

**LINCOLN CITY PLANNING COMMISSION
MINUTES
March 15, 2022**

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

Chair Blackerby called the meeting to order at 6:01 PM.

Attendee Name	Title	Status	Arrived
Glenn Johnson	Commissioner	Present	
Mellissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Commissioner	Present	
Kim Blackerby	Chair	Present	
Miles Schlesinger	Commissioner	Present	

2. AGENDA CHANGES OR REVISIONS

Director Skinner noted that the Public Hearing for ZOA 2022-05 would be continued to the April 5th Planning Commission meeting, per request by the applicant.

3. MINUTES

3.1. Planning Commission - Regular Meeting - Mar 1, 2022, 6:00 PM

MOTION:	Approve the minutes of the March 1, 2022 meeting as written
MOVER:	Vincent
SECONDER:	Johnson
AYES:	Johnson, Sumner, Baker, Vincent, Blackerby, Schlesinger
RESULT:	Passed

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

4.1. Final Recommendation for CPA ZC 2022-01 Purvine

The Final Recommendation for CPA ZC 2022-01 was unanimously approved.

MOTION:	Approve the Final Recommendation for CPA ZC 2022-01 Purvine
MOVER:	Johnson
SECONDER:	Vincent
AYES:	Johnson, Sumner, Baker, Vincent, Blackerby, Schlesinger
RESULT:	Approved

5. PUBLIC HEARINGS/DELIBERATIONS

5.1. ZOA 2022-05 Code corrections and clarifications Title 16 and Title 17 - continued to April 5, 2022

This public hearing was continued to April 5, 2022.

5.2. VAR 2022-01 6604 NE Logan Street Side Setback Variance

Chair Blackerby opened the Public Hearing for VAR 2022-01 at 6:05 PM, introduced the application, read the required statements, and explained the order of proceedings. No Commissioners were excused for conflicts of interest, no challenges were offered. Director Skinner read the list of applicable substantive criteria.

Director Skinner presented the staff report. The applicant/property owner, Roger Griswold, is requesting a variance from the required street side setback to 10 feet on his property at 6604 NE Logan Road. The required setback for this property in the Roads End Residential zone is 16.38 feet. Ms. Skinner provided background on the project, including the site location, applicable zoning, and the procedures followed for public notification. She also gave an overview of the permitting process and the activities that lead to the construction being nearly completed prior to discovery of the 6.38-foot-setback encroachment. Following a citizen complaint, Director Skinner reviewed the various options with Mr. Griswold, and he chose to pursue a variance. A number of public comments were received in response to the public hearing notification, all in opposition to the variance citing concerns regarding views, traffic, and setting unwanted precedents. No public agencies provided comments. Director Skinner shared the findings of the staff report as they relate to the four approval criteria and reviewed the setback requirements.

Responding to a question from Chair Blackerby, Director Skinner estimated that the houses in the vicinity of this property were built primarily between 1965 and 1994. In answer to his second question, Ms. Skinner described how applicants obtain the planning and zoning information needed to develop in Lincoln City, including talking with City staff and researching the applicable codes which are provided online. Commissioner Schlesinger inquired as to how the error occurred, and whether removal of the front deck and stairs could remedy the situation. In response, Director Skinner stated that she was not working for the City at the time of the application and thus was unable to be certain why the error was not caught earlier. She added that if the deck and stairs did not exist the house would be in compliance. Commissioner Baker commented that she calculated the removal of the deck and stairs would still result in a 6" encroachment. Director Skinner suggested that an Administrative Adjustment could address a 6-inch encroachment.

Roger Griswold provided the applicant's response, shared his background, and his desire to fully use his property. He stated that he completed due diligence before he purchased the property, and that he relied heavily upon staff for guidance. He also stated that he disagrees with the staff finding for the criteria relating to exceptional or extraordinary circumstances, and that a completed house he is not able to occupy represents an exceptional circumstance.

Responding to a question from Commissioner Baker, Mr. Griswold stated that he had assistance from a pool of people in preparing his narrative, and that he has significantly expanded his knowledge of the Lincoln City Municipal Code since he became aware of this issue. Responding to a question from Commissioner Vincent, the applicant stated that he had received staff approvals throughout the process.

Chair Blackerby asked for clarification regarding the foundation setback inspection process, and inquired as to whether or not that inspection was inclusive of the forms for posts and footings for the deck and stairs. Mr. Griswold stated that the plans were specific, and that the inspector would likely have noted these elements. Chair Blackerby asked for clarification about the impact of the

deck and stairs on the overall setback requirements, and asked the applicant to provide a response to the viability of this alteration. Mr. Griswold responded that he had considered a number of alternatives, but none were very desirable aesthetically or functionally, and all were financially burdensome.

Commissioner Vincent asked Director Skinner whether the Planning Commission was the final policy body, and if they were able to approve the variance. Director Skinner stated that the Planning Commission is the decision-making body for a variance, but that any approval must be based on the stated approval criteria.

There were no persons present in support of the variance, and there were no persons presenting as neutral on the variance.

The first speaker opposed to the variance was Janet Knipe speaking in her role as President of the Roads End Improvement Association (REIA). Ms. Knipe stated that REIA is concerned with new development not being consistent with the applicable zoning and the impact on the livability of the area. Considerable time was spent developing the current language in the zoning code to specifically reflect the unique values of the Roads End neighborhood, and that they need to be able to trust that City staff will ensure new development is compliant. She urged the Planning Commission to deny the request. Commissioner Johnson asked Ms. Knipe as to whether she preferred an altered house or no house. She declined to answer, stating that her role was simply to respond to the variance request based on the given criteria, and to support the enforcement of applicable zoning criteria in Roads End. Responding to a question from Commissioner Vincent, Ms. Knipe stated that she was made aware of the issue due to the public hearing notification process. Chair Blackerby inquired about the timing of the Roads End annexation, the development of the zoning regulations, and about the membership of the REIA. In response Ms. Knipe shared that annexation occurred in 2013. The zoning process that was completed in 2015 included extensive citizen involvement and deliberations with the City. According to Ms. Knipe, the REIA has 211 members, which according to Ms. Knipe is approximately 20-25% of the property owners in Roads End.

Mr. Pat McGough of 1835 NE 66th Street spoke on behalf of his 96-year-old mother-in-law, Deborah Prater. She has been living in her home for almost 70 years, and has been negatively impacted by the encroachment. Mr. McGough argued that the builder must be held accountable for compliance with the zoning code. Responding to a question from Commissioner Johnson about alternatives, Mr. McGough declined to answer, citing the Planning Commission's responsibility to make such decisions. In responding to a question from Commissioner Vincent, Mr. McGough shared that the encroachment has negatively impacted his mother's-in-law view.

The Commissioners heard from Mr. Stacey Baird, 7659 NE Logan Road, who called their attention to a previous Planning Commission meeting packet that included a map of the area showing all of the estimated setbacks in the general vicinity of the subject property. He added that the foundation survey provided by the applicant contradicted the original plat of the subdivision. Director Skinner shared with the Commission a copy of the setback map that Mr. Baird mentioned.

Patty Kroen spoke as a resident of the neighborhood, a participant in the Roads End post-annexation zoning process, and a former Lincoln City Planning Commissioner. Ms. Kroen reiterated the message that residents worked hard through the Roads End zoning process to ensure future development would be in keeping with the unique characteristics of the neighborhood. She

stated that while the preservation of views are not part of the criteria, the setbacks were intended to maintain visual consistency. She urged the Planning Commission to deny the variance request.

Mr. Griswold was given the opportunity to respond to these comments. He reiterated that he conducted ample due diligence, his need for a variance, and the lack of reasonable alternatives.

Chair Blackerby asked those participating in the public hearing if anyone wished to request a continuance or to leave the record open. Stacey Baird requested that the matter remain open. Following clarification from City Attorney Richard Appicello, Commissioner Sumner moved to leave the record open until March 22, 2022, at 5:00 PM, which was seconded by Commissioner Johnson. The motion was approved 4-2.

Commissioner Sumner moved to continue deliberations to the April 5, 2022, meeting, which was seconded by Commissioner Baker. The motion was approved 4-2. The public hearing was declared closed at 7:44 PM.

MOTION:	Leave the record for VAR 2022-01 open until March 22, 2022, 5:00 PM
MOVER:	Sumner
SECONDER:	Baker
AYES:	Johnson, Sumner, Baker, Blackerby
NAYS:	Vincent, Schlesinger
RESULT:	Passed

MOTION:	Continue deliberations of VAR 2022-01 to the April 5, 2022 meeting
MOVER:	Sumner
SECONDER:	Baker
AYES:	Johnson, Sumner, Baker, Blackerby
NAYS:	Vincent, Schlesinger
RESULT:	Passed

5.3. VAR 2022-02 Olson Natural Resource Development Variance

Chair Blackerby opened the Public Hearing for VAR 2022-02, the Olson Natural Resource Variance at 7:45 PM, introduced the application, read the required statements, and explained the order of proceedings. No Commissioners were excused for conflicts of interest, no challenges were offered. Director Skinner read the list of applicable substantive criteria.

Director Skinner presented the staff report. The applicant/property owners, James and Jody Olson, are requesting a variance in order to construct a single-family residence on a property encumbered by a natural resource overlay zone. Ms. Skinner provided background on the project, the wetland analysis provided by a consultant to the property owner, input from the Department of State Lands, and communications with the Department of Land Conservation and Development. She reviewed the staff findings related to the specific review criteria, stating that the applicant has met these criteria and therefore staff recommends approval by the Planning Commission.

The applicants, James and Jody Olson, provided a brief overview of their situation, including the purchase of the lot in 1993 for their future retirement home, which occurred prior to the establishment of the natural resource overlay zone. Mr. Olson stated that they were not made aware of the overlay and its impact to the buildability of their lot until very recently.

There was no testimony in support for, neutral to, or opposed to the application. There was no testimony from invited agencies.

Responding to a question from Chair Blackerby, Mr. Olson shared that they had not moved forward in creating a building plan pending Commission action on the variance.

Commissioner Vincent moved to close the public hearing. Commissioner Sumner seconded, and the motion passed.

The applicants waived their opportunity to provide final written arguments after the close of the hearing.

Chair Blackerby opened deliberations. Commissioner Vincent moved to approve the variance, seconded by Commissioner Johnson. The motion passed 5 in favor, one absent.

MOTION:	VAR 2022-02 Olson Natural Resource Development Variance
MOVER:	Vincent
SECONDER:	Johnson
AYES:	Johnson, Sumner, Baker, Vincent, Blackerby
AWAY:	Schlesinger
RESULT:	Passed

6. OLD BUSINESS

None.

7. NEW BUSINESS

7.1. Housing Needs Analysis Update

Director Skinner gave an overview of current activities relating to the Housing Needs Analysis, and its relation to the Comprehensive Plan Update. Ms. Skinner shared that she is working with Alison Robertson, Director of Lincoln City Economic Development and Urban Renewal Agency, and 3J Consulting to update the 2017 Housing Analysis. Results are expected to be ready for presentation to the Planning Commission in late summer/early fall. Staff are also working on refining the buildable lands inventory to more accurately reflect existing conditions, zoning, lot restrictions, and ownership. Currently the inventory shows a surplus of buildable lands.

7.2. Housing - Comprehensive Plan Update

Director Skinner reminded the Commissioners that they identified Housing as one of their top priority goals to address within the Comprehensive Planning Update. She shared that the public had been invited to attend and provide feedback, but that the lack of attendance indicated a need to reconsider the community engagement program moving forward.

Patti Kroen agreed that a more rigorous public involvement process would be necessary, and suggested a variety of strategies for soliciting public input, such as work sessions and attendance at community events.

Director Skinner shared comments she had received from three members of the public. One expressed concern regarding the City's lack of response to the issue of homelessness and the lack of affordable housing and related services. Two comments objected to the proliferation of short-term rentals and their impact on the cost and availability of workforce housing.

Commissioner Baker shared a couple of ideas about increasing public participation in the Comprehensive Plan Update. Commissioner Sumner offered to host an event in coordination with the Chamber of Commerce. Chair Blackerby suggested utilizing casino facilities for events, and Commissioner Baker added that schools might also be good sites.

Lastly, Director Skinner shared that she and Director Robertson would be providing the City Council with an update on housing at the City Council's March 28th meeting. This will include information about construction trends, numbers of permits obtained, and progress made on the strategies identified in the previous housing study.

8. PLANNING COMMISSION TRAINING

None.

9. REPORTS AND COMMENTS

None.

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

The Planning Commission meeting on April 5th will include deliberations on VAR 2022-01 regarding the Roads End street side setback variance, and introduction of a code text amendment on setbacks in Roads End. One other code text amendment regarding general Title 17 corrections will also be presented. Responding to a question from Chair Blackerby and feedback from several Commissioners, Director Skinner stated that the next Planning Commission meeting will be an in-person meeting.

11. ADJOURN

Chair Blackerby closed the meeting at 8:49 PM.

Respectfully submitted,

Anne Marie Skinner
Planning Director

Kim Blackerby
Chair