

**LINCOLN CITY PLANNING COMMISSION
MINUTES
July 6, 2021**

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

Attendee Name	Title	Status	Arrived
Marci Baker	Chair	Present	
Kim Blackerby	Commissioner	Present	
Patti Kroen	Commissioner	Present	
Lenny Nelson	Commissioner	Present	
Miles Schlesinger	Commissioner	Present	
MacNeale Smith	Commissioner	Excused	

2. AGENDA CHANGES OR REVISIONS

None

3. MINUTES

3.1. Planning Commission - Regular Meeting - Jun 15, 2021 6:00 PM

MOTION:	Motion to approve the minutes from the June 15, 2021 meeting with corrections as identified by the commissioners.
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Kim Blackerby, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Schlesinger
EXCUSED:	MacNeale Smith
RESULT:	Passed

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

None tonight

5. PUBLIC HEARINGS/DELIBERATIONS

1. SUB 2020-02 Overlook Subdivision

Chair Marci Baker opened the public hearing, introduced the application, and read the required statements. There were no declarations of ex-part contact or of bias. There were no objections to the jurisdiction or qualifications of the Planning Commission or its members.

Senior Planner Dave Mattison read the applicable criteria.

Chair Baker summarized the public hearing procedures.

Commissioner Blackerby noted a difference between the description of the lot sizes in the introduction and other places in the document. His question was deferred until the applicant's testimony.

Mr Mattison presented the staff report, describing the proposed subdivision and the location. He showed several photographs from the Planning Commission's site visit on June 22, 2021. The application is a request for approval of a 5-lot residential subdivision for detached single-family dwellings. An e-mail comment received on an earlier version of the application identified 5 main concerns, list in the slide presentation as 1) a need for speed bumps on Logan Rd, 2) that the setback of homes from the property line not defined on the site plan, 3) that there is no information on the proposed homes size and levels, 4) trees on my side of property line and limb overhang, and that 5) the "5 houses along my driveway would effectively create a wall looking east from my yard." Chair Kroen pointed out that the letter was not included in the meeting packet. The comments were received by e-mail, and the entirety of the e-mail was included in the slide presentation.

Mr Mattison read a letter from Cheryl Gauche requesting that the commissioners not approve the request.

Mr Mattison summarized the options the Planning Commission has 1) approve the subdivision application, 2) approve with application with conditions, or 3) deny the application.

Mr Mattison said that the subdivision meets all of the requirements for a subdivision. He said that the proposed 5-lot sub-division is compatible with surrounding properties. Staff's recommendation is approval of the proposal with proposed conditions contained in the staff report. He noted that there are some duplicate conditions (6, 7, and 8 are repeated again in the engineering conditions).

Questions from the Planning Commission for Mr Mattison:

Commissioner Blackerby asked what rules there are in the code about gates on communities. Mr Mattison said that gates can be allowed with the approval of Public Works for maintenance reasons. Commissioner Blackerby asked what kind of emergency access there is. He asked about the effect on traffic with a garbage truck waiting for the gate to open. Mr Mattison suggested that the question would best be answered by the applicant.

Commissioner Blackerby asked if there have been any recent traffic studies done on Logan Rd. Commissioner Kroen noted that copies of traffic studies done on Logan Rd had been previously requested by Commissioner Blackerby.

Commissioner Kroen asked about the intersection between the driveway and Logan Rd, which is a blind corner. She said that it is important to look at, particularly when the applicants are not able to meet the requirements for clear vision coming out onto Logan Rd. Absent a traffic study, a visual representation so that people can take a look at it and see what it will be like coming out of that intersection. Pictures of that intersection will be helpful.

Commission Kroen asked about a section at the top of packet page 18 - there is a finding that the applicant is required to improve the adjacent public streets, but she does not see anything that they are proposing to improve Logan Rd. She asked Mr Mattison to explain that finding. Mr

Mattison read that section of the packet and said that it would be improvements to Logan Rd. He said that it would be something to bring up with the applicant.

Commissioner Kroen said that the findings look a little odd - that they have been cut and pasted from the application. She suggested that it was not appropriate in a staff report.

Mr Kim said that with a 5-lot subdivision, the PM peak trips is expected to be approximately 5. He said that Logan Rd is not at capacity and that congestion on Logan Rd is on Hwy 101. Commissioner Blackerby disagreed, noting the State Park and other sources of traffic on the road. There was some discussion about the numbers.

Commissioner Blackerby also asked about the requirements for street improvements, and asked whether sidewalks along Logan Rd would be part of the requirement.

Commissioner Kroen noted that pg 20 under access requirements states that each lot has 25 ft of frontage along a public street, but they that the applicants are not proposing a public street, they are proposing a private street. Commissioner Kroen asked about a condition 22 requiring "no parking" signs, even though it is a private road, and asked how the no parking would be enforced. Mr Mattison said that it would be the responsibility of the HOA.

Chair Baker said that she was curious about building coverage mentioned as 35%.

Hayden Wooton presented for the applicants, starting with an answer to the commissioners' earlier question about a discrepancy in the lot sizes. He said that the lot sizes in the staff report are the correct ones.7:02) - started with lot size. The lot sizes listed in the staff report are the correct ones. Mr Wooton read the lot sizes of the 5 lots. The subdivision complies with lot size, lot width and depth. Mr Wooton thanked Mr Kim for the traffic analysis numbers, and state again that the proposal is for a 5-lot subdivision and so is expected to generate relatively small trips and small impact on the traffic.

Because of the relationship of the lot to Logan Rd, they were not able to meet the 90 degree standard. However, there allowable alternatives - the proposal meets one of those alternatives (curb radius). Mr Wooton confirmed that the applicant will be doing the half-street improvements on Logan Rd.

Commissioner Kroen asked about the sidewalk that would be part of the half-street improvements. They will terminate and just be ends. THERE was some conversation about options, such as payment in lieu of improvements, to prevent having just a single segment of sidewalk

The proposed gate will be set far enough back to allow for queueing of trash trucks, emergency vehicles, etc. Commissioner Kroen asked why the road is private. She said that she is not in favor of a private road and not in favor of a gate. She said that she thinks that the Roads End standards are silent on gates. Logan Rd is the one way in and one way out of Roads End. She said that she is not concerned terribly about the five houses, but is concerned with the gate. Dave Reece, also present to speak for the applicant, pointed out that the congestion issues happen at peak hours. 5 units will not generate enough peak hour trips to cause an impact. Commissioner Kroen said that Roads End does not fit the standard traffic conditions. She said that is why she and Commissioner Blackerby are so intent on having a traffic analysis done for Logan Rd. She said that her problem is not the five houses, but that she is not supportive of the gate.

Dave Reece said that the private street is designed to and will be developed to the city standards. There is a city standard for private streets. He said that he agrees that HOAs can be complacent with maintenance. With or without a gate, there will be some sort of citation of the street is not kept up to city standards. The applicant wants to have a gate.

Commissioner Kroen said that the gate is not consistent with the neighborhood. Commissioner Blackerby said that he thinks that there is a risk to the city and to the development having a private road and the gate there. He said that he doesn't know if Mr Reece has paid attention to the hill that approaches the development. It is a blind corner. Cars will have to slow almost to a stop to make the turn. He said that he is going on the record to say that there is a liability and something needs to be done to mitigate the liability, and that he expects that this if were to be improved, the developer should pay for the steps. It is a dangerous intersection and someone is going to be killed there.

Mr Wooton said that there are vision clearance standards that the development has to meet. It doesn't alleviate all of the concerns, but there are standards that will be required to be met. Mr Reece said that he is aware of conditions on Logan Rd.

Mr Mattison asked about the proposed stacking of vehicles prior to reaching the gate coming off of Logan Rd. Mr Wooton said that the conversation so far with the developer is that the goal would be 2-2.5 cars. The statement in the application is that the applicant would like to reserve the right to build the gate. If it gets to the point that they cannot have the gate and stack 2-3 cars, they would not have the gate. But if they able to make it happen, they would prefer to have the gate. The gate is still very a preliminary item, which is why the language in the application is soft.

Commissioner Kroen asked whether accessing Lot 1 from Logan Rd is still on the table. Mr Wooton said that the preference would not be to have a private driveway exiting onto Logan Rd.

Mr Mattison asked about the vegetation management to improve visibility coming out of the development. Mr Wooton said that any vegetation would be trimmed for clear vision.

Commissioner Blackerby said that other considerations include cars coming from private residences nearby, and coming from Neptune Rd. He said that he has witnessed a dozen near misses at the intersection of Port Lane and Logan Dr. Mr Wooton said that they realize that there are traffic issues with Logan Rd. However, the size of the subdivision and the number of trips generated do not rise to the level of generating off-site impacts.

Commissioner Kroen asked that the road not be named Neptune. Neptune is particularly confusing in Roads End. There was some discussion about naming of streets in Lincoln City.

Chair Baker asked whether the applicant has anything else in his presentation.

Mr Appicello, responding to earlier discussion about alternatives to creating a section of sidewalk on Logan Rd, said that there is language in LCMC 17.52.230 about deferred improvements, which is something that the City Manager can do prior to final plat approval. It allows a fee in lieu of a deferred improvement agreement if the manager or designee finds it is warranted. So there is provision for avoiding development of a little section of sidewalk that just sits there for years.

Commissioner Blackerby said that there is a vacant lot just south of the subject property. He asked whether the developer gave any consideration to purchasing that lot and using that to have the street come out on 51st street, which would alleviate many of these problems on Logan Rd. Mr Wooton said that he does not know whether the owner pursued that. He said that it is difficult to go down the road of pursuing properties other than the subject property.

There were no additional questions for the applicant.

There was no testimony from the public.

There was no testimony from public agencies.

There were no requests to leave the record open.

The commissioners closed the hearing and record by motion and a vote (recorded below)

The applicant waived the opportunity to provide additional testimony after the close of the record.

Chair Baker asked if the City Attorney or staff have any recommendations based on the application of the law.

Mr Appicello pointed out that the testimony from the staff are that all of the criteria have been met. Commissioner Blackerby said that he believes there are safety issues regardless of the calculations. He asked whether the planning commission can impose conditions to improve the safety of Logan Rd, paid for by the applicant. He mentioned signage in other places in the city mentioning hidden driveways and blind curves. Mr Appicello said that the City Council has the authority to control traffic (Title 10). They exercise that by resolution. Mr Appicello said that we are dealing with a subdivision that is governed by Title 16 and Title 17. When the Public Works staff send conditions of approval to be added to the staff report, those come from their analysis of the existing standards. Mr Appicello asked what safety standard can be cited that is about concern for safety on Logan Rd. He said that he believes the commission is bound by the design standards in the code. Based on the review by Public Works and the incorporation into the staff report, the application meets those standards.

Chair Baker said that the clear vision triangle is something that is required to be meet, and asked whether additional conditions are unnecessary because the clear vision is already required. Mr Mattison said that when the Public Works review the approach to the subdivision, they look at whether it is safe.

Chair Baker said that a gate there seems to be dangerous, but that it looks like the applicant has already considered the placement of the gate with queueing. Commissioner Kroen noted that the drawing in the packet shows the gate at the road. She asked whether the Planning Commission can ask for a road that is consistent with other public roads in Roads End. Mr Appicello said that because this is a straight subdivision and not a PUD, if the applicant meets all of the standards, there is not something else that can be required. There is nothing in the Roads End zoning ordinance that prohibits a private road.

Deliberations:

Commissioner Schlesinger said that he agrees with Commissioner Blackerby that the road is highly trafficked, but that there are other ways that the Planning Commission could deal with that such as speed bumps in the road or something that could slow down traffic and make it difficult for people to speed. He said that he thinks that this development should proceed and will vote to give it the go ahead as staff has suggested.

Commissioner Blackerby said that he thinks that because the Planning Commission is volunteer citizens, they owe some portion of their job to protection of the community. He said that he recognizes that there is probably little that can be done to stop the application, but that he thinks that there should be consideration to mitigate the conditions that commissioners have raised. He said the he would have loved to hear the developer agree to take steps, recognizing the difficulty. He said that they have not heard anything other than statistics that there are not dangers on that road. There are a lot of steps that can be taken to mitigate the issues on that road. He said that he would be in favor of delaying the vote if that is possible. He said that he would like to hear from Public Works. He said that he just does not buy that the intersections of Logan Rd and Hwy 101 is the measure of traffic on Logan Rd.

Mr Appicello pointed out that procedurally there has already been a motion passed to close the record and the hearing. He said that if a majority of the commission wants to go that route, they will have to do a motion to reconsider, which would be reopening the record and the hearing.

Commissioner Schlesinger asked if the city engineer could be asked to provide alternatives to slow the traffic down as a separate meeting, so that the subdivision is not slowed down further. Mr Appicello pointed out that traffic control is the responsibility of the City Council and can be delegated to the City Manager. It must be based on Engineering. That is not something that the Planning Commission does. He said that the Planning Commission can have the city engineer appear to testify about how the application meets the criteria in Title 16 and Title 17, but that was what all went into the staff report from Public Works. Mr Appicello also pointed out that he is not hearing which requirements of the code that are not being met.

Commissioner Schlesinger said that he is more concerned about how to bring the concerns about the issue to the City Council or the City Manager about Logan Rd to maybe continue the sidewalk, so that there are not bits and pieces of the sidewalk.

Chair Baker said that the last time the Planning Commission looked at a development off of Logan Rd, they all agreed that there are issues with traffic on Logan Rd. There is already a house at the site, so the application is essentially adding 4 new houses. Chair Baker suggested that traffic off of Logan Rd be treated as a separate issue, and that unless the city says that there is blanket no more development off of Logan Rd, then the Planning Commission has to follow the criteria.

Mr Appicello recommended that any comments related to traffic control measures on Logan Rd to City Council should not be tied to the application for the subdivision. The question in front of the Planning Commission is whether the proposal meets the requirements of the code, which is the question before them.

Commissioner Schlesinger said that he does not object to the gate if it is recessed a far enough distance. He does not think that they have enough room for there to be a gate. He said that he thinks that the application should be approved.

Commissioner Nelson said that she is terribly neutral, but doesn't want to make a motion. Mr Appicello clarified that the Planning Commission has authority to approve a tentative subdivision.

Commissioner Nelson moved to approve the subdivision subject to the conditions in the staff report. Chair Baker seconded. The motion and votes are recorded below.

Giving the reason for her "no" vote, Commissioner Kroen said that she thinks that a private road is inconsistent with Roads End and that she is not comfortable delegating maintenance of the road to an HOA. She said that we just say a collapse of a building in Miami because of an HOA deferring maintenance. The gate needs to be dealt with later in the process.

Commissioner Blackerby explained his "no" vote, saying that absent any more details around the engineering, and absent any traffic studies that have been previously requested, he believes there is a public safety issue.

5.1.1.

MOTION:	Motion to close the public hearing and the record for SUB 2021-02 Overlook Subdivision
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Miles Schlesinger, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Schlesinger
EXCUSED:	MacNeale Smith
RESULT:	Passed

5.1.2.

MOTION:	Motion to approve SUB 2021-2 Overlook Subdivision subject to the conditions in the staf report
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Marci Baker, Commissioner
AYES:	Marci Baker, Lenny Nelson, Miles Schlesinger
NAYS:	Kim Blackerby, Patti Kroen
EXCUSED:	MacNeale Smith
RESULT:	Passed by Roll Call Vote

2. ZOA 2021-03 (Ordinance 2021-14) Amendment to LCMC 17.20 R-M and 17.32 GC Zones

Chair Baker introduced the public hearing and asked for abstentions based on conflict of interest or personal bias. There were none.

Chair Baker asked staff to present the staff report.

Mr Kim presented the staff report. The item was initiated by the City Council. Last year single-family homes were removed as a permitted use in the RM zone. This is related to Statewide Goal 10 requiring that each city plan for and accommodate needed housing types, such as multifamily

and manufactured homes. There is federal support for conversions of hotels to workforce housing. R-1 and R-1-RE zones allow duplexes on lots greater than 8,000 square feet. If the lot is in the RM zone and is less than 8,000 sf, single family homes should be allowed. We are talking about making nonconforming lots into conforming lots.

There has been expressed intent to convert existing hotels and motels into workforce housing that could result in as many as 130 new units.

Two comment letters were received. One from the Kenney family was an objection. One from the Tharp family was initially sent to County planning and was brought to the Planning Department today. Mr Tharp has a 10,000 sf lot, but a large portion is wetland and not buildable. His lot would not be included in this amendment. Mr Kim displayed on the screen a potential modification to the ordinance vs what went out in the packet that changed "lot with and area of 8,000 sf" to "lot with an area or a buildable area, outside of a conservation easement." The requirement would be that if an applicant is claiming that an area is not buildable, that they place it in a conservation easement, if the buildable area is less than 8,000 sf.

Commissioner Kroen asked if we have a definition of buildable area. Mr Kim said that slope of greater than 30% or similar could be added to the description. Commissioner Blackerby noted a concern from one of the comment letters about removing restrictions related to garbage, etc. There is not removal of standards or restrictions. Mr Kim said that he believed that detached single-unit homes allowed under the amendment should be developed to the standards of the R-1 Zone. Commissioner Kroen asked whether that is stated specifically in the language of the ordinance.

Commissioner Blackery said that the Kenney letter seems to think that the amendment will lead to development of accessory-use buildings. Accessory dwelling units would be allowed, following the standards of the R-1 zones.

Commissioner Kroen asked about the hotel conversions to workforce housing. She asked about the 20% limit, and asked about the 80%, as displayed in the presentation. Mr Appicello said that the governor has signed 3261, which declares an emergency, and which takes away some of the discretion that the city is seeking with the second part of the ordinance. We knew that the state was working on something and we tried to get ahead of it. It looks like we are too late. 3261 is probably going to wipe out section two of this ordinance, and says a local government shall unconditionally allow the conversion of a property of a hotel or motel to emergency shelter. And conversion of emergency housing to affordable housing. Conversion under the section is not a land use decision.

Commissioner Kroen said that she is confusing what the conversions are about. Mr Appicello said that what he wrote was that a hotel could be converted to residential use - from a hotel to permanent residential use. We did not propose a conversion for emergency shelters. We have an ordinance now already that allows emergency operations uses in all zones provided that a designation is made in an emergency resolution. After the fires we designated several properties as emergencies operations. Several of those were hotels that were authorized for extended residential use. It was a housing emergency caused by the destruction of those and many more homes across the state. He said that he does not believe that what we have in section 2 will survive given what the state has passed.

He said that he thinks the RM fix is a good thing. The previous director wrote a memo that was included in the packet. We still do need to tie the use to the R-1 standards.

There was no public comment.

Commissioner Kroen said that she would like to separate out the RM zone and GC zone portions of the ordinance.

The hearing and record were closed by motion and a vote (recorded below)

Commissioner Kroen said that her preference is to change the language to be 10,000 sf or less. She does not believe that there will be significant multi-family developments on lots of 10,000 sf or less. It seems reasonable and clean. She said that she appreciates the approach using buildable area, but that we would need to define buildable area. She said that she would go with lots with an area of 10,000 sf or less, unless there is information that there are a lot of lots between 8,000 and 10,000 sf. Commissioners Blackerby and Baker expressed agreement.

Mr Appicello had a suggestion in terms of motion - address it in terms of section 1 and section 2. Section 1 with a change from 8k to 10k wit appropriate reference to R-1 standards, and given the adoption of 3261 section 2 to be abandoned and that legislation reviewed for supplemental standards..

The Planning Commission recommended by motion and roll-call vote as is recorded below.

Chair Baker was authorized to sign the final recommendation to the City Council by motion and a vote, as recorded below.

5.2.1.

MOTION:	Motion to close the public hearing and the record for ZOA 2021-03
MOVER:	Kim Blackerby, Commissioner
SECONDER:	Patti Kroen, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Schlesinger
EXCUSED:	MacNeale Smith
RESULT:	Passed

5.2.2.

MOTION:	Motion to recommend approval of Section 1 of the amendment with a change from 8,000 sf to 10,000 sf, with appropriate reference to the R-1 standards, and given the adoption of 3261 recommend that Section 2 be tabled or abandoned and that legislation reviewed for supplemental standards
MOVER:	Patti Kroen, Commissioner
SECONDER:	Kim Blackerby, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Schlesinger
EXCUSED:	MacNeale Smith
RESULT:	Passed by Roll Call Vote

5.2.3.

MOTION:	Motion to authorize Chair Baker to sign the final recommendation to City Council
MOVER:	Patti Kroen, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Blackerby, Kroen, Nelson, Schlesinger
EXCUSED:	MacNeale Smith
RESULT:	Passed

6. OLD BUSINESS

Commissioner Blackerby asked about the status of the vacant Planning Commission position. Mr Kim said that he believes two people have applied. City Council will interview and choose a person to fill the vacant position.

7. NEW BUSINESS

Commissioner Blackerby said that based on the discussions about the Overlook Subdivision, he would like to have a work session with Public Works to discuss Logan Rd in general. Commissioner Nelson said that she thinks it is a good idea. Chair Baker asked Mr Appicello if, because the Planning Commission does not have a role in traffic issues, they should just make a recommendation to the City Council.

Mr Appicello said that Planning Commission would not be too out of bounds if they made a motion saying to Council that there have been several hearings where traffic on Logan Rd came up and asking them to look into the issue. Commissioner Blackerby said that they will want to make that motion to the Council as well, but that it would be informative for the Planning Commission to hear directly from Public Works about their process, and how they make their decisions. He said that he thinks that it would be educational to hear from them. Commissioner Kroen said that when there were public meetings, it was traditional to have someone from Public Works come to meetings so that when there is something like this in front of use there is someone there to answer questions during the staff report questions.

8. PLANNING COMMISSION TRAINING

None

9. PLANNER COMMENTS

None

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

There is currently nothing on the agenda for the next meeting. The tree preservation and lighting ordinances are going to the City Council first so that they can formally initiate the changes. Those will come to the Planning Commission in early August.

The next Planning Commission meeting will be an in-person meeting.

11. ADJOURN

Respectfully submitted,

James White
Assistant Planner

Marci Baker
Chair