



AGENDA

Lincoln City Planning Commission
Tuesday, January 21, 2020, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, 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 7, 2020 6:00 PM
4. **FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**
5. **PUBLIC HEARINGS/DELIBERATIONS**
 - 5.1. ZOA 2019-08 Design Standards (continued from 15 Oct 2019) Request to continue again to 17 March 2020
 - 5.2. CUP 2019-05 Devils Lake RV Park - addition of 4 RV spaces
 - 5.3. ZOA 2019-12 Bluff Ordinance Amendments - Deliberations
6. **OLD BUSINESS**
7. **NEW BUSINESS**
8. **PLANNING COMMISSION TRAINING**
9. **REPORTS & 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, 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 Cathy Steere, City Recorder, at 541-996-1203.

**LINCOLN CITY PLANNING COMMISSION
MINUTES
January 7, 2020**

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

Attendee Name	Title	Status	Arrived
Lenny Nelson	Commissioner	Present	
Patti Kroen	Chair	Present	
Miles Schlesinger	Commissioner	Present	
Joshua Brainerd	Commissioner	Present	
Marci Baker	Commissioner	Present	

2. AGENDA CHANGES OR REVISIONS

Add an update on the open positions and their status at the beginning of new business.
Postpone the training until the two positions are appointed.

3. MINUTES

3.1. Planning Commission - Regular Meeting - Dec 17, 2019 6:00 PM

MOTION: Chair Patti Kroen provided several grammatical corrections to the recorder
MOVER: **Lenny Nelson, Commissioner**
SECONDER: **Marci Baker, Commissioner**
AYES: Nelson, Kroen, Schlesinger, Brainerd, Baker
RESULT: **Passed**

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

1. CPA ZC 2019-04 Sutton zone change

4.1.1. Final Recommendation for CPA CZ 2019-04 Sutton Rezone

MOTION: **Final Recommendation for CPA CZ 2019-04 Sutton Rezone**
MOVER: **Marci Baker, Commissioner**
SECONDER: **Miles Schlesinger,**
AYES: Nelson, Kroen, Schlesinger, Brainerd, Baker
RESULT: **Passed**

2. ZOA 2019-14 ADU

4.2.1. Final Recommendation ZOA 2019-14 ADU Cleanup Ordinance

MOTION:	Final Recommendation ZOA 2019-14 ADU Cleanup Ordinance
MOVER:	Lenny Nelson, Commissioner
SECONDER:	Joshua Brainerd, Commissioner
AYES:	Nelson, Kroen, Schlesinger, Brainerd, Baker
RESULT:	Passed

3. ZOA 2019-03 Mobile Food Units

4.3.1. Final Recommendation for ZOA 2019-03 Mobile Food Units

Requested language prohibiting Class 1 and Class 2 food units was not included in the final recommendation as provided. The motion and vote were based on the final order with the addition of such a prohibition. City Attorney Richard Appicello added the requested language to the document for the Chair's signature.

MOTION:	Final Recommendation for ZOA 2019-03 Mobile Food Units
MOVER:	Marci Baker, Commissioner
SECONDER:	Joshua Brainerd, Commissioner
AYES:	Nelson, Kroen, Schlesinger, Brainerd, Baker
RESULT:	Passed

4. ZOA 2019-16 RCC Zone Creation

4.4.1. Final Recommendation for ZOA 2019-16 RCC Zone Creation

MOTION:	Final Recommendation for ZOA 2019-16 RCC Zone Creation
MOVER:	Joshua Brainerd, Commissioner
SECONDER:	Miles Schlesinger,
AYES:	Nelson, Kroen, Schlesinger, Brainerd, Baker
RESULT:	Passed

5. NEW BUSINESS

Planning and Community Development Director, Anne Marie Skinner, explained that we have two open positions. Commission Griffiths' term ended and he chose to not continue. The position was posted and there was one application. The applicant will be interviewed by City Council at the January 13, 2020 meeting. Commissioner McFarland resigned in December. Has been posted and one application has been received. There has been one application so far for that position. A reminder to the commissioners that if you know ahead of time that you are not going to be at a meeting until we have a full commission, please let us know because we will not have a quorum and will have to cancel.

The applicant being interviewed on 1/13 could potentially be seated by the next PC meeting.

5.1. Election of Chair and Vice Chair

Commissioner Kroen entertained nominations.

Commissioner Nelson said that she is very happy with the current chair. Commissioner Schlesinger said that he would like to see Commissioner Kroen continue as Chair. Commissioner Nelson nominated Commissioner Kroen as Planning Commission Chair for 2020. Commissioner Nelson moved to close nominations and Commissioner Baker seconded the motion. All voted in favor.

Commissioner Baker moved to appoint Commissioner Kroen as Planning Commission Chair for 2020. Commissioner Kroen abstained from the vote. All else voted in favor.

Commissioner Brainerd nominated Commissioner Schlesinger as Planning Commission Vice-Chair for 2020. Commissioner Schlesinger declined the nomination. Chair Kroen nominated Commissioner Baker as Vice-Chair. Commissioner Nelson moved to close nominations and Commissioner Brainerd seconded. All voted in favor. Chair Kroen voted to appoint Commissioner Baker as Vice-Chair for 2020 and Commissioner Nelson seconded. All voted in favor.

2. Training

Training was deferred to the January 21, 2020 meeting of the Planning Commission.

5.2.1. Quasi-Judicial Training

3. Overview of 2019 Planning

Ms Skinner, presented the overview of 2019 planning. The department had quite a number of changes during 2019. Ms Skinner described her background. There was some conversation about Ms Skinner's intentions for filling the Senior Planner position that was vacated when she was appointed as Planning Director. There were three new commissioners and three resignations in 2019.

Ms Skinner reviewed the cases that were brought in front of the Planning Commission in 2019. She suggested that 2020 already looks like it will be a busy year.

5.3.1. Overview of 2019 Planning

5.4. 2020 Work List

Ms Skinner presented the 2020 Work List. She started with Department projects. A major task is reviewing processes to eliminate inefficiencies and increase transparency. Ms Skinner has already met with other city departments and now needs to meet with staff to flowchart the process. The goal is to have applications, checklists, and instructions replaced by the end of the year. She invited the commissioners to make a note of specific items that they are interested in adding to a process or to the processes and we can discuss in the context of ordinance revisions. She added that she will be asking for Planning Commission feedback on things to explore in work study sessions and in cleanup of things.

In conjunction with IT and the city recorder, all departments have been requested to get their records in order so that we have backups and everything is easily searchable. Historic records for

the department are in a state of disarray. We are working very hard to get those organized to be able to easily get fingers on records.

There are a number of department-initiated and City Council-requested amendments:

- a revision of the tree ordinance;
- a landscaping ordinance revision - not necessarily to change content or requirements but to reorganize. It is difficult to navigate and is not currently very user friendly;
- a minor change to the parking ordinance at the request of Urban Development;
- completion of the revision to the sign ordinance that was started last year;
- an ordinance adopting annexation procedures;
- in most other jurisdictions in Oregon and Washington application procedures are broken down into Type 1-4, which makes processing applications and explaining the application type to individuals much easier. This is not a change of content. It is organizing procedures because the code is not currently user friendly;
- an ordinance adding special events in the school zone. Currently Title 17 has a lot of places that rely on the Director's interpretation and puts too much power in the hands of the planning director. There needs to be more clear and concise language in the ordinance when a decision is subjective, it needs to come to a decision-making body like the planning commission;
- an ordinance to create the Resort Neighborhood zone that implements the Resort Mixed-Structure designation; and
- general cleanup of Title 17 to make it easier for staff to administer and make it easier for developers and residents and real estate agents to navigate the code.

Chair Kroen asked about the previously discussed major effort to revise the comprehensive plan. Ms Skinner replied that revision of the comp plan is probably going to be a bigger undertaking than any of the past staff had anticipated - especially when looking at the State-wide Planning Goals, and especially with relation to the natural resources. Many of the existing inventories are very old. Those types of assessments are complicated, and that will take time and budget. Chair Kroen asked about plans for public participation in the comprehensive plan revisions. Ms Skinner replied that public participation is an important part of the process and that with planning commission's direction she envisions establishing a comp plan revision committee with different aspects of the community, and creating sub-committees to address the various State-wide Planning Goals.

Commissioner Schlesinger asked about the time required to finish the plan revisions. Ms Skinner answered that a good comp plan revision takes at least two years, and that she does not see these revisions taking any less than that. Commissioner Nelson added that the natural resources goal in the existing plan took five years to complete. Mr. Appicello explained that there is a section in the Planning Commission rules allowing the Planning Commission to serve as the Committee for Citizenship Involvement. The rules do not say that the Planning Commission has to be the CCI, but that they can. The Planning Commission can recommend to the City Council to form an ad-hoc Committee for Citizenship Involvement.

Chair Kroen said that the Planning Commission is looking forward to the revisions to the comp plan. That it's time. Ms Skinner replied that she hopes some of the cleaning up processes will help make the comp plan update more efficient, and that she expects that there will be major revisions to Title 17 after the comp plan update is completed.

Ms Skinner mentioned that, based on feedback from various department directors, it looks like we will have a couple of zone changes at the initiation of the city.

Ms Skinner explained that she has been approached about the Planning Commission's thoughts on removing residential uses from the GC and RC zones. Chair Kroen asked if that would limit vacation rental dwellings in those zones. Mr Appicello explained that a VRD is typically residential construction -that a couple of years ago we split VRDs as a commercial use. You would have to build basically a hotel, which would be contrary to what we wanted to do to direct VRDs to the commercial zone. Chair Kroen asked if removing residential uses would affect the development of work-live with commercial on bottom and residential on top. Ms Skinner replied that it was her understanding from where the topic was brought up that mixed-use would remain.

Ms Skinner asked the Planning Commission for their thoughts on reducing the residential parking requirement. The requirement currently is 1.5 parking spaces per unit. The request would be a change to 1:1. Chair Kroen responded that it is a hard question - that philosophically she would like to see people get rid of cars, but that we live in a place that people come to, and they come in cars. Often in multiple cars. She said that parking is a problem here anyway. Commissioner Baker agreed that it seems like there is already a problem with parking.

At the conclusion of Ms Skinner's presentation of the 2020 Work List, Chair Kroen said that she would like to see the Planning Commission step boldly into the next century and recognize climate change with the tree ordinance, while also being cognizant of the difficulty that a heavily wooded lot presents to a developer. Maybe credit to a developer for saving trees of a certain size. She said that she would like to see the Planning Commission acknowledge and start putting value on native vegetation. Maybe look into the issue of parks in the multi-family residential zone. She also mentioned the fireworks issue in town - that there had been a group looking at solutions to the illegal fireworks that we have. One of the three prongs of the approach has been education. She said that she would like to see something in the VRD license requirements for education about the illegality of fireworks - to be more proactive in educating our visitors in what is legal and illegal.

Commissioner Baker expressed curiosity about the possibility, with City-owned land, of offering individuals the opportunity of ownership. She has seen it done in other places through land trusts. You own your house but not the land as an alternative option to developers building affordable apartments. Ms Skinner replied that she will be meeting in a week or two with the Economic Development Director to put together an affordable housing presentation to update suggestions to give to City Council, and that she will include the idea as a suggestion to give to City Council.

6. REPORTS & COMMENTS

None

7. FUTURE AGENDA ITEMS & NEXT MEETINGS

The next meeting of the Planning Commission is scheduled for January 21, 2020. There are two cases on the schedule. There is a CUP from Devils Lake RV Park and an appeal on a VRD land use decision. The property was an accessory VRD until a spot came open on the wait list and the owner applied to become a regular unlimited use VRD. It was that notice of decision that sparked the appeal. Also, the record was left open for the bluff setback ordinance with deliberations on January 21, 2020.

8. ADJOURN

7:05

Respectfully submitted,

James White
Assistant Planner

Patti Kroen
Chair



PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 21, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

ZOA 2019-08 Design Standards

This public hearing is continued from 15 October 2019. Staff is requesting the public hearing be continued again to 17 March 2020 to allow additional time to complete the draft ordinance.

STAFF RECOMMENDATION

Motion and second to continue the public hearing for ZOA 2019-08 Design Standards to 17 March 2020.



PLANNING COMMISSION STAFF REPORT
MEETING DATE: January 21, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

CUP 2019-05 Devils Lake RV

PROJECT INFORMATION

Applicant	Devils Lake RV Park 4041 NE West Devils Lake Dr Lincoln City, OR 97367
Map & Lot No.	07-11-02-BD-01201
Comprehensive Plan & Zoning	Commercial-Recreation District (R-C) Recreation-Commercial (RC) Zone
Surrounding Land Uses And Zoning	See attached staff report
Public Notice	See attached staff report
Relevant Substantive Criteria	See attached staff report

BACKGROUND

See attached staff report

AUTHORIZATION

See attached staff report

ANALYSIS

See attached staff report

STAFF RECOMMENDATION

See attached staff report

Staff Report CUP 2019-05 (PDF)
 Complete App in one PDF (PDF)
 SP Devils Lake RV Site Plan1-12-20 (PDF)
 Comments in one pdf (PDF)

Aerial Map (PDF)

Significant Wetland Map (PDF)

Zoning Map (PDF)

Spaces F G AND H REV 1-12-2020(PDF)

Space I REV 01-12-2020 (PDF)

Staff Report

Planning Commission Hearing on January 21, 2020

Case File CUP 2019-05

Date: January 10, 2020

Case File: CUP 2019-05 Devils Lake RV Park

Applicant: Devils Lake RV Park
4041 NE West Devils Lake Dr
Lincoln City, OR 97367
503.804.0128
swancoinc@gmail.com

Property Owner: Highway 97 LLC
13243 SE Reedway Pl
Portland, OR 97236

Situs Address: 4041 NE West Devils Lake Rd

Location: SW corner of the intersection of NE West Devils Lake Road and Highway 101

Tax Map and Lot: 07-11-02-BD-01201

Comprehensive Plan Designation: Commercial-Recreation District (R-C)

Zoning District: Recreation-Commercial (RC) Zone

Site Size: 457,702 sq ft

Proposal: Request for a conditional use permit to add 4 RV spaces to the existing RV park

Surrounding Land Uses and Zones: North: Highway 101, business north of Highway 101; GC
South: residences and undeveloped; R-1-7.5 and GC
East: residences; RC
West: undeveloped; GC



Public Notice: Planning and Community Development mailed notice to the owners of all properties within 250 feet of the site on November 12, 2019. The *News Guard* published the public hearing notice on December 23, 2019.

Authority: Section 17.60.020 of the Lincoln City Municipal Code (LCMC) gives the Planning Commission authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of LCMC Chapter 17.60.

Applicable Substantive Criteria: LCMC Chapter 17.28 Recreation-Commercial (RC) Zone
LCMC Chapter 17.60 Conditional Uses

BACKGROUND

The subject site is located in the Recreation-Commercial (RC) zone. Recreational vehicle parks are a conditional use in the RC zone as noted in LCMC 17.28.040.E. LCMC 17.08.010 provides the following definitions:

Recreational vehicle park means any place where two or more recreational vehicles are located within 250 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent a space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Recreational vehicle means a vehicle with or without motive power that is designed for human occupancy and has a gross floor area not exceeding 400 square feet in the set-up mode and as further defined by rule by the Oregon Department of Consumer and Business Services Building Codes Division.

In 1994, Lincoln City Planning Commission approved a conditional use permit allowing development of an 80-space recreational vehicle (RV) park (CUP 01-94). Subsequently, SPR 12-04 and CUP 05-02 were approved to add a 1,113-square-foot meeting hall and a 390-square-foot maintenance and storage building. In 2016, an additional approval was given (CUP 2016-01) to convert six existing tent camp sites to three RV sites with one of them being a space for a manufactured dwelling for the resident manager. Also included in that approval was conversion of the playground into two additional RV sites for an overall total of the currently-existing 85 RV spaces.

In this application, the applicant is requesting approval to “add 4 more R.V. spaces” to the existing 85-space RV park, which would then allow for a total of 89 recreational vehicles, as defined in LCMC 17.08.010, to be in the park.

ANALYSIS

The specific findings made by the Planning Commission in granting a conditional use permit must be factual and supported by substantial evidence. The burden of producing substantial evidence to support the requisite findings is on the applicant seeking the approval of the conditional use.

In order to grant any conditional use, the Planning Commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

1. The proposal is in compliance with the comprehensive plan;

In response to this criterion, the applicant provided one sentence that states that the park is an existing 85-space RV park that would like to add four more spaces labeled F, G, H, and I east of the existing east service road.

The City of Lincoln City Comprehensive Plan (Comprehensive Plan) provides a commercial recreation district for those commercial uses having a strong tourist orientation, such as motels, restaurants, recreational outlets, gift and souvenir shops. The purpose of the district is to encourage the development of certain areas having a quality resort character. Lincoln City adopted Lincoln City Municipal Code (LCMC) Title 17 in compliance with the Comprehensive Plan. Once an approval is granted with conditions, the Comprehensive Plan's implementation mechanism (or LCMC) is fully met. LCMC Chapter 17.32 is the Recreation Commercial (RC) zone with a stated purpose to provide for those commercial uses having a definitive relationship to the community's resort and recreation industry. The RC zone allows an RV park as a conditional use. However, the Comprehensive Plan contains no directly applicable policies for an RV park which can be applied directly to the proposed addition of four RV spaces. Accordingly, staff finds and determines that this criterion is met or is not applicable.

2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, wall and fences, parking, loading, landscaping and other features required by this title;

The site functions as an existing 85-space RV park. LCMC Section 17.80.B provides recreational vehicle park standards. The standards are noted below with an explanation of how the proposal for four additional spaces meets those standards.

Surface drainage plans for the entire park shall be reviewed by the city manager or designee. The applicant submitted engineering plans for the area in which the four additional spaces will be located. A request for comment was made to the city engineer on December 4, 2019, who replied with: "No comments on public hearing or CUP for this from Public Works." This requirement has been met.

The space provided for each recreational vehicle shall not be less than 1,200 square feet. The applicant's drawings submitted on January 13, 2020, show the square footages of each of the four spaces as follows:

Space F = 1,262 square feet
 Space G = 1,293 square feet
 Space H = 1,610 square feet
 Space I = 1,681 square feet

This requirement has been met.

Each site for an individual recreational vehicle shall contain a paved pad of at least 400 square feet. The applicant's submitted materials show each of the four spaces will contain a 398-square-foot pad. Each will need to be modified by adding 2 square feet. A review of the site plan shows that each pad can be lengthened to meet this requirement. With the condition of approval that the paved pads be increased from 398 to 400 square feet, this requirement will be met.

Recreational vehicles shall be separated from each other and from other structures by at least 10 feet. Any accessory structure attached to the recreational vehicle shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle. A review of the submitted materials shows the required 10-

foot separation between the proposed recreational vehicles. No accessory structures are shown as being provided. Without accessory structures, this requirement is met. The requirement may or may not be met with the addition of accessory structures. If the applicant chose at a future date to add accessory structures to any of the four spaces (Spaces F, G, H, or I), such additions would need to be reviewed for separation requirements prior to any construction to ensure no setback violation would occur with the accessory structure. This requirement is met as shown on the submitted materials, and accessory structures are not shown.

Off-street parking spaces shall be provided and improved in accordance with the requirements of Chapter 17.56 LCMC. The four new RV spaces are being provided with asphalt driveways for parking. The submitted plans show Spaces G, H, and I with a 12-foot wide x 20-foot long asphalt driveway. Space F is shown with a 12-foot wide x 16-foot long asphalt driveway. Section 17.56.050 states an RV space requires one off-street parking space. The size of the space must be a minimum of 9 feet wide by 20 feet long and must be paved. As shown on the submitted plans, Spaces G, H, and I meet this requirement. The parking space for Space F, though, is four feet short of the required 20-foot length. As a condition of approval, the parking space for Space F will need to be increased to meet the minimum requirement of 9 feet wide by 20 feet long pursuant to LCMC Section 17.56.110.K.1.

Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway or less than 20 feet in width if parking is not permitted on the edge of the roadway. The submitted plans show the existing roadways as over 30 feet in width. No new roadways are proposed as part of this application. This requirement is met.

Except for the driveway accesses for the park, a decorative sight-obscuring fence at least five but no more than six feet in height shall be located five feet back from the outer boundary of the recreational vehicle park. The area between the sight-obscuring fence and the recreational vehicle park boundary shall be landscaped. The fence and landscaping shall be approved by the planning commission. The fence and landscaping plan was approved as part of the original RV park conditional use permit approval. No changes are proposed to the existing perimeter fence or the existing landscaping. The outer boundary of the RV park is not being expanded. If such an expansion were occurring, the required perimeter fencing and landscaping would need to be shown as part of the expansion. However, the four spaces requested to be added are within the boundaries of the existing RV park. Space I is in the southeast corner which contains the required fence and landscaping. Spaces F, G, and H will be directly south of the entrance and the landscaped northeast corner of the RV park. This northeast corner is also a wetlands area. As such, it is precluded from having fencing installed within it.

Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park in such number and of such capacity that there is no uncovered accumulation of trash at any time, and that such containers shall be surrounded by sight-obscuring fence. This requirement was met as part of the original approval. The application for the four new spaces gives no indication that there will be any changes to the current locations of the enclosed trash receptacles.

The park is to be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park. This remains as a condition of continued operation of the existing park, as well as to the addition of the four new spaces.

The applicant's submitted materials show the location of jurisdictional wetland adjacent to Spaces F, G, and H. A review of the Natural Resource Overlay Zone shows the location of Significant Wetland in the general area of Spaces F, G, and H. The Significant Wetland is not on the submitted site plan, nor was a current wetland delineation included with the application. A wetland delineation was performed and approved in

2008, but such approvals are only good for five years; therefore, the approval of the 2008 delineation expired in 2013. Comments received from Department of State Lands state the following:

“A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Based on review of available information and submitted site plan, proposed four R.V. spaces appear to impact less than 50 cubic yards of jurisdictional wetland and/or other waters. Please note that the wetland mapping submitted is from a prior expired delineation – the wetland boundary may currently larger or smaller than the map submitted. If project in its entirety is to exceed 50 cubic yards of ground disturbance, a wetland delineation is recommended. Please call me at 504-986-5262 with any additional questions. This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity. A Federal permit may be required by The Army Corps of Engineers: (503)808-4374.”

The original conditional use permit was approved prior to the City’s 1995 wetland study and subsequent adoption of the Natural Resource Overlay. A review of the aerial photo on the City’s mapping system shows the site’s entire northeastern corner contains Significant Wetland. Additionally, the northeast corner that is south of the existing access driveway also contains Significant Wetland separate from the site’s northeastern corner. The aerial photo shows three existing RV spaces are located with the Significant Wetland that is south of the existing access driveway, which, if the Natural Resource Overlay zone would have been adopted at the time of the original conditional use permit along with the accompanying Chapter 17.46, would not have been allowed. Section 17.46.040.B excludes all development from the Natural Resource Overlay Zone.

Since the Significant Wetland in the area south of the existing access driveway is not shown on the submitted materials, it is unclear if any portion of Spaces G or H will encroach into the Significant Wetland. The wetland that is shown in the area south of the existing access driveway is jurisdictional wetland. Jurisdictional wetland is under the authority of the Department of State Lands, and Significant Wetland is under the jurisdiction of the City, as well as the Department of State Lands. Development in Significant Wetland is not allowed pursuant to Section 17.46.040.B. As a condition of approval to ensure no portion of Spaces G and H are within Significant Wetland, a wetland delineation of the northeastern portion of the area that is immediately south of the existing access driveway will be required to be performed and submitted for natural resources development review as required by Chapter 17.46.

3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;

The proposed four spaces for recreational vehicles, in addition to the existing 85 spaces, will likely not add a significant amount of vehicular traffic. The required parking spaces will be provided at each new recreational vehicle space. Existing spaces have existing parking spaces. The park is existing with an existing internal roadway system. Access to the site is provided from NE Devils Lake Road approximately 1,000 feet south of its intersection with Highway 101. Both are improved streets, and the NE Devils Lake Road/Highway 101 intersection has a traffic signal. This criterion is satisfied.

- 4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls and fences, landscaping, screening, exterior lighting and signing;**

The site is a developed site with existing improvements consisting of 85 RV spaces and accompanying parking, paved roadways, a resident manager's dwelling, landscaping and perimeter fencing. No changes are proposed to the existing vehicular egress/ingress and internal circulation, pedestrian access, fencing, landscaping and screening, exterior lighting, or signing. The only change proposed is the addition of four RV spaces to the existing 85 spaces for an overall total of 89 RV spaces. The proposed addition of four spaces will have no impact to the adjacent north or west properties due to the location of the four additional spaces being on the east side of the subject site. Space I will be in the southeast corner and will have the greatest impact as it is adjacent to a house to the south in the R-1-7.5 zone and a house to the east in the RC zone. The distance between the Space I and the rear of the house to the south is over 60 feet, and the distance between Space I and the rear of the house to the east is over 90 feet. There is existing perimeter fencing and landscaping between the new Space I and the existing houses. Spaces F, G, and H will be in the northeast corner of the park, immediately adjacent to the entrance and the wetland thereby eliminating any adverse impact to any properties to the north. Space F will run parallel with the roadway to its west and the wetland to the east, which provides a natural buffer of over 100 feet to the houses to the east. Spaces G and H would be the closest to the houses to the east with a landscaped separation of approximately 45 feet.

Property owners within 250 feet of the subject site received notice of the requested conditional use permit for four additional RV spaces in the existing park. No written comments were received from property owners within 250 feet.

Staff finds this criterion is satisfied with continued adherence to previous conditions of approval and code requirements.

- 5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.**

The subject site is not in one of these designated areas. This criterion is not applicable.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing on the proposed conditional use request, take public testimony, close the public hearing, deliberate, and determine whether the request complies with the criteria for granting approval of the requested four additional spaces. If the Planning Commission finds that the request meets the criteria, or that with conditions can meet the criteria, the Planning Commission should make the necessary findings for approving the conditional use permit request for four additional recreational vehicle spaces in the existing 85-space RV park with the following recommended conditions of approval:

1. The 398-square-foot paved pads for Spaces F, G, H, and I shall be increased to 400 square feet, with an amended site plan submitted to Planning and Community Development prior to the site plan review meeting, and shall be installed prior to placement of any recreation vehicles on the spaces.
2. The asphalt parking space for Space F shall be a minimum dimension of 9 feet wide by 20 feet long, with an amended site plan submitted to Planning and Community Development prior to the site plan review meeting, and shall be installed prior to placement of a recreational vehicle on Space F.

3. The 12-foot-wide by 20-foot-long asphalt parking spaces for Spaces G, H, and I shall be installed prior to placement of any recreation vehicles on Spaces G, H, and I.
4. An application for natural resources development review, with the accompanying wetland delineation of the northeastern area south of the existing access driveway, shall be submitted for review prior to the site plan review meeting.
 - 4a. An amended site plan shall be submitted showing the area delineated in the wetland delineation report and showing all portions of Spaces F, G, and H outside of the delineated wetland.
5. All conditions of approval in the previous conditional use permit and site plan applications for the site remain in full force and effect.
6. This approval is subject to all applicable federal, state, county, and local agency and jurisdictional requirements, including Lincoln City Municipal Code. It is the applicant's responsibility to ascertain all such requirements and comply accordingly.

OFFICE USE ONLY

Date Filed: 11-13-2019
Amount/Fee: \$1100
Receipt No: _____
Received By: AMS
30 Days: 12-13-2019
Deemed Incomplete: _____
Deemed Complete: 12-14-2019
120 Day Deadline: 3-13-2020



LAND USE APPLICATION

OFFICE USE ONLY
RECEIVED
Stamp Date Received

NOV 13 2019

PLANNING

File No:

APPLICATION TYPE

<input type="checkbox"/> ANNEXATION	<input type="checkbox"/> LOT LINE ADJUSTMENT	<input checked="" type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> APPEAL OF PLANNING COMMISSION DECISION	<input type="checkbox"/> MINOR PARTITION	<input type="checkbox"/> SUBDIVISION
<input type="checkbox"/> APPEAL OF PLANNING DEPARTMENT DECISION	<input type="checkbox"/> NATURAL RESOURCE DEVELOPMENT REVIEW	<input type="checkbox"/> URBAN GROWTH BOUNDARY AMENDMENT
<input type="checkbox"/> COMPREHENSIVE PLAN & ZONING MAP AMENDMENT	<input type="checkbox"/> NATURAL RESOURCE DEVELOPMENT VARIANCE	<input type="checkbox"/> VACATION
<input type="checkbox"/> COMPREHENSIVE PLAN &/OR ZONING ORDINANCE TEXT AMENDMENT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT PRELIMINARY MASTER PLAN	<input type="checkbox"/> VARIANCE
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT FINAL MASTER PLAN	<input type="checkbox"/> OTHER _____

NAME OF APPLICANT: DEVILS LAKE RV PARK
MAILING ADDRESS: 4041 NE WEST DEVILS LAKE DRIVE
CITY: LINCOLN CITY STATE: OR ZIP: 97367
DAYTIME PHONE: 503 804 0128 Signature: [Signature]
EMAIL (OPTIONAL): SWANCO INC. @ G MAIL . COM

OWNER OF RECORD (if other than applicant)

NAME: BOB SWAN - HWY 97 LLC
MAILING ADDRESS: 408 NE 110TH ST
CITY: YANCOUVER STATE: WA ZIP: 98685
DAYTIME PHONE: 503 804 0128 Signature: [Signature]
EMAIL (OPTIONAL): SWANCO INC @ G MAIL . COM

APPLICANT AND/OR OWNER'S INTEREST IN PROPERTY SUBJECT TO REQUEST:

AGENT, FEE OWNER, CONTRACT PURCHASER, OPTION HOLDER, LESSEE, OTHER

PROJECT LOCATION: 4041 N.E. WEST DEVILS LAKE DRIVE
PROJECT ADDRESS: LINCOLN CITY OREGON 97367
ASSESSOR'S MAP NO.: 07-11-02-30 TAX LOT(S): 1201
AREA: 9.72 (acres) SQ. FT.: _____ ZONING: _____

CONDITIONAL USE PERMIT
EVIDENCE TO SUPPORT OF FINDINGS OF FACT



Directions: Please provide factual and supportive evidence that your application meets the Findings of Fact listed below. It is the applicant's responsibility to demonstrate that the conditional use permit will comply with these Findings of Fact. Additional sheets may be attached if necessary.

1. The proposal is in compliance with the Comprehensive Plan.

YES DEVILS LAKE R.V. PARK AN EXISTING 85 SPACE R.V. PARK WOULD LIKE TO ADD (4) MORE SPACES LABELED F, G, H, AND I EAST OF EXISTING EAST SERVICE ROAD.

2. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by the Zoning Ordinance.

YES WE HAVE ROOM INCLUDING OPEN SPACE FOR 4 MORE R.V. SPACES.

3. The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.

YES DEVILS LAKE R.V. PARK HAS EASY ACCESS OF HIGHWAY 101 ON NORTH EAST WEST DEVILS LAKE DRIVE. ADDING 4 MORE SPACES WILL HAVE MINOR IMPACT ON ADJACENT ROADWAYS.

- 4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the Planning Commission shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and bulk of buildings, walls, and fences, landscaping, screening, exterior lighting and signing.

DEFINITELY MINIMAL IMPACT, A PROPOSED SITES ARE LOCATED ON INTERIOR ROADS. A PROPOSED SITES WILL HAVE MINOR IF ANY INPACT ON ADJONING PROPERTIES.

- 5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complimentary to the surrounding area.

DWELLINGS WILL BE CONSISTANT TO EXISTING R.V.'S'

APPLICANT'S VERIFICATION

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the information in this application and its attachments is true, complete, and correct.

SIGNATURES

<u>ROBERT CSWAN</u>	<i>Rob</i>	<u>11.12.2019</u>
Applicant		Date
<u>ROBERT C SWAN</u>	<i>Rob</i>	<u>11.12.2019</u>
Property Owner		Date
<u><i>Don Swan</i></u>	<i>Rob</i>	<u>11.15.19</u>
Property Owner		Date



**SITE PLAN REVIEW
EVIDENCE TO SUPPORT OF FINDINGS OF FACT**

PROJECT DESCRIPTION

Describe the project including the type of use, number of dwellings, square footage of existing and proposed buildings, etc. Attach sheets if necessary.

DEVILS LAKE R.V. PARK WOULD LIKE TO ADD A MORE
R.V. SPACES TO OUR EXISTING 85 SPACE R.V. PARK.
NEW SPACES LOCATED EAST OF EAST PARK ACCESS
ROAD. R.V.'S AND PARK MODELS ARE ALL UNDER 399 sq ft

APPLICANT'S VERIFICATION

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the information in this application and its attachments is true, complete, and correct.

SIGNATURES

DEVILS LAKE R.V. PARK
Applicant

11.12.2019
Date

ROBERT C SWAN
Property Owner

11.12.2019
Date

Robert Swan
Property Owner

11.15.19
Date

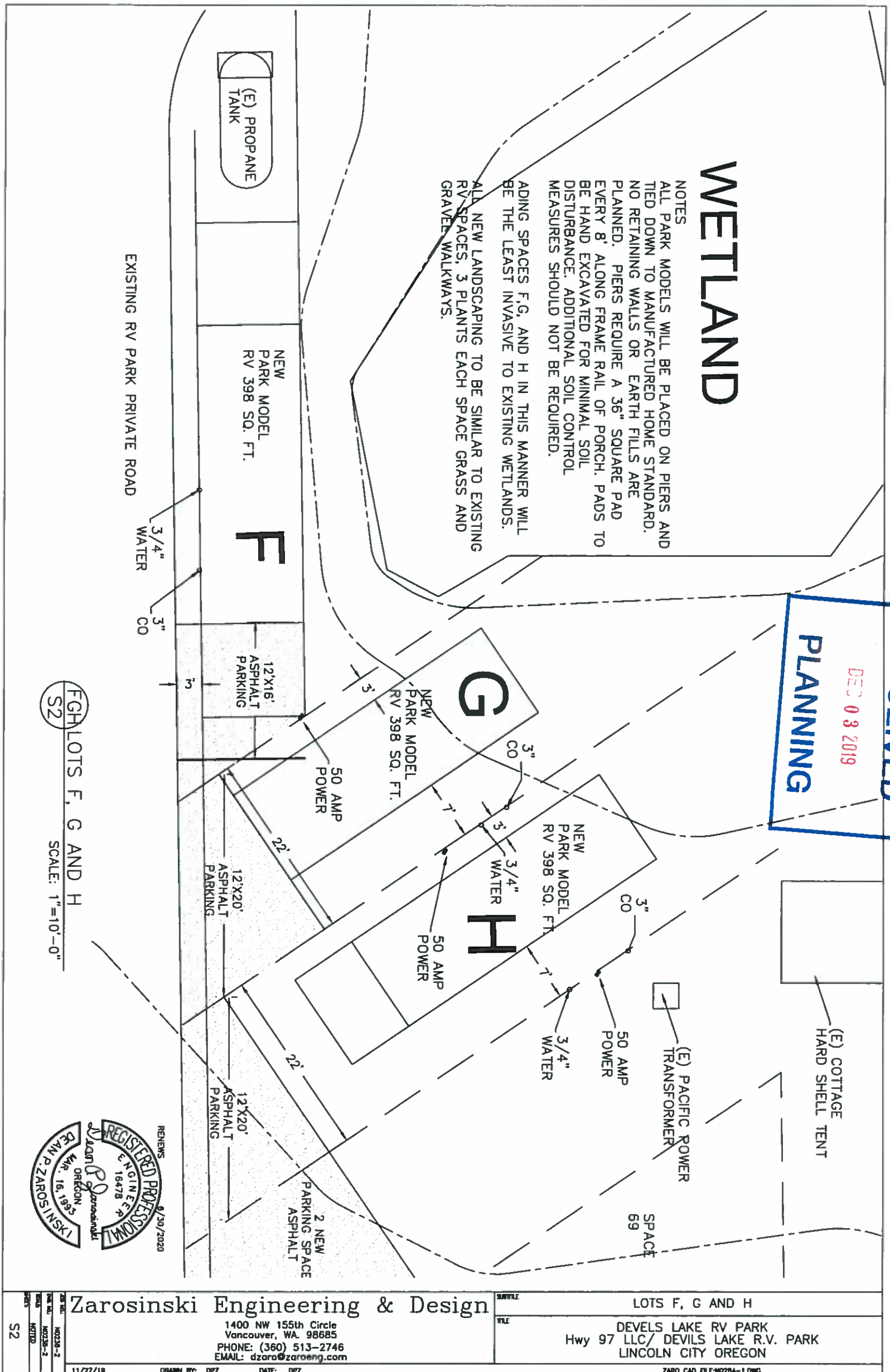
WETLAND

NOTES
 ALL PARK MODELS WILL BE PLACED ON PIERS AND TIED DOWN TO MANUFACTURED HOME STANDARD. NO RETAINING WALLS OR EARTH FILLS ARE PLANNED. PIERS REQUIRE A 36" SQUARE PAD EVERY 8' ALONG FRAME RAIL OF PORCH. PADS TO BE HAND EXCAVATED FOR MINIMAL SOIL DISTURBANCE. ADDITIONAL SOIL CONTROL MEASURES SHOULD NOT BE REQUIRED.

ADDING SPACES F, G, AND H IN THIS MANNER WILL BE THE LEAST INVASIVE TO EXISTING WETLANDS.

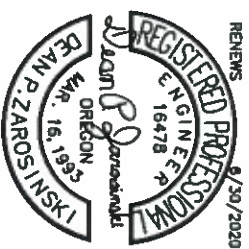
ALL NEW LANDSCAPING TO BE SIMILAR TO EXISTING RV SPACES. 3 PLANTS EACH SPACE GRASS AND GRAVEL WALKWAYS.

RECEIVED
 DEC 03 2019
PLANNING

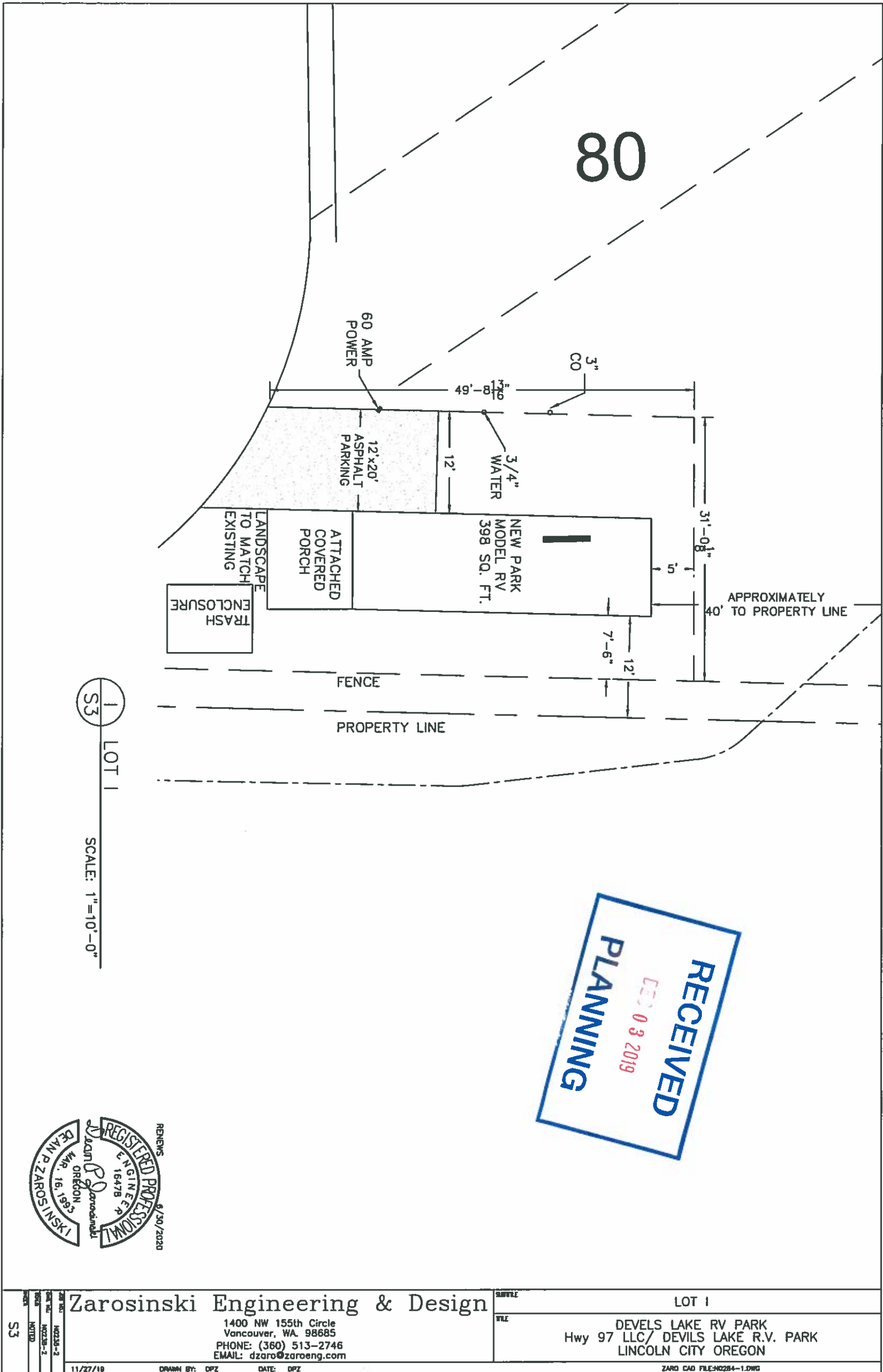


FGH LOTS F, G AND H
 S2

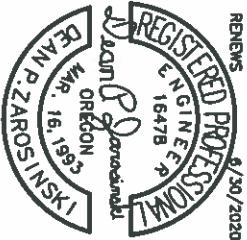
SCALE: 1"=10'-0"



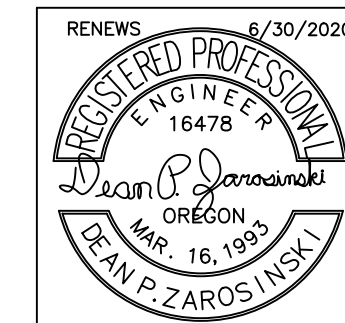
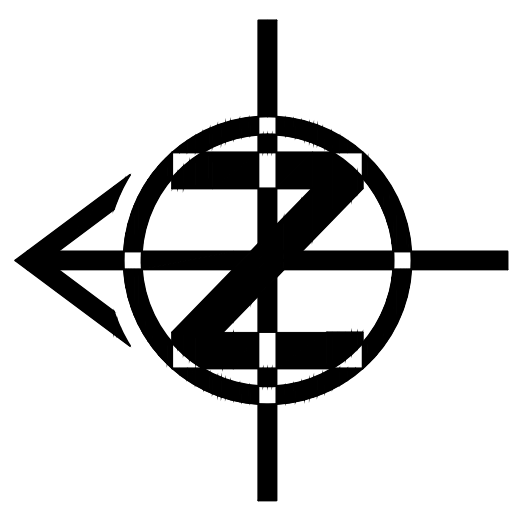
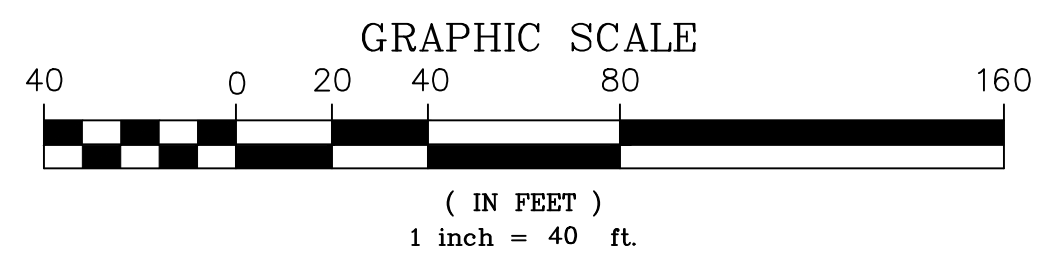
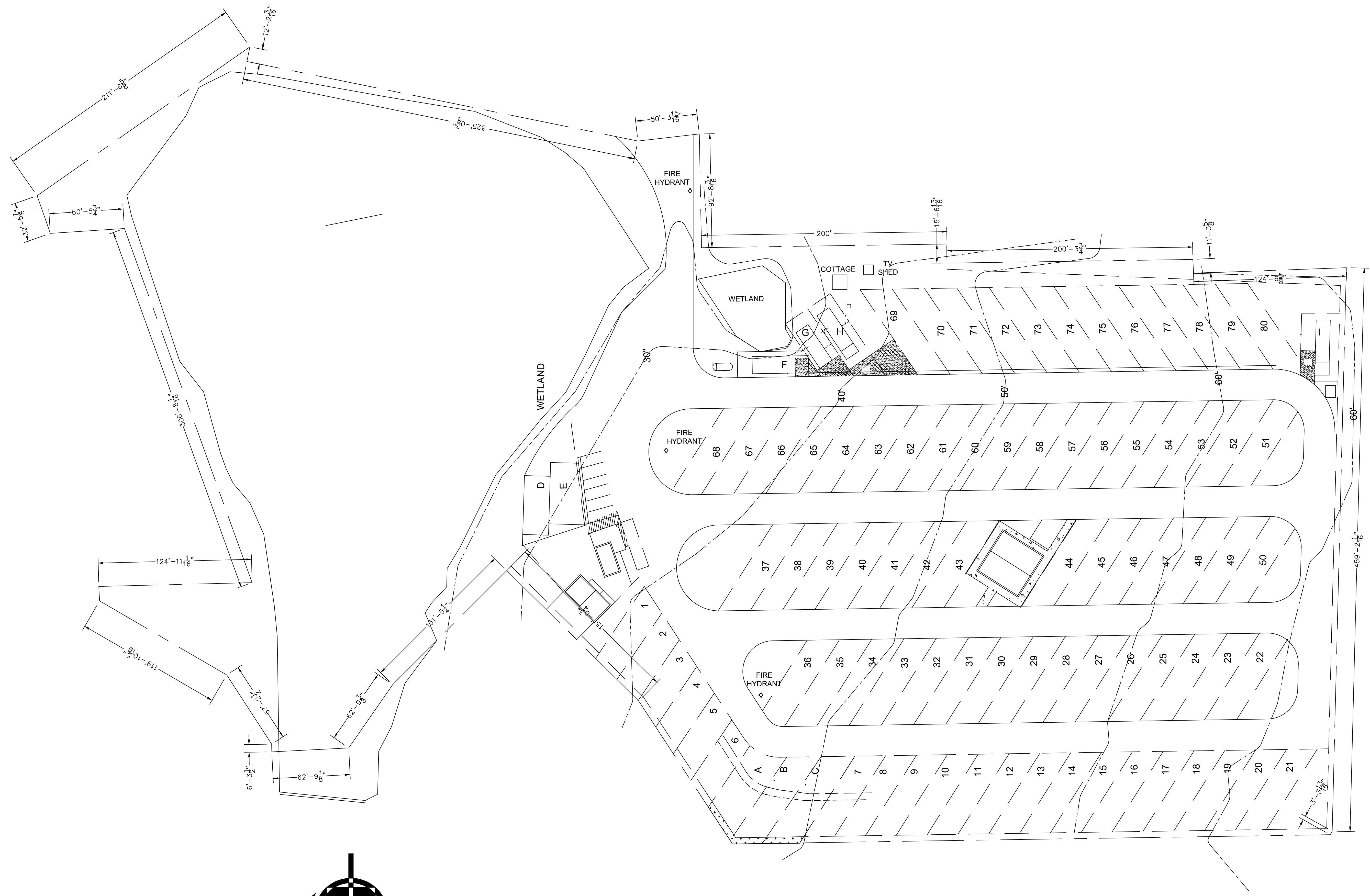
Zarosinski Engineering & Design 1400 NW 155th Circle Vancouver, WA, 98685 PHONE: (360) 513-2746 EMAIL: dzaro@zaroeng.com	LOTS F, G AND H DEVELS LAKE RV PARK Hwy 97 LLC/ DEVELS LAKE R.V. PARK LINCOLN CITY OREGON
11/27/19 DRAWN BY: DPZ DATE: DPZ	ZARO CAD FILE: N0284-1.DWG



RECEIVED
 FEB 03 2019
PLANNING



11/27/19 DRAWN BY: DPZ DATE: DPZ	Zarosinski Engineering & Design 1400 NW 155th Circle Vancouver, WA 98685 PHONE: (360) 513-2746 EMAIL: dzaro@zaroeng.com	LOT 1 DEVELS LAKE RV PARK Hwy 97 LLC/ DEVILS LAKE R.V. PARK LINCOLN CITY OREGON
	ZAROSINSKI 16478 MAR. 16.18.78 16478 6/30/2020	ZARO CAD FILE-N02284-1.DWG



SYMBOL	REVISION	BY	APPROVED	DATE

DRAWN BY	DPZ	DATE	1/10/17
CHECKED	DPZ	DATE	1/10/17
ENGR.	DPZ	DATE	1/10/17
CHECKED		DATE	

JOB NO.: NO238-1
 DWG. NO.: NO238-2
 SCALE: 1" = 40'
 SHEET: SP

Zarosinski Engineering & Design
 Civil • Structural • Design
 1400 NW 155th Circle
 Vancouver, WA, 98685
 PHONE: (360) 513-2746
 EMAIL: dzaro@zaroeng.com

SUBTITLE: DEVELS LAKE RV PARK SITE PLAN
 TITLE: DEVELS LAKE RV PARK
 Hwy 97 LLC/ DEVELS LAKE R.V. PARK
 LINCOLN CITY, OREGON

1/12/20

ZARO CAD FILE:?????.DWG



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2019-0686

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Weston Fritz	City	Lincoln City
Local case file #	County	
CUP-2019-05	Lincoln	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
07S	11W	02	BD	1201

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Lincoln

Latitude

44.995491

Longitude

-123.997743

Wetland/Waterway/Other Water Features ^

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.
- The National Wetlands Inventory shows wetland, waterway or other water features on the property
- Local Wetlands inventory shows wetland, waterway or other water features on the property
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- The property includes or is adjacent to designated Essential Salmonid Habitat.

The property includes or is adjacent to state-owned waters.

Your Activity

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on review of available information and submitted site plan, proposed four R.V. spaces appear to impact less than 50 cubic yards of jurisdictional wetland and/or other waters. Please note that the wetland mapping submitted is from a prior expired delineation - the wetland boundary may currently larger or smaller than the map submitted. If project in its entirety is to exceed 50 cubic yards of ground disturbance, a wetland delineation is recommended. Please call me at 504-986-5262 with any additional questions.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

12/30/2019

Response by:

Matthew Unitis

Response Phone:

503-986-5262

AnneMarie Skinner

From: Frederick Ulrich <fulrich@nlfr.org>
Sent: Thursday, December 5, 2019 4:23 PM
To: AnneMarie Skinner
Subject: RE: CUP 2019-05 and SPR 2019-08

This application packet, and my site visit, do not indicate any conflict with the Oregon Fire Code.



Frederick E. (Ed) Ulrich, Jr.

Fire Marshal

North Lincoln Fire & Rescue District #1

P.O. Box 200 / 4520 SE Highway 101
 Lincoln City, Oregon 97367
 541-996-2233 (office) 541-996-5344 (fax)
 541-921-9024 (cell)

From: AnneMarie Skinner <askinner@lincolncity.org>
Sent: Wednesday, December 04, 2019 7:54 PM
To: Alison Robertson <arobertson@lincolncity.org>; AnneMarie Skinner <askinner@lincolncity.org>; Brandon Zipser <bzipser@hotmail.com>; Daniel Wentz <dwentz@lincolncity.org>; Frederick Ulrich <fulrich@nlfr.org>; Jeanne Sprague <jsprague@lincolncity.org>; Jerry Palmer <jpalmer@lincolncity.org>; Lila Bradley <lbradley@lincolncity.org>; Richard Appicello <rappicello@lincolncity.org>; Ronald Chandler <rhandler@lincolncity.org>; Stephanie Reid <sreid@lincolncity.org>; Alan Lee <alan.lee@nwnatural.com>; Cynda Bruce <CBruce@co.lincoln.or.us>; Daniel.Kizer@nwnatural.com; Debra Smith <debra@lcmls.net>; director@lcchamber.com; Duane J. Liner <Duane.J.LINER@odot.state.or.us>; Eathan Nicley <enicley@co.lincoln.or.us>; info@thenewsguard.com; Jeff Syrop <director.nlchm@gmail.com>; Joshua Lee <Joshua.Lee@PacifiCorp.com>; Julie Kay <jkay@co.lincoln.or.us>; KBCH Radio <kbchradio@charter.net>; Kelly Foley <kfoley@co.lincoln.or.us>; Kent Norris <kent@dlwid.org>; Kevin Lincoln <Kevin.Lincoln@charter.com>; Lincoln City Homepage <lincolncityhomepage@gmail.com>; Lonnie French <lfrench@northlincolnsanitary.com>; Matt Unitis <matthew.unitis@state.or.us>; Michael Lackner <Michael.Lackner@pacificorp.com>; ODOT Region 2 Manager <ODOTR2PLANMGR@odot.state.or.us>; Pamela Barlow-Lind <pamelal@ctsi.nsn.us>; Patrick Wingard <patrick.wingard@state.or.us>; Rick Beasley <rickbeasley926@gmail.com>; Sarah Hibbs <Sarah.Hibbs@lincoln.k12.or.us>; Scott Nelson <Brian.S.NELSON@odot.state.or.us>; Phipps, Lisa <lisa.phipps@state.or.us>; Jerry Palmer <jpalmer@lincolncity.org>; Tony LaSoya <tlasoya@lincolncity.org>; Debbie Bridges <dbridges@lincolncity.org>; Kirsten Brodbeck-Kenney <kbrodbeck-kenney@lincolncity.org>; Ed Dreistadt <edreistadt@lincolncity.org>
Cc: James White <jwhite2@lincolncity.org>
Subject: CUP 2019-05 and SPR 2019-08

Good evening,

An application has been deemed complete for a conditional use permit and site plan review request for 4 additional RV spaces at Devils Lake RV Park. Below is the dropbox link containing the application materials for the requested 4 additional RV spaces. This request is scheduled for a public hearing on Tuesday, January 7, 2020 at 6:00 p.m. This email serves as an official request for comments pertaining to this application.

AnneMarie Skinner

From: Eathan Nicley <enicley@co.lincoln.or.us>
Sent: Thursday, December 5, 2019 8:10 AM
To: AnneMarie Skinner
Subject: Re: CUP 2019-05 and SPR 2019-08

Hi AnneMarie

We have no comments.

Eathan D. Nicley - *Deputy County Surveyor*
Lincoln County Surveyors Department
880 NE 7th Street
Newport OR 97365
541-265-4147

On Wed, Dec 4, 2019 at 7:53 PM AnneMarie Skinner <askinner@lincolncity.org> wrote:

Good evening,

An application has been deemed complete for a conditional use permit and site plan review request for 4 additional RV spaces at Devils Lake RV Park. Below is the dropbox link containing the application materials for the requested 4 additional RV spaces. This request is scheduled for a public hearing on Tuesday, January 7, 2020 at 6:00 p.m. This email serves as an official request for comments pertaining to this application.

<https://www.dropbox.com/s/ja3cvhwp6f91ch6/Complete%20App%20in%20one%20PDF.pdf?dl=0>

Please provide comments to me for inclusion in the staff report **no later than December 20, 2019 at 4:00 p.m.** If I do not receive any emails from you, the assumption will be you have no comments on this application.

Thank you,

Anne Marie

AnneMarie Skinner

From: LINER Duane J <Duane.J.LINER@odot.state.or.us>
Sent: Friday, December 6, 2019 10:13 AM
To: AnneMarie Skinner
Cc: WAHL Carla S; DETERING Lynn; WEEKS Kendal J; NELSON Brian S * Scott
Subject: CUP 2019-05 and SPR 2019-08 Devils Lake RV Park ODOT DRS10419 US101 MP 112.39 vic

Anne Marie,

Thank you for notifying us of the application for a conditional use permit and site plan review request for 4 additional RV spaces at Devils Lake RV Park.

As the applicant materials do not appear to show any work within highway right of way, I only have one general comment:

If the applicant proposes, or the City requires, any work in highway right of way then the applicant will need to contact ODOT to obtain a permit for such proposed work.

Thank you
 - duane

Duane James Liner, P.E.
 Development Review Coordinator
 ODOT - Region 2
 541-757-4140

From: AnneMarie Skinner <askinner@lincolncity.org>
Sent: Wednesday, December 4, 2019 7:54 PM
To: Alison Robertson <arobertson@lincolncity.org>; AnneMarie Skinner <askinner@lincolncity.org>; Brandon Zipser <bzipser@hotmail.com>; Daniel Wentz <dwentz@lincolncity.org>; Ed Ulrich <fulrich@nlfr.org>; Jeanne Sprague <jsprague@lincolncity.org>; Jerry Palmer <jpalmer@lincolncity.org>; Lila Bradley <lbradley@lincolncity.org>; Richard Appicello <rappicello@lincolncity.org>; Ronald Chandler <rhandler@lincolncity.org>; Stephanie Reid <sreid@lincolncity.org>; Alan Lee <alan.lee@nwnatural.com>; Cynda Bruce <CBruce@co.lincoln.or.us>; Daniel.Kizer@nwnatural.com; Debra Smith <debra@lcmls.net>; director@lcchamber.com; LINER Duane J <Duane.J.LINER@odot.state.or.us>; Eathan Nicley <enicley@co.lincoln.or.us>; info@thenewsguard.com; Jeff Syrop <director.nlchm@gmail.com>; Joshua Lee <Joshua.Lee@PacifiCorp.com>; Julie Kay <jkay@co.lincoln.or.us>; KBCH Radio <kbchradio@charter.net>; Kelly Foley <kfoley@co.lincoln.or.us>; Kent Norris <kent@dlwid.org>; Kevin Lincoln <Kevin.Lincoln@charter.com>; Lincoln City Homepage <lincolncityhomepage@gmail.com>; Lonnie French <lfrench@northlincolnsanitary.com>; UNITIS Matthew <Matthew.Unitis@state.or.us>; Michael Lackner <Michael.Lackner@pacificorp.com>; ODOT Reg 2 Planning Manager <ODOTR2PLANMGR@odot.state.or.us>; Pamela Barlow-Lind <pamelal@ctsi.nsn.us>; WINGARD Patrick <patrick.wingard@state.or.us>; Rick Beasley <rickbeasley926@gmail.com>; Sarah Hibbs <Sarah.Hibbs@lincoln.k12.or.us>; NELSON Brian S * Scott <Brian.S.NELSON@odot.state.or.us>; PHIPPS Lisa <lisa.phipps@state.or.us>; Jerry Palmer <jpalmer@lincolncity.org>; Tony LaSoya <tlasoya@lincolncity.org>; Debbie Bridges <dbridges@lincolncity.org>; Kirsten Brodbeck-Kenney <kbrodbeck-kenney@lincolncity.org>; Ed Dreistadt <edreistadt@lincolncity.org>

AnneMarie Skinner

From: Daniel Wentz
Sent: Friday, December 6, 2019 2:14 PM
To: AnneMarie Skinner
Cc: Stephanie Reid
Subject: RE: CUP 2019-05 and SPR 2019-08

Hi Anne Marie,
 No comments on public hearing or CuP for this from Public Works.

Thanks!



Daniel Wentz, MPH
 ENGINEERING TECHNICIAN III

City of Lincoln City | Public Works
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541.996.1238 | C: 541.364.1029
 E: Dwentz@lincolncity.org | W: LincolnCity.org

From: AnneMarie Skinner
Sent: Wednesday, December 4, 2019 7:54 PM
To: Alison Robertson <arobertson@lincolncity.org>; AnneMarie Skinner <askinner@lincolncity.org>; Brandon Zipser <bzipser@hotmail.com>; Daniel Wentz <dwentz@lincolncity.org>; Ed Ulrich <fulrich@nlfr.org>; Jeanne Sprague <jsprague@lincolncity.org>; Jerry Palmer <jpalmer@lincolncity.org>; Lila Bradley <lbradley@lincolncity.org>; Richard Appicello <rappicello@lincolncity.org>; Ronald Chandler <rhandler@lincolncity.org>; Stephanie Reid <sreid@lincolncity.org>; Alan Lee <alan.lee@nwnatural.com>; Cynda Bruce <CBruce@co.lincoln.or.us>; Daniel.Kizer@nwnatural.com; Debra Smith <debra@lcmls.net>; director@lcchamber.com; Duane J. Liner <Duane.J.LINER@odot.state.or.us>; Eathan Nicley <enicley@co.lincoln.or.us>; info@thenewsguard.com; Jeff Syrop <director.nlchm@gmail.com>; Joshua Lee <Joshua.Lee@PacifiCorp.com>; Julie Kay <jkay@co.lincoln.or.us>; KBCH Radio <kbchradio@charter.net>; Kelly Foley <kfoley@co.lincoln.or.us>; Kent Norris <kent@dlwid.org>; Kevin Lincoln <Kevin.Lincoln@charter.com>; Lincoln City Homepage <lincolncityhomepage@gmail.com>; Lonnie French <lfrench@northlincolnsanitary.com>; Matt Unitis <matthew.unitis@state.or.us>; Michael Lackner <Michael.Lackner@pacificorp.com>; ODOT Region 2 Manager <ODOTR2PLANMGR@odot.state.or.us>; Pamela Barlow-Lind <pamelal@ctsi.nsn.us>; Patrick Wingard <patrick.wingard@state.or.us>; Rick Beasley <rickbeasley926@gmail.com>; Sarah Hibbs <Sarah.Hibbs@lincoln.k12.or.us>; Scott Nelson <Brian.S.NELSON@odot.state.or.us>; Phipps, Lisa <lisa.phipps@state.or.us>; Jerry Palmer <jpalmer@lincolncity.org>; Tony LaSoya <tlasoya@lincolncity.org>; Debbie Bridges <dbridges@lincolncity.org>; Kirsten Brodbeck-Kenney <kbrodbeck-kenney@lincolncity.org>; Ed Dreistadt <edreistadt@lincolncity.org>
Cc: James White <jwhite2@lincolncity.org>
Subject: CUP 2019-05 and SPR 2019-08

Good evening,

AnneMarie Skinner

From: Brandon Zipser <brandonz@nwcodepros.com>
Sent: Tuesday, January 7, 2020 9:19 AM
To: AnneMarie Skinner
Subject: Fw: RV/Park Models used as homes.

Please see below



Brandon Zipser, BO
 Building Inspector/ Residential Plans Examiner
 City of Lincoln City
NORTHWEST CODE PROFESSIONALS
 144 E 14th Ave
 Eugene, OR 97401
 O: 541.484.9043 C: 541.556.8771
 LC Desk: 541.996.1230

This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, immediately advise the sender by reply email and destroy this message. All documents required to be public record documents may be made accessible to the public where required by State or Federal Statutes.

From: Jack Applegate <JackA@nwcodepros.com>
Sent: Tuesday, January 7, 2020 8:18 AM
To: Brandon Zipser <brandonz@nwcodepros.com>; Cailin Tang <CailinT@nwcodepros.com>; Cliff Pettigrew <CliffP@nwcodepros.com>; Dave Mortier <DaveM@nwcodepros.com>; David Leifheit <davidl@nwcodepros.com>; Derek Neff <derekn@nwcodepros.com>; Don Meier <DonM@nwcodepros.com>; Gary Lampella <garyl@nwcodepros.com>; Marita Mickelson <MaritaM@nwcodepros.com>; Michele Linbarger <MicheleL@nwcodepros.com>; Robert Rice <RobertR@nwcodepros.com>; Shawn Eaton <ShawnE@nwcodepros.com>; Tracy Bacon <TracyB@nwcodepros.com>; Troy McNeeley <TroyM@nwcodepros.com>
Subject: RE: RV/Park Models used as homes.

Also,

HB2333 text helps clarify that the Park Model is a temporary condition and if they intend to use it as a permanent living dwelling than it has to be converted to a "Structure"

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2333/Enrolled>

RECREATIONAL VEHICLE CONVERSION

SECTION 3. Section 4 of this 2019 Act is added to and made a part of ORS chapter 455. SECTION 4. (1) A recreational vehicle that has a title issued by the Department of Transportation does not qualify as a structure. If a recreational vehicle is being converted to use as a structure, at the time of commencing the conversion the owner shall surrender the title and any registration issued for the recreational vehicle to the department for cancellation. A recreational vehicle that is converted to use as a structure is subject to the state building code. (2) There is a rebuttable presumption that a recreational vehicle has been converted to use as a structure if the recreational vehicle is located outside of a mobile home park as defined in ORS 446.003 and: (a) Has been rendered structurally immobile; or (b) Has direct attachment to utilities.

From: Jack Applegate <JackA@nwcodepros.com>
Sent: Tuesday, January 7, 2020 8:07 AM
To: Brandon Zipser <brandonz@nwcodepros.com>; Cailin Tang <CailinT@nwcodepros.com>; Cliff Pettigrew <CliffP@nwcodepros.com>; Dave Mortier <DaveM@nwcodepros.com>; David Leifheit <davidl@nwcodepros.com>; Derek Neff <derekn@nwcodepros.com>; Don Meier <DonM@nwcodepros.com>; Gary Lampella <garyl@nwcodepros.com>; Jack Applegate <JackA@nwcodepros.com>; Marita Mickelson <MaritaM@nwcodepros.com>; Michele Linbarger <MicheleL@nwcodepros.com>; Robert Rice <RobertR@nwcodepros.com>; Shawn Eaton <ShawnE@nwcodepros.com>; Tracy Bacon <TracyB@nwcodepros.com>; Troy McNeeley <TroyM@nwcodepros.com>
Subject: RV/Park Models used as homes.

Park Models in Oregon

Senate Bill SB410 is now in effect. This copy of the Bill can provide guidance when researching the applicable Oregon Revised Statutes noted within the bill.

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB410/Enrolled>

The key here is that if they move a Park Model (400 sq. Feet or Less) into the Jurisdiction and they want to convert it to permanent living then they will be required to get permits, comply with the ORSC and used licensed individuals for plumbing and electrical work, this would be a near impossible task if already constructed, so we encourage those people to consult with industry and a more viable manufactured home that was constructed in compliance with Oregon codes and licensing requirements or to build there "tiny home" from the ground up using the permit and licensing process. They cannot get a Certificate of Occupancy without going through the process to transition it from a Park Model/RV to a permanent residence.

This is the best information to my knowledge but I wanted you all to chime in if you have different information.

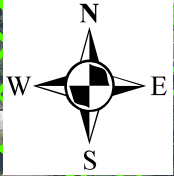
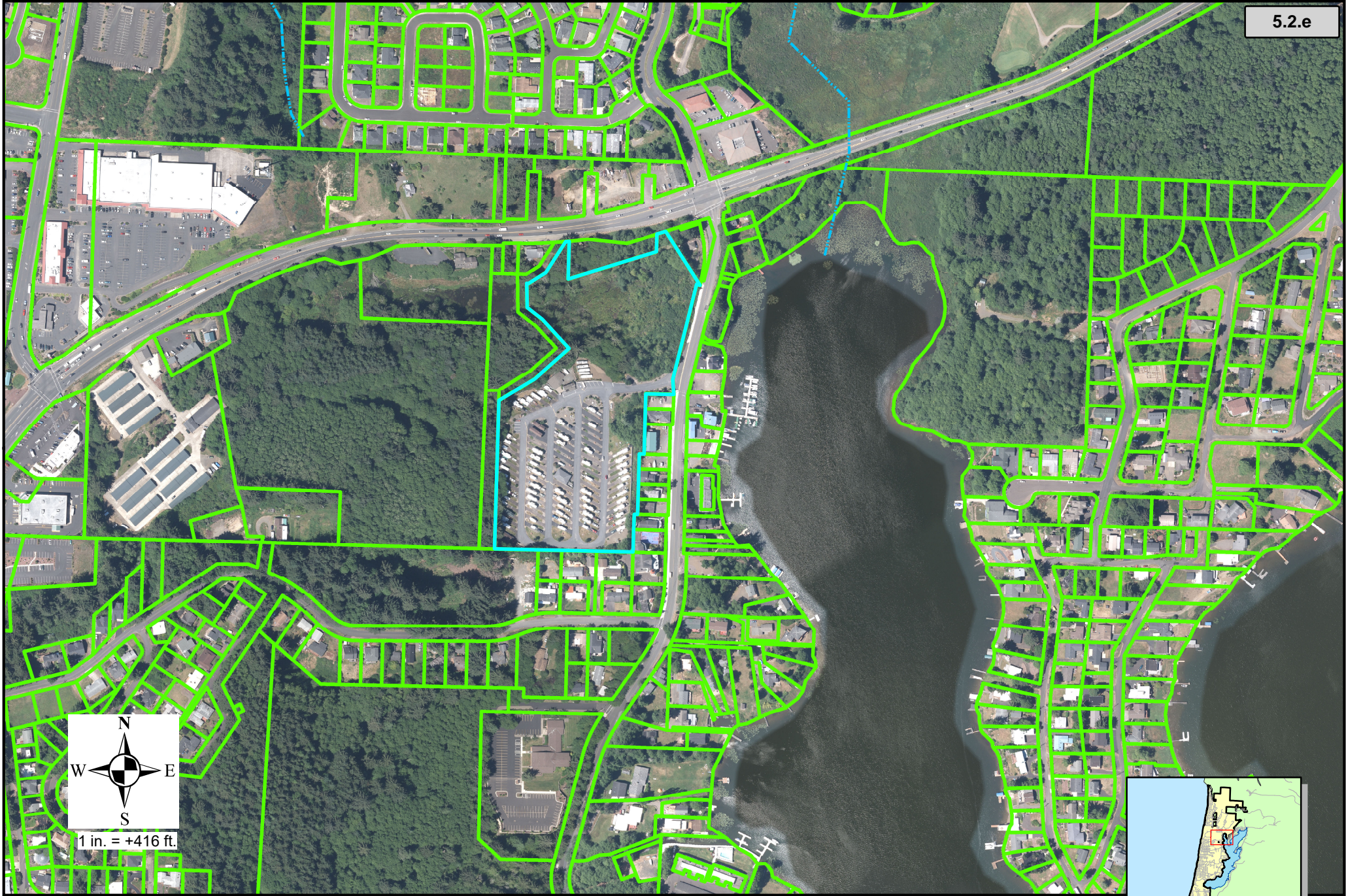
If they install a cabana or other permanent structure around or over it then it is permits as usual for those.



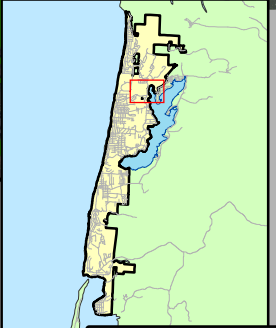
Jack E Applegate, BO, CPI, CHI
Manager/ Building Official
NORTHWEST CODE PROFESSIONALS
 144 E 14th Ave
 Eugene, OR 97401
 O: 541.484.9043 x 201
 C: 541-729-7791

International Code Council, Region II, President
ICC, Building Codes Action Committee, Vice Chair
OBOA: Legislative, Outreach, and Education Committees
ICC Region II: Nominations, Budget, and STPT Committees

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1 in. = +416 ft.



Vicinity Map

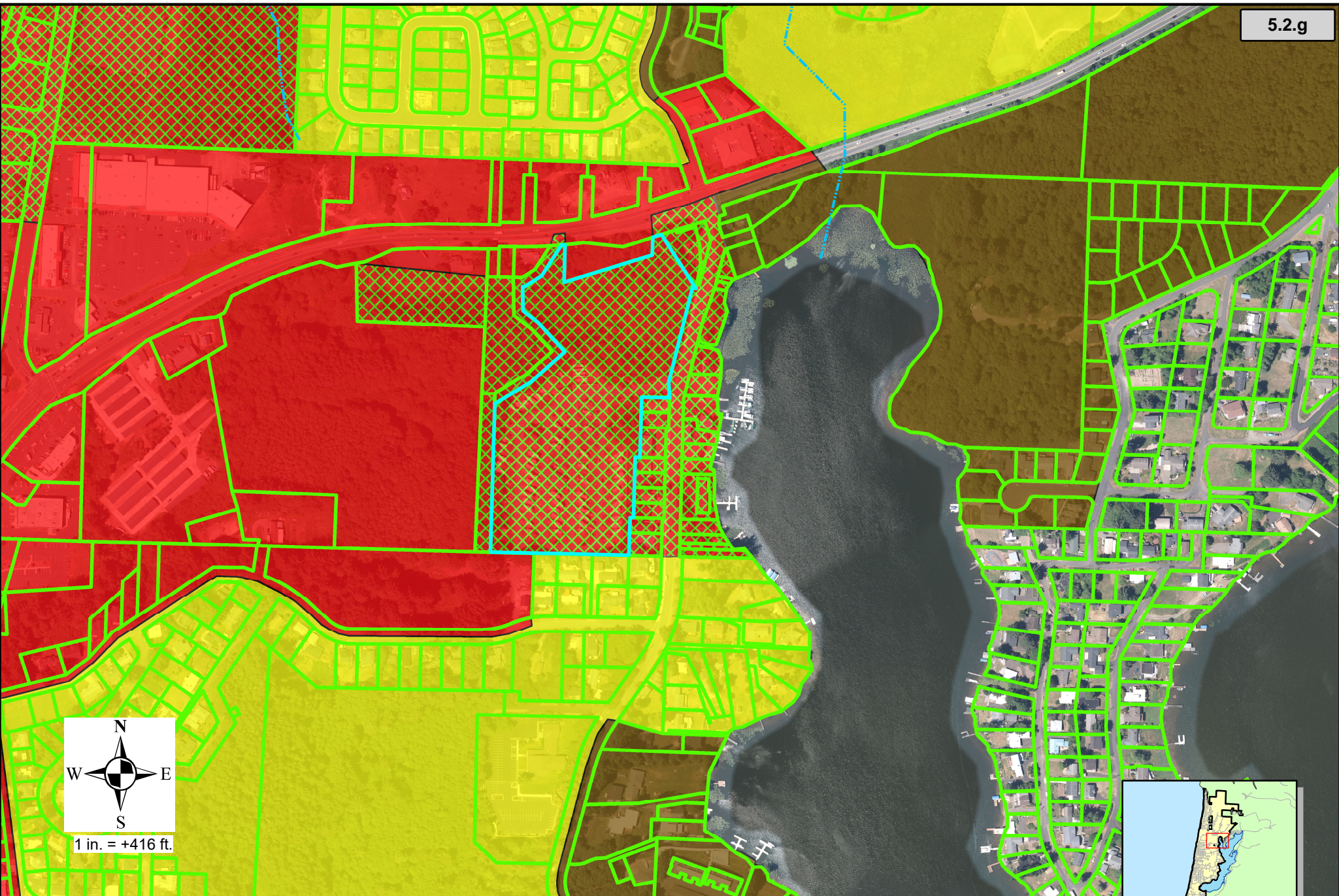


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Vicinity Map

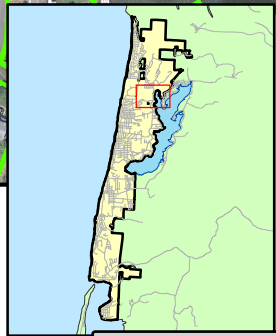
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Vicinity Map



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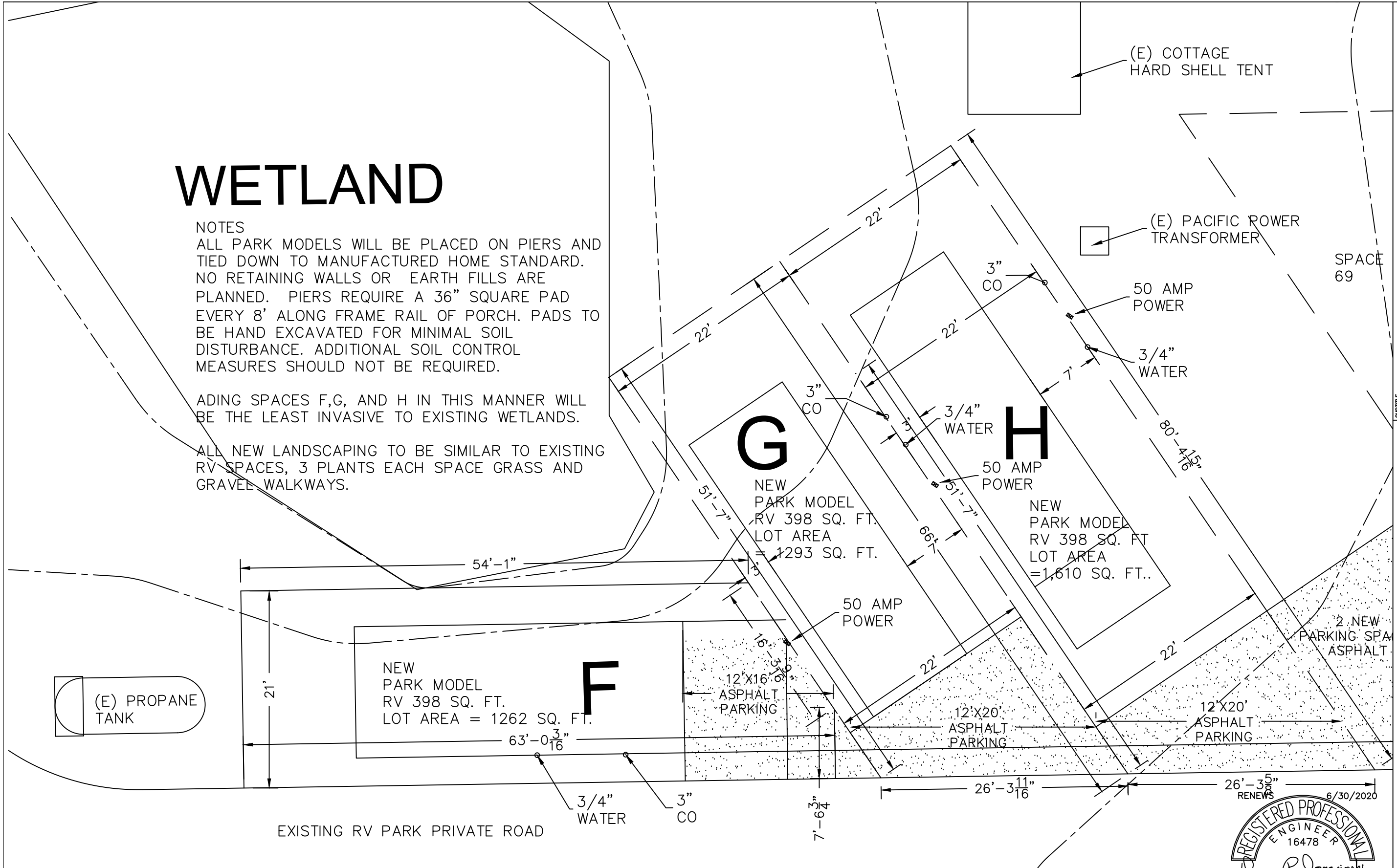


WETLAND

NOTES
 ALL PARK MODELS WILL BE PLACED ON PIERS AND TIED DOWN TO MANUFACTURED HOME STANDARD. NO RETAINING WALLS OR EARTH FILLS ARE PLANNED. PIERS REQUIRE A 36" SQUARE PAD EVERY 8' ALONG FRAME RAIL OF PORCH. PADS TO BE HAND EXCAVATED FOR MINIMAL SOIL DISTURBANCE. ADDITIONAL SOIL CONTROL MEASURES SHOULD NOT BE REQUIRED.

ADJACENT SPACES F,G, AND H IN THIS MANNER WILL BE THE LEAST INVASIVE TO EXISTING WETLANDS.

ALL NEW LANDSCAPING TO BE SIMILAR TO EXISTING RV SPACES, 3 PLANTS EACH SPACE GRASS AND GRAVEL WALKWAYS.



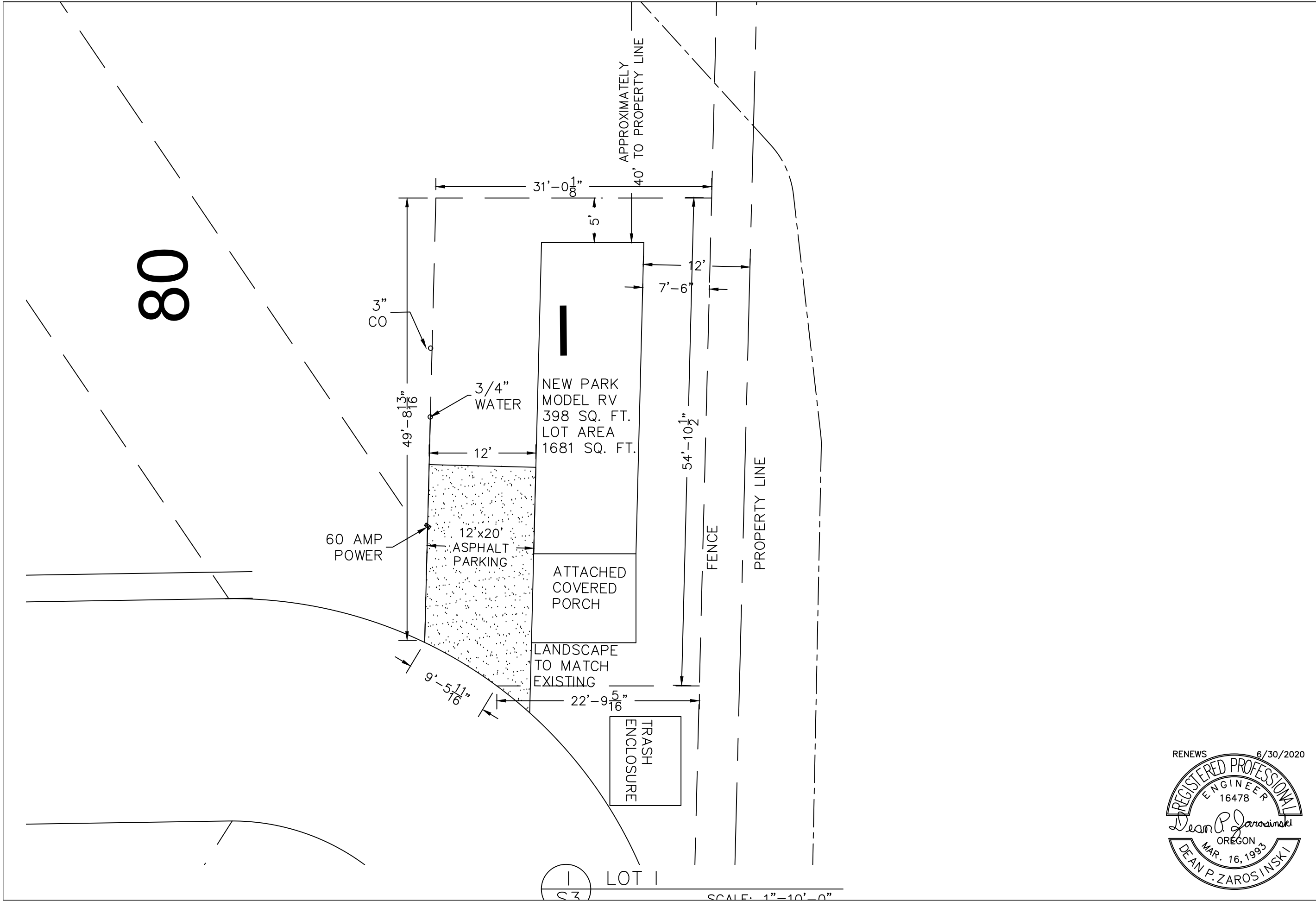
LOTS F, G AND H
 DEVELS LAKE RV PARK
 Hwy 97 LLC/ DEVILS LAKE R.V. PARK
 LINCOLN CITY OREGON

Zarosinski Engineering & Design
 1400 NW 155th Circle
 Vancouver, WA, 98685
 PHONE: (360) 513-2746
 EMAIL: dzaro@zaroeng.com

JOB NO.: N0238-2
 DWG. NO.: N0238-2
 SCALE: NOTED
 SHEET: S2

FGH LOTS F, G AND H
 S2
 SCALE: 1"=10'-0"

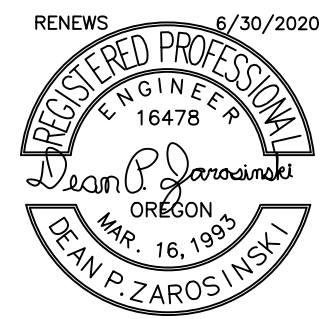




1
S3

LOT 1

SCALE: 1"=10'-0"



Zarosinski Engineering & Design

1400 NW 155th Circle
Vancouver, WA, 98685
PHONE: (360) 513-2746
EMAIL: dzaro@zaroeng.com

LOT 1

DEVELS LAKE RV PARK
Hwy 97 LLC/ DEVILS LAKE R.V. PARK
LINCOLN CITY OREGON

JOB NO.: N0238-2
DWG. NO.: N0238-2
SCALE: NOTED
SHEET: S3

ZARO CAD FILE:N0284-1.DWG

DATE: DPZ
DRAWN BY: DPZ



PLANNING COMMISSION STAFF REPORT
MEETING DATE: January 21, 2020

Report prepared by AnneMarie Skinner, Planning & Community Development Director

ZOA 2019-12 Bluff Ordinance Amendment - Deliberations

PROJECT INFORMATION

Applicant/Owner	City of Lincoln City 801 SW Hwy 101 Lincoln City, OR 97367
Map & Lot No.	City-wide zoning code amendment
Comprehensive Plan & Zoning	City-wide zoning code amendment
Surrounding Land Uses And Zoning	City-wide zoning code amendment
Public Notice	Mailed on November 26, 2019
Relevant Substantive Criteria	LCMC 17.88.020

BACKGROUND

The public hearing was held and closed for this ordinance amendment on December 17, 2019. At the request of Pamela Barlow-Lind with the Confederated Tribes of Siletz Indians, the record was left open until January 14, 2020 to allow additional opportunity for comments or feedback. An email was received on January 9, 2020 from Laurel Quarton expressing support for the amendment. A copy of the email is included with the packet. No additional written comments were received.

The record closed on January 14, 2020. Deliberations will take place on January 21, 2020.

STAFF RECOMMENDATION

1. Deliberate, then motion and second to close deliberations.
2. Options:
 - A. Motion and second to recommend approval as written; or
 - B. Motion and second to recommend approval with recommended changes and detailing the recommended changes; or
 - C. Motion and second to recommend denial with explanations of why.

Redacted Comment Laurel Quarton (PDF)
Draft bluff ordinance (PDF)

AnneMarie Skinner

From: Laurel Quarton [REDACTED]
Sent: Thursday, January 9, 2020 5:41 PM
To: AnneMarie Skinner
Subject: support of amendment to ordinance Z0A2019-12

To Lincoln City Counselors,

Our family is writing in support of the ordinance amendment to #Z0A2019-12 regarding shoreline bluff setbacks. We are in favor of an amendment which increases the protection of the shoreline cliffs from erosion due to construction and/or engineering from above, as well as from any unconsidered human impact.

We are a living family of 23 with nearly 100 years of property ownership in Nelscott and, although none of us has lived on a shoreline bluff, some of our antecedents did and lost their home to cliff erosion. We are concerned that Lincoln City ensure that no shoreline erosion occur due to human misjudgement and feel that amending the bluff ordinance will help to strengthen that assurance.

Please take our concern into consideration when passing this amendment.

Yours respectfully,

The Lewis and Lois Hoskins Family, SW Beach
Ave., Nelscott

Terry Michel

Laurie Quarton

Adrienne Muller

Scott Hoskins

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ORDINANCE NO. 2020-DRAFT

**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 STARTING POINT 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 October 30, 2019; while the amendment does not remove uses from any zone, the amendment was included in a city-wide mailing under ORS 227.186(4); and
- D. The Planning Commission, on December 17, 2019, held a public hearing and considered the amendments contained within this ordinance. On December 17, 2019 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 February 10, 2020, closed the hearing, closed the record, and deliberated on the proposed amendments on February 10, 2020 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, is hereby amended to read as follows:

1 D. Bluff Setback. No bluff setback is required for public infrastructure, beach front
 2 protective structures, or natural means of beach protection. The footprint of any other
 3 new structure or any horizontal addition requiring at least one footing in ocean bluff
 4 areas must be set back from the bluff a distance of at least 60 times the **maximum**
 5 annual erosion rate (determined by the geotechnical analysis) plus five feet. The bluff, for
 6 this purpose, shall be determined by the city through inspection of aerial photos, the
 7 most recent LIDAR data, and the dividing line between the active and the high-risk
 8 erosion zones identified in the 2004 Priest maps referenced above. If the planning
 9 director cannot determine the location of a bluff, the geotechnical analysis, provided at
 10 the applicant's expense, shall determine an appropriate site for the structure, if one
 11 exists. **The bluff setback must be measured from the unaltered bluff edge, as based**
 12 **upon a recent (conducted within the 12 months prior to the date of the**
 13 **geotechnical analysis) topographic survey performed by a land surveyor licensed in**
 14 **the state of Oregon. Alteration of the bluff edge is prohibited.**
 15 If damaged, an existing structure that does not conform to the setback may be rebuilt in
 16 conformance with Chapter 17.64 LCMC, Nonconforming Situations. Reconstruction shall
 17 comply with recommendations provided in a report from an engineering geologist
 18 **licensed in the state of Oregon**, a registered engineer **licensed in the state of Oregon**,
 19 or both, as determined necessary by the building official.
 20

21 **SECTION 2. Findings Adopted.** The findings contained in the Whereas Clauses of this
 22 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial
 23 evidence in the whole record of this legislative proceeding are incorporated into this section by
 24 reference as if fully set forth herein, and are adopted in support of this legislative action.
 25

26 **SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
 27 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
 28 validity of the remaining sections, subsections, paragraphs and clauses.
 29

30 **SECTION 4. Savings.** Notwithstanding the amendment to this Title, the existing Title remains
 31 valid and in full force and effect for purposes of all criminal, civil or administrative code
 32 enforcement cases or land use actions or applications filed or commenced during the time said
 33 ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions
 34 commenced and continued under the laws in effect at the time the matters were originally filed.
 35

36 **SECTION 5. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
 37 takes effect 30 days after the date of its adoption.
 38

39 **SECTION 6 Codification.** Provisions of this Ordinance shall be incorporated in the City of
 40 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
 41 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
 42 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-6) need
 43 not be codified and the City Recorder is authorized to correct any cross-references and any
 44 typographical errors.

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The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the ____ day of _____ 2020 (First Reading) and on the ____ day of _____, 2020 (Second Reading).

PASSED AND ADOPTED by the City Council of the City of Lincoln City this ____ day of _____ 2020.

DICK ANDERSON, MAYOR

ATTEST:

CATHY STEERE, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY