

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ¹**

NOTICE IS HEREBY GIVEN that the Newport City Council will hold a public hearing on Tuesday, September 7, 2021, to review amendments to the City of Newport's Zoning land use regulations.

File No. 1-Z-21

Applicant: City of Newport.

Proposal: Amendments to Section 4.10, Vending on Public Property; Section 11.05, Building Codes; Section 12.15, System Development Charges; and Chapter 14, Zoning Standards, related to the operation of food trucks and food carts in the City of Newport.

Applicable Criteria: Pursuant to Newport Municipal Code (NMC) Section 14.36.010: Findings that the amendment to the Zoning Ordinance is required by public necessity and the general welfare of the community.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below in "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing or must be submitted to the City Council in person during the hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant, those in favor or opposed to the application, and questions and deliberation by the City Council. Pursuant to ORS 197.763 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

Reports/Application Materials: The staff report may be reviewed or purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy., Newport, Oregon 97365, seven days prior to the hearing. The draft amendments can be viewed online at: <https://www.newportoregon.gov/dept/cdd/default.asp>. They are also available for inspection at no cost at this address, along with public testimony and other relevant materials. Copies of the documents may be purchased for reasonable cost.

Contact: Derrick Tokos, Community Development Director, (541) 574-0626; d.tokos@newportoregon.gov (mailing address above in "Reports/Application Materials").

Time/Place of Planning Commission Hearing: Tuesday, September 7, 2021; 6:00 p.m.; City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: August 17, 2021.

PUBLISHED: August 27, 2021/[News-Times](#).

¹ This notice is being sent to parties to proceeding, affected property owners, affected public/private utilities/agencies within Lincoln County, and affected city departments.

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City of Newport Food Truck and Food Cart Amendments Summary of Proposed Changes

Overview

Newport's existing laws limit food carts and food trucks to privately owned commercial or industrial properties that are at least a ½ mile from permanent eating and drinking establishments. Vending of this nature on public property is limited to special events or specifically designated areas, and the City offers a very narrow set of licensing options for mobile operators who want to vend from parking areas along public streets, requiring they move every 15 minutes. One of the City Council's goals is to update these laws to provide additional options for individuals that wish to setup a food cart or operate a food truck within the City. A draft set of rule changes have been developed by the Planning Commission, the key elements of which are as follows:

Private Property

- Food Trucks and Food Carts (called "Mobile Food Units") will be allowed in commercial and industrial areas regardless of how close they might be to permanent eating and drinking establishments, subject to a City issued temporary use permit.
- Applicants must show that their unit has been licensed by the Lincoln County Health Department and that the location they have selected, and manner in which they will be operating, satisfies standards designed to promote health and safety and avoid nuisance impacts.
- If four (4) or more trucks or carts locate on a property, the development becomes a Mobile Food Unit Pod. Additional standards apply to Pods that are akin to what is required of permanent eating and drinking establishments, such as providing sheltered guest seating, restroom facilities, and off-street parking. Pods will also be required to have city sewer connections and permanent power for each mobile food unit and will be subject to the same City impact fees as permanent eating and drinking establishments.
- Mobile Food Units must be at least 500-ft from schools and will be allowed only as Pods in Nye Beach and the Bayfront.

Public Property (including streets)

- Size allowances for fixed based vending at City designated locations (e.g. the Nye Beach Turnaround) may be set by City Council resolution with some locations being large enough to accommodate mobile food units.
- Vendors interested in setting up in street parking areas will be allowed to stay up to 2 hours in commercial or industrial areas, except for Nye Beach and the Bayfront where vending will be limited to designated locations. The 15-minute limit will continue to apply in residential areas. Mobile Food Units will continue to be prohibited within 500-feet of schools.
- Insurance requirements will be increased for persons obtaining a business license to vend on public property.
- Use of City property other than streets that are not specifically designated for vending will continue to be limited to special events.

Additional Information

Detailed information about the proposed changes is available on the City of Newport website at: <https://www.newportoregon.gov/dept/cdd/default.asp>. Questions or concerns may be directed to Derrick Tokos, Community Development Director at 541-574-0626 or d.tokos@newportoregon.gov.