

**LINCOLN CITY PLANNING COMMISSION
MINUTES
March 21, 2023**

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Attendee Name	Title	Status	Arrived
Brian Bunnett	Commissioner	Present	
Mellissa Sumner	Commissioner	Absent	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	
Charlsy Affuso	Commissioner	Excused	

2. CONSENT AGENDA

RESULT:	PASSED [UNANIMOUS]
MOVER:	Bunnett
SECONDER:	Baker
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso

2.1.

MOTION:	Minutes for Planning Commission - Workshop - Feb 28, 2023 6:00 PM
MOVER:	Bunnett
SECONDER:	Baker
RESULT:	Passed

2.2.

MOTION:	Minutes for Planning Commission - Workshop - Mar 2, 2023 5:30 PM
MOVER:	Bunnett
SECONDER:	Baker
RESULT:	Passed

2.3.

Commissioner Blackerby requested an amendment to the minutes to reflect that he had recused himself from the discussion of and vote on APP 2023-01.

MOTION:	Minutes for Planning Commission - Regular Meeting - Mar 7, 2023 6:00 PM
MOVER:	Bunnett
SECONDER:	Baker
RESULT:	Passed as Amended

2.4.

MOTION:	Minutes for Planning Commission - Workshop - Mar 9, 2023 6:00 PM
MOVER:	Bunnett
SECONDER:	Baker
RESULT:	Passed

3. PUBLIC HEARINGS/DELIBERATIONS

3.1. ZOA 2023-01 Title 17 ordinance amendment

Chair Robert Vincent opened the public hearing for ZOA 2023-01 at 6:03 pm. He introduced the application, and asked if any member of the commission should declare ex parte communication, conflict, or bias. With none offered, Chair Vincent read the required statements and Director Anne Marie Skinner provided the applicable substantive criteria.

Director Skinner presented the staff report, summarizing the proposed amendments that included changes to several sections to Title 17, addressing conflicts and restrictions; definitions of abutting, adjacent, contiguous, basement, and detached building or structure; removal of hyphens in zone designations; simplification of setbacks to 5' regardless of height or number of stories in R-1 zones and within the Roads End (R1RE) zone, the minimum setback would be simplified to 7.5'.

In reference to 17.04.050 Restriction, Commissioner Blackerby asked if this meant that if somebody puts in an approved septic system they will be required to sign an agreement to consent to participate in any future local improvement district. Director Skinner concurred.

Commissioner Baker requested clarification regarding the revised definition of basement, citing that many spaces that functioned as basements were open on one side. Director Skinner stated that for purposes of the code, this type of space would be considered a story, regardless of the use of the space. Commissioner Baker suggested retaining the portion of the existing definition that refers to a portion of a building "not deemed a story". Director Skinner agreed to this revision.

In reference to required minimum setbacks, Commissioner Baker asked about the intent of minimum setbacks, and whether they were relevant to the issue of fire safety. Director Skinner stated that the Building Code was the relevant code for fire safety issues, and that building separation required by the building code is 3' without a fire-rated wall.

Commissioner Blackerby moved to close the public hearing, seconded by Commissioner Bunnett. The motion passed unanimously.

Chair Vincent moved to recommend approval of ZOA 2023-01, adding the change to the proposed definition of basement to include the reference "not deemed a story". Commissioner Baker seconded, and the motion passed unanimously.

MOTION:	Approve ZOA 2023-01 Title 17 ordinance amendment as written, but with the inclusion of “not deemed a story” for the basement definition
MOVER:	Vincent
SECONDER:	Baker
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed as Amended

3.2. CPA ZC 2023-01 to CPA ZC 2023-05

Chair Robert Vincent opened the public hearings for CPA ZC 2023-01 through 2023-06 at 6:23 pm. He introduced each of the applications, and asked if any member of the commission should declare ex parte communication, conflict, or bias. No commissioners declared bias, and no challenges were presented. Chair Vincent read the required statements and Director Anne Marie Skinner described the applicable substantive criteria, including the Lincoln City Comprehensive Plan and the Oregon Statewide Planning Goals.

Director Skinner presented an overview of the staff reports and relevant findings. She shared a map of the Villages area, and identified each of the five sites included in the CPA ZC 2023-01 through CPA ZC 2023-05 applications. All of the properties are currently zoned R-1-7.5, with proposed changes to either Open Space or Park zoning. The city retained the services of PBS Environment and Engineering to prepare a development feasibility study of city-owned properties within the Villages, identifying areas of significant wetlands, riparian areas, buffers, wildlife habitat, unstable soils, and steep slopes. The proposed rezoning is based upon the resulting studies.

Commissioner Blackerby asked if N Clancy Rd might be intended for a future connector from the Villages and Roads End through to Highway 101. Director Skinner concurred, but later restated that this connection was not part of the current Lincoln City Transportation System Plan (TSP).

Director Skinner noted that the PBS study included several additional properties for parks/open space which will be brought forward for zone change applications in the future. Developable areas will be also rezoned to a to-be-created residential zone specific to the Villages, and a commercial area.

Commissioner Bunnett asked for clarification about the PBS document. Director Skinner stated that the PBS assessment was only applied to the city-owned portions of the Villages. City Attorney Richard Appicello clarified that the city will retain ownership of the properties being rezoned to parks and open space.

Commissioner Baker asked about the different uses allowed within the Park and Open Space zones. Mr. Appicello stated that the City Council had requested a mix of uses to allow some flexibility in providing amenities appropriate to recreation uses, such as trailhead parking, utilities, etc.

Responding to a question from Commissioner Blackerby, Director Skinner clarified that there is a rectangular island of private property within the project boundary and that island is not in city limits or owned by the city. On packet page 131, Commissioner Blackerby had a question about PBS not including any recommended Park zoning. Director Skinner stated that while there were no recommendations for traditional developed parks, the city was looking to maintain some flexibility to provide parking or recreational support facilities. She noted, however, that regardless of the zoning, the presence of significant wetlands would prohibit most types of development in the five sites.

Testimony in opposition to the application was provided by DeAnn Wright who resides in the N Clancy Rd area, along with six other households. She voiced concerns regarding impacts to traffic on a substandard one-way roadway, the creek and wetlands, natural areas and wildlife habitat, and the neighborhood. She stated that the neighborhood would prefer that CPA ZC 2023-05 be revised to change the zone from residential to open space, instead of the current proposal to zone the site Park (P).

Jeff Stewart, also a N Clancy Rd resident, concurred with Ms. Wright's testimony and opposed the zone change to Park (P). He cited the traffic impacts and the presence of wildlife as primary reasons for his opposition.

Chair Vincent requested additional information about the allowed uses in Park vs. Open Space.

Director Skinner provided the following description of the Open Space allowed uses: passive recreation activities (hiking, biking, birdwatching, picnicking), development and maintenance of trails and footbridges, educational and research activities, natural resource restoration and enhancement, interpretive displays and public safety activities (removal of timber, rocks). Conditional uses allowed include nature center, restrooms, access and parking areas, public drainage and public utilities, and docks. In the Park zone, the following uses are allowed: parks, playgrounds, recreational buildings and facilities, athletic fields and facilities, public community centers and auditoriums, vending, special events, uses permitted in the open space zone, public parking, community gardens, mobile food units, visitor information center, and community meeting buildings. Conditional uses allowed include open air farmers markets, public utilities, docks, commercial uses, and campgrounds. She clarified an earlier statement, stating that conditional use approval is needed in both zones for public utilities.

Responding to a request from Commissioner Blackerby, Director Skinner stated that it was her understanding that the Urban Renewal Director was in favor of the park zone simply because of the additional flexibility it would provide as the Villages area proceeded to development.

Responding to a question from Commissioner Bunnett, Director Skinner stated that currently the entire site was zoned for residential development. Commissioner Bunnett added that if needed, city staff could seek to rezone the parcels zoned as open space to park in order to allow for further development. Director Skinner concurred.

Director Skinner noted that road construction would be permitted in either zone, under a conditional use permit, and in either case the presence of designated wetlands would present significant physical and regulatory obstacles to such a project.

Attorney Appicello shared that the City Council's goals for this effort were twofold--one, to protect the important natural resource values of the site, and two, to facilitate development of the residential and commercial areas within the Villages.

Director Skinner clarified that transportation uses are permitted in the Park zone, but not listed in the Open Space zone and read the definition from the code for transportation uses.

Commissioner Bunnett again asked for clarification about the need for a road through the N Clancy area to connect to the Villages. While an alternative connection to Highway 101 is a future goal, the current TSP does not designate N Clancy for that connection.

Commissioner Baker asked if all of the sites were intended to be used as developed or undeveloped recreational areas. Director Skinner stated that the intent was to leave the sites pretty much as they exist, as undeveloped recreation areas.

Chair Vincent asked if anyone who had provided testimony would like the record to remain open. The participants representing opposition to CPA ZC 2023-05 requested a continuance. Commissioner Blackerby moved, seconded by Commissioner Bunnett to close the record for CPA ZC 2023-01, 2023-02, 2023-03, and 2023-04. The motion passed unanimously.

Commissioner Baker stated that she supported the Planning Commission approving the zone change for all four sites to Open Space (OS) – CPA ZC 2023-01 and 2023-02 as proposed, and CPA ZC 2023-03 and 2023-04 being amended to Open Space rather than Park.

Chair Vincent moved to reopen the record, seconded by Commissioner Blackerby. The motion was approved.

In responding to a question from Commissioner Blackerby, Director Skinner stated that the Planning Director and the Parks & Recreation Director supported all four of these sites being zoned as open space, in accordance with the recommendations in the PBS report. The Urban Renewal Director supported all of the sites being zoned park.

The Planning Commission voted to close the record.

Commissioner Blackerby expressed support for the original proposal to rezone two of the parcels as park, in order to provide the city with latitude as it grows and develops.

Chair Vincent stated he supported Commissioner Baker's proposal to rezone all four parcels to open space.

Commissioner Baker stated that the city ownership would ensure opportunities for future planning, and if additional development was desired outside of the uses allowed by the open space zone, there remained the option to pursue conditional use permits or zone change applications.

Commissioner Baker moved to recommend approval to City Council of CPA ZC 2023-01, seconded by Chair Vincent. The motion passed unanimously.

Chair Vincent moved to recommend approval to City Council of CPA ZC 2023-02, seconded by Commissioner Bunnett. The motion passed unanimously

Commissioner Bunnett moved to recommend approval to City Council of CPA ZC 2023-03, with a zone change to Open Space rather than Park, seconded by Chair Vincent. The motion passed, with 3 in favor, 1 opposed. Commissioner Blackerby stated his opposition was due to the desire to provide additional flexibility and opportunities as the city continues to grow and expand.

Chair Vincent moved to recommend approval to City Council of CPA ZC 2023-04, with a zone change to Open Space rather than Park, seconded by Commissioner Baker. The motion passed, with 3 in favor, 1 opposed. Commissioner Blackerby again stated that his opposition was due to the desire to provide additional flexibility.

Attorney Appicello stated that he did find a reference within the TSP to a study for \$50,000 to determine roadway connectivity in the area bounded by NW Logan Road, the north area of the Lincoln City urban growth boundary, and Highway 101 to improve east-west connectivity.

MOTION:	Recommend approval to City Council of CPA ZC 2023-01 from R-1-7.5 to Open Space
MOVER:	Baker
SECONDER:	Vincent
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed

MOTION:	Recommend approval to City Council of CPA ZC 2023-02 from R-1-7.5 to Open Space
MOVER:	Vincent
SECONDER:	Baker
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed

MOTION:	Recommend approval to City Council of CPA ZC 2023-03 from R-1-7.5 to Open Space
MOVER:	Bunnett
SECONDER:	Vincent
AYES:	Bunnett, Baker, Vincent
NAYS:	Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed

MOTION:	Recommend approval to City Council of CPA ZC 2023-04 from R-1-7.5 to Open Space
MOVER:	Vincent
SECONDER:	Baker
AYES:	Bunnett, Baker, Vincent
NAYS:	Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed

3.3. CPA ZC 2023-06

Director Skinner provided an overview of the staff report for CPA ZC 2023-06, the site of D River Wayside and future Welcome Center. The site is owned by the Oregon Parks & Recreation Department, and the city has received \$2.5 million funding to further develop the site as a tourism welcome center, maintaining the ongoing recreation uses there.

Commissioner Bunnett noted that this is the fifth most visited Oregon State Park, with more than 1.3 million visitors annually.

Attorney Appicello stated that the city is seeking to lease the property from the state, and the rezone request is part of that larger effort.

Commissioner Blackerby moved to close the record, seconded by Chair Vincent. The motion was approved and the hearing was closed.

Commissioner Baker stated she supported the rezone, as did Chair Vincent and Commissioner Blackerby.

Commissioner Blackerby moved to approve CPA ZC 2022-06, seconded by Commissioner Baker. The motion passed unanimously.

MOTION:	Recommend approval to City Council of CPA ZC 2023-06 from Recreation Commercial to Park
MOVER:	Blackerby
SECONDER:	Baker
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed

4. FINAL RECOMMENDATIONS

4.1. Final Recommendations

Director Skinner stated that due to the fact that the April 4th Planning Commission has been cancelled because of the lack of a quorum, she is requesting that the Planning Commission vote

to authorize the Chair to sign the Final Recommendations as amended. Commissioner Blackerby made the motion to authorize the Planning Commission Chair to sign the Final Recommendations for ZOA 2023-01, CPA ZC 2023-01, CPA ZC 2023-02, CPA ZC 2023-03, CPA ZC 2023-04, and CPA ZC 2023-06. Commissioner Bunnett seconded the motion and it passed unanimously.

MOTION:	Authorize Planning Commission Chair to sign the Final Recommendations for ZOA 2023-01, CPA ZC 2023-01, CPA ZC 2023-02, CPA ZC 2023-03, CPA ZC 2023-04, and CPA ZC 2023-06.
MOVER:	Blackerby
SECONDER:	Bunnett
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed

Director Skinner asked if the Planning Commission could also authorize the Chair to sign the Final Order for APP 2023-01. Commissioner Baker made the motion, and Commissioner Bunnett seconded the motion. Responding to a question from Commissioner Blackerby, Attorney Appicello cited the rule of necessity in allowing Commissioner Blackerby to participate in the quorum and vote to authorize the signature of FO 2023-02 for APP 2023-01. The motion passed unanimously.

MOTION:	Authorize Planning Commission Chair to sign the Final Order of FO 2023-02 for APP 2023-01
MOVER:	Baker
SECONDER:	Bunnett
AYES:	Bunnett, Baker, Vincent, Blackerby
ABSENT:	Sumner
EXCUSED:	Affuso
RESULT:	Passed

5. DIRECTOR'S REPORT

5.1. Scheduling

Director Skinner stated that there had not been any activity on recently approved land use cases.

Chair Vincent asked about the progress at the Ebb St. Lofts. Director Skinner stated that the applicants are revising some components of their building permits to accommodate a fire code requirement. There was no activity to report on the Natural Resource Variance site nearby.

Responding to a question from Chair Vincent, Director Skinner stated that the building permit application for the conversion of the former movie theater to a 38-unit apartment building is under review and that Copeland Lumber has submitted a development review application for the adjacent parcel created through a recent partition.

Commissioner Blackerby asked about the Lincoln Palisades Phase VI site work. Director Skinner stated that she had forwarded the information to the Public Works Department and the site development permit application is likely imminent.

Director Skinner provided an update regarding regular Planning Commission meetings and Work Sessions. An unscheduled meeting for April 18th was added to the schedule, and the May 2nd meeting was canceled. A May 16th Planning Commission meeting is pending confirmation of attendance from one or two additional commissioners to have a quorum.

Meeting materials for the March 23rd work session were published on Tuesday, March 21st. Commissioner Baker stated that she would only be able to attend the first hour of the work session. Commissioner Bunnett suggested that the agenda be restructured accordingly. Director Skinner agreed to review the agenda on Thursday.

Director Skinner suggested adding a work session immediately after the regular Planning Commission meeting on April 18th. Commissioner Baker is available until April 20th. For May, Commissioner Bunnett is out of town from May 12th to June 8th and Commissioner Blackerby will be out April 20th through May 6th. Director Skinner will be out as well. For May, Director Skinner proposed a tentative date for a work session for Monday, May 22nd. Commissioner Baker stated her preference would be to meet between 2 and 7 pm if possible.

6. COMMENTS BY PLANNING COMMISSIONERS/CITIZEN INVOLVEMENT COMMITTEE

There were no comments by the Planning Commissioners/Citizen Involvement Committee.

7. ADJOURN

Chair Vincent adjourned the meeting at 7:56 PM.

Respectfully submitted,

Anne Marie Skinner
Planning Director

Robert Vincent
Chair