



# AGENDA

Lincoln City Planning Commission  
Tuesday, February 1, 2022, 6:00 PM  
Zoom, Streamed LIVE on Zoom  
801 SW Highway 101 - 3rd Floor, Streamed LIVE on Zoom, Lincoln City, OR 97367

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
2. **AGENDA CHANGES OR REVISIONS**
3. **MINUTES**
  - 3.1. Planning Commission - Regular Meeting - Jan 18, 2022 6:00 PM
4. **FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**
5. **PUBLIC HEARINGS/DELIBERATIONS**
  - 5.1. ZOA 2022-03 Bluff Erosion ordinance amendment
6. **OLD BUSINESS**
7. **NEW BUSINESS**
8. **PLANNING COMMISSION TRAINING**
  - 8.1. Training
9. **REPORTS AND COMMENTS**
10. **FUTURE AGENDA ITEMS & NEXT MEETINGS**
11. **ADJOURN**

*All information for this meeting is available on the City of Lincoln City website at [www.lincolncity.org](http://www.lincolncity.org), and this meeting will be televised live on Charter Channel 4 Lincoln City and rebroadcast at various times. Planning Commission meetings are streamed live on the Internet through a link on the City of Lincoln City website, and can also be viewed following the meeting. 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 the City Recorder, at 541-996-1203.*

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
January 18, 2022**

**1. CALL TO ORDER & ROLL CALL**

Called to order at 6:01 PM by Commissioner Baker. Roll call completed by Anne Marie Skinner

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Glenn Johnson	Commissioner	Present	6:01 PM
Mellissa Sumner	Commissioner	Present	6:01 PM
Marci Baker	Commissioner	Present	6:01 PM
Kim Blackerby	Commissioner	Present	6:01 PM
Lenny Nelson	Commissioner	Present	6:01 PM
Miles Schlesinger	Commissioner	Present	6:01 PM
Robert Vincent	Commissioner	Present	6:01 PM

**2. AGENDA CHANGES OR REVISIONS**

There were no agenda changes or revisions.

**2.1. Election of Chair and Vice Chair for 2022**

Commissioner Baker explained that the floor was open for nominations for Chair and that anyone on the Commission is eligible, with the exception of Commissioner Baker because she has served as an officer for two consecutive years.

Commissioner Schlesinger nominated Kim Blackerby for Chair, and Commissioner Vincent seconded the nomination. There were no other nominations for Chair. Motion passed unanimously. Commissioner Baker handed over the role of Chair to the new Chair - Commissioner Blackerby.

Chair Blackerby noted that it is a pleasure to follow Commissioner Baker as chair and that he appreciates how she is always organized and prepared, that she looks over the materials every time and that she has her own business to run on top of that. He appreciates her leadership capacity and having her continue on the Commission as well. Commissioner Vincent also thanked Commissioner Baker.

Commissioner Sumner nominated Commissioner Vincent for Vice Chair. Commissioner Baker nominated Commissioner Sumner for Vice Chair. There were no other nominations. No seconds were given, and Richard Appicello, city attorney, stated that no seconds are needed. A vote was taken on the Vice Chair nominees. Commissioner Baker voted for Commissioner Sumner. Commissioner Johnson abstained. Commissioner Blackerby voted for Commissioner Vincent. Commissioner Schlesinger voted for Commissioner Sumner. Commissioner Sumner voted for Commissioner Vincent. Commissioner Nelson voted for Commissioner Vincent. Commissioner Vincent voted for Commissioner Vincent. The new 2022 Vice Chair is Commissioner Vincent.

**MOTION:** Blackerby for 2022 Chair  
**MOVER:** Schlesinger  
**SECONDER:** Vincent  
**AYES:** Baker, Blackerby, Nelson, Schlesinger, Sumner, Vincent  
**ABSTAINED:** Johnson  
**RESULT:** Passed

### 3. MINUTES

#### 3.1. Planning Commission - Regular Meeting - Jan 4, 2022 6:00 PM

**MOTION:** Approve the minutes of the January 4, 2022, meeting with an edit to packet page 19, the 3rd paragraph from the bottom, missing the word "uses."  
**MOVER:** Baker  
**SECONDER:** Vincent  
**AYES:** Baker, Blackerby, Nelson, Schlesinger, Sumner, Vincent  
**ABSTAIN:** Johnson  
**RESULT:** Passed as Amended

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

#### 4.1. FO 2022-01 for PUD 2021-02 SUB 2021-01 Lincoln Palisades Phase VI

No comments or discussion. Moved by Vincent, seconded by Baker. Motion passed unanimously, with Johnson abstaining.

**MOTION:** Approve FO 2022-01 for PUD 2021-02 SUB 2021-01 Lincoln Palisades Phase VI  
**MOVER:** Robert Vincent, Commissioner  
**SECONDER:** Baker  
**AYES:** Baker, Blackerby, Schlesinger, Sumner, Vincent  
**ABSTAIN:** Johnson  
**AWAY:** Nelson  
**RESULT:** Passed

#### 4.2. FO 2022-02 for VAR 2021-03 SW Coast garage setback variance

Commissioner Vincent wondered if the decision to deny the variance request was being renegotiated. Anne Marie Skinner stated that no, the decision is not being renegotiated. The decision is to accept the final order document and authorize the Chair to sign it.

**MOTION:** Approve FO 2022-02 for VAR 2021-03 SW Coast garage setback variance  
**MOVER:** Baker  
**SECONDER:** Sumner  
**AYES:** Baker, Blackerby, Nelson, Schlesinger, Sumner, Vincent  
**ABSTAIN:** Glenn Johnson  
**RESULT:** Passed

#### 4.3. FR 2022-01 for ZOA 2021-06 (Type IV Text Amendment Initiation Final Recommendation)

No comments or discussion.

<b>MOTION:</b>	<b>Approve FR 2022-01 for ZOA 2021-06 (Type IV Text Amendment Initiation Final Recommendation)</b>
<b>MOVER:</b>	<b>Vincent</b>
<b>SECONDER:</b>	<b>Sumner</b>
<b>AYES:</b>	Baker, Blackerby, Nelson, Schlesinger, Sumner, Vincent
<b>ABSTAIN:</b>	Johnson
<b>RESULT:</b>	<b>Passed</b>

#### 4.4. Final Recommendation 2022-02 for ZOA 2021-07 electronic message centers in residential zones

No comments or discussion.

<b>MOTION:</b>	<b>Approve FR 2022-02 for ZOA 2021-07 electronic message centers in residential zones</b>
<b>MOVER:</b>	<b>Nelson</b>
<b>SECONDER:</b>	<b>Baker</b>
<b>AYES:</b>	Baker, Blackerby, Nelson, Schlesinger, Sumner, Vincent
<b>ABSTAIN:</b>	Johnson
<b>RESULT:</b>	<b>Passed</b>

#### 4.5. FR 2022-03 for ZOA 2022-01 Annexation Process Clarifications

No comments or discussion.

<b>MOTION:</b>	<b>Approve FR 2022-03 for ZOA 2022-01 Annexation Process Clarifications</b>
<b>MOVER:</b>	<b>Baker</b>
<b>SECONDER:</b>	<b>Vincent</b>
<b>AYES:</b>	Baker, Blackerby, Nelson, Schlesinger, Sumner, Vincent
<b>ABSTAIN:</b>	Glenn Johnson
<b>RESULT:</b>	<b>Passed</b>

#### 4.6. Final Recommendation 2022-04 for ZOA 2022-02 UGB

No comments or discussion.

<b>MOTION:</b>	<b>Approve FR 2022-04 for ZOA 2022-02 UGB</b>
<b>MOVER:</b>	<b>Vincent</b>
<b>SECONDER:</b>	<b>Baker</b>
<b>AYES:</b>	Baker, Blackerby, Nelson, Schlesinger, Sumner, Vincent
<b>ABSTAIN:</b>	Johnson
<b>RESULT:</b>	<b>Passed</b>

## 5. PUBLIC HEARINGS/DELIBERATIONS

None.

## 6. OLD BUSINESS

None.

## 7. NEW BUSINESS

Anne Marie Skinner announced the newest Planning Commissioner, Commissioner Glenn Johnson. Ms. Skinner turned the floor over to Commissioner Johnson to introduce himself.

Commissioner Johnson noted it is a pleasure to be present. Commissioner Johnson stated that he and his wife purchased a house, remodeled it, and moved in last May. He said they have a daughter in McMinnville, a son in Iowa, and two grandchildren. He noted that he and his wife moved to Oregon from Texas, where he is a licensed attorney but he is not a licensed attorney in Oregon. He noted that he served on a planning commission in Texas. He thinks that service on city commissions is important and that his wife is on the Arts Board. He and his wife have joined a church here and developed pretty close friendships already.

Chair Blackerby thanked him for the background and welcomed him to the Pacific Northwest and the Commission. Commissioner Vincent also thanked Commissioner Johnson.

## 8. PLANNING COMMISSION TRAINING

None.

## 9. REPORTS AND COMMENTS

Anne Marie Skinner asked the Planning Commission their thoughts on having public workshops for updating the comprehensive plan, considering that we are still meeting on Zoom. Commissioner Sumner wondered if the meetings can't be in person. Ms. Skinner replied that we are not doing in-person meetings at this time. Commissioner Sumner then replied that it would be good to get started.

Chair Blackerby wondered about input from the Commissioners about the top five statewide planning goals. Ms. Skinner noted that she had received Blackerby, Vincent, Sumner, and Schlesinger, that she didn't have Baker or Nelson and Johnson is new. Ms. Skinner stated that she would email the goals to the individuals who still need to get her the goals. She also stated that she would put together some type of schedule, perhaps two goals per meeting. Commissioner Baker wondered if it was the top five most important goals to the city overall, or the top five of the plan needing updated Ms. Skinner recommended that Commissioner Baker send both prioritization lists.

Commissioner Johnson wondered if he had the comprehensive plan in the bundle of information he received. Ms. Skinner said she didn't know, but that it is online and that she would send him the link and a pdf of the first 56 pages, that the first 56 pages are what will be amended.

Commissioner Schlesinger wondered about waiting for public input and if there is a way by mail to mail a questionnaire because he feels that we will be on Zoom for the foreseeable future. Ms. Skinner noted that Commissioner Schlesinger's comment is a good comment and that's why she asked for input from the Commissioners. Ms. Skinner's intent is to receive public comment through the Planning Commission special meetings. She also noted that there is at least one survey she is going to put together that will be available on the city's website, the city's Facebook page, the library, etc., and solicit comments through the newsletter and various other methods.

Richard Appicello wondered if Commissioner Johnson had received the city laptop. Ms. Skinner said yes, he received the city laptop. Mr. Appicello then asked if the laptop was loaded with the training materials. Ms. Skinner said yes, the laptop contained the training materials. Mr. Appicello said if Commissioner Johnson, or any of the other Commissioners, had any questions to ask.

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

Chair Blackerby asked about future agenda items. Ms. Skinner stated she had nothing else and that there haven't been any cases submitted and that we are past the deadline for noticing for the next meeting.

Chair Blackerby once again thanked Commissioner Baker for everything she did and that he would do well to follow in her footsteps.

Commissioner Schlesinger wondered about the next meeting date. Ms. Skinner said she is going to try and have training at the next meeting on February 1, 2022.

**11. ADJOURN**

Adjourned 6:37 PM

Respectfully submitted,

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Anne Marie Skinner  
Planning Director

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Kim Blackerby  
Chair

# Planning Commission Communication

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## ZOA 2022-03 Bluff Erosion

Meeting Date: February 1, 2022      Primary Staff Contact: AnneMarie Skinner  
 Department: Planning Commission      E-Mail: ASkinner@lincolncity.org  
 Secondary Dept:      Secondary Contacts:  
 Approval:      Estimated Time:

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### Question:

Should the Planning Commission conduct a public hearing on ZOA 2022-03 (bluff erosion) and make a recommendation to the City Council?

### Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the proposed amendment to the zoning code.

### Authority:

Legal authority for text amendments is as follows:

*17.76.060 Type IV (Legislative).*

- A. General Description. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.*
- 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.*
  - 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:**

Notice was given to the Oregon Department of Land Conservation and Development on December 27, 2021. Notice of the public hearings was published in the local newspaper on January 18, 2022, and January 25, 2022.

**Planning Commission Options:**

1. Hold the public hearing; close the public hearing; make a recommendation.

**Potential Motions:**

1. I move to close the public hearing and the record for ZOA 2022-03 Bluff Erosion.

**Then:**

2. I move to recommend approval to City Council of ZOA 2022-03 Bluff Erosion, as written.

**Attachments:**

ZOA 2022-03 Final Language (DOCX)

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ORDINANCE NO. 2022- \_\_

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING), AMENDING CHAPTER 17.47 (NATURAL HAZARDS BEACHES AND DUNES), SECTION 17.47.020 (DEVELOPMENT IN IDENTIFIED HAZARD AREAS), PARAGRAPH D, TO CLARIFY THE CALCULATION FOR THE BLUFF SETBACK**

*Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**.*

**The City Council finds:**

- A. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and
- B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on December 27, 2021; City staff determined the the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and
- D. The Planning Commission, on February 1, 2022, held a public hearing and considered the amendments contained within this ordinance. On February 1, 2022, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes; and
- E. The City Council conducted the public hearing on March 14, 2022, closed the hearing, closed the record, and deliberated on the proposed amendments on March 14, 2022 and provided direction to staff to return with an Ordinance for adoption; and
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

**THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

**SECTION 1.** Chapter 17.47 (*Natural Hazards, Beaches and Dunes*) Section 17.47.020 (*Development in Identified Hazard Areas*), Paragraph D, are hereby amended to read as follows:

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D. Bluff Setback. No bluff setback is required for public infrastructure, beach front protective structures, or natural means of beach protection. The footprint of any other new structure or any horizontal addition requiring at least one footing in ocean bluff areas must be set back from the bluff a distance of at least 60 times the **average maximum** annual erosion rate (determined by the geotechnical analysis) plus five feet. The bluff, for this purpose, shall be determined by the city through inspection of aerial photos, the most recent LIDAR data, and the dividing line between the active and the high-risk erosion zones identified in the 2004 Priest maps referenced above. If the city cannot determine the location of a bluff, the geotechnical analysis, provided at the applicant’s expense, shall determine an appropriate site for the structure, if one exists. The bluff setback must be measured from the unaltered bluff edge, as based upon a recent (conducted within the 12 months prior to the date of the geotechnical analysis) topographic survey performed by a land surveyor licensed in the state of Oregon. If damaged, an existing structure that does not conform to the setback may be rebuilt in conformance with Chapter 17.64 LCMC, Nonconforming Situations. Reconstruction shall comply with recommendations provided in a report from an engineering geologist licensed in the state of Oregon or a registered geotechnical engineer licensed in the state of Oregon, or both, as determined necessary by the building official.

**SECTION 2. Findings Adopted.** The findings contained in the Whereas Clauses of this ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial evidence in the whole record of this legislative proceeding are incorporated into this section by reference as if fully set forth herein, and are adopted in support of this legislative action.

**SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 4. Savings.** Notwithstanding the amendment to this Title, the existing Title remains valid and in full force and effect for purposes of all criminal, civil or administrative code enforcement cases or land use actions or applications filed or commenced during the time said ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 5. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance takes effect 30 days after the date of its adoption.

**SECTION 6 Codification.** Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal Code and the word “ordinance” may be changed to “code”, “article”, “section”, “chapter” or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-6) need

1 not be codified and the City Recorder is authorized to correct any cross-references and any  
2 typographical errors.

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4 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section  
5 9.2 of the City of Lincoln City Charter on the 14<sup>th</sup> day of March, 2022 (First Reading) and on the  
6 14<sup>th</sup> day of March, 2022 (Second Reading).

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8 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14<sup>th</sup> day of March,  
9 2022.

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14 SUSAN WAHLKE, MAYOR

15 ATTEST:

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18 JAMIE YOUNG, CITY RECORDER

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20 APPROVED AS TO FORM:

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23 RICHARD APPICELLO, CITY ATTORNEY

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## Planning Commission Communication

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### Training

Meeting Date: February 1, 2022      Primary Staff Contact: AnneMarie Skinner  
Department: Planning Commission      E-Mail: ASkinner@lincolncity.org  
Secondary Dept:      Secondary Contacts:  
Approval:      Estimated Time:

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Portions of a video from League of Oregon Cities will be viewed. The video is “Public Meetings in Oregon – Legal Requirements & Best Practices.”