation as well. He noted these were already accommodated by the city through special event permits.

Berman asked if someone could currently do a food truck at the Nye Beach turnaround. Tokos explained they couldn't because they were bigger than the size limitation. The hot dog cart that had been there previously was just a trailer and fit in the size limitations. Tokos thought they needed to be sensitive to the size of the spaces that they allowed food trucks to be located at as well. Hanselman thought big trucks were a problem and did take up a lot of space even if they were in a public ROW. He thought there could be private property owners who would be interested in these. Food courts in other cities seemed to do pretty well and were accepted by the community if they were located in an accessible locations. This came down to where were the tourist when they were in Newport. Hanselman reminded they were limited on where they could do food trucks in Newport and he wasn't opposed to introducing these to private properties. Branigan asked if they should limit where food trucks could park for five hours. Tokos noted that there was currently timed parking limits in the City Center, Nye Beach and the Bayfront.

Capri asked if pods were currently allowed on private properties in the city. Tokos explained that the half mile separation requirement pretty much put an end to that. This could and would be changed. You would find that to do pods with any kind of seating, necessitated having restrooms on site. If they weren't providing seating, they might not have to have a restroom onsite. East thought that an area like the old Undersea Gardens was an area to do this. He thought the area for trucks to park in town were limited.

Escobar noted that in Toledo there was a small hotdog stand. They were open from 11 a.m. to 3 p.m. and this seemed to work well. He thought five hours in a public space was excessive and he would be more supportive of a pod concept. Using a public street for five hours should have a lot of consideration and he thought there needed to be a tighter timeframe.

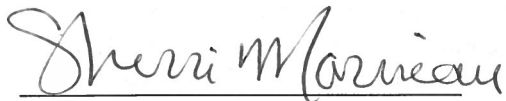
Berman thought it was important to separate out the semi fixed pods from the trucks. Tokos noted that with respect to pods some jurisdictions were using overhead power lines to accommodate them, which was a safety hazard. Because of this, some jurisdictions required power to be below ground and something to consider. Prohibition of outside generators, trash receptacles, the linkage with seating and onsite restrooms, and restrictions on blocking sidewalks were other things to think about.

Capri expressed concerns about how parking was going to be enforced. East noted that most of the traffic on the Bayfront was walking traffic, and it was easier to get quick and easy meals in this area. He didn't think anyone would be going there to specifically eat at these trucks and taking over parking. East didn't think parking would be an issue but thought it should be included. Capri thought it shouldn't be included because they couldn't enforce it. Tokos thought this should be different for pods and mobile food trucks.

Hanselman thought they should discuss the 15 minute limit for mobile food trucks. They needed a chance to make a living, and 15 minutes wasn't enough time to set them up. Tokos would bring options relative to how other jurisdictions were tackling the mobiles and how much time they were giving them. He noted that most jurisdictions didn't allow these in residential areas and asked for the Commission's thoughts. The Commission was in general agreement that they shouldn't be in residential. Branigan thought it would be nice to talk to a mobile food truck owner to understand what their business model was and get some insight on how to craft the rules and regulations. Tokos would look into inviting a mobile food truck owner to participate in another work session. He would be looking at the number of trucks at a specific location, parking on the ROW, general limitations other jurisdictions were doing for private properties, and options on the time limits for the mobile, and language on preserving residential areas.

- C. **Results of the Transportation System Plan Regulatory Review (Tech Memo #3)**. The discussion was deferred to the next work session meeting.
- D. **Updated Planning Commission Work Program**. No discussion was heard.
- 4. **Adjourn**. The meeting adjourned at 7:00 p.m.

Respectfully submitted,



Sherri Marineau,
Executive Assistant