

LINCOLN CITY PLANNING COMMISSION  
MINUTES

September 19, 2023

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

Attendee Name	Title	Status	Arrived
Brian Bunnnett	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	
Mellissa Sumner	Commissioner	Absent	
Jason Corso	Commissioner	Present	

Chair Vincent and the Planning Commissioners welcomed the newest member, Jason Corso. Director Anne Marie Skinner announced the resignation of Clay Glasgow.

2. CONSENT AGENDA

2.1. Planning Commission – Regular Meeting – Sep 5, 2023 6:00 PM

<b>MOTION:</b>	<b>Consent Agenda</b>
<b>MOVER:</b>	<b>Blackerby</b>
<b>SECONDER:</b>	<b>Baker</b>
<b>AYES:</b>	Bunnnett, Baker, Vincent, Blackerby
<b>ABSENT:</b>	Sumner
<b>ABSTAIN:</b>	Corso
<b>RESULT:</b>	<b>Passed</b>

3. PUBLIC HEARINGS/DELIBERATIONS

3.1. ZOA 2023-05 Transportation System Plan Driving Projects

Chair Vincent opened the Public Hearing for ZOA 2023-05 at 6:05 PM.

Director Skinner presented the staff report, providing information regarding the project location, stating that the Public Works Department had determined that the projects were no longer needed or were no longer feasible. Comments were received from Alison Robertson, the Economic Development/Urban Renewal Agency Director in support of the removal of the Transportation System Plan Driving Project D23.

Commission Bunnnett asked for additional information about the recently discovered archaeological materials mentioned in the staff report relating to Project D23.

Director Robertson stated that during a site environmental review conducted within the last three years, archaeological materials had been discovered. However staff was unable to provide any additional information in order to protect the resources and out of respect for the tribe. She added that the presence of these materials does not necessarily prohibit development but will likely require project modifications. If the road project is required it could limit the pedestrian access planned as part of the future private development.

Commissioner Baker asked if the development is still feasible given the archaeological findings, and if it was staff's opinion that the private development would have more value to the community than the road project. Director Robertson stated that the footprint of the development could be more flexible, especially if a road doesn't limit the options. The proposed development options depend heavily on the outcome of the request to remove D23 from the 2015 Lincoln City Transportation System Plan (TSP).

Commissioner Blackerby requested the map be enlarged to show the TSP projects slated for removal in Cutler City. He asked whether or not the driving project on SW Keel Ave might still be needed to improve access in and out of the Cutler City neighborhood. Director Skinner informed the Planning Commission that they could remove any of the other projects from the amendment, and choose only to act on D23 at this time. In response to a question from Commissioner Blackerby, Director Skinner stated that the Planning Commission could request additional information from the Public Works Director about the other four projects to be provided at a subsequent meeting.

Commissioner Baker suggested that it was unknown whether the projects being considered for removal because it was no longer feasible, or because it wasn't needed. Director Skinner concurred. Director Robertson shared that after the adoption of the transportation system plan that there had been a number of infrastructure projects before and since the Pelican Brewery development that improved access in that area, including the overflow parking for the Pelican and a gravel right-of-way and sewer easement.

No members of the public provided testimony.

Commissioner Baker moved to close the public hearing and the record, seconded by Chair Vincent, and approved by the Planning Commission.

Commissioner Blackerby stated that Director Robertson had answered all of his questions satisfactorily and that he didn't have any remaining issues. Commissioner Baker concurred.

<b>MOTION:</b>	<b>Recommend approval of ZOA 2023-05 Removal of 5 driving projects from 2015 Lincoln City Transportation System Plan</b>
<b>MOVER:</b>	<b>Blackerby</b>
<b>SECONDER:</b>	<b>Bunnett</b>
<b>AYES:</b>	Bunnett, Baker, Vincent, Blackerby, Corso
<b>ABSENT:</b>	Sumner
<b>RESULT:</b>	<b>Passed</b>

### 3.2. ZOA 2023-06 Vacation Rental Dwelling to Short-Term Rental

Chair Vincent opened the public hearing for ZOA 2023-06 at 6:29 PM and presented the required statements and procedures.

Director Skinner presented the staff report. She stated that the purpose of ZOA 2023-06 was in response to a motion made by the City Council at their April 24, 2023 meeting. The motion directed staff to amend the code based on discussions held at a Council Work Session held on April 12, 2023. She provided an overview of the two different types of vacation rental licenses

currently allowed, including: unlimited use (365 nights/year) and accessory (30 nights/year maximum). She also described the caps on licenses in the R1-5 and R1RE zones.

Director Skinner described each of the proposed changes, including revising the term from Vacation Rental Dwelling (VRD) to Short-Term Rental (STR); moving the application process language to the appropriate applications chapter; eliminating Accessory STRs as a permitted use in all residential zones, reflecting the cap on total STRs as an absolute number and not as a percentage of existing dwellings; referencing the off-street parking code specifically; and providing additional details on requirements for solid waste receptacles. No comments were received from department heads or outside agencies.

Director Skinner summarized written comments from the following individuals: Jessica Chapagain, in support of removing accessory short-term rentals; Elizabeth Crane, Roads End property owner requesting a moratorium until further review can be completed regarding the accessory permit program; Annette Guido, in support of approval of ZOA 2023-06 especially eliminating accessory STR uses as reflected in a recent Roads End Improvement Association (REIA) communication; Janet Knipe, President of REIA, in support of approval of ZOA 2023-06, citing outreach to the Roads End (REIA) membership including an online survey and a poll taken at a recent meeting; Patti Kroen, in support of elimination of accessory STRs; Shannon Loch, in support of approval of ZOA 2023-06; Mel and Arianne Lowery, opposing ZOA 2023-06 and the elimination of accessory STRs; Ken Mergentime, Roads End neighbor, in support of ZOA 2023-06 and elimination of accessory STRs; Eileen Mergentime, full-time resident of Roads End in support of ZOA 2023-06 and elimination of accessory STRs; Russ Smith, in support of the elimination of accessory STRs; and Bruce and Linda Thorson, Roads End property owners in support of the approval of ZOA 2023-06.

Commissioner Bunnett asked if it was known how many people participated in the survey by REIA, or attended the meeting. Director Skinner did not have this information, but stated that she understood that there are approximately 838 property owners in the R1RE zone, and that there are approximately 225 REIA members. Responding to a question from Commissioner Bunnett Director Skinner stated that there were several people on the list of individuals wanting to testify who should be able to provide the information during the public hearing.

Commissioner Blackerby asked about the developments at Belhaven and Olivia Beach. Director Skinner responded by saying that Olivia Beach is the one and only area in the Vacation Rental zone, and that this zone is considered a commercial zone, not residential. Belhaven is zoned single-unit residential and is in the Roads End (R1RE) zone. Commissioner Blackerby asked if the new homes built in Belhaven that immediately become STRs, could be assumed to have accessory licenses. Director Skinner noted that there has been an increase in applications for accessory STRs and likely that is what occurred in Belhaven.

Commissioner Blackerby noted that his home is in a subdivision covered by CCRs (covenants, conditions and restrictions) that prohibit short-term rentals, and wondered if the zoning code spoke to the validity of these covenants. Director Skinner stated that city code is completely separate from homeowners' association rules and the enforcement of private CCRs. Commissioner Blackerby commented regarding signage for STRs and property management companies, noting it was impossible to tell if the property had an unlimited or accessory license.

In reference to the code revisions relating to the cap on licenses, Commissioner Blackerby asked if the 10% was on dwellings in Roads End or if it included vacant lots. Director Skinner stated that the cap is based on existing dwellings and that is the reason why ZOA 2023-06 seeks to change the code to refer to the amount of dwellings in the cap and not the percentage.

Commissioner Blackerby asked if letting friends or family stay in a private home for a few weeks or a month would constitute an accessory use. Director Skinner stated that as long as friends/family aren't charged a lodging fee for the stay it is not a short-term rental.

Commissioner Baker asked for clarification about how the director's interpretation in regards to parking and maximum occupancy was handled and monitored. Director Skinner responded that there is a site inspection that takes place before a license can be approved that ensures that the occupancy is appropriate to the number of available off-street parking spaces. She noted that Assistant Planner Austin Hull is very diligent in conducting these inspections, reviewing all applications for short-term rentals, and tracking online STR advertisements.

Commissioner Baker asked if the City had reconsidered allowing dumpsters at short-term rentals to address the overflow of garbage. Director Skinner stated that the Planning Commission was welcome to make such a recommendation, although screening would need to be required.

After noting a few minor edits, Commissioner Baker asked whether or not the Planning Commission had the capacity to declare a moratorium on issuance of accessory STRs licenses while waiting for final action by the City Council and the required 30-day period before the ordinance amendment becomes effective. Director Skinner stated that she did not believe this was within the purview of the Planning Commission.

In response to a question from Commissioner Bunnett, Director Skinner stated that there are a total of 603 short-term licenses and approximately 18 of those are accessory licenses. She added that she would verify those numbers during the public testimony portion of the hearing and report back to the Planning Commission.

Commissioner Corso noted a typographical error on packet page 12.

Commissioner Blackerby requested clarification regarding the Planning Commission's authority in relation to a moratorium on short-term rental applications. Director Skinner stated that it was her understanding that such a moratorium would need to come from the City Council and it would not be effective until one of their regular meetings.

Chair Vincent initiated the public comment period.

Miranda Garrison, a Lincoln City property owner, has an accessory short-term rental license and stated how important it has been to her. It facilitated her purchasing and maintaining her home. She has been on the waiting list for a full-time license for almost two years.

Director Skinner noted that existing accessory short-term rental licenses would continue to be honored as legally nonconforming uses.

In response to a question from Commissioner Bunnett, Director Skinner stated that the current number of accessory licenses are anticipated to be reduced over time through property sales and general attrition.

Julia Marks shared that she also had an accessory short-term rental license, and was glad to hear that the City would continue to honor it.

Robert Thomas wished to speak on another topic. Chair Vincent and Director Skinner suggested that he leave contact information and staff would be in touch to discuss his issues at a later time.

Ken Mergentime spoke on behalf of the Roads End Improvement Association. He read a written statement prepared by Annette Guido in support of the approval of ZOA 2023-06 and the elimination of accessory short-term rental uses. Ms. Guido's letter also referenced the comments of Janet Knipe, President of the REIA, including the results of the survey and the poll. Mr. Mergentime responded to Commissioner Bunnett's earlier question about the number of participants in the survey. REIA currently has 178 members and 57 responded to the survey. Approximately 25 attended the meeting and responded to the poll.

Elaine Walsh, a Roads End property owner, spoke to support approval of ZOA 2023-06 and the elimination of short-term rentals as a permitted use in residential zones.

David Jamieson, full time resident of Roads End, spoke to the impact of the commercialization of vacation rentals since the advent of social media and online booking companies. He supported ZOA 2023-06 and the elimination of accessory short-term rentals.

Chair Vincent thanked everyone who provided testimony.

Director Skinner reported that she had done additional research and that there are 194 unlimited short-term rental licenses in the R1-5 zone, and 20 accessory licenses. In the R1RE zone, there are 174 unlimited licenses and 11 accessory licenses, for a total of 31 accessory licenses citywide. In addition, there are 209 licenses in commercial zones for a total of 609 short-term rentals citywide.

In response to a question from Commissioner Bunnett, Director Skinner reported that since March 2023 the total number of accessory licenses in the R1-5 zone increased from 18 to a high of 22 in July and decreased to 20 in September due to two accessory license holders receiving unlimited licenses. In the R1RE zone the total number of accessory licenses was 7 in March and increased to a high of 11 in August and September.

Commissioner Blackerby moved to close the public hearing, seconded by Commissioner Bunnett and approved by the Commission.

Commissioner Blackerby stated that he wished to address Commissioner Baker's comments regarding allowing dumpsters. He stated that he did not feel that dumpsters are appropriate in residential neighborhoods even if screened. Commissioner Baker remained concerned about the limitations of smaller garbage receptacles and the impact of overflow on neighborhoods. She stated that she didn't have a strong opinion either way, but that she was curious if the issue had been discussed.

Commissioner Blackerby stated that though there are currently only 31 accessory short-term rental licenses at this time, homeowners in Roads End have been deluged with offers from property management companies with the intention of creating more accessory short-term rentals. He felt that it is seen as a way to get around the current cap on unlimited short-term rental licenses, and that these businesses were obviously not paying attention to city codes or homeowners' association covenants.

Commissioner Baker stated that she was in favor of the amendment as presented by staff and limiting commercial activity in residential neighborhoods. She noted that Lincoln City has a zone that allows short-term rentals and a process for requesting a zone change. She added that she would support as strong a recommendation as possible coming from the Planning Commission.

Commissioner Blackerby moved to recommend approval of ZOA 2023-06 with the addition of a moratorium on new applications until the amendment was approved and took effect. Commissioner Vincent seconded the motion. Commissioner Bunnnett, however, requested clarification.

Assistant Planner Andrea Riner stated that she understood that the motion on the table was to approve the amendment as presented by staff, with the addition of a request for a moratorium. Director Skinner responded that the moratorium could not be made effective immediately, and therefore would be a moot point as the City Council was likely acting on the amendment at the meeting scheduled for the public hearing. In response to a question from Commissioner Blackerby Ms. Riner clarified that without approval of the City Council, staff did not have the authority to refuse new applications or to place them on hold pending Council action. Commissioner Blackerby was concerned that there could be a significant increase in accessory applications in the meantime. Commissioner Bunnnett requested that staff track the permit activity and report back to the Planning Commission at a later date.

Chair Vincent thanked members of the public for coming and providing comments.

<b>MOTION:</b>	<b>Recommend approval of ZOA 2023-06 Vacation Rental Dwelling to Short-Term Rental</b>
<b>MOVER:</b>	<b>Blackerby</b>
<b>SECONDER:</b>	<b>Vincent</b>
<b>AYES:</b>	Bunnnett, Baker, Vincent, Blackerby, Corso
<b>ABSENT:</b>	Sumner
<b>RESULT:</b>	<b>Passed</b>

#### 4. DIRECTOR'S REPORT

Director Skinner provided an update on upcoming meetings and work sessions. The next regular Planning Commission meeting is scheduled for October 3<sup>rd</sup>. Commissioner Blackerby, Commissioner Bunnnett, and Commissioner Corso stated that they will not be available. Director Skinner responded by saying that the meeting would be canceled due to lack of a quorum. The only agenda item planned for that date related to adding the maximum building height for the Recreation Residential (RR) zone, which will be moved to the October 17<sup>th</sup> meeting. All Planning Commissioners stated that they were available on that date. Other items on that agenda will be updates to incorporate recent legislative changes to housing. Currently there are no pending applications.

Director Skinner reported that Chair Vincent was not available for the September 21st Work Session. Since Commissioner Bunnnett is also unavailable, the work session was canceled and rescheduled to the following Thursday, September 28<sup>th</sup>, at 12:30 PM. Director Skinner stated that this meeting would cover all of the remaining components of the Comprehensive Plan. She provided an overview of the process relating to the Land Use chapter, suggesting it would be a minor update and will hopefully be ready for a final draft in short order. She stated that Ms. Riner is working on the formatting, so that it could be ready in time for a possible public hearing in early November.

Commissioner Baker suggested that the Planning Commission Work Session to review the full document would be more productive if held after the public hearing. Commissioner Vincent shared that he had concurrence from the rest of the commissioners that they could meet during the week of Thanksgiving.

Director Skinner stated that she would work towards a possible public hearing date of November 7, 2023, with the Planning Commission and that there was an upcoming work session with City Council on October 2<sup>nd</sup> to review the remaining plan components.

Commissioner Bunnett commended staff on doing an excellent job of publicizing the public hearing for ZOA 2023-06, and for ensuring good participation of citizens.

Commissioner Blackerby asked about the public hearing for the Comprehensive Plan and if there would be a need to respond to each of the items provided by public input or deliberate on any items at that meeting. Staff and Commissioners discussed that the public hearing will be a great opportunity to get additional feedback, and that the primary job of the Planning Commission would be to simply listen. Based on the input they could then consider how to proceed. While comments are not likely to be substantive, that would be up to the Commission to consider and to decide whether or not to make any changes to the document.

Director Skinner stated that the comprehensive plan update is a legislative action and not quasi-judicial and that there is not a requirement to leave the record open. She added that she would review the process with our regional representative from the Oregon Department of Land Conservation and Development for further clarification about requirements, and the options available to the Planning Commission.

**5. COMMENTS BY PLANNING COMMISSIONERS/CCI**

None.

**6. ADJOURN**

Respectfully submitted,

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Anne Marie Skinner  
Planning Director

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Robert Vincent  
Chair