

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
May 3, 2022**

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

Chair Blackerby called the May 3rd Lincoln City Planning Commission meeting to order at 6:03 PM, followed by the Pledge of Allegiance and calling of the roll.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Glenn Johnson	Commissioner	Present	
Mellissa Sumner	Commissioner	Excused	
Marci Baker	Commissioner	Late	6:43 PM
Robert Vincent	Commissioner	Present	
Kim Blackerby	Chair	Present	
Miles Schlesinger	Commissioner	Present	

**2. AGENDA CHANGES OR REVISIONS**

None.

**3. MINUTES**

**3.1. Planning Commission - Regular Meeting - Apr 19, 2022, 6:00 PM**

<b>MOTION:</b>	<b>Approve the minutes of the April 19<sup>th</sup> meeting, as written</b>
<b>MOVER:</b>	<b>Vincent</b>
<b>SECONDER:</b>	<b>Schlesinger</b>
<b>AYES:</b>	Johnson, Vincent, Blackerby, Schlesinger
<b>ABSENT:</b>	
<b>EXCUSED:</b>	Sumner, Baker
<b>RESULT:</b>	<b>Passed</b>

**4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**

Chair Blackerby introduced this agenda item and stated that per staff recommendation they would be considering each of the five final recommendations separately. He also requested that Commissioners use the exact language included in the packet when putting forward their motions.

**4.1. Final Recommendation for CPA ZC 2022-02 Nesika Park**

The Planning Commission voted 4-0 in favor of approving Final Recommendation 2022-10 for CPA ZC 2022-02 Nesika Park recommending approval of the comprehensive plan map amendment and zone change.

<b>MOTION:</b>	<b>Approve Final Recommendation for CPA ZC 2022-02 Nesika Park</b>
<b>MOVER:</b>	<b>Vincent</b>
<b>SECONDER:</b>	<b>Schlesinger</b>
<b>AYES:</b>	Johnson, Vincent, Blackerby, Schlesinger
<b>ABSENT:</b>	
<b>EXCUSED:</b>	Sumner, Baker
<b>RESULT:</b>	<b>Passed</b>

#### 4.2. Final Recommendation for CPA ZC 2022-03 Park in Taft

The Planning Commission voted 4-0 in favor of approving Final Recommendation 2022-11 for CPA ZC 2022-03 Taft Park recommending approval of the comprehensive plan map amendment and zone change.

<b>MOTION:</b>	<b>Approve Final Recommendation for CPA ZC 2022-03 Park in Taft</b>
<b>MOVER:</b>	<b>Schlesinger</b>
<b>SECONDER:</b>	<b>Vincent</b>
<b>AYES:</b>	Johnson, Vincent, Blackerby, Schlesinger
<b>ABSENT:</b>	
<b>EXCUSED:</b>	Sumner, Baker
<b>RESULT:</b>	<b>Passed</b>

#### 4.3. Final Recommendation for CPA ZC 2022-04 Taft Open Space

The Planning Commission voted 4-0 in favor of approving Final Recommendation 2022-12 for CPA ZC 2022-04 Taft Open Space recommending approval of the comprehensive plan map amendment and zone change.

<b>MOTION:</b>	<b>Approve Final Recommendation for CPA ZC 2022-04 Taft Open Space</b>
<b>MOVER:</b>	<b>Blackerby</b>
<b>SECONDER:</b>	<b>Schlesinger</b>
<b>AYES:</b>	Johnson, Vincent, Blackerby, Schlesinger
<b>ABSENT:</b>	
<b>EXCUSED:</b>	Sumner, Baker
<b>RESULT:</b>	<b>Passed</b>

#### 4.4. Final Recommendation for CPA ZC 2022-05 Palisades Open Space

The Planning Commission voted 4-0 in favor of approving Final Recommendation 2022-13 for CPA ZC 2022-05 Palisades Open Space recommending approval of the comprehensive plan map amendment and zone change.

<b>MOTION:</b>	<b>Approve Final Recommendation for CPA ZC 2022-05 Palisades Open Space</b>
<b>MOVER:</b>	<b>Johnson</b>
<b>SECONDER:</b>	<b>Schlesinger</b>
<b>AYES:</b>	Johnson, Vincent, Blackerby, Schlesinger
<b>ABSENT:</b>	
<b>EXCUSED:</b>	Sumner, Baker
<b>RESULT:</b>	<b>Passed</b>

**4.5. FR 2022-14 for CPA ZC 2022-06 Wildwoods**

The Planning Commission voted 4-0 in favor of approving Final Recommendation 2022-14 for CPA ZC 2022-06 Wildwoods recommending approval of the comprehensive plan map amendment and zone change.

<b>MOTION:</b>	<b>Approve FR 2022-14 for CPA ZC 2022-06 Wildwoods</b>
<b>MOVER:</b>	<b>Vincent</b>
<b>SECONDER:</b>	<b>Johnson</b>
<b>AYES:</b>	Johnson, Vincent, Blackerby, Schlesinger
<b>ABSENT:</b>	
<b>EXCUSED:</b>	Sumner, Baker
<b>RESULT:</b>	<b>Passed</b>

**5. PUBLIC HEARINGS/DELIBERATIONS**

**5.1. CUP 2022-01 Resnikoff dock**

Chair Blackerby opened the public hearing at 6:11 PM, introduced the application, read the required statements, and explained the order of proceedings for the hearing. No Commissioners were excused for conflicts of interest, no challenges were offered. Director Skinner listed the applicable substantive criteria.

Director Skinner presented a summary of the staff report for the application. The owners of the property at 496 S Schooner Creek Rd, Nancy Hatley and Phil Resnikoff, are requesting a conditional use permit for a dock they have already constructed within an unnamed creek tributary to Schooner Creek. Comments were received from Oregon Department of State Lands, Oregon Department of Fish and Wildlife, and Adam Springer, an attorney representing the adjacent neighbor, Mr. Jeremy Cassel. Since the applicants’ submittals did not include all needed information, Director Skinner recommended a total of 10 conditions that the Planning Commission include if it is determined that the request complies with the criteria.

Commissioner Baker joined the meeting at 6:43 PM.

Philip Resnikoff and Nancy Hatley gave a brief presentation to the Planning Commission in support of their application, and responded to questions from various Commissioners. They shared that they had met with Lincoln City staff and were led to believe that they would not need any permits. Mr. Resnikoff contended that he has not impacted his neighbor's use of the creek during high tide, and that at low tide the creek is not passable by anyone. He assured the Planning Commission that he would work with the appropriate regulatory agencies to meet the necessary conditions should the conditional use permit be approved.

Following a question from Commissioner Baker, Mr. Resnikoff stated that he felt he could meet the requirements, but was challenged as to how he could measure the water body at low tide, since at low tide there was no water in the creek. Chair Blackerby shared his frustration that the two neighbors were unable to work together to resolve the issue, as had been the Planning Commission's experience in a previous dock conditional use permit case.

Jeremy Cassel and his attorney Adam Springer spoke next. They maintained that the creek is too small to support the dock, and that passage is blocked in most instances, excepting very high tides. Mr. Springer encouraged the Planning Commission to deny the application due to the fact that the conditions would not be able to be met.

Director Skinner reminded the Planning Commission that the code states that "no pier, dock or similar facility shall extend into any watercourse more than five percent of the width thereof as measured perpendicular from the mean low water line on one side of the watercourse to the mean low water line on the opposite side." If a site plan cannot be provided that meets this requirement, the dock cannot be allowed.

There were no other members of the public requesting to speak at the public hearing.

Mr. Resnikoff was given an opportunity for rebuttal. He disagreed with his neighbor's description of the timeline, the characterization of the tides, and access to their property. He again asked how he can measure low water line when the creek is completely dry during low water times.

Responding to a question from Commissioner Johnson about the dock needing to be less than 5% of the low water, Mr. Resnikoff said he had not been aware of that rule until recently.

Commissioner Vincent moved and Commissioner Johnson seconded a motion to close the public hearing and the record. Chair Blackerby closed the public hearing at 7:37 PM, and began the deliberations. Commissioner Johnson stated that without additional information the applicants could not meet the 5% rule. Commissioner Baker made a motion to deny CUP 2022-01 because it fails to meet 17.77.060.D.1, 2, and 4 and 17.44.040.B.3.c.

City Attorney Appicello added that the Planning Commission's tentative decision would be brought back as a written document to accept at the next meeting.

<b>MOTION:</b>	<b>Deny CUP 2022-01 Resnikoff dock because it fails to meet 17.77.060.D.1, 2, and 4 and 17.44.040.B.3.c</b>
<b>MOVER:</b>	<b>Baker</b>
<b>SECONDER:</b>	<b>Schlesinger</b>
<b>AYES:</b>	Johnson, Baker, Vincent, Blackerby, Schlesinger
<b>EXCUSED:</b>	Sumner
<b>RESULT:</b>	<b>Passed</b>

## 5.2. ZOA 2022-08 Housing

Following a brief break, Chair Blackerby opened the public hearing for ZOA 2022-08 at 7:59 PM. Director Skinner presented the staff report which included an overview of the purpose for amending the code at this time, and a more detailed review of the specific code changes. Two

major factors triggered the amendment process, including recent Oregon legislative actions related to manufactured housing, emergency sheltering provisions, and child care facilities. The second trigger is direction from Lincoln City City Council to reduce impediments to development of housing and redevelopment of existing developed sites to the extent that it is practicable and reasonable. Examples include the reduction of required common open space in multi-unit dwellings; reduction of the minimum lot size within the Recreation Residential (R-R) zone; and requirements for public infrastructure improvements, landscaping, parking, and design review.

The Commissioners asked a number of clarifying questions, but overall were in support of the recommended changes. Commissioner Baker moved to recommend approval of ZOA 2022-08 with a revision to part 17.80.220 Emergency Shelters Part B.2 to include any recognized non-profit that has staff with at least two seasons experience running emergency shelter facilities. The Commission unanimously voted to recommend approval of ZOA 2022-08 as amended.

<b>MOTION:</b>	<b>Recommend approval of ZOA 2022-08 Housing with the addition to 17.80.220.B.2 to include any recognized non-profit</b>
<b>MOVER:</b>	<b>Baker</b>
<b>SECONDER:</b>	<b>Vincent</b>
<b>AYES:</b>	Johnson, Baker, Vincent, Blackerby, Schlesinger
<b>EXCUSED:</b>	Sumner
<b>RESULT:</b>	<b>Passed as Amended</b>

**6. OLD BUSINESS**

Director Skinner reminded the Planning Commission that the public outreach process for the comprehensive plan update would be starting this week, with the first session scheduled for Wednesday, May 4th from 10:00 to 11:30 AM in the Community Room at the Driftwood Public Library. Associate Planner Andrea Riner distributed a copy of the community questionnaire that will be used to elicit community feedback relating to housing, transportation, parks and open space, and natural resource protection. Director Skinner also shared how the process is being shared via a range of media outlets, including the city’s website, social media, and a recent press release.

**7. NEW BUSINESS**

None.

**8. PLANNING COMMISSION TRAINING**

None.

**9. REPORTS AND COMMENTS**

None.

**10. FUTURE AGENDA ITEMS & NEXT MEETINGS**

Director Skinner stated that the May 17th meeting would include consideration of two conditional use permit requests – one for a multi-unit residential development and one for a sign at Taft High School. The continued public hearing for the variance application for the Weston deck is also scheduled.

**11. ADJOURN**

Chair Blackerby adjourned the Planning Commission meeting at 8:52 PM.

Respectfully submitted,

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Anne Marie Skinner  
Planning & Community Dev. Director

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Kim Blackerby  
Chair