

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
May 5, 2020**

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

| <b>Attendee Name</b> | <b>Title</b> | <b>Status</b> | <b>Arrived</b> |
|----------------------|--------------|---------------|----------------|
| Marci Baker          | Commissioner | Present       |                |
| Kim Blackerby        | Commissioner | Present       |                |
| Joshua Brainerd      | Commissioner | Present       |                |
| Patti Kroen          | Chair        | Present       |                |
| Lenny Nelson         | Commissioner | Present       |                |
| Miles Schlesinger    | Commissioner | Present       |                |
| MacNeale Smith       | Commissioner | Present       |                |

**2. AGENDA CHANGES OR REVISIONS**

**3. MINUTES**

**3.1. Planning Commission - Regular Meeting - Mar 3, 2020 6:00 PM**

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Motion to Adopt the March 3, 2020 Minutes</b>              |
| <b>MOVER:</b>    | <b>Joshua Brainerd, Commissioner</b>                          |
| <b>SECONDER:</b> | <b>Marci Baker, Commissioner</b>                              |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith |
| <b>RESULT:</b>   | <b>Passed</b>   |

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

None

**5. PUBLIC HEARINGS/DELIBERATIONS**

1. Deliberations - ANNEX 2020-01 and CPA & ZC 2020-02

Chair Kroen explained the deliberations - that it is a case that the Planning Commission held a public hearing on, closed the record, deliberated, came back for final vote, and after some discussion decided to deliberate a little more at the next meeting, which ended up being two months later because of meeting cancelations.

Chair Kroen reminded the commissioners that in the deliberations they can pose legal questions to the city attorney, but they are not able to ask for additional facts.

Chair Kroen stated that her comments are well covered in the minutes from the March meeting, and asked for the thoughts of the other commissioners about the case.

City Attorney Richard Appicello suggested that the commissioners start with a motion and deliberate from there. Commissioner Nelson asked if the two parts of the case could be split into separate motions. Mr Appicello confirmed that they could.

Commissioner Nelson moved to allow the annexation (ANNEX 2020-01) with a second from Commissioner Blackerby. The vote is captured below.

Regarding the explanation for the "no" votes, Chair Kroen stated that her reasons are well reflected in the previous meeting minutes.

Commissioner Nelson motioned to deny the zone change (CPA & ZC 2020-02) with a second from Commissioner Baker. The vote is captured below. Chair Kroen explained that she did not think that R-1-5 is the right zone for the area, but because the vote was for a specific proposed zone, the vote had to be no. Commissioner Nelson said that she thinks the site should be annexed into the city (as reflected in her vote on that motion), but that it should not have the density of R-1-5.

Commissioner Blackerby said that there is not much difference between the county zoning and the R-1-5 zone. This was followed by some discussion of the differences.

#### 5.1.1.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Recommend approval of ANNEX 2020-01 to City Council</b>      |
| <b>MOVER:</b>    | <b>Lenny Nelson, Commissioner</b>                               |
| <b>SECONDER:</b> | <b>Kim Blackerby, Commissioner</b>                              |
| <b>AYES:</b>     | Kim Blackerby, Joshua Brainerd, Lenny Nelson, Miles Schlesinger |
| <b>NAYS:</b>     | Marci Baker, Patti Kroen, MacNeale Smith                        |
| <b>RESULT:</b>   | <b>Passed</b>   |

#### 5.1.2.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Recommend denial of CPA &amp; ZC 2020-02 to City Council</b> |
| <b>MOVER:</b>    | <b>Lenny Nelson, Commissioner</b>                               |
| <b>SECONDER:</b> | <b>Marci Baker, Commissioner</b>                                |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith   |
| <b>RESULT:</b>   | <b>Passed</b>   |

## 2. Deliberations - CPA & ZC 2020-01 Scrutton

Chair Kroen reminded the commissioners of the background of the case, which is a request to amend the Comprehensive Plan maps and zoning for properties addressed on SW Ebb Ave (she listed the addresses) from Residential Multi-Family (RM) to Recreation Commercial (R-C) zone. Deliberations on the case were held at the March 3, 2020 Planning Commission meeting, but they resulted in a tie vote. The commissioners decided to continue deliberations until all seven commissioners could be present. Commissioner Schlesinger, who was absent for the deliberations and tied vote, was present for the public hearing, has reviewed the materials, and has all of the available evidence.

Mr Appicello stated that he had neglected at the beginning of the previous deliberations (ANNEX 2020-01/CPA & ZC 2002-02) to ask whether Commissioner Nelson had reviewed the record. She replied that she had.

Chair Kroen asked the commissioners for their thoughts on the rezone.

Commissioner Baker remarked on the applicants' acknowledgement that the intent of the application is to pass on the value of the Vacation Rental License that they currently have. She said that, with all of the applications of this type that have come before the Planning Commission, maybe the city needs to revisit the VRD rules that aren't working for people, but that revision of the VRD rules is not what is in front of the Planning Commission to consider. She said that the commissioners need to look at what is in front of them, which is the conversion of the multi-family lots to commercial.

Commissioner Blackerby said that the issue should be taken up and reconsidered when the Planning Commission looks at the zoning comprehensively. If we were in a process of rezoning the city, that area stands out to be a commercial-looking zone. Whether the intent is VRDs or not, the proposal to rezone fits into that direction.

Commissioner Smith raised a question that he had raised previously in the deliberations, "Is this the time to be doing this?" He asked whether the Planning Commission should be doing piecemeal changes, or whether they should address the conversion of the area to commercial at a different time when they are looking at doing a more comprehensive change. Commissioner Blackerby asked when that comprehensive change would occur. Is it 60 days off, or two years off? Commissioner Brainerd agreed. He said that everyone is in agreement that the Comprehensive Plan needs to be revisited, but that it is a resource and time-intensive process.

Commissioner Schlesinger said that he thinks the city will have such problems for the next two years that the Comprehensive Plan will take a back seat to getting the economy rolling again. He said that he believes that it is a problem that will be satisfied when the Comprehensive Plan is redone, but that he does not see any way that the Planning Commission will get a chance to look at it in the next two years. Commissioner Nelson added that, with the amount of time the Planning Commission spent on other ordinances like the sign ordinance, she does not think that even two years will be enough.

Commissioner Smith asked about the urgency of the request, and whether the Planning Commission has time to do a comprehensive look at zoning. Mr Appicello answered that the commissioners have a quasi-judicial case in front of them and have to make a decision. He also reminded them that when they make a zone change, all of the permitted uses in the new zone are available to the property owners and there is no limitation unless there is a binding development agreement.

Chair Kroen said that the commissioners have the case in front of them and need to act on the request. They cannot tell the applicants to come back later. She pointed out that the Planning Commission has had several requests for zone changes in the last year or so, and although the term spot zoning isn't used anymore, that is what this request is. The Planning Commission has responded consistently to those requests. She said that, in her opinion, the current request is not consistent with the current Comprehensive Plan, and that she would vote no, and look at this again when the Planning Commission reexamines zoning.

Mr Appicello reminded the commissioners that they did not start the discussion by asking whether there are any ex-parte communications to disclose. Chair Kroen asked the commissioners whether anyone had any ex-parte communications about CPA & ZC 2020-01. None of the commissioners reported any ex-parte communications. Chair Kroen asked if any of the commissioners had any ex-parte communication about the previous case (ANNEX 2020-1; CPA & ZC 2020-02). The commissioners did not report any.

Responding to Chair Kroen's comments about consistency, Commissioner Blackerby said that if the Planning Commission is not going to get to a comprehensive rezoning plan in the foreseeable future, it also means that the Planning Commission would not approve any requests for rezoning in the future. Chair Kroen answered that she is "concerned that we will slide down the proverbial slippery slope. If we aren't consistent then we don't have anything to stand on."

Ms Skinner reminded the commissioners that Lincoln City has a current Comprehensive Plan, and while it may be outdated, it is still the adopted plan. There is no way of knowing right now what the outcomes of a revision to the Comprehensive Plan would be, and we cannot project what the site may or may not be designated as in a future Comprehensive Plan update. That isn't what is on the table. What is on the table is looking at this application against the current Comprehensive Plan and the current Comprehensive Plan goals and policies. Commissioner Nelson responded, pointing out that the current Comprehensive Plan allows for zone changes, and allows the Planning Commission to make such a decision if the situation warrants it.

Commissioner Blackerby moved to recommend approval of CPA & ZC 2020-01 to the City Council, with a second by Commissioner Brainerd. The votes are recorded below.

Chair Kroen and Commissioners Baker and Smith offered explanations for their "no" votes. Chair Kroen said that her vote was a question of consistency with the existing, adopted Comprehensive Plan - inconsistency with surrounding properties. Commissioner Baker said that she voted "no" because she agrees that the proposal is inconsistent with several planning goals, that the site is the north end of a very long strip of residential, and that it was clear that there were not any plans for development. She said that she thinks approval would lead to the same applications from every VRD owner. Commissioner Smith said that he agrees with Chair Kroen and Commissioner Baker, and that there is no apparent urgent need for a zone change at this time. The applicants did not have a need that was keeping them from doing what they wanted with or without the zone change.

### 5.2.1.

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Recommend approval of CPA &amp; ZC 2020-01 to City Council</b> |
| <b>MOVER:</b>    | <b>Kim Blackerby, Commissioner</b>                                |
| <b>SECONDER:</b> | <b>Joshua Brainerd, Commissioner</b>                              |
| <b>AYES:</b>     | Kim Blackerby, Joshua Brainerd, Lenny Nelson, Miles Schlesinger   |
| <b>NAYS:</b>     | Marci Baker, Patti Kroen, MacNeale Smith                          |
| <b>RESULT:</b>   | <b>Passed</b>   |

3. CUP 2019-02 Oksenholt NW Port Ave 6-plex WITHDRAWN

This application was withdrawn by the applicant

**5.3.1. CUP 2019-02 Oksenholt NW Port Ave 6-plex - conditional use permit request WITHDRAWN by applicant**

|                |   |
|----------------|---|
| <b>MOTION:</b> | <b>CUP 2019-02 Oksenholt NW Port Ave 6-plex - conditional use permit request WITHDRAWN by applicant</b> |
| <b>RESULT:</b> | <b>Withdrawn</b>  |

4. CUP 2020-02 Devils Lake Dredging

Chair Patti Kroen introduced the public hearing and read the required script. She asked the commissioners whether they had any ex parte contacts, conflicts of interest or bias to report. Commissioner Brainerd, who was acting as applicant for this hearing recused himself from acting as a commissioner for the application. Commissioner Schlesinger stated that he thought he had a bias, because he is aware of how hard the Devils Lake Water Improvement Board has worked. However, he stated that he thought his bias would go to the truth of the facts and that he could weigh his decision within the guidelines that the Planning Commission operates under.

Mr Appicello explained that the case of Commissioner Brainerd is easy because he would have an actual conflict. He announced his conflict and recused himself. Commissioner Schlesinger is not an employee of the district, but made a statement to the effect that he is willing to set that bias aside and make a decision based on the record. The planning commission gets to decide whether to allow Miles to participate. These rules were recently reviewed during a Planning Commission training.

Commissioner Nelson moved to allow Commissioner Schlesinger to be allowed to participate in the hearing, with a second from Commissioner Blackerby. The results of the vote are recorded below.

There was nobody in the physical audience to challenge Commissioner Schlesinger's participation. Ms Skinner indicated that she had not received any e-mail comments.

**5.4.1.**

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| <b>MOTION:</b>   | <b>Motion to accept Commissioner Schlesinger's statement that he can set aside his bias and allow his participation in the public hearing for CUP 2020-02</b> |
| <b>MOVER:</b>    | <b>Lenny Nelson, Commissioner</b>   |
| <b>SECONDER:</b> | <b>Kim Blackerby, Commissioner</b>  |
| <b>AYES:</b>     | Baker, Blackerby, Kroen, Nelson, Smith  |
| <b>RECUSED:</b>  | Joshua Brainerd, Miles Schlesinger  |
| <b>RESULT:</b>   | <b>Passed</b>   |

**2. Staff Report**

Planning and Community Development Director, Anne Marie Skinner presented the staff report. The request is for a conditional use permit application to dredge a portion of Devils Lake. The site does not have an address. The area proposed to be dredged is approximately 6,000 sf. Ms Skinner described the area and surrounding uses, as well as the history of the application and noticing. Devils Lake Water Improvement District has an easement at Hostetler Park, which is adjacent to the proposed dredging area. The application indicates that the easement and the south bank of the park will be used for staging and the base from which dredging will occur.

Chair Kroen asked whether the dredged area will extend from bank to bank. Ms Skinner said that she would let the applicant answer that question.

Ms Skinner reviewed the standards for conditional uses involving dredging from LCMC 17.44.040(A) the proposed dredging either meets or will meet each of those applicable standards. The applicant included the draft joint application to the US Army Corps of Engineers, the Oregon Department of State Lands, and the Oregon Department of Environmental Quality. All of those agencies will have to approve that request. Their approvals are pending Lincoln City's conditional use approval. Those approvals may come with conditions just as the city approval may come with conditions.

Ms Skinner also reviewed the criteria for approving a conditional use permit from LCMC 17.60.050(C). The criteria are met or can be met with conditions. The staff report recommends two conditions of approval: 1) that the applicant complete a traffic plan to be reviewed and approved by Public Works and/or ODOT as applicable, and 2) that the applicant obtain and provide copies to the City of all the necessary permits from state and federal agencies.

Chair Kroen asked whether the conditional use permit is good for only one time dredging or as needed over a ten-year period. The application speaks to maintenance dredging as needed over a ten-year period.

### **3. Applicant Testimony**

Josh Brainard presented for the Devils Lake Water Improvement Board. He began by showing a progression of aerial photographs starting in 1994 and showing the progressive deposition of sediment in the lower portion of Devils Lake over a period of several decades. He told the commissioners that the best estimates are that sedimentation is going to continue to occur. Before the waterways were regulated there were solutions using various methods. The DLWID has been working for the last several years with the Oregon Department of Fish and Wildlife. Pacific Lamprey was a species of concern in the area, but the opinion of the area is that it is very dynamic and that there is not enough area without change to support other than intermittent aquatic life. There have been issues previously with e-coli with a waterfowl origin.

The sediment deposits cause water to back up in the lake, which causes issues with the lake being able to drain out. This results in property damage and upsets habitat. The DLWID has a water right to maintain the weir and keep it free from debris.

The DLWID is not proposing to excavate bank to bank. They will dig a channel out to about 20 feet out in the water using an excavator to allow the river channel to flow out under the

bridge. The City of Lincoln City and DLWID have been working on a similar project on the West side of the bridge. They go out several times a year and maintain the channel next to the wayside. It is clear that they need to do something on the East side as well.

Chair Kroen said that she finds it curious that the DLWID is not proposing to do more extensive dredging - especially with the impacts to the channel to the south. She asked whether any modeling of how the deepened channel will affect the remaining sediment has been done. Mr Brainerd responded that it will be easier to approve the dredging as a maintenance activity. That they hope to conduct the maintenance dredging for a couple of years and would work on a larger sediment removal - a one time event. The hope is that some of the material sloughs off with the hydrology coming down the lake.

Chair Kroen asked if, because the dredging is timed during low flow for permitting purposes, there is a risk of material sloughing off from the south and blocking the channel before the rains come. Mr Brainerd said that they will go back and dig it out again.

Chair Kroen asked about the material sediment analysis mentioned in the application, but not included in the packet, that said the sediment was primarily beach sand. Mr Brainerd responded that the last analysis came back that the sediment is completely inert.

Commissioner Blackerby asked what happens to the west side of the bridge when increased flows in the lake start to push sediment - whether there is the possibility of more sediment settling there and closing it on that side. Mr Brainerd responded that the DLWID has a current standing permit for removal of debris on the West side, and would exercise the permit in that case.

Commissioner Baker asked to look again at the 1994 and 2001 aerial photos. She said that she remembers when D-River looked like that, and that she did not realize that the change was because of the deposited sediment. She asked how big of a project it would be to get the lake back to looking like the 2001 photo. She said that it seems huge and that the environmental impacts would be massive. Mr Brainerd replied that it is not something that is completely out of reach. It is probably a \$700k budget. DLWID will be building partnerships to put together a plan for a larger project. That is the rationale behind doing the emergency-type dredging, so that they can maintain flow on both sides of the river if necessary.

Chair Kroen asked whether, because there is a listed species of salmon using the river, the DLWID had considered going to the state or to NOAA to get funding for habitat enhancement. Mr Brainerd answered that a lot of the programs are dry or are geared towards larger projects. There are not a lot of smaller grants that exist, unfortunately.

Commissioner Schlesinger said that the property was used as a boat marina and a swimming hole before the community center was built. In 1965 you could put a boat in next to the motel. Before that they had gas docks in Hostetler Park and restaurants. It was the official swimming pool where kids took swimming lessons. Every year they would put up an earthen dam to trap water there. The site has gone through lots of reiterations since the 1930s. He said that he can remember driving his boat to the bridge where the cars were crossing and walking up to Kyo's on a Friday night.

Chair Kroen said that it looks like, from the plant survey, there is a concentration of invasive species at the dredge site that reproduces by fragmentation. She asked what plan the DLWID has in place to treat the material that you pull out that will also contain pieces of that plant. Mr Brainerd said that they contract with a company (the ones who provided the biobase survey), and that eradication is supposed to happen in early May. If there is any in the excavated material, they will make best efforts to remove it and destroy it. The plant is very prolific and has to be burned. They will do something like a boom downstream to collect it.

Chair Kroen asked where fill is to be placed. Mr Brainerd explained that there are some sand-starved areas across Hwy 101 and down the beach, but also that there are others who have expressed interest in the sand, and as long as someone wants the clean fill and are not making money on it, they can take it. They have several options on where to place it and have not yet decided. Sand will only be stockpiled for dewatering until it is trucked away.

Ms Skinner asked for clarification about the proposal being only one-time vs 10 years. Mr Brainerd replied that the intention was for approval for multiple years. The dredging would involve approximately 450 cubic yards per year.

Mr Appicello pointed out that a conditional use runs with the lands, so the conditions need to say that the appropriate state and federal permits need to be obtained each time additional dredging each time.

#### 4. Other Testimony

No e-mail testimony was received and there was nobody present in person to testify.

##### 5.4.5.

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| <b>MOTION:</b>   | <b>Motion to close the public hearing and the record for CUP 2020-02</b> |
| <b>MOVER:</b>    | <b>Lenny Nelson, Commissioner</b>  |
| <b>SECONDER:</b> | <b>Miles Schlesinger, Commissioner</b>                                   |
| <b>AYES:</b>     | Baker, Blackerby, Kroen, Nelson, Schlesinger, Smith                      |
| <b>RECUSED:</b>  | Joshua Brainerd  |
| <b>RESULT:</b>   | <b>Passed</b>  |

#### 6. Deliberations

No continuance was requested. There was no request to leave the record open.

Chair Kroen asked for deliberations or thoughts.

Commissioner Blackerby said that it would be fantastic to get that area of D Lake and D River to an appearance similar to the 2001 aerial photo. It would be a great thing to do for many reasons. Commissioner Baker said that she agrees with Commissioner Blackerby that there are environmental and other benefits to doing this. It used to be a recreational center. If it is still environmentally friendly, it could be a good place to do a little recreation. A nice eye-catching feature in the middle of Lincoln City that we have allowed to get all bogged up with sand.

Commissioner Schlesinger said that one time the restaurant owners rented out paddle boards.

Chair Kroen noted that the staff report included two conditions of approval: 1) file copies of all required state and federal permits, 2) and an approved traffic plan.

Commissioner Nelson moved to approve the CUP, including the conditions in the staff report. Commissioner Blackerby seconded the motion. The results of the vote are recorded below.

**5.4.7.**

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| <b>MOTION:</b>   | <b>Motion to Approve CUP 2020-02 with conditions as written</b> |
| <b>MOVER:</b>    | <b>Lenny Nelson, Commissioner</b>                               |
| <b>SECONDER:</b> | <b>Kim Blackerby, Commissioner</b>                              |
| <b>AYES:</b>     | Baker, Blackerby, Kroen, Nelson, Schlesinger, Smith             |
| <b>RECUSED:</b>  | Joshua Brainerd   |
| <b>RESULT:</b>   | <b>Passed</b>   |

5. ZOA 2020-01 Procedures

Staff recommended continuing the public hearing to the 5/19/2020 meeting. Commissioner Baker made a motion to do so. Commissioner Smith seconded the motion. The vote is recorded below.

**5.5.1.**

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| <b>MOTION:</b>   | <b>Motion to continue the public hearing for ZOA 2020-01 to the May 19, 2020 Planning Commission Meeting</b> |
| <b>MOVER:</b>    | <b>Marci Baker, Commissioner</b>   |
| <b>SECONDER:</b> | <b>MacNeale Smith, Commissioner</b>  |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith  |
| <b>RESULT:</b>   | <b>Passed</b>  |

6. ZOA 2020-04 Permanent Signs

Chair Patti Kroen introduced the public hearing and read the required script. She asked the commissioners whether there were any abstentions or disqualifications. There were none.

**1. Staff Report**

Ms Skinner presented the staff report. She began by explaining that this amendment has been in the works for over a year. The main impetus was regulating feather banners, which started before she was an employee at the city. When the sign code was amended a couple of years ago to remove content-based rules, a sunset was added for feather banners. The sunset has come and been extended twice.

The proposed zoning ordinance amendment separates permanent signs and temporary signs. The permanent signs provisions are proposed to remain in Title 17. Rules for temporary

signage are being removed from land use and added to Chapter 9.34. Currently 9.34 contains all the rules and regulations for temporary signage. Having some of the rules of temporary signage in the zoning ordinance, as is currently the case, creates the potential for conflict. The Planning Commission only makes recommendations of Titles 16 and 17. The draft of the temporary sign revisions is included in the meeting packet for information only, so that the Planning Commission knows that the temporary sign rules are still in the code, but not for the consideration of the Planning Commission.

There were no substantive changes made to the allowances for permanent signage. The current sign code allows up to 100 square feet of attached signage based on business frontage. The revisions keep that in place. The revisions resolve the 3 different sets of rules for the 3 pearls. All currently have different permanent sign rules than the other commercial districts in the city. The understanding of the outcome of the Planning Commission/City Council work sessions was that City Council and the Planning Commission wished to see some consistency with signs across the city. This ordinance strikes the sign ordinances in Taft, Nelscott, and Oceanlake, and makes signs subject to the provisions of the sign chapter. It allows the same square footage and height (20ft) allowed in all business districts.

The revision adds diagrams for measuring sign dimensions. It also adds pictures and provides definitions. The hope is to eliminate questions about definitions when administering the ordinance. The revision provides standards for illumination. The current code has no standards for illumination - it only says that illuminated signs cannot produce glare or cast light on adjacent residences. Ms Skinner explained that she worked with a national sign organization to come up with the metrics for illumination in the revision. The revised sign code now provides a clear and objective standard: If someone wants an illuminated sign, they provide the cut sheet and manufacturer's data with the permit application and it is easy to approve or disapprove based on the metrics. The goal is to provide a clear and consistent code that is the same across the city.

Chair Kroen asked whether the revision defines original art displays. Ms Skinner answered that there is a definition in the sign code, that it is something that did not change in the revision, and that original art displays are also exempt in the current ordinance.

Chair Kroen asked Ms Skinner to clarify sign placement in relation to the right of way and sidewalks. Ms Skinner replied that the revisions do not specifically allow or prohibit signs in the right of way. All signs need to be placed so as to abide by the clear-vision requirements. Another restriction for placement is ADA accessibility. The language of the revision provides a way that, if or when the city is able to work with ODOT and obtain authority or jurisdiction over the right of way for Hwy 101, permanent signage could be put in the right of way as long as it does not hinder ADA passage and vehicular and pedestrian traffic.

Chair Kroen asked whether signs in the right of way would currently have to be approved by ODOT. Mr Appicello replied that to process an application under Title 17, you have to be the owner of the property. Under Title 9, where it says no signs in the right of way, that is where it will be until whatever time the city takes control. If we ever do allow signs in the right of way, they would have to comply with ODOT-type sign rules.

Commissioner Baker asked whether the City has jurisdiction for the right of way for a portion of Hwy 101 in Taft. Mr Appicello responded that it is true, but that the City is not currently issuing permits for signs in the right of way.

Referring to the requirement that damaged signs must be repaired or removed, Chair Kroen asked what the consequence is. Mr Appicello replied that the city building official has declared signs to be dangerous and ordered them to be removed. Ms Skinner added that not repairing or removing a damaged sign would be a code violation and a citation would be issued.

Commissioner Baker asked why temporary signs were moved out of Title 17. Ms Skinner replied that a temporary sign is not a land use. Permanent signs are there all the time, so that is land use. From a planning perspective it is more appropriate for temporary signs to be in Title 9, because they are not considered development in the sense that we consider development. Title 17 regulates uses and alteration of the land. A lot of times what we are talking about with temporary signs are temporary occupancies not on the property owners' property, so they are dealt with more like a nuisance code. Mr Appicello said that he has seen temporary signs handled both ways, but he likes what Ms Skinner has done. Reasonable people will have different opinions, but handling temporary signs as a nuisance issue is better than handling them like development.

Chair Kroen said that the temporary seems to only be defined for real estate signs, and there are businesses in town that have had temporary signs up for years. She asked whether, when a motel or hotel puts up a temporary sign, that is considered their permanent sign. Mr Appicello answered that we have an enforcement issue when it comes to signs in the city. That is what this is all about - trying to reduce the amount of temporary signage. Putting temporary signs into Title 9 turns enforcement over to the police department rather than the Planning Department. Chair Kroen said that if temporary signs are being turned over to the police department, they need to be given a framework of standards to use in enforcement. Mr Appicello replied that he will be thinking about enforcement by the police when he looks at the revision of Chapter 9.34.

Commissioner Baker asked about the minimum tenant sign allowance of 25 square foot (17.72.100). The intent of the language is unclear. Ms Skinner replied that the intent is that each tenant space gets at least 25 square feet of sign space, as opposed to first-come-first serve. She said that she will reword that section.

## 2. Testimony

No testimony submitted.

Nobody in the council chambers to provide testimony.

### 5.6.3.

|                  |  |
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| <b>MOTION:</b>   | <b>Motion to close the public hearing and the record for ZOA 2020-04<br/>Permanent Signs</b> |
| <b>MOVER:</b>    | <b>Lenny Nelson, Commissioner</b>  |
| <b>SECONDER:</b> | <b>Marci Baker, Commissioner</b>   |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith                                |
| <b>RESULT:</b>   | <b>Passed</b>  |

#### 4. Deliberations

Commissioner Baker said that she thinks the revisions are miles better than having four different sign codes, and commended Ms Skinner for a good job putting together all the notes and discussions. Chair Kroen added that they had muddled through all of the meetings and came out with something that made sense.

Commissioner Smith asked about historical signs and whether they are limited to 100 square feet. He referenced the original Dorchester House, which still looks the same as when they had the original place. Ms Skinner replied that it would fall under nonconforming, so that they don't have to take their sign down if it is over 100 square feet.

Commissioner Brainerd moved to recommend approval of ZOA 2020-04 to the City Council. Commissioner Smith seconded the motion. The vote is recorded below.

##### 5.6.5.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to recommend approval of ZOA 2020-04 to City Council</b> |
| <b>MOVER:</b>    | <b>Joshua Brainerd, Commissioner</b>                               |
| <b>SECONDER:</b> | <b>MacNeale Smith, Commissioner</b>                                |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith      |
| <b>RESULT:</b>   | <b>Passed</b>  |

#### 7. ZOA 2020-02 Parking and Landscaping

Chair Patti Kroen introduced the public hearing and read the required script. She asked the commissioners whether there were any abstentions or disqualifications. There were none.

##### 1. Staff Report

Ms Skinner presented the staff report. She began by explaining that, currently, landscaping requirements are located in a section under supplemental regulations. Part of this proposed ordinance is making a chapter for landscaping so that people can find it. The second portion, Off-street Parking, is currently scattered throughout Title 17. This makes it difficult for anyone to be sure that they have addressed all of the parking requirements.

The requirements haven't changed. There haven't been substantive changes to the landscaping and parking requirements. However, there is one exception - minimum parking requirement for multi-unit structures or apartment buildings. A request came from the Urban Renewal and Economic Development Department, and developers that the department has been working with, to adjust the parking requirement for apartment buildings. The request was to keep 1.5 space requirement for 2+ bedroom units and reduce the requirement to 1 space for studios and one bedroom units. That is a substantive change. The other parking requirements are not change - just a reorganization to be more understandable.

Landscaping requirements are also reorganized so that they are in one section for single-family and duplexes and all other uses are in a different section so that you can reference one section rather than moving back and forth between sections. The revision removes

landscaping requirements from other chapters and replaces them with references to the landscaping chapter.

Chair Kroen asked whether the landscaping and parking requirements in Taft changed. Ms Skinner replied that they have not. They were only moved.

Chair Kroen noticed a reference to Type 2 and Type 3 procedures, and asked whether they are foreshadowing the ZOA 2020-01 that was continued to the May 19, 2020 meeting. Ms Skinner replied that they are.

Commissioner Blackerby asked whether the parking and landscaping requirements are consistent across the city. Ms Skinner replied that they are with this ordinance amendment. She said that one of the things that came out of the joint workshop for the design standards amendment was a desire for consistent standards throughout the city rather than different standards for Taft and different standards for Oceanlake. Having consistent standards levels the playing field. The requirements that were in design standards for parking lot landscaping are now in the landscaping section. Requirements on where parking should be located and the buffers around parking have been removed from Oceanlake and moved to the parking chapter. This makes things consistent so that parking lots for any development around the city will look the same.

Commissioner Blackerby asked what happens when a residential person lets their landscaping go to the point it no longer complies. He asked whether that is a code enforcement issue. Ms Skinner replied that it is a code enforcement issue, and that there is a section in the code dealing with property maintenance and nuisance issues.

Chair Kroen asked whether there were any conflicts of requirements as the parts from the different areas were brought together and made consistent. Ms Skinner replied that in Oceanlake, mixed-used buildings didn't require parking for the commercial portion but did for the residential portion. Taft didn't have a parking requirement for either portion of a mixed-use building. She went with the Oceanlake requirement to not require parking for the commercial portion but to require it for the residential portion. Any existing mixed-use development would be legal existing nonconforming.

## 2. Testimony

No public testimony received. Nobody present in person to give testimony.

### 5.7.3.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to close the public hearing and the record for ZOA 2020-02 Parking and Landscaping</b> |
| <b>MOVER:</b>    | <b>Kim Blackerby, Commissioner</b>   |
| <b>SECONDER:</b> | <b>Joshua Brainerd, Commissioner</b>   |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith                                    |
| <b>RESULT:</b>   | <b>Passed</b>  |

## 4. Deliberations

Commissioner Blackerby motioned to recommend approval of ZOA 2020-02 to the City Council with changes as discussed. Commissioner Nelson seconded the motion. The vote is recorded below.

**5.7.5.**

|                  |   |
|------------------|---|
| <b>MOTION:</b>   | <b>Motion to recommend ZOA 2020-02 to City Council with changes as identified</b> |
| <b>MOVER:</b>    | <b>Kim Blackerby, Commissioner</b>  |
| <b>SECONDER:</b> | <b>Lenny Nelson, Commissioner</b>   |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith                     |
| <b>RESULT:</b>   | <b>Passed</b>   |

8. ZOA 2019-08 Design Standards

Chair Patti Kroen introduced the public hearing by describing the purpose of the proposed ordinance, and read the required script. She asked the commissioners whether there were any abstentions or disqualifications. There were none.

**1. Staff Report**

Ms Skinner presented the staff report and began by saying that the proposed ordinance has been a long time in coming, and that the amendment has gone through lots of staff changes. Ms Skinner picked up the ordinance at the tail end of a lot of work, and said that she hopefully cleaned it up and created an acceptable ordinance that meets the intent of the Planning Commission and City Council. The outcome of the joint work sessions between the Planning Commission and the City Council was to have design standards that are consistent across the city.

Ms Skinner opened up for questions rather than go through the entire ordinance, which is lengthy, and which the commissioners had along with the staff report in advance for review.

Chair Kroen recognized that the revisions were a huge effort, and commended Ms Skinner for stepping into the middle of it. She then asked about the definition of clearstory, which she said is incorrect in the text and should instead be defined as a window that starts above eye level.

Chair Kroen called out line 29 on page 146 of the meeting packet, noting that it calls out radio or television transmitters or towers but not cell towers, and asked whether that was on purpose. Ms Skinner replied that it is unchanged from the current ordinance. Chair Kroen said that she doesn't understand why we would not want to allow wireless communication towers as a conditional use in other areas. Ms Skinner replied that the revised ordinance does not change or allow any of the conditional uses - that it is up to the Planning Commission. Commission Smith suggested that if wireless communication towers are allowed as a conditional use in other areas, it may open the possibility of infrastructure improvements. Chair Kroen said that she thinks we should consider wireless towers as a conditional use in other places - that it could be important down the line.

Chair Kroen and Commissioner Baker both commented about view protection on page 181 of the meeting packet - that the previous discussion had been to add Siletz Bay and Devils Lake to the list of views to be protected, and that north-south streets within a couple blocks of the oceanfront would not be sufficient to protect views of Siletz Bay and Devils Lake.

Commissioner Baker noted a requirement in the Taft Village Core, on page 166 of the meeting packet, for a 48-inch clearance, where other places in the city require a 60-inch ADA clearance. She said that she doesn't see any harm in requiring the extra foot in Taft.

Commissioner Baker asked about the timing of changes to electronic reader signs. Ms Skinner confirmed that the requirements have not changed from what was already there.

## 2. Testimony

No testimony submitted  
Nobody present in City Hall

### 5.8.3.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to close the public hearing and the record for ZOA 2019-08 Design Review Standards</b> |
| <b>MOVER:</b>    | <b>Joshua Brainerd, Commissioner</b>   |
| <b>SECONDER:</b> | <b>Marci Baker, Commissioner</b>   |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith                                    |
| <b>RESULT:</b>   | <b>Passed</b>  |

## 4. Deliberations

Commissioner Baker moved to recommend approval of ZOA 2019-18 to City Council with the adjustments as discussed. Commissioner Brainerd seconded. The vote is recorded below.

### 5.8.5.

|                  |  |
|------------------|--|
| <b>MOTION:</b>   | <b>Motion to recommend approval of ZOA 2019-08 to City Council with adjustments as discussed</b> |
| <b>MOVER:</b>    | <b>Marci Baker, Commissioner</b>   |
| <b>SECONDER:</b> | <b>Joshua Brainerd, Commissioner</b>   |
| <b>AYES:</b>     | Baker, Blackerby, Brainerd, Kroen, Nelson, Schlesinger, Smith                                    |
| <b>RESULT:</b>   | <b>Passed</b>  |

## 6. OLD BUSINESS

There was no old business

## 7. NEW BUSINESS

None

## 8. PLANNING COMMISSION TRAINING

None

**9. REPORTS & COMMENTS**

None

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

The public hearing for ZOA 2020-01 Procedures was continued to the May 19, 2020 meeting. There may also be a hearing for a 40-lot subdivision, The Cove Phase III. They do not yet have the traffic impact analysis, and they need that to proceed. So we may have a shorter meeting.

Ms Skinner thanked the commissioners for their patience in going through all of the material.

**11. ADJOURN**

adjourned 8:58

Respectfully submitted,



James White  
Assistant Planner



Patti Kroen  
Chair