

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
February 4, 2020**

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

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Lenny Nelson	Commissioner	Present	
Patti Kroen	Chair	Present	
Miles Schlesinger	Commissioner	Present	
Joshua Brainerd	Commissioner	Present	
Marci Baker	Commissioner	Late	6:04 PM
Kim Blackerby	Commissioner	Present	

**2. AGENDA CHANGES OR REVISIONS**

None

**3. MINUTES**

**3.1. Planning Commission - Regular Meeting - Jan 21, 2020 6:00 PM**

<b>MOTION:</b>	Minor changes were submitted by Commissioner Blackerby. Those corrections were made prior to the meeting.
<b>MOVER:</b>	<b>Lenny Nelson, Commissioner</b>
<b>SECONDER:</b>	<b>Kim Blackerby,</b>
<b>AYES:</b>	Nelson, Kroen, Schlesinger, Brainerd, Blackerby
<b>ABSENT:</b>	Marci Baker
<b>RESULT:</b>	<b>Passed</b>

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

1. FO 2020-01 for CUP 2019-05 Devils Lake RV

The Final Order 2020-01 was provided to the commissioners at the meeting. Several conditions approved at the January 21, 2020 Planning Commission meeting were not included in the order. Staff will prepare a final copy with the missing conditions for Chair Patti Kroen's signature.

**4.1.1.**

<b>MOTION:</b>	<b>Approve Final Order 2020-01 for CUP 2019-05 Devils Lake RV with conditions as approved on January 21, 2020</b>
<b>MOVER:</b>	<b>Lenny Nelson, Commissioner</b>
<b>SECONDER:</b>	<b>Miles Schlesinger,</b>
<b>AYES:</b>	Nelson, Kroen, Schlesinger, Brainerd, Blackerby
<b>ABSENT:</b>	Marci Baker
<b>RESULT:</b>	<b>Passed</b>

## 5. PUBLIC HEARINGS/DELIBERATIONS

### 1. APP 2020-01 Lawson Appeal of Eclevia VRD

Chair Kroen read the required statements. No ex-parte contacts were declared. There were no challenges to the qualifications of any of the commissioners to participate in the hearing. At the request of Chair Kroen, Planning and Community Development Director Anne Marie Skinner read the applicable substantive criteria for the decision. All testimony must be directed to the substantive criteria. Chair Kroen summarized the public hearing procedures.

**5.1.1. Planning and Community Development:** Appeal filed by Lawson, et al appealing the Planning and Community Development Director's decision of approval to convert the Eclevia vacation rental dwelling from accessory to unlimited use.

<b>MOTION:</b>	<b>Planning and Community Development: Appeal filed by Lawson, et al appealing the Planning and Community Development Director's decision of approval to convert the Eclevia vacation rental dwelling from accessory to unlimited use.</b>
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### 2. Staff Report

Director Skinner summarized the appeal. The Single-Family Residential (R-1-5) zone has a cap on the number of vacation rentals. An application for accessory use at the subject site was received on 7/22/2019. At the time the R-1-5 VRD cap was filled. The property owners asked to be placed on the established waiting list for R-1-5. Ms Skinner listed the dates and process for the original approval for the accessory license. The property owners received notification that they were next on the waiting list and on 11/14/2019 they requested an amendment for land use from accessory to unlimited. There are no changes in the standards between accessory and unlimited land use approval. Staff approved the unlimited VRD amendment. The appeal for the amended land use approval ended 1/7/2020. On 1/3/2020, the Planning Department received an appeal of the land use approval based on traffic (danger to residents), and that off-site parking is not available. Ms Skinner summarized the standards for approving a vacation rental dwelling, and described how each of them are met at the subject property.

Chair Kroen asked several questions about the requirements for parking spot size and how the site meets those requirements. Vacation rental dwellings are required to have one off-street parking spot per bedroom with a minimum of 2 spots. At least one of those 2 must a full-size parking spot (9 ft x 20 ft).

Commissioner Blackerby asked about the process for coming off of the wait list. Ms Skinner explained that the number of VRDs decreased somewhere in the R-1-5 zone, making room within the cap.

### 3. Appellant Testimony

Octavian Thomas, named in the appeal letter, and Jerry Newton, a resident in the neighborhood, spoke for the appellants. Mr Newton said that he was in communication with Mr Lawson, who filed the appeal. He referred to a Planning Commission action three years ago to designate the entire area as a VRD designated area. He said that they brought a petition signed by 75 percent of the people who have permanent homes in the area saying that they did not want VRDs there. He said that the subject property seems to be an area that residents

thought was omitted from the process. The house in question is at the corner of a street that is a dead end. The postal box is located there, and it is a place that residents go to get mail. There is no way to back out of the space without going into the neighbor's driveway. Mr Newton said that he is concerned about safety.

Octavian Thomas said that he was not there when the neighbors brought the petition to the Planning Commission. He has been in the neighborhood about a year and a half. The house in question is right next to the mailbox. There is not room for two cars to get by. It is never just two cars at vacation rentals. There are other rentals in the area and they are packed with cars. The biggest challenge is the space and the safety. Mr Thomas said that his wife has disabilities and walks that street. With all the traffic that will be coming, they are appealing the full-time VRD. To have someone there year round is an entirely differing thing.

Mr Newton said that he would have no problem with the house being rented out for a full-time rental. The homeowners have not been there for a couple of months. The place was blown to pieces after the last storm and is in disarray. Mr Newton asked who is going to manage the place and manage the renters.

Mr Thomas said that the shed was blown over and all of the neighbors said to take pictures. Ms Skinner added that every VRD has a local representative. Chair Kroen added that they could come in to the planning counter and get the name of the local representative.

City Attorney Richard Appicello said that under the VRD license, each VRD must post a placard with the name of the local rep. Referring to the description of a petition " a couple of years ago," Mr Appicello explained that a couple of years ago we had a vacation rental zone. The Planning Director at the time was going to do a city-wide rezoning to allow vacation rentals. That doesn't mean that individuals can't come in and apply for a license. After that experiment the VR zone was set aside to not be used again and they came up with the cap in the residential zone.

#### **4. Applicant Testimony**

The owner of the property was not present

#### **5. Public Testimony**

##### **A. Testimony in Favor**

None

##### **B. Neutral Testimony**

None

##### **C. Testimony in Opposition**

None

##### **D. Public Agencies**

None

#### **6. Rebuttal**

No Rebuttal

**5.1.6.1.**

<b>MOTION:</b>	<b>Close the hearing and the record</b>
<b>MOVER:</b>	<b>Marci Baker, Commissioner</b>
<b>SECONDER:</b>	<b>Joshua Brainerd, Commissioner</b>
<b>AYES:</b>	Nelson, Kroen, Schlesinger, Brainerd, Baker, Blackerby
<b>RESULT:</b>	<b>Passed</b>

**7. Deliberations**

There was no request for a continuance, and because the applicant was not present the Planning Commission deemed that the right to submit final written argument is waived.

Richard reminded the commissioners that testimony has to be directed to the applicable criteria.

Commissioner Schlesinger said remarked that there are a number of rental properties because it's close to the park and lake frontage. There are a number of people who want to stay there. He said that he supports the status quo of upholding the Planning Director's approval.

Commissioner Baker said that all evidence shows that the criteria were met. Hypotheticals of whether the rules will be followed will be dealt with in the future. It is not something we can use as the basis of denying an application. Potential dangerous traffic is not a criteria in the code.

Commissioner Nelson expressed her agreement with Commissioner Baker.

Chair Kroen addressed the appellants, agreeing that parking does become an issue with some vacation rentals. But that because the owners of the subject property have met the requirements that are in the ordinance, the remedy is to call the police when there are issues and have them respond to it. That goes for a lot of things: noise, trash, etc. If you notice things going on that should not be going on, not only call the local representative, but also the police. When the licenses come up for renewal, the log kept by the police is looked at by the planners reissuing the license.

**5.1.7.1.**

Richard: For the appellant's information, the license information is in 5.14 of the LCMC, which includes provisions for revocation. Enough violations result in a revocation of the license. We will bring back a final order for adoption at the next meeting.

<b>MOTION:</b>	<b>Deny the appeal and approve the application for unlimited use.</b>
<b>MOVER:</b>	<b>Joshua Brainerd, Commissioner</b>
<b>SECONDER:</b>	<b>Marci Baker, Commissioner</b>
<b>AYES:</b>	Nelson, Kroen, Schlesinger, Brainerd, Baker, Blackerby
<b>RESULT:</b>	<b>Passed</b>

2. CUP 2020-01 & SPR 2020-01 NWN Lincoln City Resource Center

Chair Kroen read the required statements. No ex-parte contacts were declared. There were no challenges to the qualifications of any of the commissioners to participate in the hearing. At the request of Chair Kroen, Planning and Community Development Director Anne Marie Skinner read the applicable substantive criteria for the decision. All testimony must be directed to the substantive criteria. Chair Kroen summarized the public hearing procedures.

**5.2.1. Planning and Community Development: Conditional Use Permit and Site Plan Design Review Request for construction of Northwest Natural resource center on NE 36th Drive.**

<b>MOTION:</b>	<b>Planning and Community Development: Conditional Use Permit and Site Plan Design Review Request for construction of Northwest Natural resource center on NE 36th Drive.</b>
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**2. Staff Report**

Director Skinner presented the staff report for CUP 2020-01 and SPR 2020-01. She described the site and the application in general. The subject site is an undeveloped lot containing vegetation and trees. Applicant will be constructing a new office building, a vehicle storage building, and other structures. Findings must be factual and supported by substantial evidence. Ms Skinner reviewed the applicable criteria.

Criterion 1: The applicant has noted that the site is in the General Commercial zoning district and that the code lists examples of uses that meet the intent, which includes PUD, motor vehicle repair and aggregate storage. The zone permits, as conditional uses, light fabrication and limited services. The Comprehensive Plan does not contain any applicable standards for service stations but does for utilities. The Comprehensive Plan notes that those services are located in Lincoln City and encourages planning to ensure there are no future constraints on future services.

Criterion 2: Ms Skinner referred the commissioners to the 7 pages of staff report covering this criterion. In staff's estimation, if the site plan review standards are met, then criterion 2 is met because criterion 2 relates to adequacy of the site (which is all covered in the requirements for site plan review). Most of the building design standards do not apply to this project because it is in neither in a string nor a pearl. Exterior lighting requirements apply. The applicant supplied a lighting plan that meets criteria.

Criterion 3: The applicant submitted a traffic profile. Staff noted that pedestrians will be required to walk on 36th street that does not include shoulders or sidewalks. The proposed use will change the type of vehicle traffic to now include large trucks and trailers. In the current unimproved state and given the type of vehicular traffic involved, frontage

improvements are necessary the remaining length of the road connecting to the multi-use pathway on West Devils Lake Road. A curb and gutter and sidewalk are required on the southern boundary of the site and extending to West Devils Lake Road. Commissioner Nelson asked where the entrance from the property onto NE 26th is. Ms Skinner replied that the entrance appears to be in the south east corner of the property. Commissioner Nelson asked which part of the road will be improved. Ms Skinner replied that it will be the entire site frontage and the remaining 400 feet to West Devils Lake Road. Commissioner Blackerby asked whether Northwest Natural will pay for those improvements. Ms Skinner replied that they will. Commissioner Baker clarified that the improvements will be on the one side of the road. Ms Skinner confirmed that the improvements would be on one side of the road.

Criterion 4: The submitted site plan shows a 7 foot tall chain-link fence with privacy slats. The site will be developed with a cut. The cut, along with the landscaping and the fence, and the blended-in telemetry tower and shielded exterior lights. The applicant included a site acoustical analysis showing that the impact of noise will be minimal. Commissioner Nelson asked whether chain link with slats is an approved fencing type. Ms Skinner replied that Title 17 has no requirements on types of fencing.

Criterion 5: Does not apply in the case.

Commissioner Schlesinger asked whether there is sewer along that part of the street or whether the applicant will be putting in a sewer line. Ms Skinner replied that she will let the applicant address that question.

### **3. Applicant Testimony**

Mary Fierros-Bower, the applicant's representative, addressed the Planning Commission. She explained that she wrote down the questions that the commissioners had during the staff report and that she would walk through those questions. Ms Fierros-Bower invited questions from the commissioners.

There was a question about the existing structure on the site. There is a storage garage there right now and a stockpile of gravel. The applicant is proposing to remove the garage. They are will keep the egress in ingress in the same location.

Ms Fierros-Bower explained that they tried to be sensitive to the residents across the street. They are carving into the hillside to make the circulation of large vehicles easier as well as to provide screening. They are maintaining a 7 foot fence for security. Northwest Natural resource centers are secured and are not open to the public. There will be no visitors. Chair Kroen asked whether there will be a retaining wall when they excavate and carve into the hill. Ms Fierros-Bower replied that they are proposing a retaining wall, and indicated the area on the screen for the commissioners.

Commissioner Blackerby asked whether Northwest Natural has a facility that they are currently using to do this work. Ms Fierros-Bower replied that there is currently a facility on Highway 101. Commissioner Blackerby asked whay Northwest Natural will do when they have the new space. Ms Fierros-Bower replied that the will vacate that [Highway 101] space. In response to a question from Commissioner Blackerby about what will be done with the Highway 101 property after orthwest Natural moves to the new facility, Wayne Pipes, Director of Facilities, Security and Emergency Management for Northwest Natural, address

the Planning Commission. He said that Northwest Natural would end up selling the existing location after the move to the new location. Properties are owned by the rate payers.

Commissioner Nelson noted a fuel tank on the plans and asked whether Northwest Natural will have a system set up so that if there is an accidental spill they can contain it on the site. Ms Fierros-Bower explained that there is an oil/water separator. The fuel tanks are dual tanks to prevent leaks. Commissioner Nelson asked what will be done with the water from the washing facility. They will have a water circulating unit and a recycling system for the water, which goes into the sanitary sewer afterward.

Commissioners Nelson and Blackerby both expressed their appreciation for the presentation and complimented the applicants for providing good information.

Mr Pipes said that, being a critical facility, the structures will be seismically upgraded.

Commissioner Baker asked about the neighborhood meeting held by Northwest Natural, and how the facility was received. The facility was received well. The neighbors had questions about trees and screening and noise and vehicles.

Commissioner Schlesinger expressed interest in the age of the current facility. The applicants explained that the building is over 50 years old. Northwest Natural took it over in 1965 of 1966. Commissioner Schlesinger asked if that building has the modern conveniences that will be included in the new facility. The applicants replied that it does not and the existing building is hard for vehicles to get out of - especially in the summer.

Commissioner Nelson asked whether the applicants will stipulate that traffic exits to West Devils Lake Road. The applicants replied that unless there is a specific road circumstance, they will be going out to West Devils Like Road to access the light.

Commissioner Nelson asked how customers will come up to visit if Northwest Natural is closing the site that they have now. The applicants explained that Customers do not come to their resource centers.

Chair Kroen asked whether, in the parking area, the applicants had contemplated adding an electric car parking space. Such a space is not required. Ms Fierros-Bower replied that one has not been included at this facility, but at the Vancouver Resource Center it is a requirement, so they have done future rough-ins for electric vehicle stations there.

Chair Kroen noted that it is a narrow street with big trucks coming in and out and asked whether the applicants had any thought to put some kind of flashing light to alert people on the street that a big truck is coming out. The applicants replied that they have not talked about a light. There is good site distance on the driveway, which is one of the only flat spots on the site. There was a question about vegetation on the site plan, and Scott Morris, the civil engineer explained that anything planted in the clear vision area would be less than 30 inches.

Regarding the question about the sewer line, Mr Morris said that there is a sanitary sewer manhole right at the driveway. The line is pressured above the manhole, but they will feed into the gravity line.

Commissioner Nelson asked about stormwater facilities. The applicants explained that they will be collecting all the stormwater on site and will build a detention tank to treat the water. Runoff should be no more than it is now, and will probably be less. Chair Kroen noted that the parking and the rest of the site up to the retaining wall will be impervious, and asked whether they will be collecting water that is currently going into the ground. The applicants explained that the amount of impervious surface is the reason why they are building the detention tank. It will catch stormwater from everything except an area on the south side by the RV park. Chair Kroen asked whether they are anticipating any additional flow to the RV park. The applicants replied that there will be less.

#### **4. Public Testimony**

##### **A. Testimony in Favor**

John Miller, a resident in the neighborhood, said that Northwest Natural invited the neighborhood to a site plan meeting a month and a half ago. He said that the general consensus of the home owners that showed up was very favorable. Northwest Natural seemed to have all of their ducks in a row. The people there thought that it was a good idea for such a big space to have something like that there. Especially being out of the tsunami zone. It's a great thing for the neighborhood. Mr Miller said that there isn't much foot traffic because of the hill. People come down the hill much faster than they go up. Mr Miller recommended that the Planning Commission approve the proposal if the applicants have all of their ducks in a row.

##### **B. Neutral Testimony**

None

##### **C. Testimony in Opposition**

None

#### **5. Rebuttal**

No rebuttal. There was no request for a continuance or to hold the record open. The applicant waived the opportunity to submit final arguments.

##### **5.2.5.1.**

<b>MOTION:</b>	<b>Close the hearing and the record</b>
<b>MOVER:</b>	<b>Kim Blackerby,</b>
<b>SECONDER:</b>	<b>Lenny Nelson, Commissioner</b>
<b>AYES:</b>	Nelson, Kroen, Schlesinger, Brainerd, Baker, Blackerby
<b>RESULT:</b>	<b>Passed</b>

#### **6. Deliberations**

Mr Appicello reminded the commissioners that there are two separate applications - a conditional use permit and the site plan review. The Planning Commission can move and vote on both applications together.

Commissioner Blackerby said that he thinks it is an impressive design and adds to the image of the city. The new facility is clearly an upgrade from what they are using today and makes the city better. Commissioner Brainerd added that it was a very professional application and thanked the applicants for being here and for their efforts to bring the community into the process. It is a big impact when you are talking about larger projects like this. Commissioner Baker said that it looks like the criteria are met. Staff did a good job on the conditions. The proposal looks like a good use for a large undeveloped area. Commissioner Nelson said that she is glad to see that they are retaining as many trees as possible. She said that she knows how steep the site is, and wondered what Northwest Natural was planning on doing in there. Commissioner Schlesinger said that he thinks that it is a great proposal and is glad that they are moving ahead. Commissioner Kroen said that she doesn't have anything to add to what the other commissioners said except "well done." She said that the plan is well thought out. She likes the design. She encouraged the applicants to keep as many sitkas as they can, and to plant as many as they can.

**5.2.6.1.**

This is a tentative decision of the planning commission. Staff will put together a final order for the next planning commission meeting. The applicants are planning completion by November 2021.

<b>MOTION:</b>	<b>To approve both applications with the conditions from public works.</b>
<b>MOVER:</b>	<b>Joshua Brainerd, Commissioner</b>
<b>SECONDER:</b>	<b>Marci Baker, Commissioner</b>
<b>AYES:</b>	Nelson, Kroen, Schlesinger, Brainerd, Baker, Blackerby
<b>RESULT:</b>	<b>Passed</b>

**6. OLD BUSINESS**

None

**7. NEW BUSINESS**

None

**8. PLANNING COMMISSION TRAINING**

Planned training is still on hold. A new commissioner is on the City Council agenda for February 10, 2020

**9. REPORTS & COMMENTS**

None

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

There are two cases on February 18, 2020: An annexation and rezone proposal , and a rezone proposal.

**11. ADJOURN**

Respectfully submitted,

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James White  
Assistant Planner

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Patti Kroen  
Chair