



**LINCOLN CITY
PLANNING COMMISSION AGENDA**

**April 21, 2026, 6:00 pm
City Hall - Council Chambers
801 SW Highway 101- 3rd Floor
Lincoln City, OR 97367**

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
- 2. ELECTION OF OFFICERS**
- 3. CONSENT AGENDA**
 - 3.1 Planning Commission Regular Meeting Minutes April 7, 2026
- 4. FINAL ORDERS & FINAL RECOMMENDATIONS**
 - 4.1 Final Order 2026-01
- 5. PUBLIC HEARINGS/DELIBERATIONS**

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.

 - 5.1 CUP 2026-02 Helping Hands
- 6. COMMENTS FROM THE PUBLIC**

Article I, Section 8, of the Oregon Constitution provides: No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right. Be advised: Comments by citizens under this Public Comments Section of the Agenda or under Public Hearings are solely the opinions and statements of the speakers and are not statements by the City of Lincoln City and do not represent the opinions of the City of Lincoln City, its officers and employees.
- 7. DIRECTOR'S REPORT**
 - 7.1 ANNUAL REPORT TO CITY COUNCIL
- 8. ENGAGE Lincoln City**
- 9. PLANNING COMMISSION TRAINING**
- 10. COMMENTS BY COMMISSIONERS**

11. ADJOURN

If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the “Comments from the Public” section. Comments or testimony on agenda items listed under “public hearing/deliberations” will be taken at that time.

Public comments can be submitted to planningcommpubliccomment@lincolncity.org, by attending the Planning Commission meeting, or by telephone. Public comments submitted by email will be entered into the official record, distributed to the commission, and summarized; however, due to personal privacy issues they are not generally published in the online agenda packet. **PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL.**

Citizens requesting to give public comment via telephone must email planningcommpubliccomment@lincolncity.org no later than noon on the meeting day. The request must include the person’s name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons giving public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

Public Comments for the Planning Commission Meeting may be provided through the published notice located at: <https://www.lincolncity.org/publicmeetings>. Comments will be accepted until ten hours before the start of the meeting and will require email verification.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City’s ADA Coordinator, Kevin Mattias, at [541-996-1221](tel:541-996-1221) or kmattias@lincolncity.org. Visit the [ADA Accessibility | City of Lincoln City, OR](#) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

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

Agenda materials and video for this meeting are available at www.lincolncity.org/publicmeetings. This meeting will be televised live on Channel 4 and rebroadcast on Channel 4 multiple times a day.



**CITY OF LINCOLN CITY
PLANNING COMMISSION
MINUTES OF THE MEETING**

April 7, 2026, 6:00 pm

Commissioners Present: Brian Bunnett – Chair
Erick Albretsen – Commissioner
Carol Seeley – Commissioner
Margaret Powell – Commissioner
Michael Redman—Commissioner
Trisha Kannan--Commissioner

Commissioners Absent: Patrick Dunne – Commissioner (excused)

Staff Present: Richard Townsend - Planning & Community
Development Director
Andrea Riner - Planning Project Manager
Weston Fritz – Senior Planner
Terry Chamberlin – Public Works Engineer

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org/publicmeetings. The staff reports and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at www.lincolncity.org/publicmeetings.)

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

Chair Brian Bunnett opened the meeting at 6:00 pm.

B. CONSENT AGENDA

Motion: Approve the Consent Agenda

Moved By Erick Albretsen - Commissioner

Seconded By Carol Seeley -- Commissioner

Motion: **PASSED VIA VOICE VOTE**

C. FINAL ORDERS & FINAL RECOMMENDATIONS**C.1 Final Recommendation 2026-01 for CPA ZC 2026-01**

Director Richard Townsend provided an overview of the application and added that the Planning Commission's final recommendation would go to City Council at their meeting April 13th, public hearing.

Motion:	Approve Final Recommendation of CPA/ZC 2026-01 to City Council
Moved By	Erick Albretsen - Commissioner
Seconded By	Trisha Kannan--Commissioner
Ayes (6):	Brian Bunnett - Chair, Erick Albretsen - Commissioner, Carol Seeley, Margaret Powell - Commissioner, Michael Redman--Commissioner, and Trisha Kannan--Commissioner
Absent (1):	Patrick Dunne - Commissioner
Motion:	PASSES BY ROLL CALL VOTE (6 to 0)

D. PUBLIC HEARINGS/DELIBERATIONS**D.1 CUP 2026-01 and NRDR 2026-01 Public Hearing**

Chair Bunnett introduced the item and opened the public hearing at 6:07 pm. He read the required statements.

Senior Planner Weston Fritz provided the applicable substantive criteria.

Chair Bunnett summarized the public hearing procedures as adopted by the Planning Commission.

Senior Planner Fritz presented the staff report for CUP 2026-01 and NRDR 2026-01 for the 2nd Street Inflow & Infiltration sewer line project. Mr. Fritz included a PowerPoint presentation that depicted the proposed route of the sewer line replacement and the existing sewer line.

Senior Planner Fritz stated that comments were provided by the Lincoln City Urban Renewal Agency and the Department of State Lands., and from two local residents. These two local residents supported the projects, but also commented on localized flooding, invasive species, and maintaining recreation access.

The staff report states that all relevant criteria are either met, or can be met by successful completion of work included within the conditions of approval. Mr. Fritz discussed the implications of the Marine Waterway zone and noted that the adjacent aesthetic resource was Devils Lake State Park. Mr. Fritz closed his presentation with an overview of the conditions of approval recommended by staff.

Planning Commissioners asked a number of questions that were determined to be more relevant for the applicant to respond to, and so they were tabled for later in the hearing.

Scott Little, the project manager for DOWL, the consultants on the project, and Terry Chamberlin, the City's engineering project manager, presented the key components of their application, including a review of the land use planning issues, other required permits, and the need for the project. Several photos of existing conditions in the area were provided.

Commissioner Redman asked about how the sewer replacement project might impact the proposed Devils Lake dredging project. Mr. Little stated that they had been working with the plans from Devils Lake Water Improvement District in order to accommodate the dredging depths.

Responding to a question from Commissioner Powell, Mr. Little stated that there would be no impacts to the Highway 101 bridge over D River.

Commissioner Redman requested additional information about how the City developed the project scope, and the general justification for the route of the sewer replacement.

Mr. Little stated that they started the project by looking at a number of alternatives and assessed each as to how they might impact Highway 101, the amount of in-water work and pumping required, and limiting impacts to existing residences.

Dave Wilmes, local resident, provided testimony. Mr. Wilmes had some questions about the construction process and how it might impact the use of his residence. He asked about the duration of the work, ongoing access, and the possibilities of additional flooding.

City Project Manager Terry Chamberlin stated that this would be design/build project and that the construction methodologies will be worked out early to limit impacts to local residents. He added that the lake dredging project is not a City project and is not associated with the need to replace the sewer line. He stated that the Devils Lake Water Improvement District is moving forward with plans to dredge the canal, including applications for City permits, in the coming months. There is a potential to use the same construction contractor for both projects in order to ensure a well-coordinated project. He added that the project would likely take several months.

Commissioner Powell asked for clarification about the plans not being 100% complete. Mr. Chamberlin stated that the plans are complete, but there are additional details that will be worked out through the subsequent permitting processes with state and federal agencies.

Responding to a question from Commissioner Redman, Mr. Chamberlin stated that a specific plan will be developed to ensure access to area residences.

Brian Myers, local resident, provided testimony. He stated that the plans looked pretty good, but that he felt they might be somewhat incomplete. He is particularly concerned about the lack of adequate rights-of-way, easements, and access to the sewer line where it crosses private property. He expressed the opinion that those considerations needed to be resolved before the construction should be allowed to start. Mr. Myers also provided written comments.

Commissioner Albretsen asked Mr. Myers for additional clarification of the impacts to his property.

Director Townsend noted that the conditions of approval included in the staff report address the fact that easements will be required.

Ronald Holland, local resident, stated that the flooding is the biggest issue. He has no use of his house in the winter due to flooding. He is concerned that the Army Corps of Engineers will continue to refuse the permit application for the dredging project.

Chair Bunnett clarified that the dredging and flooding issues were significant neighborhood concerns, but that they were not relevant to the Land Use applications for the sewer replacement project. He noted that there will be opportunities for public comment when the Conditional Use Permit for the dredging project comes to the Planning Commission later this year.

Mr. Kevin Kaster spoke on behalf of his mother, who is a local resident. He stated that she has a sewer manhole in her backyard, and he wondered if the line will be abandoned whether or not the manhole would remain. Mr. Chamberlin responded that the City is interested in removing the manhole.

Responding to a comment from Commissioner Seeley, Director Townsend stated that the lake level and the ground level will be returned to the pre-construction levels.

Responding to a comment from Commissioner Albretsen, Director Townsend reiterated that one of the conditions of approval requires that the necessary easements be secured. He added that as with any construction project there will be disruptions experienced in the surrounding area.

Commissioner Redmon expressed concern about approving the project with so many issues still not resolved. Commissioner Powell and Chair Bunnett agreed but added that the sewer replacement is important and that the timing is fairly important. Commissioner Albretsen stated that he understood that the conditions of approval did address the need for additional work to obtain required permits and easements.

Motion:	Close the public hearing and the record
Moved By	Margaret Powell - Commissioner
Seconded By	Michael Redman--Commissioner
Motion:	PASSED VIA VOICE VOTE

Motion:	Approve CUP 2026-01 and NRDR 2026-01 with conditions as recommended in the staff report
Moved By	Michael Redman—Commissioner
Seconded By	Brian Bunnett - Chair
Ayes (6):	Brian Bunnett - Chair, Erick Albretsen - Commissioner, Carol Seeley -- Commissioner, Margaret Powell - Commissioner, Michael Redman--Commissioner, and Trisha Kannan--Commissioner
Absent (1):	Patrick Dunne - Commissioner
Motion:	PASSES BY ROLL CALL VOTE (6 to 0)

E. COMMENTS FROM THE PUBLIC

None.

F. DIRECTOR'S REPORT

F.1 ENGAGE Lincoln City Workshop Results

Planning Project Manager Andrea Riner presented an update on the ENGAGE Lincoln City project, including an overview of the Community Workshop held on March 31st.

Chair Bunnett stated that he shared Commissioner Albretsen's confusion about the relationship of the ENGAGE Lincoln City Ad Hoc Committee and the Planning Commission's role as the Committee on Citizen Involvement. He asked for clarification regarding this issue.

Ms. Riner clarified that the Ad Hoc Committee was created as a short-term, project specific committee to assist with the development of the Community Engagement Plan. The Ad Hoc Committee will sunset when the plan is completed and approved by the Planning Commission.

Ms. Riner stated that the Community Engagement Plan will include a recommendation for developing a separate standing committee, advisory to the Planning Commission, that would serve as the required Committee for Citizen Involvement. She agreed that putting together this new committee could be an immediate action of the Planning Commission following the adoption of the

ENGAGE Lincoln City Community Engagement Plan. Ms. Riner agreed that the current Ad Hoc Committee serves as an excellent model of how a future Committee on Citizen Involvement could operate. Ms. Riner asked the Planning Commissioners if they generally supported the creation of a separate committee to serve as the Committee on Citizen Involvement.

Commissioner Albretsen stated that he has more clarity about the process since attending the Community Workshop, and that he felt the diversity of participants at the workshop showed the value of having a committee outside of the Planning Commission.

Responding to a question from Commissioner Seeley, Ms. Riner clarified that the community engagement to be included in the ENGAGE Lincoln City plan is specific to the relationship between community members and their local government body about the decisions made by staff and elected officials.

F.2 Annual Report to City Council (2025)

Director Townsend stated that the City Council has requested Annual Reports from all City Boards and Committees. He suggested that the report of the Planning Commission be presented by the Planning Director and a representative of the Planning Commission. He pointed out that the recent staff-prepared annual report of land use applications, as well as building permit activity, had been provided as background in the agenda packet. Mr. Townsend stated that the Planning Commission could choose to wait until their next meeting to work on the specifics of their presentation.

Chair Bunnett suggested that the presentation include some key statistics related to planning issues, along with a narrative. He stated that providing statistics regarding such things as available housing and short-term rentals, including comparisons to similar communities, would make a compelling story.

Director Townsend stated that he and Urban Renewal Director Alison Robertson will be presenting a housing report at the next City Council Meeting.

Chair Bunnett encouraged the Planning Commission to include goals for the coming year, including implementing ENGAGE Lincoln City and establishing a new Committee for Citizen Involvement. He also suggested the presentation include information about the Villages.

G. PLANNING COMMISSION TRAINING

None.

H. COMMENTS BY COMMISSIONERS

Chair Bunnett announced that this was his last meeting, as he is moving out of Lincoln City in the next month. He added that he had enjoyed working on the Planning Commission, and how it has given him insight into the community. He especially enjoyed working with Richard and Andrea, and his fellow commissioners.

Chair Bunnett commented on the recent City Council resolution regarding ICE detention facilities in Lincoln County. He added that he would be interested in the Planning Commission looking into the zoning implications for detention facilities, and whether there would be a way to bar this as an allowed use.

Director Townsend stated that the Planning Commission is one of entities permitted to initiate zoning code amendments.

Chair Bunnett added that from the recent public discussions at City Council that really no one wants a prison in their community. Based on the public input, Chair Bunnett suggested that the Planning Commission consider this issue in detail.

Commissioner Kannan asked if a motion was required to direct staff to initiate this process. Director Townsend stated that a motion was in order.

Motion:	Develop a set of options for the Planning Commission to consider that would eliminate a detention facility as a permitted, accessory, or conditional use within any zone in Lincoln City city limits.
Moved By	Trisha Kannan--Commissioner
Seconded By	Carol Seeley -- Commissioner
Motion:	PASSED VIA VOICE VOTE

Following approval of the motion, Director Townsend thanked Chair Bunnett for his service to the community and his time on the Planning Commission.

I. ADJOURN

Chair Bunnett closed the meeting at 8:32 pm.

Brian Bunnett - Chair

Richard Townsend - Planning Director

City of Lincoln City Planning Commission Communication

Final Order 2026-01

2nd Street Inflow & Infiltration Sewer Line Replacement

Meeting Date: 4/21/2026

Department: Planning & Community
Development

Secondary Dept: Public Works

Approval: Daniel Hunter

Strategic Priority: Infrastructure

Primary Staff Contact: Weston Fritz

Email: wfritz@lincolncity.org

Secondary Contacts: Richard Townsend

Estimated Time: 30 minutes

Question:

Should the Planning Commission approve Final Order 2026-01 for the Conditional Use Permit (CUP) and Natural Resource Development Review (NRDR) regarding the sewer line replacement project at 2nd Street?

Staff Recommendation:

Staff recommends that the Planning Commission approve the Final Order.

Authority:

Lincoln City Municipal Code (LCMC) 17.76.020 states that all land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. Table 17.76.020-1 in LCMC Chapter 17.76 lists a conditional use permit as a Type III procedure with the Planning Commission as the review authority. Natural Resource Development Review is listed as a type II procedure in Chapter 17.76. Type II procedures are allowed to be processed as a Type III application concurrently with the Conditional Use, per LCMC 17.76.020(D).

Background:

The Lincoln City Public Works Department is proposing to install a new sewer line to replace an existing sewer line that has reached the end of its serviceable life span. The existing gravity sewer main was constructed in the late 1960's with 14-inch diameter asbestos concrete pipe. This main is flowing at full capacity with significant inflow and infiltration (I&I) occurring. Inflow and infiltration (I&I) refers to unintended water entering a sanitary sewer system, increasing the volume of wastewater beyond what is designed or necessary for treatment. If the pipe were to fail at the crossing, raw sewage would discharge directly into the lake.

The proposed replacement main is 18-inch diameter PVC. The main purpose of the project is to replace the existing main and to increase its capacity in order to accommodate the current volumes and facilitate maintenance and inspection moving forward.

The Planning Commission conducted a public hearing on this application at their meeting on April 7, 2026. Following the Staff Report and a presentation from the applicants four members of the public provided testimony. The Planning Commission then gave tentative verbal approval of the application.

Potential Motions:

1. Move to approve Final Order 2026-01.
OR
2. Move to deny Final Order 2026-01.

Attachments:

FO 2026-01 and Exhibits

LINCOLN CITY PLANNING COMMISSION

IN THE MATTER OF

Conditional Use Permit (CUP) 2026-01 and)
Natural Resource Development Review)
(NRDR) 2026-01)
SE 2nd St I&I)

Final Order No. 2026-01

APPLICANT/ OWNER INFORMATION

Applicant: City of Lincoln City
801 SW Hwy 101
Lincoln City, OR 97367

Property Owners: City of Lincoln City, Oregon Department of State Lands, Oregon Department of Transportation, Oregon Parks and Recreation Department, Anne Williams, Roy Robert Olson Cotrustee and Cheryl Lee Ho Cotrustee, and Roger and Claudia Welker

NATURE OF THE APPLICATION

Request to approve a conditional use permit and natural resource development review for a replacement sewer line that crosses Devils Lake and the SE 2nd Street Canal.

BACKGROUND FACTS

Site Location: See Exhibit A of Staff Report

Map & Lot No: See Exhibit B of Staff Report

Comprehensive Plan Designation: Residential Urban High Density (RUHD), Commercial Tourism (CT), Commercial General (GC), Park (P), Open Space (OS), Marine Waterway Areas (MWA)

Zoning: Multiple-Unit Residential (R-M) Zone, Recreation Commercial (RC) Zone, General Commercial (GC) Zone, Park (P) Zone, Open Space (OS) Zone, Marine Waterway (MW) Zone

Surrounding Land Uses And Zoning: North: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
South: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
East: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW

West: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW

Public Notice: On February 27, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing for the CUP to property owners within 500 feet of the subject property. On March 2, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing for the NRDR to property owners within 500 feet of the subject property. The *Lincoln County leader* published the public hearing notice on March 25, 2026.

Applicable Substantive Criteria: LCMC Chapter 17.20 Multiple-Unit Residential (RM) Zone
 LCMC Chapter 17.28 Recreation Commercial (RC) Zone
 LCMC Chapter 17.32 General Commercial (GC) Zone
 LCMC Chapter 17.42 Park (P) Zone
 LCMC Chapter 17.43 Open Space (OS) Zone
 LCMC Chapter 17.44 Marine Waterway (MW) Zone
 LCMC Chapter 17.46 Natural Resource Overlay (NR) Zone
 LCMC Chapter 17.48 Aesthetic, Historic, and Archaeological Sites
 LCMC Chapter 17.52 Supplementary Regulations and Exceptions
 LCMC Chapter 17.55 Landscaping Standards
 LCMC Chapter 17.56 Off-Street Parking and Loading
 LCMC Chapter 17.76.020 Summary of Procedure Types
 LCMC Section 17.76.050 Type III Procedure
 LCMC Section 17.77.060 Conditional Use Permit
 LCMC Section 17.77090 Geologic Hazard Report and/or Beach Protective Structure Review- Natural Resource Development Review.

Testimony

1. Weston Fritz, Senior Planner, presented the staff report.
2. Scott Little with DOWL, and Terry Chamberlin with the City of Lincoln City Public Works, presented the proposal on behalf of the applicant.
3. All those wishing to address the Planning Commission were given an opportunity to do so.
4. The Planning Commission received a written staff report prior to the meeting and had access to all of the application materials. The report and all other material submitted at the public hearing are part of the record.

FINDINGS

On April 7, 2026, the Planning Commission held a public hearing on CUP 2026-01 and made the following findings:

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

The Commission finds that the submitted materials either show compliance or can show compliance through the conditions of approval with the applicable portions of LCMC Title 17, which is the zoning code. The zoning code enacts the comprehensive plan, so with compliance with LCMC Title 17, there is compliance with the comprehensive plan. As detailed in the staff report, compliance with the comprehensive plan goals is met with the conditions of approval. The Commission finds that the project, therefore, once approved as a conditional use and operating in conformance with all conditions, is in compliance with the Comprehensive Plan.

2. The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title.

The Commission finds that the sanitary sewer line will be located below ground and either in public right of way or in a sanitary sewer easement. Therefore, the site is adequate in size and shape for the sanitary sewer line, which is a necessary public infrastructure use. The Commission finds the project meets this criterion.

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 Commission finds that the new underground sanitary sewer line is not anticipated to create additional traffic outside of the initial construction process. This requirement has been met.

4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority 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 mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;

The Commission finds that the new sanitary sewer line will be located below ground; no new above-ground structures are proposed that would impact neighboring properties. The applicant provided the following evidence showing that the impact will be minimal:

- The project will implement BMPs to prevent sediment from entering the water.
- The disturbed area will be returned to existing grade after project completion.

- The proposed improvements and retrofits in the selected alternative do not reduce or restrict the current hydraulic capacity of the existing canal or Devils Lake.
- There will be no blockage to aquatic organisms that will result from the proposed work.

The Commission finds that the project meets this criterion with the conditions of approval.

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.

The Commission finds that the proposed replacement sanitary sewer line is located within a mapped aesthetic resource, but it will be constructed underground, with the area restored to the pre-existing grade and replanted. After completion, the site will not detract from the scenic character of the area and will reflect pre-construction conditions. This requirement is met with the conditions of approval.

On April 7, 2026, the Planning Commission held a public hearing on NRDR 2026-01 and made the following findings:

1. A property owner must apply for a natural resources development review prior to the commencement of any development on property within the natural resource overlay zone. If the natural resource overlay zone applies to a portion of a parcel, a natural resources development review is required only for that portion of a development located inside the natural resource overlay zone. If the natural resource overlay zone applies to a portion of a parcel and no development is proposed within the natural resource overlay zone, then a natural resources development review is not required. No development within the natural resource overlay zone may occur until the natural resources development review has been approved.

The commission finds that the applicant has applied for the Natural Resource Development Review. The project will be developed within multiple areas of the natural resource overlay zone. Public utility facilities are an allowed use in the natural resource overlay zone, and the applicant intends to meet all of the required activity standards. The natural resources development review is therefore approved with the approval of the conditional use application, subject to the conditions of approval.

Staff report. The Commission adopts the staff report dated March 18, 2026, attached to this order, which is incorporated by reference as fully set forth herein, as additional findings for the decision insofar as it does not conflict with this final order.

ORDER AND CONDITIONS OF APPROVAL

Based upon the foregoing, the Planning Commission unanimously approves CUP 2026-01 and NRDR 2026-01, subject to the following conditions of approval:

1. The applicant shall provide confirmation of the approved Joint Permit Application (JPA) and Standard Local Operating Procedures for Endangered Species (SLOPES) permit before the start of construction.
2. All work with the NR overlay zone must follow all activity standards in LCMC 17.46.040(B)(4)(a).
3. Applicant must obtain all required federal and state permits (e.g., U.S. Army Corps of Engineers permit, Oregon Water Resources Department permit, Division of State Lands fill/removal permit) before the start of construction.
4. Public sanitary sewer easements and/or consent must be obtained before any construction is started on any property not within the public right of way.
5. All disturbed areas must be re-landscaped per the planting plan on sheets L1-L4 in Exhibit B of the application packet.
6. All work must comply with LCMC 17.44.040, Standards for conditional uses in the Marine Waterway Zone.
7. All work must comply with LCMC 15.16, Flood Damage Prevention, as well as all conditions and requirements of Flood Development Permit 2026-01.

APPROVED THIS 21st DAY OF APRIL 2026.

Planning Commission Chair

ATTEST: Richard Townsend, Director
Planning & Community Development

LINCOLN CITY PLANNING COMMISSION

IN THE MATTER OF

Conditional Use Permit (CUP) 2026-01 and)
Natural Resource Development Review)
(NRDR) 2026-01)
SE 2nd St I&I)

Final Order No. 2026-01

APPLICANT/ OWNER INFORMATION

Applicant: City of Lincoln City
801 SW Hwy 101
Lincoln City, OR 97367

Property Owners: City of Lincoln City, Oregon Department of State Lands, Oregon Department of Transportation, Oregon Parks and Recreation Department, Anne Williams, Roy Robert Olson Cotrustee and Cheryl Lee Ho Cotrustee, and Roger and Claudia Welker

NATURE OF THE APPLICATION

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Map & Lot No: See Exhibit B of Staff Report

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Zoning: Multiple-Unit Residential (R-M) Zone, Recreation Commercial (RC) Zone, General Commercial (GC) Zone, Park (P) Zone, Open Space (OS) Zone, Marine Waterway (MW) Zone

Surrounding Land Uses And Zoning: North: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
South: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
East: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW

West: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW

Public Notice: On February 27, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing for the CUP to property owners within 500 feet of the subject property. On March 2, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing for the NRDR to property owners within 500 feet of the subject property. The *Lincoln County leader* published the public hearing notice on March 25, 2026.

Applicable Substantive Criteria: LCMC Chapter 17.20 Multiple-Unit Residential (RM) Zone
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 LCMC Chapter 17.32 General Commercial (GC) Zone
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 LCMC Chapter 17.52 Supplementary Regulations and Exceptions
 LCMC Chapter 17.55 Landscaping Standards
 LCMC Chapter 17.56 Off-Street Parking and Loading
 LCMC Chapter 17.76.020 Summary of Procedure Types
 LCMC Section 17.76.050 Type III Procedure
 LCMC Section 17.77.060 Conditional Use Permit
 LCMC Section 17.77090 Geologic Hazard Report and/or Beach Protective Structure Review- Natural Resource Development Review.

Testimony

1. Weston Fritz, Senior Planner, presented the staff report.
2. Scott Little with DOWL, and Terry Chamberlin with the City of Lincoln City Public Works, presented the proposal on behalf of the applicant.
3. All those wishing to address the Planning Commission were given an opportunity to do so.
4. The Planning Commission received a written staff report prior to the meeting and had access to all of the application materials. The report and all other material submitted at the public hearing are part of the record.

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The Commission finds that the submitted materials either show compliance or can show compliance through the conditions of approval with the applicable portions of LCMC Title 17, which is the zoning code. The zoning code enacts the comprehensive plan, so with compliance with LCMC Title 17, there is compliance with the comprehensive plan. As detailed in the staff report, compliance with the comprehensive plan goals is met with the conditions of approval. The Commission finds that the project, therefore, once approved as a conditional use and operating in conformance with all conditions, is in compliance with the Comprehensive Plan.

2. The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title.

The Commission finds that the sanitary sewer line will be located below ground and either in public right of way or in a sanitary sewer easement. Therefore, the site is adequate in size and shape for the sanitary sewer line, which is a necessary public infrastructure use. The Commission finds the project meets this criterion.

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 Commission finds that the new underground sanitary sewer line is not anticipated to create additional traffic outside of the initial construction process. This requirement has been met.

4. The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority 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 mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;

The Commission finds that the new sanitary sewer line will be located below ground; no new above-ground structures are proposed that would impact neighboring properties. The applicant provided the following evidence showing that the impact will be minimal:

- The project will implement BMPs to prevent sediment from entering the water.
- The disturbed area will be returned to existing grade after project completion.

- The proposed improvements and retrofits in the selected alternative do not reduce or restrict the current hydraulic capacity of the existing canal or Devils Lake.
- There will be no blockage to aquatic organisms that will result from the proposed work.

The Commission finds that the project meets this criterion with the conditions of approval.

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.

The Commission finds that the proposed replacement sanitary sewer line is located within a mapped aesthetic resource, but it will be constructed underground, with the area restored to the pre-existing grade and replanted. After completion, the site will not detract from the scenic character of the area and will reflect pre-construction conditions. This requirement is met with the conditions of approval.

On April 7, 2026, the Planning Commission held a public hearing on NRDR 2026-01 and made the following findings:

1. A property owner must apply for a natural resources development review prior to the commencement of any development on property within the natural resource overlay zone. If the natural resource overlay zone applies to a portion of a parcel, a natural resources development review is required only for that portion of a development located inside the natural resource overlay zone. If the natural resource overlay zone applies to a portion of a parcel and no development is proposed within the natural resource overlay zone, then a natural resources development review is not required. No development within the natural resource overlay zone may occur until the natural resources development review has been approved.

The commission finds that the applicant has applied for the Natural Resource Development Review. The project will be developed within multiple areas of the natural resource overlay zone. Public utility facilities are an allowed use in the natural resource overlay zone, and the applicant intends to meet all of the required activity standards. The natural resources development review is therefore approved with the approval of the conditional use application, subject to the conditions of approval.

Staff report. The Commission adopts the staff report dated March 18, 2026, attached to this order, which is incorporated by reference as fully set forth herein, as additional findings for the decision insofar as it does not conflict with this final order.

ORDER AND CONDITIONS OF APPROVAL

Based upon the foregoing, the Planning Commission unanimously approves CUP 2026-01 and NRDR 2026-01, subject to the following conditions of approval:

1. The applicant shall provide confirmation of the approved Joint Permit Application (JPA) and Standard Local Operating Procedures for Endangered Species (SLOPES) permit before the start of construction.
2. All work with the NR overlay zone must follow all activity standards in LCMC 17.46.040(B)(4)(a).
3. Applicant must obtain all required federal and state permits (e.g., U.S. Army Corps of Engineers permit, Oregon Water Resources Department permit, Division of State Lands fill/removal permit) before the start of construction.
4. Public sanitary sewer easements and/or consent must be obtained before any construction is started on any property not within the public right of way.
5. All disturbed areas must be re-landscaped per the planting plan on sheets L1-L4 in Exhibit B of the application packet.
6. All work must comply with LCMC 17.44.040, Standards for conditional uses in the Marine Waterway Zone.
7. All work must comply with LCMC 15.16, Flood Damage Prevention, as well as all conditions and requirements of Flood Development Permit 2026-01.

APPROVED THIS 21st DAY OF APRIL 2026.

Planning Commission Chair

ATTEST: Richard Townsend, Director
Planning & Community Development

Conditional Use Permit and Natural Resource Development Review Application Staff Report for Planning Commission Public Hearing on April 7, 2026, Case File CUP 2026-01 and NRDR 2026-01

- Date:** March 18, 2026
- Case File:** CUP 2026-01 & NRDR 2026-01 2nd St I&I
- Planner:** Weston Fritz, Senior Planner (wfritz@lincolncity.org)
- Property Owners:** City of Lincoln City, Oregon Department of State Lands, Oregon Department of Transportation, Oregon Parks and Recreation Department, Anne Williams, Roy Robert Olson Cotstee and Cheryl Lee HO Cotstee, and Roger and Claudia Welker
- Situs Address:** 1452 NE 6th Dr, 1325 NE 1st Street, 1325 NE 1st Street, 1230 NE 1st Street, 1115 SE 1st Street, 1102 SE 2nd Court, 1160 SE 2nd Court, 1151 SE 3rd Street, 1149 Se 3rd Street, Rights of Way, Devils Lake, 2nd Street Canal
- Location:** From North of NE first, under Devil's Lake, to SE 2nd Street, across the Canal to the existing pump station on SE 3rd. see Exhibit A
- Tax Map and Lot:** See Exhibit B
- Comprehensive Plan Designation:** Residential Urban High Density (RUHD), Commercial Tourism (CT), Commercial General (GC), Park (P), Open Space (OS), Marine Waterway Areas (MWA)
- Zoning District:** Multiple-Unit Residential (R-M) Zone, Recreation Commercial (RC) Zone, General Commercial (GC) Zone, Park (P) Zone, Open Space (OS) Zone, Marine Waterway (MW) Zone
- Site Size:** Approximately 2000 linear feet of new sewer line
- Proposal:** Request to approve a conditional use permit and natural resource development review for a replacement sewer line that crosses Devils Lake and the 2nd Street Canal
- Surrounding Land Uses and Zones:**
 North: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
 South: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
 East: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
 West: Open Space, Parks, Commercial Sites, Homes; R-M, OS, RC, GC, P, MW
- Authority:** Lincoln City Municipal Code (LCMC) 17.76.020 states that all land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application. Table 17.76.020-1 in LCMC Chapter 17.76 lists a conditional use permit as a Type III procedure with the Planning Commission as the review authority. Natural Resource Development Review is listed as a type II procedure in Chapter 17.76. LCMC 17.76.020(D) allows Type II procedures to be processed as a Type III application concurrently with the Conditional Use.

Procedure: The application was received on January 21, 2026. The application was deemed complete on February 20, 2026. On February 27, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing for the CUP to property owners within 500 feet of the subject property. On March 2, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing for the NRDR to property owners within 500 feet of the subject property. The *Lincoln County leader* published the public hearing notice on March 25, 2026.

Applicable Substantive Criteria: LCMC Chapter 17.20 Multiple-Unit Residential (RM) Zone
 LCMC Chapter 17.28 Recreation Commercial (RC) Zone
 LCMC Chapter 17.32 General Commercial (GC) Zone
 LCMC Chapter 17.42 Park (P) Zone
 LCMC Chapter 17.43 Open Space (OS) Zone
 LCMC Chapter 17.44 Marine Waterway (MW) Zone
 LCMC Chapter 17.46 Natural Resource Overlay (NR) Zone
 LCMC Chapter 17.48 Aesthetic, Historic, and Archaeological Sites
 LCMC Chapter 17.52 Supplementary Regulations and Exceptions
 LCMC Chapter 17.55 Landscaping Standards
 LCMC Chapter 17.56 Off Street Parking and Loading
 LCMC Chapter 17.76.020 Summary of Procedure Types
 LCMC Section 17.76.050 Type III Procedure
 LCMC Section 17.77.060 Conditional Use Permit
 LCMC Section 17.77090 Geologic Hazard Report and/or Beach Protective Structure Review- Natural Resource Development Review.

BACKGROUND

The City of Lincoln City is proposing to install a new sewer line of approximately 2000 linear feet. It will replace an existing sewer line that has reached the end of its serviceable life span and is currently experiencing high levels of inflow and infiltration. The new sewer line will follow a similar, but slightly different route, starting from just North of Hostetler Park, crossing under Devils lake, through the right-of-way on SE Harbor Ave, and under the 2nd Street canal, terminating at the existing pump station on SE 3rd. This sewer line will cross a wide range of properties, both publicly and privately owned. The new sewer line will be installed using a combination of drilling, boring, and trenching. The existing sewer line will be removed as needed during this process.

The site does not contain any bluff erosion hazard or floodways. The planned route is within the flood zone and has mapped wetlands and significant riparian areas. A flood development permit has been issued for the sewer replacement, and compliance with the Natural Resource Overlay Zone will be discussed later in this report.

COMMENTS

A comment was received from the Lincoln City Urban Renewal Agency stating, "I would like to add a comment to the file that prior to construction, the City would need a permanent utility easement, and possibly a temporary construction easement, from the Lincoln City Urban Renewal Agency to go across the property at 1230 NE 1st Street. This tax lot shows a recorded ownership of City of Lincoln City but the funding source was from the Urban Renewal Agency so it is an Agency asset." This comment is addressed through the conditions of approval.

A comment was also received from the Department of State Lands. Staff sent in the required wetland land use notification, and the Department of State Lands provided a general comment regarding wetlands notification requirements. This comment is satisfied with the staff sending the required notice to DSL and through the conditions of approval.

One comment was received from a neighbor regarding the mailing address the notice was sent to. This comment was not directed toward the approval criteria and is not applicable to this approval or disapproval of this application.

ANALYSIS

Chapter 17.20 Multiple Unit Residential (RM) Zone

17.20.040 Conditional Uses

Finding: The proposed replacement sewer line is a public utility, which is not specifically listed as a conditional use in the RM zone, but it has been determined by the Planning Director that a conditional use is the appropriate application type for this proposal.

Chapter 17.28 Recreation Commercial (RC) Zone

17.28.040 Conditional Uses Permitted

B. Public Utility

Chapter 17.32 General Commercial (GC) Zone

17.32.040 Conditional Uses Permitted

E. Public Utility

Chapter 17.42 Park (P) Zone

17.42.030 Conditional Uses

B. Public Utilities

Chapter 17.43 Open Space (OS) Zone

17.43.030 Conditional uses

C. Public Utilities and Drainage Facilities

Finding: The proposed replacement sewer line is a public utility, which requires conditional approval in the RC, GC, P, and OS zones. The sewer line will be constructed entirely underground, so no development requirements such as setbacks, building coverage, parking etc are applicable.

Chapter 17.44 Marine Waterway (MW) Zone

17.44.030 Conditional Uses Permitted

C. Public Utility Facility

Finding: The proposed replacement sewer line is a public utility, which requires conditional approval in the Marine Waterway (MW) Zone.

17.44.040 Standards for Conditional Uses

In the MW zone, or any other zone referencing these conditional use standards, the applicable provisions of this section shall apply. The standards for conditional uses shall be as follows:

A. Standards for Uses Involving Filling, Dredging, Drainage, Disposal of Dredging Spoils, and Similar Activities or Construction of Wharfs, Bulkheads or Similar Devices.

1. Evidence shall be provided that the applicant has complied with, or fully intends to comply with, all standards of the Department of Environmental Quality, the Division of State Lands, and all other agencies having interests or ordinances applicable to the property in question.

Finding: The application narrative states, “The JPA has been submitted, and a decision is expected within the next two months. Evidence that the project is subject to SLOPES coverage can be provided as a condition of approval.” JPA stands for Joint Permit Application, which is a coordinated development permit for projects impacting wetlands, rivers, or streams. The JPA is reviewed by the Oregon Department of State Lands, Oregon Department of Environmental Quality, and the Us Army Corps of Engineers. SLOPES stands for Standard Local Operating Procedures for Endangered Species. Obtaining these permits before the start of construction has been made a condition of approval. This requirement is met with the conditions of approval.

2. The activity shall not represent a source of water pollution to any nearby tidelands, marshlands, rivers, streams or other waterways used for the raising, production or preservation of marine life or other natural resources.

Finding: The narrative states, “The new sanitary sewer line will replace an existing sewer line experiencing water infiltration. The new sanitary sewer line will be placed underground and designed to reduce the risk of water infiltration or leaks.” The long-term use of the sewer line will reduce pollution in the lake and surrounding areas. This requirement is met.

3. Any filling or dredging activity shall not substantially alter the course of any channel or the natural movement of any waters, result in increased flood hazards, or cause the formation of appreciable bottom or sludge deposits deleterious to marine life.

Finding: The narrative states, “no net fill or dredging is proposed as part of this project. The new sanitary sewer line will be placed underground and, as such, will not result in increased floods. See hydraulic memorandum included as Exhibit D for additional detail.” Staff has reviewed Exhibit D and approved the Flood Development permit for this proposal. This requirement is met.

4. Any fill or dredging spoil area shall be deposited behind a watertight berm to avoid any sloughing and to stabilize the area.

Finding: The proposal does not include any net fill or dredging, so this requirement is not applicable. If any temporary material does need to be dredged or stored, it shall be stored behind a watertight berm. This requirement is met.

5. If a fill is proposed of which any portion falls below mean higher high water or mean high water plus six feet, whichever is highest, and which is adjacent to or having potential access to a navigable waterway, the developer shall designate on the plan a portion of the parcel to remain unfilled for possible off-channel moorage or similar use. The size of the area to remain unfilled shall be determined on the basis of the need generated by proposed or anticipated uses on the fill, and shall be not less than 20 percent of that portion of the parcel lying below the highest above-mentioned elevation. The location and design of the unfilled portion shall be approved by the planning department.

Finding: The narrative states, “The proposed project does not warrant off-channel moorage as no new residential or recreational use is proposed. No net fill is proposed as part of this project and will be limited to backfilling the trenched line with excavated materials.” This requirement has been met.

6. Applications for a permit for filling, dredging or similar activities shall include:

a. The source of the applicant’s right to fill or dredge;

17.46.040 Uses Allowed

17.46.040(B)(4)(b)(i) Replacement drainage facilities, utility facilities, domestic and irrigation water pumps, and minor facilities authorized by the Oregon Water Resources Department (such as stream gauges).

Finding: The proposed replacement sanitary sewer is a utility facility, which is an allowed use in the NR overlay zone and a conditional use in all other zones. All development must meet the activity standards in LCMC 17.46.040(B)(4)(a). This requirement is met.

17.46.040(B)(4)(a) Activity Standards

i. For in-water work the responsible party must follow the Oregon Department of Fish and Wildlife guidelines for in-water work.

Finding: The narrative states, “All work will occur between July 1 and September 15, consistent with the Oregon Department of Fish and Wildlife guidelines for in-water work period.” This requirement has also been made a condition of approval. This requirement has been met.

ii. The responsible party may not remove native vegetation except for that in the space occupied by the use.

iii. Within six months of vegetation removal, the responsible party must replant areas from which vegetation is removed with native vegetation at densities at least equaling those of the removed vegetation, unless vegetation would not allow the use to function.

Finding: The narrative states, “removal of vegetation will be limited to the area disturbed to remove the existing sanitary sewer line and install the new sanitary sewer line.” The narrative also states that they plan on replanting all disturbed areas immediately after construction. The planting plan can be found on sheets L1-L4 in the application materials. This requirement is met.

iv. The responsible party must keep sediment from entering the water area.

Finding: The narrative states, “The project will implement best practices (BMPs) to prevent sediment from entering the water. During construction, the contractor will monitor turbidity and inspect all erosion control BMPs weekly, or more often as necessary, to confirm the erosion controls are effective.” This requirement is met.

v. The responsible party must obtain all required federal and state permits (e.g., U.S. Army Corps of Engineers permit, Oregon Water Resources Department permit, Division of State Lands fill/removal permit).

Finding: The applicant has stated that all state and federal permits will be obtained. This has been made a condition of approval. This requirement is met with the conditions of approval.

17.46.050 Natural Resource Development Review

A property owner must apply for a natural resources development review prior to the commencement of any development on property within the natural resource overlay zone. If the natural resource overlay zone applies to a portion of a parcel, a natural resources development review is required only for that portion of a development located inside the natural resource overlay zone. If the natural resource overlay zone applies to a portion of a parcel and no development is proposed within the natural resource overlay zone, then a natural resources development review is not required. No development within the natural resource overlay zone may occur until the natural resources development review has been approved.

Finding: The applicant has applied for the Natural Resource Development Review. The project will be developed within multiple areas of the natural resource overlay zone. As discussed in the above report, public utility facilities are an allowed use, and the applicant intends to meet all of the required activity standards. The

natural resources development review is therefore approved with the approval of the conditional use application.

Chapter 17.48 Aesthetic, Historical and Archaeological Sites

17.48.020 Development in areas of aesthetic resources.

A. Application. This chapter applies to all areas identified on the city comprehensive plan as “significant aesthetic resources.”

B. Development in areas of significant aesthetic resources must not reduce the scenic character of the area.

C. Development in areas of significant aesthetic resources must not substantially alter the natural vegetative cover.

Finding: A roughly 300-foot section of the new sanitary sewer line will be constructed within the Devils Lake Recreation Area, which is designated as a significant aesthetic resource. The sanitary sewer line will be constructed underground, so no permanent reduction in the scenic character is anticipated. There will be temporary impacts to the native vegetation cover during construction. The applicant has stated that these areas will be restored with native plants after completion, per the planting plan on sheets L1-L4 in exhibit B of the application materials. This requirement has been met.

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.220 Tree Protection and Removal

E. When Tree Removal Is Allowed Without a Tree Removal Permit.

3. Public Utilities and Public Works.

a. Removal of trees is allowed without a permit if performed by utility or city public works personnel to remove vegetation and trees that present a danger to life or property, to restore utility services, or to reopen a public thoroughfare to traffic.

b. Removal of trees is allowed without a permit if performed by city public works personnel to remove trees that are deemed nuisances under Chapter 8.12 LCMC, Nuisances, or to remove trees necessary to install or maintain improvements on parklands, streets, sewers, or utilities within publicly owned and dedicated rights-of-way or public utility easements.

Finding: The proposed project is being initiated by the public works department to replace an existing sanitary sewer line. The applicant states that tree removal is required within the parklands and sanitary sewer easements to install the new sanitary sewer line. This type of tree removal is exempt from the tree removal permit requirements; therefore, this requirement is met.

Chapter 17.55 Landscaping

17.55.020 Applicability

The standards of this chapter shall apply to:

A. All Type II and Type III procedures.

B. New construction.

Finding: This conditional use application is a type III procedure; as such, the landscaping standards are applicable.

17.55.040 Landscaping requirements for all development other than detached single-unit dwellings, attached single-unit dwellings, manufactured dwellings, and duplexes.

- A. *Landscaping is required on all portions of the site not covered by buildings, structures, or impervious surfaces.*

Finding: The proposed sanitary sewer construction is occurring on a range of property types, easements, and City rights of way. The landscaping impact will only be related to what is disturbed during the excavation and placement of the underground sanitary sewer. The existing grade is proposed to be restored after completion, and a re-planting plan has been provided on sheets L1-L4 in Exhibit B of the application materials. The planting plan proposes replacing any removed trees at a 2 to 1 ratio and shrubs at a rate of 1 per 6' of disturbed area within the wetlands. The plan states that all of the plants will be native and/or compliant with the Joint Permit Application restoration plant list. The plan also indicates that approximately 27,027 square feet of seed mix will be planted to restore trenched areas, or areas impacted by accessing the site. The plan shows tree protection requirements for trees that will be preserved during the construction process. In the context of this project, the landscaping required is for the purposes of restoring the project area to the pre-construction condition. This requirement is met.

LCMC 17.55.040(B) Existing plants and trees that are healthy and noninvasive count towards the tree and shrub requirement below, provided they will be protected during development adequately enough to ensure future preservation.

- I. *At a minimum, the site shall contain the following spaced and/or grouped according to best planting practices and aesthetics:*
 - a. *One tree per 100 feet of total lot perimeter; and*
 - b. *One shrub per 30 feet of total lot perimeter; and*
 - c. *The remainder of the site that is not covered by buildings, structures, or impervious surfaces shall be covered with living or nonliving ground cover as outlined in subsection (C) of this section and LCMC 17.55.050.*

Finding: The proposed sanitary sewer line is located on public lands, existing rights of way, and through sewer easements on private property. The public lands on which the sewer will be constructed are currently used as parks/open spaces and contain significant existing vegetation, which is well above the minimum requirements. The minimum trees and shrubs do not apply within the existing rights of way, as these do not have a lot of perimeter to assess, and the planting may interfere with road traffic. The minimum number of trees and shrubs cannot be planted within the sewer easement on private property, as these areas need to be available for periodic maintenance of the sewer line. This requirement is not applicable or has been met.

Chapter 17.56 Off-street Parking and Loading Regulations
17.56.030 Number of off-street parking spaces required

- A. *The number of off-street parking spaces required shall be as set forth in Table 17.56.030-1.*

Finding: There are no minimum parking requirements for the installation of new sewer lines, nor have any permanent parking spaces been proposed. This requirement is not applicable.

Chapter 17.76 Procedures
17.76.030 Summary of Procedure Types
 D. *Consolidated Reviews.*

1. *Multiple Type II or III applications for a single proposal shall be consolidated and processed concurrently under the highest numbered procedure required for any part of the application. For example, a proposal requesting both development review (Type II) approval and conditional use permit (Type III) approval is processed concurrently as a Type III procedure.*
2. *When consolidated, the following processes shall be applied:*

- a. *Separate responses to the applicable criteria shall be submitted for each application;*
- b. *The public notice shall identify each application to be decided; and*
- c. *Separate findings and decisions shall be made on each application.*

Finding: The applicant has submitted an application for conditional use approval, which is a Type III procedure, and natural resources development review, which is a Type II procedure. These applications are being processed concurrently as a consolidated Type III procedure. The applicant submitted separate applications for each procedure. Separate notices were mailed out to all property owners in compliance with the noticing requirements for the Type III procedure. Separate responses have been included in this report for both the CUP and NRDR applications. This requirement has been met by consolidating the reviews as a Type III procedure.

3. If the consolidated proposal includes an application for a comprehensive plan map amendment, the final decision on the plan map amendment shall precede any decision on a proposed zone change and all other decisions on a proposed development. Similarly, the final decision on a zone change shall precede a decision on proposed development review or any other action.

Finding: This application does not include a request for a comprehensive plan map amendment; therefore, this standard is not applicable.

17.76.050 Type III procedure

- A. *General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.*
- B. *When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed in Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.*
- D. *Application Requirements. Type III applications shall:*
 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 2. *Be accompanied by the required fee as adopted by city council resolution.*
 3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fees. The applications were deemed complete in accordance with LCMC 17.76.110.D and E.

E. Notice of Public Hearing.

1. *After a Type III application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *Owner of record of the subject property;*
 - c. *Property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and*
 - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*

- e. *At the discretion of the application, the department also shall provide notice to the Oregon Department of Land Conservation and Development.*

Finding: The Planning and Community Development Department mailed the public notice of a public hearing for both applications to the parties noted in LCMC 17.76.050.E.1.a through e.

- 2. *The notice of public hearing shall include the following:*
 - a. *A brief description of the request;*
 - b. *A list of the applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *The date, time, and location of the hearing;*
 - e. *A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Board based on that issue;*
 - f. *The name of a department staff member to contact and the telephone number where additional information may be obtained;*
 - g. *A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;*
 - h. *A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
 - i. *A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.*

Finding: Both public notices of hearing contained all the information required in LCMC 17.76.050.E.2.a through i.

- F. *Public notices for Type III applications shall be mailed a minimum of 20 days prior to the first evidentiary public hearing. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent. Notice of the public hearing for Type III applications shall also be published in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal.*

Finding: The public hearing date is April 7, 2026. The public notices were mailed on February 27, 2026 for the CUP and March 2, 2026 for the NRDR. The notice was also published in the newspaper on March 25, 2026.

Chapter 17.77 Applications
17.77.060 Conditional use permit

- A. *Purpose. In all zones, conditional uses listed in that zone may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.*
- B. *Procedure. Conditional use permit requests are subject to the Type III procedure, as described in LCMC 17.76.050.*
- C. *Submittal Requirements.*
 - 1. *Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

Finding: The required documents were submitted.

2. *At a minimum, an application for a conditional use shall include the following:*
 - a. *An application form signed by the applicant and every current property owner of record as shown on the most current recorded deed;*
 - b. *Full payment of the application fee, based on the fee schedule in effect on the date of submittal;*
 - c. *Existing conditions plan;*
 - d. *Site plan;*
 - e. *Landscape plan;*
 - f. *Building elevations (for new construction);*
 - g. *Phasing plan (if phasing is proposed);*
 - h. *Traffic impact study pursuant to LCMC 17.52.300; and*
 - i. *Narrative addressing compliance with each criterion and applicable standard.*

Finding: The completed and signed application form was submitted. The submitted materials included all required information, such as an existing conditions plan, site/landscape plan, and narrative. No phasing is proposed, and a traffic impact study is not required.

D. Approval Criteria. 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;*

Finding: The property owners request a conditional use permit and natural resource development approval for the new sanitary sewer line. As detailed earlier in this report, the submitted materials either show compliance or can show compliance through the conditions of approval with the applicable portions of LCMC Title 17, which is the zoning code. The zoning code enacts the comprehensive plan, so with compliance with LCMC Title 17, there is compliance with the comprehensive plan.

Citizen Involvement Goal: Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.

The city has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and review of the application by the Planning Commission, establishes conformance with the citizen involvement goal. This goal has been met.

Housing Goal: Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning. Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations. Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.

The housing goal is to provide for the housing needs of all citizens. The project is consistent with the housing goal because it will provide the necessary public infrastructure to serve existing and future homes in the area and the City as a whole. This goal is met.

Transportation Goal: Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.

No new vehicle trips are anticipated to be generated after the construction of the new sanitary sewer line. No public transportation infrastructure or multi-modal means of transportation will be negatively impacted. The transportation goal is not applicable.

Public Facilities and Services Goal: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.

The proposal is a city-initiated sewer replacement that is necessary due to the age and condition of the existing infrastructure. Replacing this sewer line will ensure public services continue to be delivered in a way that meets the goals of this section of the comprehensive plan. This goal is met.

Parks and Open Space Goal: Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.

The proposed sanitary sewer line will be located underground. The site is proposed to be restored after construction is complete; therefore, no long-term negative effects are anticipated on the parks and open space areas. The new sanitary sewer line will reduce inflow and infiltration and will contribute to better environmental quality for the surrounding parklands. This goal is met.

Economic Development Goal: Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.

The proposed project provides infrastructure to accommodate growth and maintain the existing quality of public services, which is integral to the local economy. This requirement is met.

Natural, Scenic and Historic Resources Goal: Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.

The proposed improvements are located underground and therefore, no long-term impacts to the natural, scenic, and historic resources are expected. The applicant has submitted documentation showing that all impacted areas will be restored to their pre-construction conditions. Short-term impacts during construction will be mitigated through careful construction techniques and adherence to all local, state, and federal permitting requirements. After completion, the reduction in infiltration, inflow, and outflows from replacing the failing sewer line will result in improved environmental quality for the surrounding air, water, land, wildlife, and energy. This goal is met.

Coastal Resources Goal: Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.

The applicant narrative states, "No portion of the project is located in coastal resources (shorelands, beaches, dunes, the Siletz Bay Estuary, ocean resources). As addressed above, the project passes through Devils Lake and is compliant with the comprehensive plan goals as they relate to rivers and forests." This goal is met.

Community Resiliency Goal: Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.

The applicant's narrative states, "The existing sanitary sewer is reaching the end of its serviceable life and poses a risk to Devils Lake and the surrounding wetlands as failure would contaminate the area. The proposed sewer is designed to current standards, greatly reducing the risk of failure." This goal is met.

Land Use Planning Goal: Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after a public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during the preparation, review, and revision of this report. The applicant submitted all of the required application materials and is following the required planning process appropriate for the type of request. Accordingly, the request, including conditions of approval, meets the planning goal.

2. *The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;*

Finding: The submitted narrative states, "No new structures are proposed within this project. The sanitary sewer line will be located below ground and either in public ROW or in a sanitary sewer easement. There, the site (public ROW and properties the sanitary sewer line extends through within said easement) are adequate in size and shape of the sanitary sewer line (public infrastructure use)." This requirement is met.

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;*

Finding: The proposal includes a new underground sanitary sewer line, which is not anticipated to create additional traffic outside of the initial construction process. The submitted narrative states, "Aside from the occasional trip to clear vegetation and inspect the sanitary sewer line, no vehicular trips will be generated as a result of the proposed use. Therefore, this criterion does not apply." This requirement is met.

4. *The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority 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 mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;*

Finding: The new sanitary sewer line will be located below ground; no new above-ground structures are proposed that would impact neighboring properties. The submitted narrative states,

"No new structures, fences, walls, lighting, or signage are proposed with this project. Additionally, no change in use, occupancy, or intensity will result from the project. The sanitary sewer replacement is not expected to cause a significant adverse impact for the following reasons and through the following measures:

- The project will implement BMPs to prevent sediment from entering the water.
- The disturbed area will be returned to existing grade after project completion.
- The proposed improvements and retrofits in the selected alternative do not reduce or restrict the current hydraulic capacity of the existing canal or Devils Lake.
- There will be no blockage to aquatic organisms that will result from the proposed work. This requirement has been met.”

This requirement is met.

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.*

Finding: One section of approximately 300 feet of new sanitary sewer line extends into a portion of the Devils Lake State Recreation Area, which is listed as an Aesthetic Resource, to connect to existing sewer infrastructure. As discussed under section 17.48.020, the improvement will be constructed underground, with the area restored to the existing grade and replanted. After completion, the site will not detract from the scenic character of the area and will reflect pre-construction conditions. This requirement is met.

- E. *Conditions of Approval. Pursuant to LCMC 17.76.120, the planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding properties or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:*
 1. *Increasing required lot size, setbacks, common open spaces, or screening and buffering areas;*
 2. *Requiring fences, screening walls, landscaping, or screening/buffering where necessary to reduce noise and glare from the use and maintain the property in a character in keeping with the surrounding area;*
 3. *Requiring landscaping and maintenance thereof;*
 4. *Increasing street widths and/or controlling the location and number of vehicular access points to the property for ingress/egress;*
 5. *Requiring means of pedestrian/bicycle pathways to serve the property;*
 6. *Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking area;*
 7. *Limiting size, location, and number of signs;*
 8. *Limiting the location, coverage, or height of buildings because of obstruction to view and reduction of light and air to adjacent properties;*
 9. *Limiting or prohibiting openings in sides of buildings or structures;*
 10. *Enclosure of outdoor storage areas and limitation of...*
 11. *Requiring maintenance of grounds;*
 12. *Regulation of noise, vibration, odors, etc.;*
 13. *Regulation of time for certain activities;*
 14. *Establishing a time period within which the proposed use shall be developed;*
 15. *The requirement of a bond for removal of such use within a specified period of time;*
 16. *Increase the size, type, or capacity of any or all utility services, facilities, or appurtenances;*
 17. *Requirements under which any future enlargement or alteration of the use...*
 18. *Requirements for providing the city a performance bond with a contractual agreement to assure its share of the development of streets, curbs, gutters,...*
 19. *Any such other conditions that will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this title and the comprehensive plan.*

Finding: Staff does not recommend any additional conditions of approval from this section. The recommended conditions of approval have been noted throughout the report and included below. This requirement has been met.

Chapter 17.77 Applications

17.77090 Geologic Hazard Report and/or Beach Protective Structure Review- Natural Resource Development Review.

A. Procedure. Geologic hazard report, beach protective structure review, and natural resources development review are subject to the Type II procedure as described in LCMC 17.76.040.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110, as well as Chapters 17.46 and 17.47 LCMC.

Finding: The natural resource development review application was submitted with a conditional use permit application and is being processed concurrently as a Type III consolidated procedure. All of the required application materials were submitted. This requirement is met.

C. Approval Criteria.

1. See Chapter 17.47 LCMC for approval criteria for geologic hazard report and beach protective structure review.

2. See LCMC 17.46.050 for approval criteria for natural resources development review.

Finding: The approval criteria are discussed under LCMC 17.46.050, which is included early in this report. This requirement has been met.

D. Conditions of Approval. The review authority may impose conditions of approval to ensure compliance with the approval criteria.

Finding: Staff's recommended conditions of approval are included at the end of the staff report.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing on the proposed conditional use and natural resource development review, take public testimony, close the public hearing, deliberate, and determine whether the request complies with the criteria for granting approval of the request, complies with the criteria with conditions, or doesn't comply with the criteria.

Should the Planning Commission determine that the request complies with the criteria with conditions, staff suggests the following conditions of approval:

General

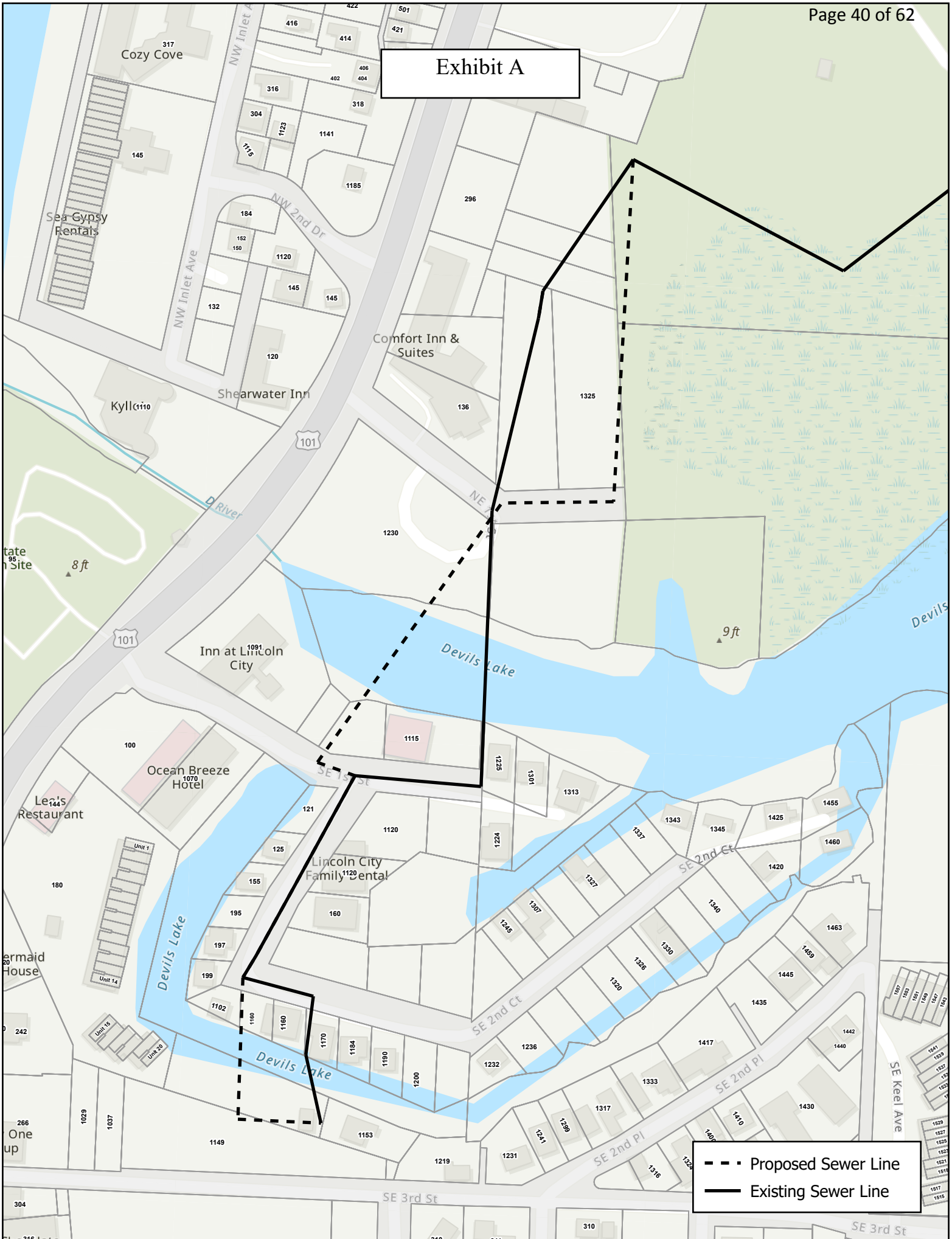
1. The applicant/property owner/developer shall be responsible for full compliance with all applicable city, state, and federal codes, rules, regulations, and standards.

Planning

1. The applicant shall provide confirmation of the approved JPA and SLOPES permit before the start of construction
2. All work with the NR overlay zone must follow all activity standards in LCMC 17.46.040(B)(4)(a)
3. Applicant must obtain all required federal and state permits (e.g., U.S. Army Corps of Engineers permit, Oregon Water Resources Department permit, Division of State Lands fill/removal permit) before the start of construction.
4. Public sanitary sewer easements and/or consent must be obtained before any construction is started on any property not within the Public Right of Way.

5. All disturbed areas must be re-landscaped per the planting plan on sheets L1-L4 in Exhibit B of the application packet.
6. All work must comply with LCMC 17.44.040, Standards for conditional uses in the Marine Waterway Zone.
7. All work must comply with LCMC 15.16, Flood Damage Prevention, as well as all conditions and requirements of Flood Development Permit 2026-01.

Exhibit A



- - - Proposed Sewer Line
- Existing Sewer Line

Exhibit B*Table 1: Zoning and Adjacent Land Uses*

Tax lots	Zoning	Land Use
07-11-15-AC-03099 (south waterway) 07-11-15-AC-05200 07-11-15-AC-05300 07-11-15-AC-05400 07-11-15-AC-05500 07-11-15-AC-05600 07-11-15-AC-06200 07-11-15-AC-06300 07-11-15-AC-06500	RM	Residential, Multi-Family
07-11-15-AC-03200 07-11-15-AD-00200 07-11-15-AD-00300	RC	Recreational/Commercial
07-11-15-AB-15600 07-11-15-AB-15700 07-11-15-AB-15800 07-11-15-AC-03500 07-11-15-AC-03600 07-11-15-AC-03099 (south waterway) 07-11-15-AC-04600 07-11-15-AC-04500 07-11-15-AC-04400 07-11-15-AC-04300 07-11-15-AC-04200	GC	Commercial
07-11-15-AA-01100	P	Recreation Area
07-11-15-AD-00400	O-S	Open Space
Devils Lake	M-W	Water

Modification of Approval Application

PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):

Copy of purchase contract must be included with submittal for application to be accepted.

NAME: City of Lincoln City

ADDRESS: 801 SW Hwy 101
Lincoln City, OR 97367

PHONE: 541-996-1202

E-MAIL: dhunter@lincolncity.gov

PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):

Copy of purchase must be included with submittal for application to be accepted.

NAME: _____

ADDRESS: _____

PHONE: _____

E-MAIL: _____

PROJECT INFORMATION:

CASE FILE NUMBER: CUP 2019-04

DATE OF DECISION: December 17, 2019

FINAL ORDER NUMBER (if applicable): FO 2019-06

REQUESTED MODIFICATION(S):

Describe in detail the required modification(s), including if the request is to modify plans, conditions of approval, or both.

Remove the requirement to erect a six-foot tall wooden fence on the property lines of the
property as set out in Condition of Approval #1 in FO 2019-06.



THE REVIEW AUTHORITY MUST BE PROVIDED ENOUGH EVIDENCE AND PROOF IN THIS APPLICATION THAT FINDINGS OF FACT CAN BE MADE THAT ALL OF THE FOLLOWING CRITERIA ARE SATISFIED:

LCMC 17.77.110.F.1 – *The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site.*

LCMC 17.77.110.F.2 – *New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.*

LCMC 17.77.110.F.3 – *The criteria in 1 and 2 above shall be applied only to the area and/or lots within the development that are affected by the proposed modification.*

LCMC 17.77.110.F.4 – *The proposed modification shall demonstrate compliance with the approval criteria of the original application.*

A detailed narrative must be prepared and submitted, along with this completed application form, that provides detailed evidence and proof that each of the four criterion listed above are satisfied. Each criterion must be discussed and thoroughly addressed.

If any plan sheets are proposed to be modified as part of this application, such revised sheets must be submitted with the completed application form.

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information, as well as the information provided in the attached narrative and plans, is true, complete, and accurate. I (We) acknowledge that providing false information in the application shall be a violation and grounds to deny the application and void any approvals.

SIGNATURES:

Daniel Hunter

04 / 15 / 2026

Property Owner/Contract Purchaser (signature required)

Date

Property Owner/Contract Purchaser (signature required)

Date

- *All property owners listed on the deed of each parcel/lot must sign the application.*
- *All contract purchasers listed on the purchase contract must sign the application.*
- *If contract purchasers are individuals other than the property owners shown on the deed, all property owners listed on the deed as well as all contract purchasers listed on the purchase contract must sign the application.*

Staff Report
Planning Commission Hearing on April 21, 2026
Case File CUP 2026-02

Date: March 30, 2026

Case File: CUP 2026-02 Helping Hands Final Order Amendment

Applicant: Helping Hands Re-entry Outreach Centers
 PO Box 413
 Seaside, OR 97138

Property Owner: Helping Hands Re-entry Outreach Centers
 PO Box 413
 Seaside, OR 97138

Situs Address: 3454 NE Hwy 101 and 2201 NE 34th Street

Location: NE corner of the intersection of NE Hwy 101 and NE 34th Street

Tax Map and Lot: 07-11-02-CC-00500
 07-11-02-CC-00300

Comprehensive Plan Designation: Commercial General District (CG)

Zoning District: General Commercial (GC)

Site Size: Total 30,599 sf (Tax Lot 500 = 9,784 sf plus Tax Lot 300 = 20,815 sf)

Proposal: Request to modify a conditional use permit to operate a transitional housing facility

Surrounding Land Uses and Zones: North: house, offices; GC; Northeast: houses; R-1-7.5
 South: hotel, businesses; GC
 East: apartments; GC
 West: Highway 101, west of Highway 101 offices, residential; GC

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.

Procedure: On March 27, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing to

property owners within 500 feet of the subject property. The *Lincoln County Leader* published the public hearing notice on April 8, 2026.

Applicable	LCMC Chapter 17.32 General Commercial (GC) Zone
Substantive	LCMC Chapter 17.60 Conditional Uses
Criteria:	LCMC 17.77.110 Modification of approved applications, plans, or conditions of approval.

BACKGROUND

This is an application to remove one of the conditions of approval contained in the conditional use permit (CUP 2019-04) for the Helping Hands emergency shelter located on two lots at 3454 NE Hwy 101 and 2201 NE 34th Street. The site contained and continues to contain two buildings that were converted from a manufacturing facility. After a public hearing the Planning Commission adopted the permit on December 17, 2019 via Final Order No. 2019-06.

Specifically, this application seeks to remove the following condition:

1. Prior to issuance of the certificate of occupancy for the transitional housing facility, install a 6-foot-tall solid wood fence along the north property lines of Tax Lots 500 and 300 and the east property line of Tax Lot 300 to provide a buffer and screening between the uses to the north and east and the proposed use on the site. The 6-foot-tall solid wood fence shall also be installed on the north 50 feet of the west property line of Tax Lot 300.

During the hearing on the original CUP application there was no discussion of the need for a solid fence, although the staff report, also without discussion, suggested the fencing condition. It appears that the condition was a carry-over from a conditional use permit staff report prepared for an emergency shelter that the original applicant had applied for just a couple of months earlier. That shelter was to be located in an existing building at 4488 NE Devils Lake Blvd in the same complex as the DMV. That application was abandoned.

The principal reason for removing the condition is that the solid wooden fence would serve no purpose. The intent of a solid fence is to block views into the fenced site from adjacent properties. Regarding the view from the property to the east, there is no view to block. Where it abuts the Helping Hands property that property is developed with a solid wall of windowless garages. Similarly, the property to the north, which is undeveloped, abuts the Helping Hands property with a wall of vegetation. The property to the northwest sits atop a tall retaining wall. All these properties already are fenced with chain-link fencing. Finally, the Helping Hands property is eight to ten feet below the level of the surrounding properties the topographic difference already sends the views from the surrounding properties over the top of the Helping Hands buildings.

COMMENTS

The Planning & Community Development Department mailed notice of the requested amendment to the conditions of approval to property owners within 500 feet of the subject site. The Planning & Community Development Department also published notice of the requested amendment to the

conditions of approval. One written comment was received from the Ashley Inn property located immediately south of the subject property on the other side of NE 34th Street. This comment is attached; in essence the commenter opposed removal of the condition, citing concerns about hotel guests' privacy and safety.

ANALYSIS

LCMC 17.77.110, Modification of approved applications, plans, or conditions of approval, provides as follows:

A. Purposes. The modification process allows approved applications, plans, or conditions of approval to be modified under an appropriate review process without initiating repetition of the original application.

B. Applicability. The following applications, approved through the provisions of this code, may be modified pursuant to this section:

- 1. Development review;*
- 2. Conditional use;*
- 3. Planned development.*

Finding: The applicant is requesting modification of a conditional use permit. LCMC 17.77.110 applies to this request.

LCMC 17.77.110.C, Procedure for Modifications, provides as follows:

Modification applications are subject to the Type II procedure as described in LCMC [17.76.040](#) or the Type III procedure as described in LCMC [17.76.050](#), based upon the procedure type of the original application.

Finding: Because the original CUP application was a Type III procedure (i.e., involving a public hearing before the Planning Commission), the present application also is a Type III procedure.

LCMC 17.77.110.E., Scope of Review, provides as follows:

The scope of review for a modification shall be limited to the modification request.

Finding: The application and this staff report address only the modification request, i.e., the removal of condition of approval number 1 relating to the erection of certain fences, not the original application or any of the other conditions of approval.

LCMC 17.77.110.F., Approval Criteria, provides as follows:

To approve modification application, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

- 1. The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site;*

Finding: Removal of the requirement to erect some exterior fencing will have no effect on location, size, and functional characteristics of the shelter as originally approved. The site is a developed site with existing improvements consisting of two buildings, a vehicular approach, a paved parking lot,

and mature landscaping. The proposed amendment will have no effect on the existing vehicular egress/ingress and internal circulation, pedestrian access, fences, landscaping, screening, and exterior lighting. The site formerly was used for light manufacturing. This proposed amendment would not result in any new buildings or improvements to the site. As described above, the requirement to erect a solid wooden fence would serve no purpose as the existing topography, the nature of the surrounding land uses, and existing improvements, including retaining walls, render it unnecessary.

2. New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.

Finding: No new elements are provided. As demonstrated above, there are no negative effects that would result from removal of the solid wooden fence requirement. The east and north boundaries of the subject property already are fenced with chain-link fencing, so security, to the extent it is needed, already is addressed. There is no view into the subject property from the east, because an unbroken wall of windowless garages faces the property from the east. To the north, there is eight to ten feet of elevation change up from the subject property to the adjacent property and the view from there is well over the top of the subject property and the buildings and facilities on it. Moreover, the slope is steep and if a solid fence were erected at its top the fence would be subject to destruction by winds as there would be little support for on its south side, leaving vulnerable to strong north winds. Erecting a fence along the northwest property line would make no sense as there is a retaining wall on the abutting property that is higher than the six-foot fence would be, so there can be no negative effects on the abutting property from omitting the fence.

3. The criteria in subsections (F)(1) and (F)(2) of this section shall be applied only to the area and/or lots within the development that are affected by the proposed modification.

Finding: The two criteria are applied only to the applicable areas.

4. The proposed modification shall demonstrate compliance with the approval criteria of the original application.

As was demonstrated in the original proceeding in 2019, all approval criteria were met, and as described here, the only change would be the removal of the solid wooden fence requirement. All other criteria continue to be met, and the other conditions of approval have been satisfied.

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 request. If the Planning Commission finds that the request meets the criteria, or with conditions can meet the criteria, the Planning Commission should make the necessary findings for approving the conditional use permit request for a transitional housing facility.

FINAL ORDER 2019-06

**BEFORE THE PLANNING COMMISSION
CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON
December 17, 2019**

In the Matter of Approval of a Conditional Use Permit Application)
[CUP 2019-04] for a Transitional Housing Facility in the GC) **FINDINGS OF FACT**
(General Commercial) Zone on Property Located at 3454 NE) **CONCLUSIONS OF LAW**
Hwy 101 and 2201 NE 34th St, Lincoln City, Oregon) **AND ORDER**

Applicant: City of Lincoln City
Owner: Hayden Peters, Trustee, for the Gary L. Peters Trust

I. NATURE OF PROCEEDINGS

This matter comes before the Planning Commission for the City of Lincoln City for *de novo* consideration of a Conditional Use Permit application for operation of a transitional housing facility on property located at 3454 NE Hwy 101 and 2201 NE 34th St, Lincoln City, Oregon. The property subject to this application totals approximately 30,599 square feet.

The application materials were received on November 7, 2019, and deemed complete on November 8, 2019.

Notification of the December 3, 2019 public hearing before the Planning Commission was mailed, pursuant to Chapter 17, Lincoln City Municipal Code to area property owners within 250 feet of the site on November 12, 2019. The *News Guard* published the public hearing notice on November 20, 2019.

On December 3, 2019, the Planning Commission conducted a public hearing and considered the oral and written testimony presented, the staff report and the record as a whole. The hearing was closed, and the record was closed. Based on the evidence presented at the public hearing on December 3, 2019, including the staff report, all properly submitted evidence and argument, the Planning Commission voted to approve the application with conditions. Based upon the evidence in the record, the Commission makes the following findings of fact and conclusions of law:

COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

II. FINDINGS OF FACT

- 1) The Nature of Proceedings (Section I) set forth above is true and correct and is specifically incorporated herein by this reference.
- 2) The subject of the above-referenced conditional use permit application is real property located within the City of Lincoln City ("City"), and described in the County Tax Assessor's maps as Tax Map 07-11-02-CC-00500 and 07-11-02-CC-00300 (the "Property"). The street address of the Property is 3454 NE Hwy 101 and 2201 NE 34th St, Lincoln City, Oregon. The site consists of approximately 30,599 square feet and contains two existing buildings, square footages unknown.
- 3) The Comprehensive Plan and Zoning designation for the property is of General Commercial (G-C) and a zoning classification of General Commercial (GC).
- 4) The surrounding Land Uses and Zoning are as follows:

North: house, offices; GC; northeast: houses; R-1-7.5
South: hotel, businesses; GC
East: apartments; GC
West: Highway 101, west of Highway 101 offices, residential; GC
- 5) The applicant is:

City of Lincoln City
801 SW Hwy 101
Lincoln City, OR 97367
- 6) The Property is owned by:

Peters, Gary L. Trustee Estate
PO Box 909
Neskowin, OR 97149
- 7) The relevant substantive criteria include the following:

LCMC Chapter 17.32 General Commercial (GC) Zone

LCMC Chapter 17.60 Conditional Uses

COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

LCMC Section 17.60.020 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.

- 8) The background in the staff report is incorporated herein and is accepted as true and correct.

III. FINDINGS APPLYING APPLICABLE CODE CRITERIA

- 1) The Planning Commission finds and determines that the relevant approval criteria are found in or referenced in the Lincoln City Municipal Code, principally Title 17, Chapter 17.60 (Conditional Uses), and LCMC 17.32 (General Commercial) Zone.
- 2) Chapter 17.32 (General Commercial Zone) Section 17.32.040.S lists emergency shelter as a conditional use. Emergency shelter is defined as:

“Emergency shelter” means a facility consisting of dwelling units, dormitories and/or yurts which provides necessary counseling services for 50 or fewer homeless persons for a period not to exceed 180 days per person and which includes associated cooking and sanitation facilities necessary to accommodate the maximum occupancy of the facility. [LCMC 17.08.010]

- 3) Title 17 does not define transitional housing, nor list it as permitted or conditionally permitted. The proposed definition put forth in a pending zoning ordinance amendment is:

“Transitional housing” means a facility that is designed to provide housing and assist with obtaining appropriate supportive services, such as social or psychological therapy or vocational rehabilitation, to homeless persons to facilitate movement to independent living; wherein the facility manager or supervisor determines the length of housing term for each individual on a case-by-case basis in accordance with the terms of that facility’s program.”

- 4) A director’s interpretation administrative decision issued on October 21, 2019 determined that the proposed use of a transitional housing facility must receive conditional use permit approval, finding that the proposed use is similar to the conditional use of an emergency shelter in the GC zone.
- 5) Notice of the director’s interpretation administrative decision was mailed to property owners within 250 feet on October 21, 2019 and again on October 24, 2019. No appeals were received on the decision.
- 6) The request for a transitional housing facility in the GC zone as a conditional use is proceeding based upon the director’s interpretation administrative decision.

COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

3) Chapter 17.60 (Conditional Uses), Section 17.60.050 provides:

17.60.050 Action by planning commission.

A. Within 60 days after the filing of the application, a public hearing shall be held and the commission shall render its decision. The decision of the planning commission shall be final unless appealed to the city council.

B. The planning commission may approve, approve with conditions or disapprove the conditional use permit application by the entry of a planning commission order, in open meeting, which order shall describe the basis for the decision and state the specific circumstances, findings of fact and evidence presented requiring the application of conditions to the approval.

C. Findings of Fact. 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;**
- 2. The site for the proposed use is adequate in size and shape to accommodate the use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title;**
- 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;**
- 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;**
- 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.**

D. Conditions of Approval. In permitting a conditional use, the planning commission may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:

- 1. Increasing required lot size, yard dimensions, open spaces or buffer areas;**

COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

2. Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;
3. Requiring landscaping and maintenance thereof;
4. Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;
5. Requiring means of pedestrian/bicycle access pathways to serve the property;
6. Increasing the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;
7. Limiting size, location and number of signs;
8. Limiting the location, coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property;
9. Limiting or prohibiting openings in sides of buildings or structures;
10. Enclosure of storage areas and limitation of outside display and/or storage of merchandise;
11. Requiring maintenance of grounds;
12. Regulation of noise, vibration, odors, etc.;
13. Regulation of time for certain activities;
14. Establishing a time period within which the proposed use shall be developed;
15. The requirement of a bond for removal of such use within a specified period of time;
16. Increase the size, type or capacity of any or all utility services, facilities or appurtenances;
17. Requirements under which any future enlargement or alteration of the use shall be reviewed by the planning commission and new conditions imposed;
18. The planning commission may require that an applicant furnish the city a performance bond with a contractual agreement to assure its share of the

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development of streets, curbs, gutters, sidewalks, water, sanitary sewers, storm sewers or other necessary and essential public improvements to city standards;

19. The planning commission may also require that site plan committee review and approval is necessary in any particular situation to accomplish the purposes and objectives of this title;

20. And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this chapter. (Ord. 92-3 § 2; Ord. 84-2 § 6.050)

To address the applicable criteria, the LCMC 17.60.030 requires, among other things:

F. Statement and supportive evidence indicating the precise manner of conformance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit as listed in LCMC 17.60.050(C);

The burden is on the applicant [17.60.070]:

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. If no evidence is produced concerning any of the findings listed in LCMC 17.60.050(C), the application may be denied based upon improper or inadequate findings. All evidence produced must be recited in the findings for approval of any conditional use permit application.

4) The Commission finds that it has received all information necessary to make a decision based on the entire record, including the Staff Reports, exhibits, application materials, public hearing testimony, and other materials received. Except where conflicting findings are made herein, the Commission adopts and specifically incorporates the findings as articulated by the Planning Department staff report, as the basis for the decision on the requested conditional use permit.

5) The Commission finds and determines, and adopts as its own the following findings concerning the applicable criteria:

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

The written Staff report provides:

The City of Lincoln City Comprehensive Plan (Comprehensive Plan) provides a general commercial district for a wide range of commercial, retail, professional offices, and

COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

personal services at a compatible scale. The City of Lincoln City (City) adopted the Zoning Ordinance (Title 17) in compliance with the Comprehensive Plan. Within Title 17 is the GC zone. The general commercial zone (GC) accommodates a wide range of retail commercial uses...as well as convenience service/retail uses...also permitted as conditional uses...and other limited service facilities as listed. Emergency shelters are among the uses allowed in the GC zone as a conditional use. A director's interpretation administrative decision issued on October 21, 2019 determined that transitional housing is similar to emergency shelters. Staff concludes, therefore, once approved as a conditional use and operating in conformance with all conditions, that the transitional housing facility complies with the Comprehensive Plan. This criterion is satisfied. Staff concludes, therefore, once approved as a conditional use and operating in conformance with all conditions, that the emergency shelter complies with the Comprehensive Plan. This criterion is satisfied.

The Applicant's "statement and supporting evidence" states the city will notice property owners within 250 feet of the site and will publish notice of the hearing in the paper, continuing with noting the site is connected to sewer and water and a stormwater system. The Applicant notes the site is within the City's school district, public library system, and is serviced by the Police Department and North Lincoln Fire & Rescue District #1. The Applicant continues by citing Housing Policy 1 which states the City shall encourage a wide range of housing types. The Applicant also references the Economic Opportunities Analysis and Housing Needs Analysis of April 2017 for Lincoln City which lists housing objectives to encourage the development of affordable and workforce housing and that ORS 197.307 cites "needed housing" as including government-assisted housing. The Applicant's program is a non-profit program operating with government assistance.

The Planning Commission finds and determines that both the Staff's and the Applicant's findings that this criterion is met has not been subject to any adverse testimony. Staff is correct in that once an approval is granted with conditions, the Plan's implementation mechanism (the Code) is fully met. Staff, however, stated in the verbal staff report at the hearing that the Comprehensive Plan contains no directly applicable policies which can be applied directly to the proposed use. Accordingly, the Planning Commission finds and determines that the Comprehensive Plan contains no directly applicable policies which can be applied directly to the proposed use. Accordingly, 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 Staff report provides:

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Maximum occupancy is determined by the building and fire code through the building permit process. The applicant has not stated the number of individuals proposed in each facility, so it is assumed the maximum occupancy allowed by building and fire code will be utilized. Accordingly, the size of the buildings will be adequate as maximum occupancy requirements will be followed. Both buildings are existing. No new construction or additions to the buildings are proposed. A building permit will be required, however, to change the occupancy classification to the applicable classification required by the building and fire code.

There are no requirements for spaces, walls or fences in the GC zone.

The site has an existing gravel parking lot that can be utilized for parking. Section 17.56.040 requires off-street parking spaces shall be provided and maintained at the time a new building is erected; an existing building is enlarged to the extent that the cost of construction exceeds 50 percent of the market value of the building or to the extent that the building's capacity is increased by more than 50 percent in terms of units listed in LCMC 17.56.050; or the use of an existing building is changed and the building enlarged. In this case, no new buildings are being erected nor are the existing buildings being enlarged. Accordingly, the off-street parking space requirement is not applicable.

Landscaping requirements in LCMC 17.52.100 apply when previously developed lots are improved by 50 percent or more of the assessed value of the existing improvements. In this case, the assessed value of Tax Lot 500 is \$335,920. If the project valuation for the improvements to Tax Lot 500, as determined by the building code, are \$167,960 or more, then landscaping will need to be installed to satisfy LCMC 17.52.100. The assessed value of Tax Lot 300 is \$207,890. If the project valuation for the improvements to Tax Lot 300, as determined building code, is \$103,945 or more, then landscaping will need to be improved to meet the requirements of LCMC 17.52.100.

LCMC 17.64.040 requires upgrading elements of nonconforming development that affect the appearance of a site. Subject to the other provisions of Chapter 17.64, when the owner of a use or structure located on a commercially-zoned lot that contains nonconforming site development elements converts to a different use, the owner also shall alter the nonconforming site development elements to conform to standards in LCMC Chapter 17.74 at 25 percent of the project value. The following elements shall be made compliant with commercial design standards in LCMC Chapter 17.74: pedestrian circulation; materials and colors; pedestrian spaces; screening and parking area landscaping; water quality; exterior lighting; transparency; and landscaping.

In addition to the code requirements of landscaping improvements and upgrading nonconforming elements, the planning commission may impose conditions found

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necessary to protect the best interests of the surrounding property or neighborhood, or city as a whole. With application of the code requirements as well as conditions of approval from the planning commission, this criterion is, or can be, met.

The Applicant's "statement and supporting evidence" provides:

The site is in the General Commercial zone which does not have any yard setback requirements unless the site is abutting a residential zone. In this case, the only portion of the site abutting a residential zone is the northeast corner of Tax Lot 300. Accordingly, all structures must be at least 10 feet from the portions of the property lines abutting residential. No new structures are proposed. The existing structure is approximately 69 feet from the southwest property corner of Tax Lot 300. Walls and fences aren't required for this use. No common area or open spaces are required for this use. No loading is required for this use. The site contains a paved parking lot to meet the parking requirement. The site contains mature landscaping. No site plan review is required since there will be no expansion of the buildings, no change to on-site traffic circulation, and no addition of parking spaces. No design review is required since no site plan review is required.

The buildings for the residents are existing. No changes will need to be made to the buildings except a building permit for a change of occupancy classification from commercial to residential. Each building will contain bedrooms, a kitchen, a living room, a laundry room, and bathrooms. The west building will also contain three offices – one for the facility manager, one for the case manager, and one for the crisis manager. The west building is 6,396 square feet in area. The east building is 2,296 square feet in area. Both buildings are large enough to accommodate the future residents as well as the three offices in the west building.

The applicant does not indicate the number of residents proposed, but does note the necessity for a building permit to change occupancy classification. Staff notes that the proposed use must meet building and fire code requirements.

The Planning Commission finds and determines that the staff analysis correctly identifies the fact that the code lacks specific standards like "yard" or "area" requirements for the proposed use, but only mentions in passing that a conditional use relies on the Planning Commission's imposition of site and use specific conditions to protect the best interests of the surrounding property or neighborhood.

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The Planning Commission finds and determines that the proposed site comprising 30,599 square feet, is only made adequate with the building and fire code requirements for a change in occupancy classification. The site area must also include a play area for children of families living at the facility, as such an area is necessary to mitigate adverse impacts on the neighborhood (see conditions of approval).

The Planning Commission finds and determines that with the imposition of conditions (see paragraph 4 below), this criterion is met.

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 Staff report provides:

The proposed transitional housing facility likely will not add a significant amount of vehicular traffic. The residents typically do not have vehicles. The site has an existing gravel parking lot to accommodate the parking of employees and the few residents who may have vehicles. The site has access from NE 34th Street, via Highway 101. Should the project value exceed 50 percent of the assessed value, LCMC 17.52.230 requires infrastructure improvements. This criterion is satisfied with application of the code requirements.

Similarly, the Applicant's statement indicates vehicular access is adequate.

The Planning Commission finds and determines that the streets and highways are of adequate width to handle the vehicular traffic to the facility. This criterion is met.

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 Staff report provides:

The site is a developed site with existing improvements consisting of two vacant buildings, a vehicular approach, an existing gravel parking lot, and mature landscaping. The applicant notes that the existing buildings, landscaping, and parking area will remain, but any barbed wire fencing will be removed. The applicant states that no changes are needed to the current vehicular egress/ingress and internal circulation, pedestrian access, fences,

COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

landscaping, screening, exterior lighting, or signage other than removing all existing signage and all existing barbed wire fencing.

The site has previously been used for commercial uses, and is now vacant. This request is not adding any new buildings or improvements to the site that don't already exist. No new construction or additions are proposed. The site is in the GC zone. The sites to the south, east, west, and northwest are also in the GC zone. The only portion of the site that is adjacent to Single-Family Residential R-1-7.5 is the east 59 feet of the north property line of Tax Lot 300. The nearest portion of the existing building on Tax Lot 300 to the R-1-7.5-zoned lot is 69 feet from the building's northeast corner to the southwest property corner of the R-1-7.5-zoned lot to the northeast. The existing use to the east is an apartment complex. The proposed use includes residential housing.

Property owners within 250 feet of the subject site received notice of the requested conditional use permit for a transitional housing facility. No written comments were received from property owners within 250 feet. However, comments were received from North Lincoln Fire & Rescue District #1 and the Lincoln City Public Works Department.

North Lincoln Fire & Rescue District #1

Re: Question 2, "If the application is complete for conditional use permit review (not building permit review), please reply to this email indicating the application is complete."

Applicant's statements acknowledge that a building permit will be require "a change of occupancy classification from commercial to residential." (Page 5 of 16)

An on-site review of the structure(s) suggests that egress requirements for the building(s) may be insufficient for the number of occupants and the amenities proposed. Only bona fide remodeling plans, approved by the building official, will determine egress requirements. Therefore, it may be premature to draw the same conclusion as the applicant: "The only thing that is changing is the specific use inside the buildings, which doesn't trigger or necessitate any changes to the exterior set-up of the site." (Page 7 of 16)

Lincoln City Public Works Department

See Lincoln City Public Works comments below in regards to permitting the proposed conditional use.

- (1) The Conditional Use Permit Application notes that the parking lot is paved with Asphalt Concrete. This is inaccurate as the parking area is currently ~80% gravel. The parking area need to be paved to address Conditional Use Requirement 17.60.050 (D)(6)*
- (2) Storm water system is noted as "existing". There is no known storm water system for the building, nor for the unpaved area. Current roof drainage exits to the curblin on NE 34th. The parking area and roof will require paving & drainage to the fronting storm water system per Conditional Use Requirement 17.60.050 (D)(6). City standards for water quality and detention will apply to any new impervious parking area.*

COMMISSION FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

- (3) *Sidewalks should be installed along NE 34th St to address the pedestrian & public transit access requirements put forward in 17.60.050 (D)(5). Construction should tie into the planned sidewalk improvements along HWY 101. See draft construction drawings attached.*
- (4) *Existing water and sewer facilities were not constructed for the use being described. Applicant is responsible for verifying that water and sewer service meets current requirements for the increased occupancy and fixture count.*

The applicant states the site is a developed site, that the existing buildings and landscaping will remain, and that no new buildings or structures are proposed. The applicant states existing barbed wire fencing will be removed, but no changes are needed to the current vehicular egress/ingress and internal circulation, pedestrian access, fences, landscaping, screening, exterior lighting, or signing other than removing all existing signs and existing barbed wire fences. The applicant further indicates

Property owners within 250 feet of the subject site received notice of the requested conditional use permit for a transitional housing facility. No written comments from property owners were received as a result of the mailings.

In addition to conditions deemed prudent by the Planning Commission, staff suggests some conditions of approval as follows:

1. Prior to issuance of the certificate of occupancy for the transitional housing facility, install a 6-foot tall solid wood fence along the north property lines of Tax Lots 500 and 300 and the east property line of Tax Lot 300 to provide a buffer and screening between the uses to the north and east and the proposed use on the site. The 6-foot tall solid wood fence shall also be installed on the north 50 feet of the west property line of Tax Lot 300.
2. Prior to issuance of the certificate of occupancy for the transitional housing facility, create a play area for use by the children of the families living at the facility.
3. For the safety of the residents, to ensure clear demarcation of parking spaces and drive aisles for facility employees and residents who have vehicles, and to enhance the aesthetic visibility of the site, the parking area shall be improved to meet all requirements of Chapter 17.56, excepting the number of spaces required, which shall be the number that can be provided while accommodating the spacing and drive aisle size requirements of Chapter 17.56.

The applicant relies heavily on the surrounding commercial uses to conclude that there will be no adverse impact.

The Planning Commission finds and determines that the staff analysis correctly identifies conditions of approval (with some modification) for the proposed shelter use which will mitigate some of the adverse impacts on the surrounding properties and neighborhood.

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The Planning Commission finds and determines that the following additional condition is necessary to mitigate adverse impacts on the surrounding property and neighborhoods:

- 4. Installation of landscaping on the south property line, excepting clear vision areas and the driveway approach.

With the imposition of conditions listed above or incorporated herein, the Planning Commission finds and determines (concurring with staff) that this criterion can be met.

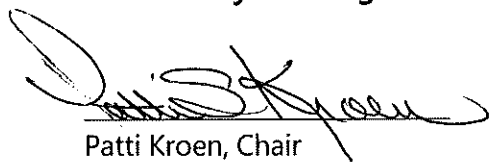
- 5. In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.**

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

V. ORDER

In sum, the Planning Commission for the City of Lincoln City finds and determines that the requested Conditional Use Permit Application meets the approval criteria in LCMC 17.60.050.C. but only with the imposition of conditions referenced or incorporated herein. Accordingly, based on the above Findings of Fact and Conclusions of Law, and based upon the evidence in the whole record, the Planning Commission hereby APPROVES the requested Conditional Use Permit contained in CPA 2019-04, with the conditions set forth or referenced herein.

Lincoln City Planning Commission



Patti Kroen, Chair

Signature authorized and approved by the full Commission this 17th day of December, 2019.

Lincoln City Planning Commission
City of Lincoln City
801 SW Hwy 101
Lincoln City, OR 97367

April 9th 2026

Re: Public Hearing – CUP 2026-02, Helping Hands Reentry Outreach Centers

Members of the Planning Commission,

On behalf of P2C hotels, LLC DBA: Ashley Inn and Suites located at 3430 NE Hwy 101, Lincoln City, Oregon 97367, we respectfully submit this letter in strong opposition to the proposed amendment under CUP 2026-02, which seeks to remove the condition requiring installation of a six-foot-tall solid wood fence along a portion of the Helping Hands Reentry Outreach Centers property.

As the directly adjacent property owner, we have significant concerns regarding the removal of this condition, particularly as it relates to guest privacy, safety, and liability exposure.

The area in question borders an elevated section of the neighboring property that provides a direct line of sight into our pool and pool deck. This space is actively used by hotel guests for recreation and relaxation. Guests of all ages and backgrounds—including families, women, and children—utilize this area in swimwear, with a reasonable expectation of privacy and security.

The originally required six-foot solid fence serves as a critical function as a visual barrier, preventing direct observation into this private amenity space. Eliminating this requirement would create an unobstructed vantage point into an area where guests are particularly vulnerable, significantly diminishing their sense of privacy and comfort.

From both an operational and legal standpoint, this presents serious concerns for the following:

- Guest Privacy: The absence of a barrier exposes guests to unwanted visibility from an elevated adjacent property.
- Safety Risks: Increased visibility into the pool area raises concerns regarding potential inappropriate behavior, surveillance, or other safety-related incidents.
- Liability Exposure: As property operators, ownership and management we are responsible for maintaining a safe and secure environment. If a guest reports discomfort, harassment, or—more critically—if an incident were to occur, the lack of a required protective barrier could be seen as a contributing factor.

It is important to emphasize that the originally imposed condition was not arbitrary; it was a reasonable and necessary mitigation measure intended to address these exact concerns. Removing it undermines the balance that was previously established to ensure compatibility between neighboring uses.

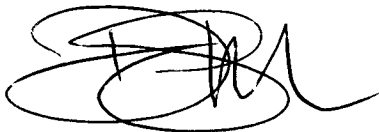
We strongly urge the Planning Commission to uphold and enforce the original condition requiring installation of the six-foot solid wood fence. This measure is essential to maintaining safety, privacy, and overall guest experience at our property, as well as protecting staff and ownership from preventable risk.

If the condition is removed and the fence is not installed, we will have no choice but to evaluate all available options to protect our guests, employees, and ownership interests, including pursuing further action as appropriate.

We appreciate your time and consideration of this matter and respectfully request that this concern be given significant weight during deliberations.

Please note that members of the management company, Danielle Minton, Task Manager, and Ashley Sandoz, Property Operations Specialist, will be attending the April 21, 2026, public hearing virtually and are prepared to provide additional testimony if needed.

Sincerely,

A handwritten signature in black ink, appearing to be 'DM', with a large circular flourish on the left side.

Danielle Minton
Task Manager
P2C Hotels, LLC DBA Ashley Inn and Suites
danielle@mkmhotels.com

(503) 643 9927 x 1002