

**LINCOLN CITY PLANNING COMMISSION
MINUTES
January 5, 2021**

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

Attendee Name	Title	Status	Arrived
Marci Baker	Commissioner	Present	
Kim Blackerby	Commissioner	Excused	
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

There was a request to move agenda item #7 (Election of Chair and Vice Chair) before the adoption of the minutes from the December 22, 2020 meeting. The request was approved by unanimous consent.

Mr Appicello requested that review of Final Orders be moved to after the Public Hearings, in case the Planning Commission wanted to consider the draft final order for the Helping Hands extension request.

2.1.

MOTION:	Motion to move review of final order to after the public hearing in the agenda
MOVER:	Patti Kroen, Chair
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3. NEW BUSINESS

1. Election of a 2021 Chair and Vice Chair

Formerly agenda item #7, the election of chair and vice chair was moved to item #3 by unanimous consent.

Chair Kroen presented the elections and nominated Commissioner Marci Baker as the 2021 Planning Commission Chair. Commissioner Nelson seconded the nomination.

Commissioner Schlesinger nominated Commissioner Patti Kroen as Chair. Commissioner Kroen has been chair for two years and declined the nomination. Commissioner Schlesinger withdrew his nomination.

Nominations were closed by a motion and vote. Commissioner Baker was elected chair by a motion and vote.

Commissioner Baker nominated Commissioner Kroen as the 2021 Planning Commission vice-chair. Commissioner Nelson seconded the nomination. Nominations were closed by a motion and vote. Commissioner Kroen was elected vice chair by a motion and vote.

3.1.1.

MOTION:	Motion to close nominations for the 2021 Planning Commission Chair
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Miles Schlesinger, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3.1.2.

MOTION:	Motion to elect Commissioner Marci Baker as the 2021 Planning Commissioner Chair
MOVER:	Miles Schlesinger, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3.1.3.

MOTION:	Motion to close nominations for the 2021 Planning Commission Vice-Chair
MOVER:	MacNeale Smith, Commissioner
SECONDER:	Miles Schlesinger, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

3.1.4.

MOTION:	Motion to elect Commssioner Kroen as the 2021 Planning Commission Vice-Chair
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Marci Baker, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

4. MINUTES

Chair Marci Baker took over the meeting. She asked if there were any additions, changes, or edits to the minutes from the 12/22/2020 meeting. Chair Baker noted a couple of small typos. The minutes were adopted by a motion and vote.

4.1. Planning Commission - Regular Meeting - Dec 22, 2020 12:00 AM

MOTION:	
MOVER:	Patti Kroen, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

5. PUBLIC HEARINGS/DELIBERATIONS

5.1. Extension request for CUP 2019-04 Transitional Housing

Ext 2020-02 is a request from Helping Hands to extend their conditional use permit for transitional housing, CUP 2019-04. At the request of Chair Baker, Mr Appicello reviewed the history of the hearing and the record, and read the required script. There were no declarations of ex-parte contact since the last meeting.

Mr Appicello said that he is happy to go through the application and the facts of the law. Should only take a minute because it is not a very complicated case. Patti and Lenny both said they would like to hear what Richard had to say.

Mr Appicello reviewed the application and the facts of the law. Required notice was sent. Opposition provided comments. The applicant provided final arguments. Mr Appicello said that the real core of the request is determining the applicable criteria are of the extension. The only criteria are 17.80.060. A number of commenters commented on the impacts to the neighborhood, which are irrelevant to the criteria for the time extension.

Additionally, the criteria appear to require that in the instance where the one-year anniversary has passed, the applicant must show that the conditional use is not void. The applicant applied for the one-year extension and demonstrated that the approval was not void. The record was left open, and the applicant submitted evidence that construction had been diligently pursued. Documents and photographs were submitted into the record during the period the record was open. Believe that the PC could find that construction has commenced and been diligently pursued in the effort to create the precise use as approved. The record discussed that no new buildings were being constructed or expanded and the buildings were being converted from commercial to residential use. The alteration and construction was performed pursuant to building permits that are in the record. Demolition, alteration and construction has been pursued.

Mr Appicello said that the opponent argued that only the construction mentioned in the conditions of approval counts towards required construction. However the code talks about required construction, not about conditions of approval. In order to convert the existing use to a residential use, you have to have showers and bathrooms and kitchens. The planning commission could reject the interpretation that construction has to be explicitly mentioned in the final order to

qualify as construction. The applicant did engage in permitted lawful alteration to the interior of the building to allow the exact use authorized in the conditional use.

Commissioner Kroen said that during the original hearing for the conditional use permit, there was an assumption that there would be construction inside to facilitate the proposed use. It seems like that would demonstrate good faith in pursuing the conditional use. The permit did not say there would be no construction. It said that there would be no new buildings or expansion of the existing buildings.

Commissioner Nelson commented that the opponents argued that the only thing being approved was the four conditions. But the thing that was approved was the transitional housing. Mr Appicello confirmed the the code does not say that only the conditions need to be constructed. The use needs to be constructed.

The extension request EXT 2020-02 for CUP 2019-04 was approved by a motion and a vote.

MOTION:	Extension request for CUP 2019-04 Transitional Housing
MOVER:	Patti Kroen, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

6. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

Mr Appicello read the draft order FO 2021-01 approving EXT 2021-01, and asked that the chair be authorized to sign on behalf of the Planning Commission. The final order was approved by a motion and a vote.

6.1.

MOTION:	Motion to approve FO 2021-01 and authorized the chair to sign on behalf of the Planning Commission
MOVER:	Lenny Nelson, Commissioner
SECONDER:	MacNeale Smith, Commissioner
AYES:	Baker, Brainerd, Kroen, Nelson, Schlesinger, Smith
EXCUSED:	Kim Blackerby
RESULT:	Passed

7. OLD BUSINESS

None

8. PLANNING COMMISSION TRAINING

A joint meeting with the City Council is scheduled for the first Planning Commission meeting in February for training. It is also an opportunity to have a joint meeting with discussion items. If there are items that commissioners would like to discuss, they should send an e-mail to Mr Chandler.

The new planning director is set to start the last week of January, and should be present for that meeting..

9. REPORTS & COMMENTS

None

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

The next meeting is January 19th, and will include the extension request from NWN and the Lincoln Palisades Phase V PUD.

11. ADJOURN

Adjourned at 6:53

Respectfully submitted,

James White
Assistant Planner

Marci Baker
Chair