

**LINCOLN CITY PLANNING COMMISSION
MINUTES
November 16, 2021**

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

Attendee Name	Title	Status	Arrived
Robert Vincent	Commissioner	Present	
Mellissa Sumner	Commissioner	Present	
Marci Baker	Chair	Present	
Kim Blackerby	Commissioner	Present	
Lenny Nelson	Commissioner	Present	
Miles Schlesinger	Commissioner	Present	
MacNeale Smith	Commissioner	Present	

2. AGENDA CHANGES OR REVISIONS

The lighting ordinance is no longer being pursued, and has been removed from the agenda.

3. MINUTES

Chair Bake noted two errors in the draft minutes: Commissioner Nelson was listed as a Yea on a vote that occurred before she was present, and Commissioner Vincent was the appropriate second for the motion continuing the Lighting Ordinance to the November 16, 2021 meeting.

3.1. Planning Commission - Regular Meeting - Nov 2, 2021 6:00 PM

MOTION:	Motion to adopt the November 2, 2021 Planning Commissioner minutes with corrections as noted.
MOVER:	Robert Vincent, Commissioner
SECONDER:	Lenny Nelson, Commissioner
AYES:	Vincent, Sumner, Baker, Blackerby, Nelson, Schlesinger, Smith
RESULT:	Passed

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

None

5. PUBLIC HEARINGS/DELIBERATIONS

5.1. PUD 2021-02 SUB 2021-01 Lincoln Palisades VI A 36-lot subdivision/planned unit development of 7.57 acres in the R-1-7.5 zone

Chair Baker opened the public hearing at approximately 6:04. She made sure that everyone hoping to participate had been added to the meeting, and then introduced the application and read the required statements.

Commissioner Blackerby declared that he saw a posting on an Internet application by Mr Dunn regarding the application. Commissioner Blackerby said that the materials in the post were

identical to those included in the meeting packet. Commissioner Sumner said that she also saw the post. Both commissioners agreed that they could participate in the meeting based on information in the record.

There were no challenges from the audience to the jurisdiction of the Planning Commission or to the ability of any commissioners to hear the matter.

Planning and Community Development Director Anne Marie Skinner read the substantive applicable criteria, and Chair Baker read the remainder of the required statements and explained the order of proceedings for the hearing.

Commissioner Blackerby asked whether the documents that came in late in the afternoon, and that were forwarded to the commissioners, would affect the hearing. Ms Skinner recommended that the commissioners proceed with holding the hearing because there were multiple members of the public in attendance to give testimony, and then to leave the hearing open and continue it to the next meeting to give the public and staff time to go through the new materials that were provided.

Staff Report:

Ms Skinner presented the staff report. She described the site and the details of the application. The proposal is to divide the site into 36 lots for the future construction of detached single-unit dwellings.

Ms Skinner described comments that were received and included as full text in the staff report. Public Works Engineering Tech Daniel Wentz added a comment before the meeting:

“The applicant shall be responsible for construction inspection services for the approved, engineering design. This shall ensure appropriate construction of engineered plans and include, but not be limited to, weekly inspections reports, RFI consultation, submittal review, and as-built services with a proposed condition that the applicant shall provide construction inspection.”

Mr Wentz also added that the change to the cul-de-sac in the revised design is OK with Public Works, and essentially eliminates public works condition 19.

Additional comments were received from Patrick Dunn, which Ms Skinner read in full:

My objective is to encourage the Lincoln City Planning Commission to thoughtfully consider approve with conditions or deny PUD 2021-02 SUB 2021-01 Lincoln Palisades VI. I recommend option 2. Hold the public hearing. Continue the public hearing with an open record.

Justification (references to Agenda Packet page numbers):

1. This is a very complex request needing more time to consider the impact thoroughly. A motion to approve would be inappropriate. Staff shows problems on page 11. Why should approval be granted now that may well be denied for a building permit? Page 19, H.1.a Finding seems to indicate in complex verbiage a condition to be met in a "final master plan." The application should be modified appropriately prior to any approval. Item 11, page 30.

2. Planning item 5. States, " ... homeowners' association." Page 29. To my knowledge, no one has renewed an association over 20 years; it no longer exists. I have been a resident of this neighborhood for over 21 years. This needs further explanation. Also see pages 39-53 and 75-88 are unsigned documents.

3. Page 31, Storm Sewer concerns me as Phase V and this proposal terminate near a truck wash on West Devils Lake Blvd near and across from the intersection to the street to the golf course (possibly NE 5Qth St.). I have seen flooding of at least one foot in this area. Page 37

4. Pages 54-64 and "accompanying plan set" contain too much information and the Agenda Packet format requires zooming in and out to view details making it difficult to determine beginnings and endings. More time than from November 10 to November 16 is needed understand the information presented. Pages 65 - 74 purpose is unclear. Page 68 identifies Parcel 2 and Parcel 1. Work started on Parcel 2 in 2021 , for which I will be seeking details on that process as Parcel 1 herein presents similar problems. Page 69 does not show two houses built opposite Lot 81 and Lot 80 that have significant drop-off and water drainage to Parcels 1 and 2. Pages 89 - 100 are time consuming to understand as full zoom out is difficult to read requiring many levels of zoom to read details. Pages 101 - 135 likewise and planning staff needs to explain their purpose.

5. Page 90: Recommend NE 51 Loop be continued to West Devils Lake Blvd. Page 98: Does the circle allow fire truck turnaround if NE 51 Loop is not continued? Pages 91 & 95 show steep grades down to water runoff collection points headed toward the truck wash in paragraph 3 above. There is a spring east of lot 06-11-35CD. Proposed lots 31 and 32 should be confirmed viable considering wetlands and erosion possibilities.

6. Page 139 is my proposal for planning staff to explore additional Hwy 101 access from neighborhoods to the west. Pages 140- 143 appear to be another submission. The Lincoln City Master plan shows extension from Sal-La-Sea to Hwy 101 (Sal La Sea to 101.jpg, Sal La Sea Extension D7.jpg, and Sal La Sea D1 D4.jpg attached). I strongly urge the Planning Commission to require at minimum this road construction before allowing further housing construction. LP-V1 Needed Access.jpg (attached) for other possible connections to Hwy 101 that should be considered. Some say the fire evacuation problem was due to notification, not additional housing. Consider the number of single occupant vehicles leaving Roads End and Palisades, some pulling trailers that could have left a day earlier. Yes, notification was not the best but additional population without more and improved roads is not a solution.

Written testimony submitted as I have flight reservations November 16 to visit family scheduled prior to the October 27, 2021 Notice of Public Hearing.

An additional comment was received by e-mail from Liz Fordham. Ms Skinner read the comment letter in full:

Dear Ms. Skinner,

Thank you very much. Unfortunately, I have a scheduling conflict, but I would be opposed. I feel that not enough thought and consideration has been given as to how to develop that space in a responsible manner. The lots are not even all up to the minimum size requirements for the zone, (and the minimum hardly allows for replanting enough foliage as it is- for both wildlife displacement and erosion control).

There are going to be HOW many new cars added with all these homes? Do we have plans for all this added traffic to safely travel in and out in emergency situations? What about additional traffic signs, lights, and additional routes in and out of the neighborhood? Last year, when we were trying to evacuate our neighborhood, we sat in the car with our 3 children for over 2 HOURS with ashes falling all around us. I would say that adding 50+ homes to the neighborhood REQUIRES another way out (as with the current number, our evacuation route was already overwhelmed and inadequate).

I have other concerns, as well. I have been told the extension is only to the PERIMETER of the wetland area...really? Is that verified? Who has inspected that? I have many questions and concerns. I feel like if this land is going to be developed, it needs to be in an equitable process and not just squeezing in as many houses as possible without regard to the existing infrastructure, (ie: lack of evacuation routes) neighbors, or environmental protection.

Thank you for your time and consideration.
Liz Fordham

A revised plan was submitted by the applicant at approximately 4:30 today. Ms Skinner stated that in the brief time she had to look at the new plan before the meeting, she could see that all of the proposed lots now appear to meet the dimensional requirements of the underlying zone. The several lots in the original plan that did not meet the dimensional requirements for the underlying zone, and the landscaping plan were the only items that did not meet the requirements for approval of a subdivision. Now with the revised plan with lots that meet the dimensional requirements, the proposed condition regarding that can be removed. The applicant submitted information that Lincoln Palisades Phase VI was part of the approval of the master plan for Lincoln Palisades Phase III, which Ms Skinner confirmed. Part of that approval was dedication for open space for the entirety of Phase III. In other words, the landscape requirement for Phase VI was met back with the dedication of the open space for Lincoln Palisades Phase III.

Commissioner Nelson said that, if the planning director has just received this information, there hasn't been time for the commissioners to see it, and that it must be a large change in the layout with the lots. Ms Skinner explained her earlier suggestion that the commissioners hold the hearing to gather the public testimony from the public present at tonight's meeting, but continue deliberations to the next meeting.

The site does not contain any designated aesthetic resources (trees). It does not contain any mapped significant wetlands. That will have to be confirmed with building permits that come in with each of the lots. Applicants will have to show that none of the construction (or clearing and grading) is occurring within wetlands. The site is not in any flood hazard area.

The tree ordinance does not require preservation of trees. It only requires that a tree plan be submitted, but it does require that the site not be cleared. The only clearing that can occur is to install infrastructure. The actual clearing of the lots cannot take place until the building permits have been issued for those lots.

The project does not trigger the requirement for a traffic impact analysis. The applicants do show circulation that meet city standards. They are providing public streets at widths that meet the transportation master plan. The city does not want NW 61st Lp to be extended.

Commissioner Blackerby said that on packet page 11, there is a reference to Tract A, and it is not clear where that is. Ms Skinner said that Tract A is the stormwater tract that will be owned and maintained by a homeowner's association. Commissioner Blackerby said that it goes to the

comment by Mr Dunn that there is not a homeowners association. Ms Skinner confirmed that the applicant has stated that there is a homeowner's association, so they will have to confirm that.

Commissioner Blackerby asked about the relationship of this project to Phase V of Lincoln Palisades, which is north of the current proposed area. There is no road connection between the two phases because the area between is open space and wetlands, and is owned by the City of Lincoln City.

Commissioner Blackerby asked about the condition related to landscape strips, and asked if there are landscape strips in other parts of Lincoln Palisades. Ms Skinner deferred the question to the applicant testimony.

Commissioner Vincent said that during the course of reading he did not see anything about green space or a playground for children. He asked if there was any proposal for green space. Ms Skinner explained that it is not required by the Lincoln City Municipal Code. There is a requirement for a portion of the project to be landscaped, which goes back to the explanation of the dedication of open space from Lincoln Palisades Phase III that Lincoln City now owns. Commissioner Blackerby said that from Phase I to this Phase VI, there is not any kind of recreation space, and an area that big should have something. Ms Skinner said that as a Planned Unit Development, that is within the commissioners' purview to add as a condition of approval.

Applicant Testimony:

Hayden Wooton presented for the applicant. He said that some of the shortcomings of the original application were addressed in the last few days, and were part of the updated plans that were submitted today. This includes a small open space - a 5,000 sf tract of landscaped area to have a usable open space, even though they have the 18 acres adjacent that may not always be accessible. Mr Wooton said that they agree with the proposed conditions of approval and are happy to work through any conditions the commissioners might have.

Commissioner Blackerby asked if there are any landscaping strips elsewhere in Lincoln Palisades and the plans to include them here. Mr Wooton said that there were not landscaping strips that divide the sidewalk from the street. This version of the plan does not include any traditional landscape strips, but will still meet the landscaping requirements. Ms Skinner said that while Mr Wooton was talking she looked at the revised plans, which do include the open space that Mr Wooton referred to. There was some discussion about the location of that open space in reference to the unrevised plans. Mr Wooton said that the intention was to locate it central to Phase Vi so that it is accessible from all of the lots.

Commissioner Blackerby said that when the Planning Commission approved Phase V, the developer agreed that there would not be any truck traffic on Port Lane around the round-about because it is a narrow street. He asked if that is something the developer could do if this application is approved as well. Mr Wooton agreed
There were not additional questions for the applicant.

Testimony in Support of the Application:

There was no testimony in support of the application.

Testimony Neutral to the Application:

There was not testimony neutral to the application

Testimony Opposed to the Application:

Tim Stoelb said that now that he has seen that there are new plans that have been received, he would like to see those documents before making his comments.

Margaret Powell said she wants to formally request to leave the record open. She asked whether there would be anywhere that she can get a physical copy of the maps. Ms Skinner said that she can come by the Planning Department, which is open Monday through Friday, 8 am to 5 pm. Ms Powell also asked whether there would be any impacts on water and sewage. Not just these homes but they are being established on top of other recent developments. She commented on the lack of emergency access to the area and said that it feels like the proposal meets the requirements of the code, but asked whether anyone has thought about the reality of the impacts on those living around. It isn't just fires but is floods and other things. Ms Skinner confirmed that the city is working on an emergency evacuation plan together with other agencies, city departments, and the city council.

There was not additional testimony from the public.

There was no testimony from agencies.

Using his allowed time for rebuttal, Mr Wooton said that he understands that plans were submitted late in the day, and that people need time to look at them.

There were multiple requests to leave the record open. Mr Appicello explained that the options are to continue the hearing or to close the hearing and leave the record open for written submittal. Continuing the hearing will give people an opportunity to testify again. It is treated like the original hearing and goes through the whole process. It takes longer, but when materials are received at the last minute the expectation is that there will be a continuance.

MOTION:	Motion to continue the public hearing for PUD 2021-02 SUB 2021-01 Lincoln Palisades VI to the December 7, 2021 Planning Commissioner meeting
MOVER:	Robert Vincent, Commissioner
SECONDER:	Kim Blackerby, Commissioner
AYES:	Vincent, Sumner, Baker, Blackerby, Nelson, Schlesinger, Smith
RESULT:	Motion to Continue - Passed

6. OLD BUSINESS

None

7. NEW BUSINESS

None

8. PLANNING COMMISSION TRAINING

Public Works Director and City Engineer Stephanie Reid talked to the commissioners about traffic impact analyses. She started with questions provided by the commissioners. When are traffic impact studies conducted? The trigger for a traffic impact study being needed: it has to be an amendment to the comprehensive plan, a new property approach road to Hwy 101, or the likely generation of 50 peak hour trips on Hwy 101 or 100 peak hour trips on the local network. The manual for generation of the trips estimates is updated every three or four years. There have not been a lot of developments

recently that have triggered a TIS. Olivia Beach did. There was a big traffic impact analysis in 1983. It has to be substantial.

ODOT publishes a best management practices manual on Traffic Impact Studies, what they are, and what they should contain. Our code says “take this manual, and if a development triggers a TIS the engineer takes all of the things that could be looked at and develops a scope of work for the TIS. They are very expensive. They do traffic counts at the intersections. Ms Reid said that her worry is that there is a belief that a TIS is a magic bullet where the results will show you what to do and then there won’t be congestion. Hwy 101 is failing at every intersection. When the Transportation Master Plan was done, the City and ODOT agreed that the standards would have to exceed the ODOT standards. We haven’t had a development that triggered a TIS since 2015. There are a couple of projects that did not continue through that would have required a TIS. There was a development that came close to triggering a TIS. Unless there is something major like adding a lane, a TIS doesn’t offer much. The criteria they have to hit is “what is the impact?” It’s already bad, and the added development is going to make it a little worse. A TIS is going to tell you what you already know, and the options are going to be limited to where the right-of-way already is. We definitely have issues with our streets.

Commissioner Blackerby thanked Ms Reid for taking the time to do the training. He asked how the cumulative effects of development are taken into account. The cumulative effect of a house here and a house there. The traffic passing through the round-about on the Port Lane intersection is steady throughout the day. He used this as an example of what is likely happening throughout the city with the results of cumulative increased volume. Ms Reid said that cumulative infill is accounted for in the Transportation Master Plan. There are plans for improvement, but in terms of widening streets or improving intersections, those infill lots are accounted for.

Commissioner Schlesinger said that there was a subdivision of six lots approved on Logan Rd at 50th St. He said that he is concerned because there is such traffic on Logan Rd and asked whether a turning lane could be added so that traffic can get around people waiting to get into the area. Ms Reid said that the subdivision did not trigger a TIS - adding a turn lane or widening a lane can be informed by a TIS. The number of lots that went in were not enough to trigger a TIS. Ms Skinner added that the conditions of approval have to be tied to one of the criteria of approval. For a subdivision that doesn’t meet the criteria for a TIS, there are no criteria that would be tied to creating such a condition of approval. There also has to be nexus and proportionality. Putting in a traffic signal or approach lane that isn’t adjacent to it - there isn’t a nexus or proportionality. Conditions of approval have to be tied to the criteria, and there has to be a nexus (rational relationship) and proportion.

Following up on Commissioner Schlesinger’s comment, Commissioner Blackerby asked Ms Reid whether Public Works looks at areas that could be assisted by additional cautionary measures (flashing light, etc). Ms Reid said that Public Works has looked at making improvements on Port Lane and Logan Rd. It is in the Transportation System Plan to improve that intersection. She said that she would look at signage that we can add. She said that it isn’t something that the developer could be required to do. Public Works has some new LED signs that get people’s attention. That intersection is a candidate for those already. A blinking light on 14th and Oar was replaced with these.

Ms Reid said that when development began on the north end in the 1980s, there was an impact report that was the reason that there is a traffic impact fee for lots. That money goes into a fund that goes to projects for improvements in the area. Ms Reid described several projects in the area that are in the works.

One question came up about traffic counters across the road. Ms Reid said that those counters are obsolete. They have been replaced with the traffic counters that are Hwy 101. For the TSP the consultant put people at intersections and counted (which is not obsolete). All of our traffic feedback signs (approximately six permanent and 8 rotating) also give traffic counts. We have a lot of speed data and a lot of traffic count data on our roads.

Regarding a question about the blinking crosswalk at S 23rd St that was installed and is now gone, Ms Reid said that there are no plans to do anything there right now. When ODOT did the Nelscott improvement project, they put a temporary crosswalk there, which was in place for almost two years. ODOT does not have plans to do anything there.

Commissioner Sumner asked how traffic studies impact those crosswalk lights. She asked whether traffic studies are needed to get those lights. Ms Reid said that in the TSP, we identified places where we want to put the rapid flashing beacon lights. ODOT and the City are looking for opportunities to add them. Pelican, which has parking across the street recognized the need for one. The city cannot require one, but they voluntarily offered to put one in. These have to be initiated by the City or by developers.

Chair Baker asked whether there is any kind of feedback mechanism for people to contact Public Works about problem or dangerous intersections. Ms Reid said that people can e-mail Public Works or Ms Reid.

Chair Baker thanked Ms Reid for her presentation.

9. REPORTS AND COMMENTS

Ms Skinner reminded the commissioners to get their top-five statewide planning goals so that they can be a discussion at the next meeting.

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

Hearing continued from tonight will be on the agenda for the December 7, 2021 meeting. There will be some brief discussion about the focus of the comprehensive plan amendment. Ms Skinner will also have the calendar of meetings for next year for the Planning Commissioner to approve.

The Planning Commissioner clerk, James White, wishes to thank the commissioners for their help and support during the last several years, and wishes them luck in the upcoming comprehensive plan update.

11. ADJOURN

Respectfully submitted,

James White
Assistant Planner

Marci Baker
Chair