



AGENDA

Lincoln City Planning Commission
Tuesday, September 5, 2023, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

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

2. CONSENT AGENDA

2.1. Planning Commission - Regular Meeting - Aug 15, 2023 6:00 PM

2.2. Planning Commission - Workshop - Aug 15, 2023 12:30 PM

3. PUBLIC HEARINGS/DELIBERATIONS

3.1. ZOA 2023-04 Mobile Food Unit and Sign Clarification

4. DIRECTOR'S REPORT

5. COMMENTS BY PLANNING COMMISSIONERS/CCI MEMBERS

6. ADJOURN

Individuals wishing to attend via Zoom must email planning@lincolncity.org no later than noon on the meeting day. The email must include the person's name and the screen name the person intends to use for the meeting. Instructions will be emailed to the person requesting Zoom attendance. Persons attending via Zoom will need to leave the microphone muted and camera off.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at 541-996-1013 or kmattias@lincolncity.org. Visit the ADA Accessibility | City of Lincoln City, OR webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

Agendas and Agenda packet items for this meeting are available at www.lincolncity.org under "Government" then select "Public Meeting Agendas, Packets & Videos". This meeting is being streamed live at <https://www.lincolncity.org/government/media-streaming> and will be available there for viewing after this meeting concludes. This meeting will be televised live on Channel 4.

Individuals wishing to provide verbal testimony for a public hearing agenda item need to please sign the sign-in sheet for that item. Sign-in sheets are located on the table near the entrance door to the Council Chambers. Individuals who signed in on the sheet will be called to testify during the public testimony portion of the public hearing.

**LINCOLN CITY PLANNING COMMISSION MEETING
MINUTES
August 15, 2023**

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

Attendee Name	Title	Status	Arrived
Brian Bunnnett	Commissioner	Present	
Clay Glasgow	Commissioner	Present	
Mellissa Sumner	Commissioner	Absent	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	

2. CONSENT AGENDA

The minutes of the July 18, 2023 Work Session and Regular Meeting and the July 31 Work Session were approved unanimously. Final Recommendation 2023-08 for ZOA 2023-03 was approved as corrected.

MOTION:	Motion to approve the consent agenda as written, with a correction to FR 2023-08 to delete an incomplete and unneeded sentence.
MOVER:	Bunnnett
SECONDER:	Baker
AYES:	Bunnnett, Glasgow, Baker, Vincent, Blackerby
ABSENT:	Sumner
RESULT:	PASSED (UNANIMOUS)

3. PUBLIC HEARINGS/DELIBERATIONS

None.

4. DIRECTOR'S REPORT

Director Anne Marie Skinner outlined the schedule for upcoming Planning Commission meetings.

The September 5th Planning Commission regular meeting will include a public hearing for a Zoning Ordinance Amendment (ZOA). ZOA 2023-04 addresses text amendments relating to Mobile Food Units and Signage. Currently Lincoln City code does not allow for any cooking units that are not integral to the Mobile Food Unit. By request of City Council and in response to public comment received, the code is being amended to allow for one external cooking unit within certain placement and sizing requirements. The signage amendment is to provide additional clarification regarding the square footage of exterior wall signage allowed in non-residential districts.

The September 19th regular meeting agenda currently includes two public hearings for two additional Zoning Ordinance Amendments. ZOA 2023-05 includes revisions to the existing Lincoln City Transportation System Plan (TSP) by removing a some of the driving projects. ZOA 2023-06 includes changes to the Vacation Rental Dwelling code, and so a longer meeting is anticipated.

Director Skinner updated the Planning Commission on new construction in progress. The new Grocery Outlet is projected to open later this month, and there is a building permit application under review for the old BiMart space in Lighthouse Square. Building permits are also under review for Copeland Lumber at the old Cinema site, Lincoln Palisades Phase VI, and the tiny house development at SW Bard.

Presently there are no applications in for Development Review, Conditional Use Permits, Variances, Appeals, Annexation or Zone Changes. One future ZOA is under development that will incorporate language into the tree ordinance to address the need for defensible space relating to wildfires.

5. COMMENTS BY PLANNING COMMISSIONERS/COMMITTEE FOR CITIZEN INVOLVEMENT

None.

6. ADJOURN

Respectfully submitted,

Anne Marie Skinner
Planning Director

Robert Vincent
Chair

**LINCOLN CITY PLANNING COMMISSION WORK SESSION
MINUTES
August 15, 2023**

I. CALL TO ORDER, ROLL CALL

Attendee Name	Title	Status	Arrived
Brian Bunnnett	Commissioner	Present	
Clay Glasgow	Commissioner	Present	
Mellissa Sumner	Commissioner	Absent	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	

II. DISCUSSION ITEMS

Assistant Planner Andrea Riner distributed notes from Commissioner Marci Baker. Commissioner Kim Blackerby shared hard copies of his previously submitted comments.

2.1. Community Resiliency

Ms. Riner provided an overview of the process staff used to develop the most recent draft of the chapter on Community Resiliency. She reminded the Commissioners that they had decided at the last work session to eliminate redundancies, focus on the highest priorities, and put together a strong set of fully vetted core policies and objectives. She noted that the number of categories had been reduced and clarified under three headings: Overall/General, Climate Resiliency, and Emergency Preparedness. Director Skinner gave an overview of the contents within the agenda packet.

Chair Vincent asked Commissioner Baker to share her notes. Commissioner Baker gave a brief overview and suggested the group go through the draft chapter.

In discussing the introduction, the Commissioners agreed to reflect the importance of a connected community as part of ensuring resiliency, with a stronger tie to communication and engagement. Commissioner Baker added that the chapter also is addressing Statewide Goal #1 for public involvement.

Commissioner Baker supported the goal as written, but asked other Commissioners whether if it should reflect the connected community perspective, and address food supply issues. Commissioner Blackerby suggested adding Commissioner Baker's recommended language. The edited goal was agreed upon as follows: Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment and facilitate rapid recovery from natural disasters and hazards and prepare for and mitigate the impacts of climate change.

The Commissioners next reviewed the policies/objectives, agreeing upon the new structure and the three categories. Language was added to the second general/overall policy/objective to reflect

community participation and support. Policy objective #6 was revised to be consistent with current code language that states that development in bluff erosion hazard areas requires the involvement of an engineering geologist, certified to practice in Oregon, or geotechnical engineer registered and licensed to practice in Oregon.

Commissioner Glasgow questioned the value of policy/objective #3 relating to development and zoning ordinances. Director Skinner suggested deleting it as it was not needed, vague, and confusing. Commissioner Baker suggested consolidating it with policy/objective #1. Policy/objective #4 was revised to change the terms transportation facilities to critical infrastructure and eliminate the reference to locating new facilities outside of inundation areas. The Commissioners also agreed to eliminate policy/objective #7 relating to specific wildfire mitigation efforts, and add language to policy/objective #1 to coordinate with all applicable agencies.

In responding to a question from Commissioner Glasgow about the existence of a City climate action plan and a capital management plan, Director Skinner stated that there is a City Capital Improvement Plan (CIP). The Sustainability Committee is still in discussion about whether they will be developing a plan for overall sustainability or if it will be specific to climate change. Policy/objective #1 was revised to not capitalize the climate action plan reference. Policy/objective #2 and #3 were combined and simplified. Commissioner Glasgow requested clarification about policy/objective #4 and how future climate conditions would be applied to planning and design standards. Commissioner Baker asked about her suggestions to include references to the work of the Sustainability Committee. Ms. Riner stated that she had worked to distinguish climate resiliency as it relates to the natural hazards goal from the overarching issue of sustainability, and that the level of detail was more specific to the work of the Sustainability Committee. Commissioner Baker suggested adding a recommendation to budget sufficiently for needed environmental evaluations. Commissioner Blackerby agreed that he felt resources were an issue. The group agreed to a general statement to consider long-range resource needs associated with climate change planning and data collection.

The Planning Commission ended the discussion with a review of emergency preparedness policies/objectives. Commissioner Baker suggested a stronger emphasis on communication and the accessibility of information. She also noted that information needed to be more geographically specific. Other commissioners felt that the reference to developing a culture of preparedness addressed these concerns adequately.

Director Skinner stated that she had incorporated all of the discussed edits, and that the revised chapter would be brought back as a final in a subsequent meeting.

2.2. Economic Development and Urbanization

Director Skinner reviewed the draft chapter on Economic Development and Urbanization. She asked if the Planning Commission felt the introduction needed more data on the current number of restaurants, hotels, etc., and the Commissioners responded that they did not see the need. Responding to a question from Commissioner Glasgow, Commissioner Baker shared that she was a local business owner and a member of the Chamber of Commerce. She added that they had been kept apprised of the comprehensive plan update work throughout the plan development. No changes to the introduction or to the goal were proposed, outside of making the goal one single paragraph.

Only one revision was suggested for the policies/objectives. Commissioner Baker recommended adding a reference to housing, and providing options for residents to live close to where they work, such as by emphasizing mixed use development.

Commissioners also discussed the need for access to affordable goods, and determined that the existing set of policies/objectives adequately addressed this concept.

2.3. September Work Session Schedule

The next regular meetings are scheduled for September 5th and 19th, and the agendas are full. The Commissioners decided to schedule their next work session for Thursday, September 21st at 12:30 pm in Council Chambers to discuss Parks, Recreation, and Open Space and Coastal Resources.

III. ADJOURN

Respectfully submitted,

Anne Marie Skinner
Planning Director

Robert Vincent
Chair

Planning Commission Communication

ZOA 2023-04 Mobile Food Unit and Sign Clarification

Meeting Date: September 5, 2023 Primary Staff Contact: AnneMarie Skinner
 Department: Planning Commission E-Mail: ASkinner@lincolncity.org
 Secondary Dept: Secondary Contacts:
 Approval: Estimated Time:

Question:

Should the Planning Commission hold the public hearing for the zoning ordinance amendment?

Staff Recommendation:

Staff recommends the Planning Commission hold the public hearing, close the public hearing and the record, and make a recommendation to City Council.

Authority:

17.76.060.G. Public Hearing Procedure. The planning commission shall conduct the public hearing on Type IV applications in accordance with the procedures set forth in LCMC [17.76.160](#). In addition to the public hearing held by the planning commission, the city council shall also conduct a public hearing on Type IV applications.

17.76.060.H. Recommendation Authority.

1. Following receipt of testimony and deliberation at the public hearing held before the planning commission, the planning commission shall provide a recommendation to the City council for all Type IV applications. The planning commission shall recommend that the city council approve or deny the proposed amendments, with or without changes. The planning commission's recommendation shall be issued as a final recommendation, and shall include findings supporting the recommendation, based on public testimony and the application's success or failure to satisfy the applicable criteria.

2. Decision Authority. Upon receiving the planning commission's final recommendation, the city council shall hold a public hearing on the Type IV application.

Background:

This zoning ordinance amendment proposal contains two items. The first item is the result of a motion made by City Council on July 24, 2023. The motion directing staff to

bring back options for outdoor cooking for mobile food units was made by Councilor Hoagland and seconded by Councilor Casper. The motion passed unanimously. Staff notes that the county health department regulations allow for one outdoor cooking unit, like a smoker or barbecue unit, to be separate from the mobile food unit. Staff consulted with the county health department and the county health department has no objections to the city's rule being consistent with the health department's rule regarding a separate cooking unit. Staff consulted with the citizen who provided public comment to City Council regarding this issue as to the size of such a unit. The proposed amendment specifies maximum dimensions for a separate cooking unit, as well as providing for approval from the fire marshal for its placement.

The second item in the proposed amendment is to clarify the language in the sign ordinance regarding attached signs and electronic display centers. The current language is unclear to the point that staff members and the public are interpreting it differently. No substantive change is being made; rather, the proposed language is intended to clearly portray the requirements as originally intended.

Comments from agencies and department heads were requested. The only comment received in response was from the fire marshal who stated: "I think the language sounds good. Different equipment may require more space than others, so I do appreciate the flexibility with that."

Potential Motions:

First - Move to close the public hearing and the record.

Then - Move to recommend that City Council approve the zoning ordinance amendment as written OR move to recommend that City Council approve the zoning ordinance amendment as written, but with the following changes (and then list the changes).

Attachments:

ZOA 2023-04 (RTF)

17.72.100 Permanent signs in all other zones.

The following permanent signage is allowed in all other zones besides R1-5, R1-7.5, R1-10, R1RE, RM, RR, VR, and NP-NCR zones:

A. Attached Signs. Attached signs allowed by this code are wall signs, blade signs, suspended signs, canopy signs, awning signs, or marquee signs. **Banner signs are not allowed.**

1. Number. There is no limit to the number of attached signs on a building ~~with either one tenant space or with more than one tenant space~~, subject to the ~~aggregate total area limitation~~ **specifications** of subsection (A)(2) of this section.

2. Area.

a. Buildings are allowed a minimum of 25 square feet of attached sign area regardless of the amount of frontage or **the number of** tenant spaces. **The minimum allowance of 25 square feet for one building may be increased by one square foot for each lineal foot of property frontage, but only up to 100 lineal feet of property frontage.**

b. When a building contains more than one tenant space, each tenant space is allowed a minimum of 25 square feet of attached sign area, **regardless of the amount of property frontage or the number of tenant spaces. In some instances, this may result in a building having more than 100 square feet of attached sign area, which is allowed provided the overall square footage of attached sign area does not exceed 25 square feet for each tenant space.**

c. **Examples: 1. A building is on a site with 250 lineal feet of property frontage and contains one tenant space. The allowed attached sign area is 100 square feet. 2. A building is on a site with 75 lineal feet of property frontage and contains five tenant spaces. The allowed attached sign area is 25 square feet for each of the five tenant spaces for an overall total of 125 square feet. 3. A building is on a site with 300 lineal feet of property frontage and contains three tenant spaces. The allowed attached sign area is 100 square feet, with at least 25 square feet for each of the three tenant spaces and an additional 25 square feet. Tenant spaces with more than 25 lineal feet of frontage are allowed to increase the 25-square-foot minimum by one square foot for each lineal foot of frontage.**

~~d. In no case shall the total square footage of attached sign area on one building exceed 100 square feet, regardless of the number of tenant spaces and regardless of the amount of frontage.~~

3. Attached signs may be illuminated, subject to the provisions of LCMC 17.72.110.

17.72.120 Electronic display centers and changeable copy signs.

A. All electronic display centers shall come equipped with automatic dimming controls that automatically adjust the display brightness based on ambient light conditions such as from day to night or on a cloudy day.

B. All electronic display centers shall operate at brightness levels of no more than 0.3 foot-candles above ambient light levels. All electronic message signs shall also be preset to prevent luminance beyond 5,000 nits during daylight hours and 500 nits at night. Certification of these limits shall be provided by the property owner as part of the sign permit application and prior to issuance of the sign permit.

~~No electronic display center shall exceed a brightness level of 0.3 foot-candles above ambient light as measured using a foot-candle (LUX meter at a present distance depending on sign area). Measuring distance shall be determined using the square root of the product of the sign area and one hundred. (Example using a 12-square-foot sign: square root of (12 times 100) equals 34.6 feet measuring distance.)~~

C. One electronic display center or changeable copy sign, **or combination of both**, is allowed per legal lot of record provided the legal lot of record has at least 40 lineal feet of street frontage.

D. The display in the electronic display center may not change or move more often than once every hour.

E. The images and messages displayed must be static, and the transition from one static display to another must be instantaneous without any special effects.

F. The electronic display center must be designed and equipped to freeze the element's display in one position if a malfunction occurs.

G. Sign area of the display portion of the electronic display center or changeable copy sign may not exceed 30 percent of the **overall total of the entire sign face area, including the electronic display center, changeable copy sign, and non-display/changeable portion of the sign. The pole or monument structure is not included in calculating the overall total of the entire sign face area. provided sign face.**

H. The electronic display center **and**/or changeable copy sign must be part of an attached sign or freestanding sign, is not allowed as a separate sign, and is included in the calculation of allowed attached or freestanding sign face area.

I. Incorporation of electronic display centers and changeable copy signs:

1. Electronic display centers may be incorporated into either attached or freestanding signs, but not roof signs.
2. Changeable copy signs may be incorporated into either attached or freestanding signs, but not roof signs.
3. Electronic display centers and changeable copy signs are only allowed as part of permanent attached or freestanding signs and may not be utilized as stand-alone permanent signs.
4. Electronic display centers and changeable copy signs are subject to the provisions of LCMC 17.72.110 and this section.

17.80.170.B. Standards. Mobile food units are subject to the following standards:

2. Mobile food units must be fully contained, and equipment must be integral to the unit **except that a Class IV mobile food unit may have one and only one separate outdoor cooking unit, such as a barbecue or smoker unit, that is not integral to the mobile food unit itself. The distance of the one separate outdoor cooking unit from the mobile food unit and from any structure is subject to approval by the fire marshal. The one separate outdoor cooking unit cannot exceed the following dimensions: 44 inches tall by 24 inches wide by 16 inches deep.** External generators are prohibited.