

**LINCOLN CITY PLANNING COMMISSION
MINUTES
October 6, 2020**

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

Attendee Name	Title	Status	Arrived
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

No changes

3. MINUTES

Minutes for the September 1, 2020 Planning Commission meeting were inadvertently left out of the agenda packet for this meeting. They will be added to the next meeting's packet.

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

None

5. PUBLIC HEARINGS/DELIBERATIONS

None

6. OLD BUSINESS

1. Tree Ordinance Work Session

Senior Planner Dave Mattison prepared a PowerPoint presentation and led the discussion.

The city comprehensive plan goals and policies do not specifically use the word "tree."

The draft vision statement from the visioning process conducted by the City in 2017, in Sense of Place, action 1.6 talked about creating a downtown feel through actions that included adding trees. However, in the final adopted city vision, the statement about planting trees was removed. Chair Kroen suggested that things were removed by necessity between the draft and final versions, and that what she is most interested is the specific statements from citizens about trees contained in the raw data included as an appendix to the visioning document. She said that we need to drill down into the specific statements to get a better idea of what the community feels.

Mr Mattison summarized the intent statement in the existing ordinance, including the identified need for exemptions. Then he gave an overview of the outline of the existing tree ordinance. Next, he referred to the themes previously identified by the Planning Commission for the tree ordinance revision, and described how the existing ordinance already relates to those three themes.

Chair Kroen asked what the maximum amount of fine for a Class B violation. City Attorney Richard Appicello explained that the maximum fine is \$1000 and that in the case of multiple trees being removed illegally, each tree would probably be considered a separate violation. However, there is a fine schedule, and the judge does not usually charge the maximum fine.

Mr Mattison described the requirements for replacement of illegally-removed trees.

Commissioner Blackerby asked if there is a definition of protected trees. The definition is found in LCMC 17.52.220(C). There was a similar question about the definition of nuisance trees. Chair Kroen asked whether a neighbor's tree that blocks your view could be considered to be a nuisance. We have had cases come to the planning department that are complaints of trees blocking their viewshed. Would this part of the ordinance come into play here? Mr Townsend said that the way the code defines a nuisance, the answer would be no. Chair Kroen said that this is something that should be clarified, to clean this part of the ordinance up.

Mr Mattison walked through the exceptions in the current code.

Chair Kroen asked whether the issuance, extension, enforcement, and revocation of tree removal permits has been delegated from the city manager (referring to the wording of the LCMC). City Manager Ron Chandler said that this is common language. In these types of cases, it is the planning staff who usually make the decision, but we have also used arborists to advise and give guidance.

Mr Townsend added that the practice in the past was that the Planning Director and the City Engineer jointly make the decisions on tree-removal permits. When there are questions about the health of a tree, an arborist report is needed. But when there is a tree falling over a building, it is not a question of the tree's health, it is a question of safety. Chair Kroen said that it does not seem like health of the trees is a priority. Mr Townsend replied that there is no requirement to preserve healthy trees when they are in the place that development will occur. Mr Chandler pointed out that when an application meets the requirements, the staff has to follow through on the application. If the removal of a tree is permitted, it is permitted. Commissioner Blackerby referred to Olivia Beach, which he characterized as a whole bunch of houses and no trees.

Chair Kroen said that there needs to be some carrot held out to the developers so that it is in their best interest to preserve healthy trees. As it is written now, enforcement of breaking the rules is just another cost of doing business. She said that we need to try to think about this from the other direction and make it so there is a reason that developers will want to work on their designs to keep trees.

Commissioner Blackerby suggested strengthening the requirement to replace trees that are removed. Commissioner Nelson pointed out that the Portland ordinance included in the meeting packet has requirements for a certain portion of existing trees to be preserved. Mr Mattison explained that one of the drawbacks of requiring replacement trees for trees that are lawfully

removed is that you end up replacing mature trees with young trees. He suggested that might be a place to put emphasis on preservation rather than replacement.

Mr Chandler commented on language in item #2 on page 35 of the meeting packet, saying that normally when you make a sidewalk you draw a straight line and if there is a tree there you plow right through it. He suggested considering allowing meandering sidewalks and other design solutions that accommodate preservation of trees. Otherwise, developers will go through the quickest and cheapest path to installing infrastructure. Commission Smith suggested that making it less expensive to keep trees and more expensive to not keep trees could be a part of offering a carrot to builders.

Currently, when the replacement of trees legally removed is required, the code has a preference for native trees. The minimum diameter of replacement trees is 1.5 inches, and trees shall be replaced according to a planting plan. The Planning Commission, with input from the City Engineer, may adjust the design specifications of public infrastructure to accommodate tree retention. Mr Chandler mentioned that the payments in-lieu of replanting look good on paper, but that they do not always work. Chair Kroen suggested that we want the tree rather than the money. Mr Chandler responded that this is an example of something that, if the Planning Commission does not want it to be an option, it should not be an option.

There was discussion of the prohibition on commercial forestry. Chair Kroen asked if the past practice of thinning and selling the trees at city-owned open space is covered by the prohibition. Mr Townsend replied that removing trees from a lot for development and selling the trees is not commercial forestry.

Mr Mattison presented five questions asking for feedback from the Planning Commission on the direction that the tree ordinance revisions should take. Chair Kroen said that she wanted to hear the input of the commissioners on the other materials that were included in the packet.

Commissioner Baker said that, going through the workbook that was provided, it mentions that the most important thing is the community vision, and that the tree board is supposed to take the community vision and create mechanisms for implementation. The existing Lincoln City ordinance does not seem to include that vision. She asked whether the Planning Commission is going to revise the existing ordinance or start from scratch and follow the path described in the workbook.

Commissioner Blackerby said that the workbook should be a guideline, and that it can be used to integrate with what we already have. He said that community input is an important place to start. Chair Kroen mentioned the community vision document that was created a couple of years ago. If you ask people in the community who just lost everything that they had to the recent wildfires, they might have different input about trees. You need to start with the community character. What do we want the community to look like, and how do you make that happen? We do need to be more methodical about it in terms of developing a visions statement, and then under that some objectives, and then under that some actions that support those objectives. The existing ordinance is difficult to follow and difficult to enforce. Commissioner Smith said that one of the things he noticed was that the current ordinance could use some beefing up of definitions. A lot of the terms rely on words that are defined in other parts of the ordinance. He said that we need to take into account who is going to be reading the code, for what purposes, and make sure that we have our terms firmly defined with no room for interpretation.

Commissioner Schlesinger said that he would like to hear what Lincoln City Parks and Recreation Director Jeanne Sprague is doing with the properties she is responsible for as part of the Parks and Recreation department. They have a number of trees that are marked for removal, and those trees are worth keeping. Ms. Sprague replied that Parks is no way in the business of removing trees. They work closely with the Public Works Department if there are any trees that are a nuisance or a hazard. Especially after the recent wind storms, many of the properties had downed trees. Parks worked with Public Works and the street crews to get those trees and the debris removed. There have been questions about trees that have been marked. If a tree is not a hazard and we are looking to remove it, that is part of park planning. We have to work with an arborist and do a tree survey and look at the health and age of all the trees and go through a public process on park amenities. At the new park aren't able to build in the wetland, which removed a bunch of the useable park area. Parks is looking at naming two heritage trees. The Oregon Travel Council does not give out a lot across the state. Lincoln City is in its 12th year of participating in Tree City USA. They ask for the city manager and a tree board to oversee the tree ordinance, but allow the parks board to step in as the tree board.

Chair Kroen asked more about the heritage trees, and whether that is the only subset of preserved trees. Ms Sprague answered that it is the only subset of protected trees that Parks works with.

Commissioner Nelson expressed concern that there are too many exceptions in the existing code that allow people to get around the tree ordinance. She said that she does not want the city to look like the intersection of Highway 101 and Highway 20 in Newport.

Commissioner Brainerd said that he agrees with commissioners Baker and Blackerby. He would like to see a lot more public engagement and more enlightenment on how we can do the ordinance revision the right way. He asked if the task is this something that could fall to the sustainability committee. Chair Kroen asked for packet page 47 to be shared. The second paragraph talks about the need for parks and ball fields and green space and zoning, and all of the things that come up when you talk about trees. She said that maybe calling this effort a tree ordinance revision is limiting our ability to see this in a holistic perspective. Maybe we should be developing an ecological ordinance that talks about livability and sustainability and how you want the city to look rather than focus so specifically on trees. There is an interdependence between environmental factors, and she wonders if we should be looking at this in a broader context than just what is done with an individual tree on a lot. Mr Townsend suggested that Chair Kroen's comments point at the need to look back at the Comprehensive Plan for these broader issues. There is very little right now in the Comprehensive Plan about trees. It is obviously important to the public that we do a more comprehensive version of dealing with the environment - as the events of the last few weeks [referring to the recent wildfires] have pointed out, there can be some events that alter people's points of views. Right now were are hearing from people who want to cut down all the trees in town and clear all the underbrush. Going through a measured process of revision for the comprehensive plan will be import.

Chair Kroen said that she would be comfortable at least working on the tree ordinance now and retrofitting into the Comprehensive Plan review. You have to start somewhere, so maybe this can be attacked and feed into the Comprehensive Plan.

Commissioner Smith talked about the importance for passage corridors for the wildlife that live in our area. Allowing those spaces to continue to be wild and open and available to those creatures is going to be something we need to keep in consideration as Lincoln City grows and displaces wildlife populations. We are going to have increased interaction between wildlife and people, but

if we focus on those corridors we can reduce interactions. Not just trees but clusters of trees are very important for providing canopy. Chair Kroen added that the joy from seeing wildlife is another thing that draws people to Lincoln City.

Commissioner Blackerby said that there is an important opportunity with the future development of the Villages at Sitka Woods - preserving trees in those developments could bring a lot of beauty to the city instead of being another Olivia Beach.

Commissioner Nelson said that it is a good thing to talk to people about what they want, but the Comprehensive Plan revisions will be a long process. Some of this [referring to the tree ordinance revision] needs to be worked on while that happens instead of waiting until the Comprehensive Plan is done. Chair Kroen added that the Planning Commission should be able to bite off smaller pieces of the larger task as long as they are conscious of having to integrate with the Comprehensive Plan revisions later.

Chair Kroen suggested adding a quick survey to the City's new Facebook page as a way to draw in public input. She also suggested going back to the comments that were received during the visioning process. Mr Mattison added that the good thing about visioning is that it is a good way to identify what the changes in the Comprehensive Plan need to be.

Commissioner Nelson pointed out the menu of options for developers in the Portland example that was provided in the meeting packet. Chair Kroen said that options for developers might be a way to go.

Referring to Mr Mattison's original feedback questions, Commissioner Blackerby said that he wanted to see more preservation, more enforcement, more management, and less exceptions.

Commissioner Smith said that Lincoln City lack a central identity - that it is trying to do eight different things and go twelve directions at once. Aside from fisheries, the other big industry in the area is the timber industry. He asked why aside from fisheries the other big industry is the timber industry. He asked why the City does not make a bigger deal about the trees, and why also there is not a focus on wildland firefighting and prevention. Chair Kroen said that she lives in the extreme north end of the city, and that she is always struck by the fact that she lives where the forest meets the sea. Lincoln City is not just another city you drive through as you drive to the coast, but the forest to the sea is a finite commodity - once you lose it, it's gone.

Commissioner Baker added that she is centered in Oceanlake, where there are not a lot of trees - especially in most of the commercial areas and along Highway 101. She said that she would love to see more trees in Oceanlake. Commissioner Baker also suggested that the Planning Commission could do a survey like the City is doing related to parking. She suggested asking what part of the city people are in as part of the survey.

Mr Chandler asked for a date when the Planning Commission would like staff to come back with more information - especially about the visioning process. Chair Kroen said at the next meeting (October 20, 2020) would be best. She asked the commissioners to come ready to discuss their ideas on community character.

Commissioner Blackerby asked for the Cannon Beach tree ordinance that was sent out previously to be resent. Commissioner Baker asked for the link to the visioning document with all of the raw data to be sent out as well.

7. NEW BUSINESS

None

8. PLANNING COMMISSION TRAINING

None for tonight

9. REPORTS & COMMENTS

Commissioner Schlesinger asked about the status of the Cove development, which was appealed to the City Council after the Planning Commission denied the application. Mr Appicello asked that the commissioners not discuss until after the Council approves the final order at their Monday meeting, and that the Planning Commission can talk about the outcome at their next meeting (October 20, 2020).

Mr Chandler gave an update on the search for a new Planning and Community Development Director. The City is working with a recruiter to make sure that the candidate pool is as big as possible.

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

The Planning Commission will be focusing on the tree ordinance in the near future.

11. ADJOURN

Respectfully submitted,

James White
Assistant Planner

Patti Kroen
Chair