



**LINCOLN CITY
PLANNING COMMISSION AGENDA**

**May 5, 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. CONSENT AGENDA

2.1 Planning Commission Regular Meeting Minutes April 21, 2026

3. FINAL ORDERS & FINAL RECOMMENDATIONS

3.1 Final Order 2026-02 for CUP 2026-02 Helping Hands

4. 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.

4.1 VAR 2026-01 Kombol

5. 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.

6. DIRECTOR'S REPORT

7. PLANNING COMMISSION TRAINING

8. COMMENTS BY COMMISSIONERS

9. 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 21, 2026, 6:00 pm

Commissioners Present: Erick Albretsen – Chair
Patrick Dunne – Commissioner
Margaret Powell – Commissioner
Trisha Kannan--Commissioner

Commissioners Absent: Michael Redman—Commissioner (excused)
Carol Seeley—Commissioner (excused)

Staff Present Richard Townsend - Planning & Community Development Director
Andrea Riner - Planning Project Manager
Daniel Hunter – City Manager

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

Vice Chair Erick Albretsen called the meeting to order at 6:00 pm.

B. ELECTION OF OFFICERS

Motion:	Nomination of Erick Albretsen for Planning Commission Chair
Moved By	Patrick Dunne - Commissioner
Seconded By	Margaret Powell - Commissioner
Ayes (4):	Erick Albretsen - Commissioner, Patrick Dunne - Commissioner, Margaret Powell - Commissioner, and Trisha Kannan-- Commissioner
Motion:	PASSED (4 to 0)

Motion:	Nomination of Patrick Dunne for Planning Commission Vice Chair
Moved By	Margaret Powell - Commissioner
Seconded By	Trisha Kannan--Commissioner
Ayes (4):	Erick Albretsen - Commissioner, Patrick Dunne - Commissioner, Margaret Powell - Commissioner, and Trisha Kannan-- Commissioner
Motion:	PASSED (4 to 0)

C. CONSENT AGENDA

C.1 Planning Commission Regular Meeting Minutes April 7, 2026

Motion:	Approve Consent Agenda
Moved By	Margaret Powell - Commissioner
Seconded By	Trisha Kannan--Commissioner
Motion:	PASSED VIA VOICE VOTE

D. FINAL ORDERS & FINAL RECOMMENDATIONS

D.1 Final Order 2026-01

Motion:	Approve Final Order 2026-01
Moved By	Margaret Powell - Commissioner
Seconded By	Erick Albretsen - Commissioner
Ayes (4)	Erick Albretsen - Commissioner, Patrick Dunne - Commissioner, Margaret Powell - Commissioner, and Trisha Kannan--Commissioner
Motion:	PASSES BY ROLL CALL VOTE (4 to 0)

E. PUBLIC HEARINGS/DELIBERATIONS

E.1 CUP 2026-02 Helping Hands

Chair Albretsen opened the public hearing at 6:08 pm and read the required statements.

Commissioner Kannan disclosed that she had received the notice of public hearing as she lives within 500' of Helping Hands and is familiar with the site. She stated that she did not have a bias in the matter.

Planning Director Richard Townsend provided the applicable substantive criteria, GC, Conditional Uses, Modification of Approved Plans, Applications and Conditions of Approval.

Director Townsend provided a brief presentation describing key components of the staff report for CUP 2026-02. The presentation included several photographs of the subject property and its surroundings. Director Townsend described the criteria and staff findings, specifically noting issues relating to security and screening.

Director Townsend cited the comment received in opposition to the modification from representatives of the Ashley Inn. He pointed out that the fence along the north property line would do nothing to screen views from the site towards the hotel.

Commissioner Powell contended that the vegetation on the adjacent property could be removed in the future. She also expressed concern that Helping Hands had ample time to comply with the original conditions.

Director Townsend stated that the applicants had known about the condition since the CUP was approved in 2019.

Commissioner Dunne stated that he saw no relation between the fence and views to the Ashley Inn.

Chair Albretsen asked for additional information about the rationale for requiring the solid fence on just a portion of the site. He also wondered if the chain link fence would need to be removed.

Director Townsend stated that he felt it might have been a carry-over from a previous iteration of the project. He added that the chain link fence would need to be removed and replaced by the wood fence required by the CUP.

Lincoln City City Manager Daniel Hunter represented the applicant as the City of Lincoln City. He stated that the City is currently considering waving the rent so that Helping Hands can expand their services at this site. He stated that he assessed the property in relation to the fence and determined that a solid wood fence would likely be unsuccessful.

Responding to a question from Commissioner Dunne, City Manager Hunter stated that there may be property surveys but that it was reasonable to assume that the existing fence was on the property line.

Commissioner Powell asked if there were any additional assessments of the subject property's capacity for supporting the fence. Mr. Hunter stated that geotechnical analysis would likely be required prior to construction of a new fence.

Michelle Gaylor, the Facility Director for Helping Hands, spoke in favor of the application. She clarified that one segment of the hill is eroding already, so there is clear evidence of poor soil stability. She reported that they've not received any complaints from neighbors, including the Ashley Inn over the past 2-1/2 years that she has been working there. In response to the question of timing, Ms. Gaylor stated that last year Helping Hands was under the impression that the previous City Manager had already made the decision to approve the final Certificate of Occupancy.

In response to a question from Commissioner Powell, Ms. Gaylor stated that Helping Hands had recently been in front of City Council as part of a discussion to wave the rent. Helping Hands leases the property from the City.

Ms. Gaylor reiterated that there were limited views from the Helping Hands property to the Ashley Inn.

Judy Casper, Helping Hands Board Member, shared background information about the programs and services provided by Helping Hands and the various locations they serve throughout the state. Through her work supporting the development of the Lincoln City Hope Center she has worked with 3 city managers, 4 planning directors and 2 attorneys, leaving gaps in the City's institutional knowledge about the project. Ms. Casper added that it has been her experience that community members always will have concerns at the outset of these types of projects, but most come to recognize the value to the community after the programs are established. She urged the Planning Commission to support the modification.

Danielle Minton and Ashley Sandoz participated via Zoom, representing the ownership and the management company of the Ashley Inn & Suites. She stated that they had provided written comments, but that they were unaware that the site-obstructing fence was proposed for the northern property line. They had been under the impression that the fence was to be located directly opposite hotel.

Responding to a question from Commissioner Powell, Ms. Minton stated that they were withdrawing their objection to the CUP modification removing the condition to construct a fence.

Motion:	Close the hearing and the record
Moved By	Margaret Powell - Commissioner
Seconded By	Patrick Dunne - Commissioner
Motion:	PASSED VIA VOICE VOTE

Motion:	Approve CUP 2026-02 Helping Hands
Moved By	Margaret Powell - Commissioner
Seconded By	Trisha Kannan--Commissioner
Motion:	PASSES BY ROLL CALL VOTE (4-0)

F. COMMENTS FROM THE PUBLIC

None.

G. DIRECTOR'S REPORT

G.1 ANNUAL REPORT TO CITY COUNCIL

Director Townsend reminded the Planning Commission that the Planning Commission Annual Report will be presented to the City Council. This item had previously been scheduled for May 11th, but the revised schedule has the presentation on the agenda for June 8th.

Chair Albretsen asked if there were notes about the ideas former Chair Brian Bunnett had put forward at the previous meeting. Director Townsend stated that those ideas were in the minutes and included a request for statistics regarding such things as housing and short-term rentals.

Director Townsend suggested that in addition to a review of 2025 that the report also share information about what is anticipated for the coming year, including the North Lincoln Refinement Plan funded by the Transportation and Growth Management (TGM) Grant, the Local Wetland Inventory Update, and several significant land use ordinance amendments. He also suggested reporting on the Housing Capacity Analysis and ENGAGE Lincoln City.

Chair Albretsen supported the inclusion of a discussion on ENGAGE Lincoln City.

In other matters:

- The City Council approved CPA/ZC 2026-01 at their April 13th meeting;
- A system to assist hearing impaired individuals has been installed in Council Chambers

Director Townsend ended his report by announcing that he was retiring for the third time, and he would resign as Planning Director effective July 15, 2026.

H. ENGAGE Lincoln City

Planning Project Manager Andrea Riner updated the Planning Commission on the development of the ENGAGE Lincoln City Community Engagement Plan. She stated that the April meeting of the Ad Hoc Committee was cancelled due to scheduling conflicts with the City Council. Ms. Riner used the extra time to complete three more chapters for review at the May 12th meeting. The new chapters include objectives and strategies relating to the goals for listening, decision-making, and evaluation.

Responding to a question from Commissioner Kannan, Ms. Riner encouraged members of the public to attend any of the Ad Hoc Committee meetings which are typically held on the 2nd Tuesday of each month from 6 to 8 pm at the Cultural Center.

I. PLANNING COMMISSION TRAINING

None.

J. COMMENTS BY COMMISSIONERS

Chair Albretsen stated that he would do his best in serving as Chair for the remainder of 2025. He added that he appreciated all of the members who attended, and that he hopes more will attend the next meeting. In light of the vacancy left by Brian Bunnnett, he encouraged anyone interested to apply for committee/board vacancies.

K. ADJOURN

Chair Albretsen adjourned the meeting at 7:12 pm.

Erick Albretsen - Chair

Richard Townsend - Planning Director

City of Lincoln City Planning Commission Communication

FINAL ORDER 2026-02 for CUP 2026-02 Helping Hands

Meeting Date: 5/5/2026

Department: Planning & Community
Development

Secondary Dept:

Approval: Daniel Hunter

Strategic Priority: Not Applicable

Primary Staff Contact: Richard Townsend

Email: rtownsend@lincolncity.org

Secondary Contacts:

Estimated Time: 5 minutes

Question:

Should the Planning Commission approve this Final Order approving CUP 2026-02 to remove the condition requiring the construction of a 6' tall sight obscuring fence?

Staff Recommendation:

Staff recommends the Planning Commission approve Final Order 2026-02.

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.

Background:

The Planning Commission held a public hearing for CUP 2026-02 Helping Hands at their meeting on April 21, 2026, and gave tentative verbal approval in a vote of 4-0. Approval of CUP 2026-02 allowed for the removal of one of the conditions of approval contained in the conditional use permit for the Helping Hands emergency shelter, the construction of the fence.

Potential Motions:

1. Move to approve FO 2026-02
- OR
2. Move to approve FO 2026-02 with revisions
- OR
3. Move to deny CUP 2026-02

Attachments:

FO 2026-02 and Exhibits

Final Order 2026-02

**Before the Planning Commission
City of Lincoln City, Lincoln County, Oregon
May 5, 2026**

In the Matter of Approval of a Conditional)
Use Permit Application CUP 2026-02 for) **Findings of Fact**
Helping Hands Re-entry Outreach Center in) **Conclusions of Law**
a General Commercial (GC) Zone at 3454 NE) **And Order**
Highway 101, Lincoln City, Oregon

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 to modify the conditions of approval of conditional use permit to operate a transitional housing facility in a General Commercial (GC) zone at 3454 NE Highway 101 in Lincoln City. The request is to eliminate the requirement to erect a solid wood fence on the east, north, and west boundaries of the property.

Notification of the April 21, 2026, public hearing before the Planning Commission was mailed, pursuant to Chapter 17.76, Lincoln City Municipal Code, to area property owners within 500 feet of the site on March 27, 2026.

On April 21, 2026, 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 April 21, 2026, including the staff report and all properly submitted evidence and argument, the Planning Commission voted to APPROVE the request.

Based upon the evidence in the record, the Commission makes the following findings of fact and conclusions of law:

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 Lots 07-11-02-CC-00500 and 07-11-02-CC-00300 (Property). The street address of the Property is 3454 NE Highway 101, Lincoln City, Oregon. The site is approximately 30,599 square feet in area.
- 3) The Comprehensive Plan designation for the property is Commercial General (CG) District. The zoning classification of the site is General Commercial (GC) Zone.
- 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 applicants are:

City of Lincoln City
P.O. Box 50
Lincoln City, OR 97367

Helping Hands Re-entry Outreach Center
3454 NE Highway 101
Lincoln City, OR 97367
- 6) The Property is owned by:

City of Lincoln City
P.O. Box 50
Lincoln City, OR 97367
- 7) The relevant substantive criteria include the following:

LCMC 17.77.110 Modification of approved applications

LCMC Section 17.76.050 Type III Procedure

LCMC Chapter 17.77.060 Conditional Use Permit

- 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 or referenced in the Lincoln City Municipal Code, principally Section 17.77.110 (Modification of approved applications) and Section 17.77.060 (Conditional Uses).
- 2) LCMC 17.32.040 lists transitional housing as a conditional use.
- 3) 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.

The Planning Commission finds that 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.

- 4) 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.

The Planning Commission finds that 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.

- 5) LCMC 17.77.110.F., Approval Criteria, provides, in part, 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;

The Planning Commission finds that 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. 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.

6) LCMC 17.77.110.F., Approval Criteria, provides, in part, as follows:

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.

The Planning Commission finds that no new elements are provided. 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.

7) LCMC 17.77.110.F., Approval Criteria, provides, in part, as follows:

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.

The Planning Commission finds that the two criteria referred to in this criterion are applied only to the applicable areas.

8) LCMC 17.77.110.F., Approval Criteria, provides, in part, as follows:

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

The Planning Commission finds that 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.

IV. Order

In sum, the Planning Commission for the City of Lincoln City finds and determines that the requested Conditional Use Permit Application meets, or can meet with conditions, the approval criteria in LCMC 17.77.110.C. 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 modification contained in CUP 2026-02.

Lincoln City Planning Commission

Erick Albretsen, Chair

ATTEST:

Richard Townsend
Planning Director

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.

City of Lincoln City Planning Commission Communication

VAR 2026-01 KOMBOL

Meeting Date: 5/5/2026	Primary Staff Contact: Weston Fritz
Department: Planning & Community Development	Email: wfritz@lincolncity.org
Secondary Dept:	Secondary Contacts:
Approval: Daniel Hunter	Estimated Time: 30 minutes
Strategic Priority: Housing	

Question:

Should the Planning Commission approve this variance request?

Staff Recommendation:

Staff recommends the Planning Commission hold a public hearing, receive the staff report and hear applicant and/or public testimony. Further, staff recommends that the Planning Commission close the hearing and the public record, discuss the variance request and testimony and determine whether to approve or deny VAR 2026-01.

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 variance as a Type III procedure with the Planning Commission as the review authority.

Background:

The applicant seeks to remove the access requirement in LCMC 17.52.030. This requirement stipulates that every lot must abut a street, other than an alley, for at least 25 feet. Currently, all four of the lots that encompass the site have the required 25 feet of street abutment. The applicant is seeking relief from this requirement in order to apply for a property line adjustment, which would turn the two easternmost lots towards the ocean. This would result in one lot that does not abut a street. In lieu of the street access requirement, the applicant is proposing a 25-foot-wide easement from NW 14th Street that would serve all four lots.

Potential Motions:

1. Move to approve variance request (VAR 2026-01);

OR

2. Move to approve variance request (VAR 2026-01) with conditions;

OR

3. Move to deny variance 2026-01.

Attachments:

VAR 2026-01 Staff Report

VAR 2026-01 Application and Narrative

Variance

Staff Report for Planning Commission Public Hearing on May 5, 2026

Case File VAR 2026-01 Kombol

Date: April 24, 2026

Case File: VAR 2026-01 Kombol

Property Owners: William J Kombol Trustee and Jennifer M. Kombol Trustee

Situs Address: 1201 NW 14th Street

Location: Intersection of NW 14th Street and NW Harbor Avenue

Tax Map and Lot: 07-11-10-DC-07600-00

**Comprehensive
Plan Designation:** Ocean Lake Area (OA)

Zoning District: Ocean Lake Plan (OP) District Interior Mixed Use (IM)

Site Size: Approximately 18,592 square feet

Proposal: Request to vary the minimum street access requirements in LCMC 17.52.030 by dedicating an easement in lieu of providing direct street access

**Surrounding
Land Uses
and Zones:**
North: Houses, Undeveloped Land; OP-IM
South: Houses, Undeveloped Land; OP-IM
East: Condominiums; OP-IM
West: Hotels, Pacific Ocean; OP-OF

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 variance as a Type III procedure with the Planning Commission as the review authority.

Procedure: The application was received on March 12, 2026. The application was deemed complete on March 30, 2026. On March 31, 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 22, 2026.

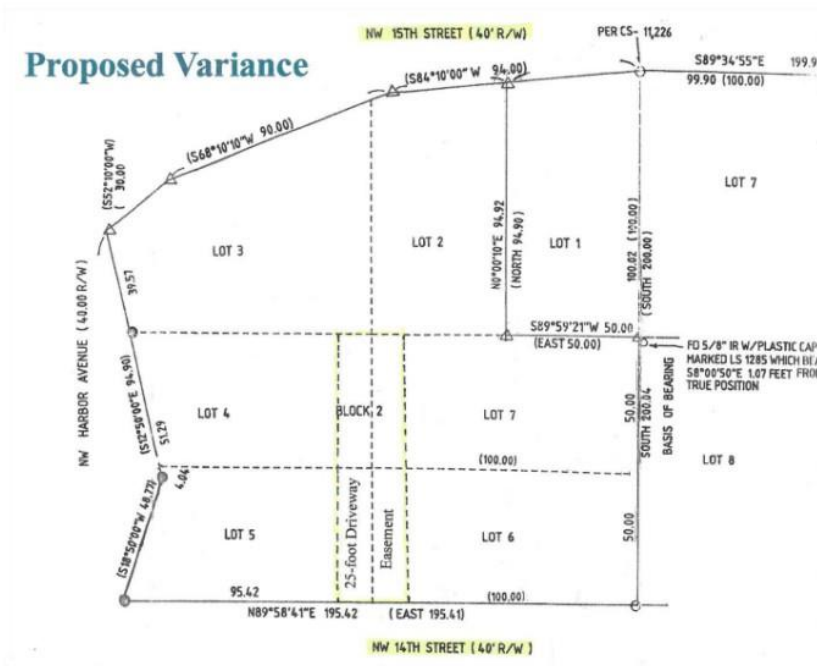
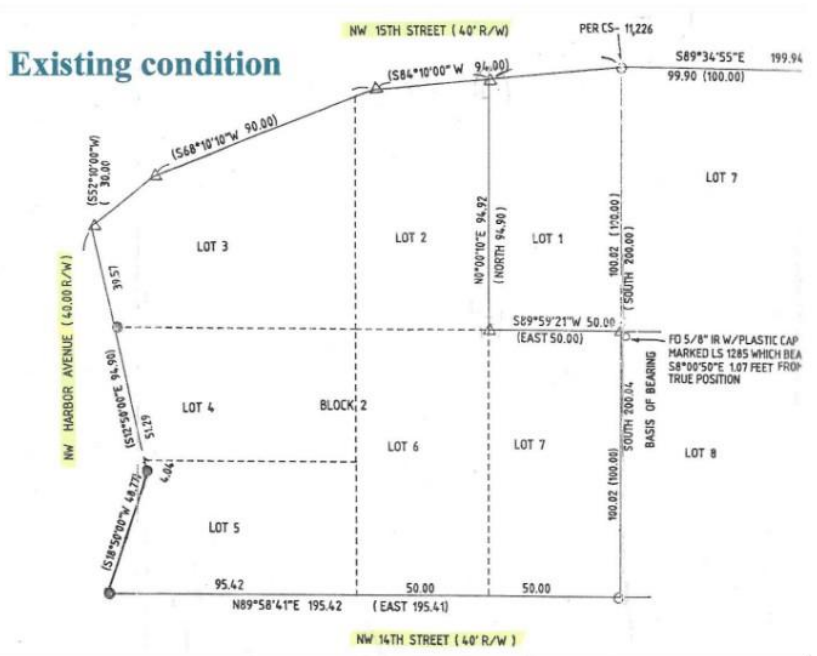
**Applicable
Substantive
Criteria:** LCMC Chapter 17.50 Ocean Lake Plan (OP) District
LCMC Section 17.52.030 Access Requirement
LCMC Section 17.76.050 Type III Procedure
LCMC Section 17.77.140 Variance



BACKGROUND

The subject property (site) is identified as Assessor’s 07-11-10-DC-07600-00 and addressed as 1201 NW 14th Street. The site consists of four legal lots that are currently undeveloped. The site is located at the intersection of NW 14th Street and NW Harbor Ave. The site does not contain any aesthetic resource, flood zone, or natural resource overlays.

The applicant is seeking to remove the access requirement in LCMC 17.52.030. This requirement stipulates that every lot must abut a street, other than an alley, for at least 25 feet. Currently, all four of the lots that encompass the site have the required 25 feet of street abutment. The applicant is seeking relief from this requirement in order to apply for a property line adjustment, which would turn the two easternmost lots towards the ocean. This would result in one lot that does not abut a street. In lieu of the street access requirement, the applicant is proposing a 25-foot-wide easement from NW 14th Street that would serve all four lots.



COMMENTS: Comments were received regarding the application and have been detailed below.

1. A general comment was received from the Department of State Lands regarding general wetland notification requirements for development. No wetlands are mapped on or adjacent to the site. This comment is not applicable.
2. The North Lincoln Fire and Rescue District #1 provided comments on the application. The comments relate to potential Oregon State Fire Code requirements that would affect the proposal, if approved. The comments stated:
 - a. 1 The driveway easement shall not be obstructed in any manner that reduces the width to less than 25 feet, in accordance with OFC 503.4.
 - b. 2. The driveway easement shall be marked in a manner approved by the Fire Code Official, per OFC 503.3.
 - c. 3. Traffic calming devices are prohibited unless specifically approved by the Fire Code Official, per OFC 503.4.1.
 - d. 4. Gates or barricades shall not be installed unless approved by the Fire Code Official, per OFC 503.5.
 - e. 5. The easement shall be constructed and maintained to support a minimum load of 75,000 pounds.
 - f. 6. Depending on the final design, Lots 4, 5, 6, and 7 may be limited to a maximum building height of 30 feet above finished grade.

The comments from the North Lincoln Fire District have been incorporated into the conditions of approval, in the case that the variance is approved.

3. The Lincoln City Urban Renewal Agency provided comments in support of the application. The comment states, "To Economic Development and Urban Renewal staff, this appears to be an appropriate request in order to address existing conditions with better land use. I am supportive of approving the variance."
4. A comment was received from the Public Works department. The comment states, "The proposed variance leaves lot 7 with frontage, and no easements are noted for utilities. If granted, the necessary utility easements shall be provided to legally service the lot with all desired utility services." This comment has been incorporated into the conditions of approval.
5. The next-door neighbor, Mary Prince, provided comments in support of the application, stating: "Thank you for providing me with the Notice of Public Hearing for the Kombol variance request referenced above. I live next door to the subject property. The Kombol family are longtime Lincoln City property owners having purchased their properties many decades ago. Bill and Jennifer have been good neighbors for as long as my late husband and I have known them. I support their variance request because it makes perfect common sense. The end result will be one common driveway serving five lots, rather than a hodgepodge of driveways serving individual lots. The Kombol variance preserves the intent of the Ordinance by providing a 25-foot permanent easement that performs the same purpose as the code requirement for a 25-foot abutment to a street or alley. Plus, the current condition of Lot 4's access (above a 6-foot rockery and city parking spaces) means that something will have to be done to provide Lot 4 with access. Why not solve all these problems with one common access that will be safer for pedestrians and more aesthetic for the neighborhood? The

answer is simple – approve Variance Request #2026-01 and build a better future. Thank you for the opportunity to support this request.” This comment is addressed throughout the report.

ANALYSIS

Chapter 17.50 Ocean Lake Plan (OP) District 17.50.040 Development standards

Finding: This application is not for the development of any structures. All lots are existing lots of record. This requirement is not applicable to the approval or disapproval of this application. It is important to note that the lot width and depth are both 50 feet, which could allow for future property line adjustments. Compliance with the development standards of this section would be assessed at the time a property line adjustment or structural applications are submitted.

Chapter 17.76 Procedures 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 fee. The application was 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 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: The public notice 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 was scheduled for May 5, 2026. The public notice was mailed on March 31, 2026. The Notice of Public Hearing was published in the Lincoln County Leader on April 22, 2026. This requirement is met.

Chapter 17.77 Applications

17.77.140 Variance

- A. *Procedure. Variance applications are subject to the Type III procedure, as described in LCMC 17.76.050.*
- B. *Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

Finding: The required documents were submitted.

- C. *Approval Criteria. To approve a variance, the planning commission shall make findings of fact, based on evidence provided, that all of the following circumstances exist:*

1. *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from at least one of the following (city official or city staff error is not an exceptional or extraordinary circumstance):*
 - a. *Lot size or shape legally existing prior to the date of the ordinance codified in this chapter; or*
 - b. *Topography; or*
 - c. *Other circumstances specifically pertaining to the property over which the property owner has no control;*

Finding: The subject properties were platted in 1926, which is well before the adoption of any zoning codes within Lincoln City. A review of the plat map indicated the lots were platted in the current configuration, and a review of the title history provided by the applicant indicates they have historically been deeded as separate lots. The current configuration presents topographical challenges due to the rock wall, located at the westernmost portion of lots 4 and 5, which protects and accommodates the existing public parking. Many of the lots within this subdivision have a similar orientation to NW Harbor Ave, but none have a public parking lot between the front property line and the street. An aerial photo is provided below showing the existing conditions at the site. This requirement is met.



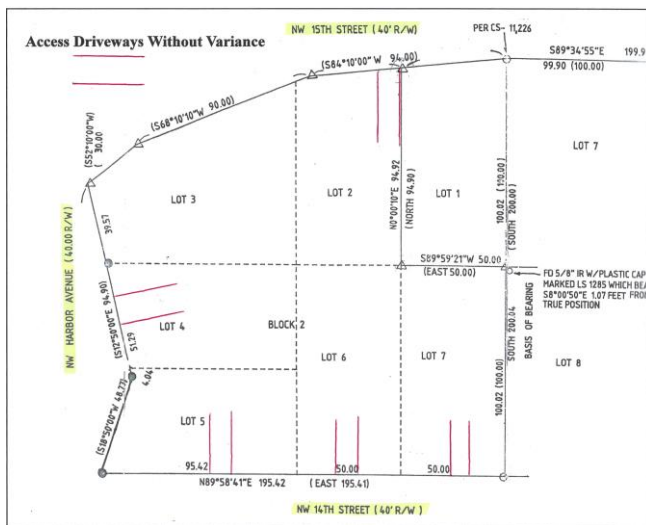
2. *The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess;*

Finding: The application narrative submitted by the property-owner states, “The property right at question is the ability for this property owner to serve its five lots through a common driveway for ingress, egress, access, and utility easement. By using a common access driveway to Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, it will eliminate the need for three to four individual access driveways. This will result in one alley-like connection to the public street. The accompanying map titled “Access Driveways Without Variance” illustrates what may occur in the future if the lots are sold to different owners under circumstances if the variance is not granted.”

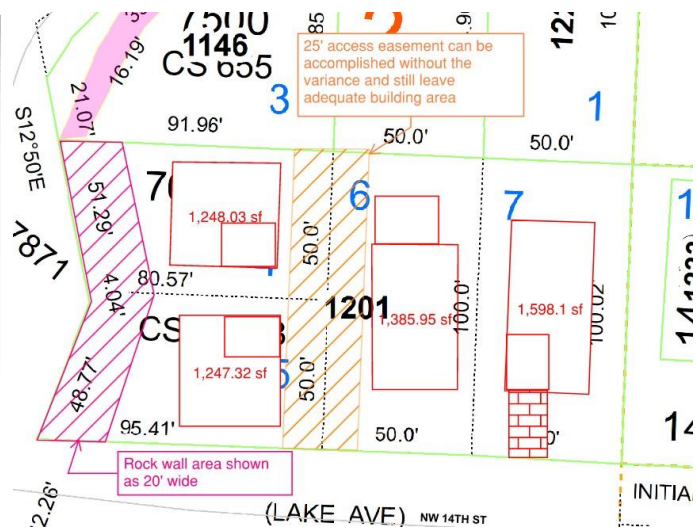
Typically, in this sort of situation, the property right in question is the ability for the property owner to develop their property in a similar manner to that of the surrounding property owners. Staff have provided a brief example of how the property could be developed under the current layout. In this example, it is feasible to grant the proposed easement without the proposed variance. Based on the setbacks and height requirements in the underlying zone, this method could still accommodate relatively large homes that are similar to what neighboring properties have developed. Lots 6 and 7 are not encumbered by the existing rock wall and currently have the required street access in LCMC 17.52.030. Lot 3 is currently being accessed off NE 15th.

Staff believe the ability to serve all of the lots through a common easement in lieu of providing the required street access is not necessary for the preservation of property rights, as the existing lots can be served without the variance, in a manner very similar to what is proposed. This would offer the applicant similar development potential to other property owners in the area. Staff recommends that the planning commission assess all evidence from staff and the applicant to determine if this requirement is met.

Applicant Provided Access Map



Staff Concept for Access



- The variance should not be materially detrimental to the purposes of this title, or to any property in the vicinity of the subject property, or otherwise conflict with the goals or policies of the comprehensive plan;

Finding: The applicant provided an analysis of LCMC 17.04.020 "Purpose, Policy and Construction."

LCMC 17.04.020

- This title has been designed in accordance with the goals, policies and statements of intent of the adopted comprehensive plan for the city of Lincoln City and its environs. It is the general purpose of this title, therefore, to provide one of the principal means for the implementation of the comprehensive plan of Lincoln City.
- In adopting the ordinance codified in this title, the city council is responding to the growth and development of Lincoln City and its attendant problems, and is anticipating that as future growth and urbanization continues, sensitive control will be required in order to preserve and enhance the amenities necessary to maintain and improve the prosperity and appearance of the community.
- This title is designed to classify, designate and regulate the location and use of buildings, structures, agricultural, residential, commercial, industrial and other uses in appropriate places and, for said purposes, to divide the city into districts of such number, shape and area as be deemed best

suited to carry out these regulations and provide for their enforcement; to encourage the most appropriate use of lands; to conserve and preserve natural resources; to conserve and stabilize the value of property; to provide adequate open space for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote the public health, safety and general welfare.

D. To further implement the comprehensive plan of Lincoln City, the ordinance codified in this title is adopted for the following special purposes:

- 1. To promote coordinated, sound development, taking into consideration the city's natural environment, amenities, view and the appearance of its buildings and open spaces;*
- 2. To achieve a balanced and efficient land use pattern, to protect and enhance real property values, to promote safe and uncongested traffic movement and to avoid uses and development which might be detrimental to the stability and livability of the city;*
- 3. To encourage innovations in residential development and renewal so that the demand for housing may be met by a greater variety in the type and design of dwellings and by the conservation and more efficient and attractive use of open space;*
- 4. To safeguard and enhance the appearance of the city through the advancement of effective land use, architectural design and site planning, which reflect improvements in the technology of urban development.*

E. This title shall be construed most favorably to provide all the necessary authority to carry out the above purposes and policies.

(Ord. 84-2 § 1.020)

Finding: The applicant's response to the Purpose Policy and Construction section is as follows. “The Variance section of the code was not written in a vacuum but drafted to provide appropriate modifications when specific site conditions allow. We have underlined specific phrases which bear on our proposal. Section B of 17.04.020 makes clear that the city council anticipated future growth and expected sensitive controls to preserve and enhance amenities to improve the appearance of the community. In this context the word ‘sensitive’ speaks to a careful examination of what impacts and outcome a slight change to the code in this specific circumstance might yield. Because by the end of the day, the outcome is what we most care about. Section D of 17.04.020 explains that the codified ordinance was adopted for special purposes including subsection 2, that seeks to promote safe and uncongested traffic movement. Subsection 3 similarly encourages innovation in residential development, while subsection 4 speaks to site planning which reflects improvements in urban development.

And Section E puts an exclamation point on those principles by demanding that the code be construed most favorably to carry out the purposes and policies contained in 17.04.020. As Planning Commission members read and reflect upon the specific variance sought, they should keep be mindful of the purposes and policies that the Title 17 zoning code hoped to foster.”

Depending on how the policy statements are interpreted, some could view the proposal as conflicting or detrimental to the statements on sound development, stability, and livability in the city or to other adjacent property owners. The zoning code is typically the sensitive control that is in place to ensure that growth and urbanization are done in a sound and coordinated way. The proposal could be interpreted as an innovative approach or as a problematic approach, depending on one's perspective. Before the zoning code was enacted, the access requirement of 25 was not required, and many old land divisions were served via access easements. Given that this was adopted as a land use control, when previously none existed, it is safe to assume the drafters of this requirement were responding to real issues that would have been created in the absence of such a requirement. If one of the landlocked owners of the easement is being blocked from using it, the City has no legal authority to remedy the situation. If a future homeowner proposes constructing a structure in the easement, it is not subject to the planning code requirements. This can lead to neighborhood conflicts that can undermine the stability and livability of the area.

It could be detrimental to the appearance of the area, having lots 6 and 7 facing longways to the street. This could result in the sides of homes facing the street, which is less desirable than the fronts of both homes facing the street. Without a development proposal, there is no way to know what will be built in the future and if the design will ultimately be detrimental. Staff recommends that the Planning Commission assess the proposal to conclude whether or not the proposal meets the intent of the purpose and policy statements in LCMC 17.04 .

The applicant also provided an analysis regarding conflicts with the comprehensive plan, which is detailed with responses from staff below.

“We have read through Comprehensive Plan 2043 (CP 2043) and found no conflicts between our plan and CP 2043’S goals and policies. In fact, we found a number of goals and policies that comfortably endorse our planned common access easement. One of the goals of the CP 2043 (Page 15) is to “enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.” Reducing the number of driveway stubs to city streets is a creative redevelopment effort to rehabilitate this existing residential neighborhood (consisting of Lots 3, 4, 5, 6, and 7) that today supports one home, but in the future might support five.”

“Page 17 of CP 2043 proposes to “Enhance and/or maintain the safety, walkability, and livability of residential neighborhoods.” It logically follows that having one driveway for pedestrians, cyclists, and motorists to ‘stop, look and listen’ before crossing is better than having three or four driveways to navigate. With the increasing use of Amazon and food delivery vehicles, the one driveway approach, where delivery drivers walk the final steps to each home, is preferable to a delivery driver pulling into and out of a four-driveway alternative.”

Staff agree with the applicant that the proposal is not conflicting or detrimental to the Housing Goals on pages 15 and 17 of the comprehensive plan.

“The Oceanlake Area is specifically mentioned on Page 57 of CP 2043 for providing maximum flexibility in the land use approval process while striving for excellence in design that is compatible with the coastal and historic nature of the Oceanlake area. It is a fact that this variance will accomplish the “excellence in design” concept that CP 2043 envisions, as it is clearly better than the three or four driveway alternatives. And by approving our variance request, the Planning Commission will be exercising the “maximum flexibility in the land approval process” that CP 2043 promotes and anticipates.”

“Page 58 sums up the primary Policy Object of CP 2043 by stating, “1. Utilize a range of land use planning tools to implement the goals, policies, and objectives of the comprehensive plan, including the development code.” Our tiny variance to a 42-year-old development code provision, which might have outlived its usefulness, is the very essence of utilizing a range of land use planning tools to implement the goals conceptualized in CP 2043.”

The Land Use Planning Goal states, “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 25’ access requirement that is the subject of the variance could be interpreted to be in compliance with the comprehensive plan, and it is one of the chosen tools and policies that have been enacted to ensure ongoing compliance with the goals and objectives. This provision allows for increased flexibility by not requiring the entire minimum lot width to front the street. It is also important to consider that the Ocean Lake Planned District Interior Mixed-use zone allows for a wide range of land use types, including restaurants, retail, mixed-style housing developments, single-unit dwellings, and duplexes. The development standards in this zone allow for minimal setbacks and

generous building coverage allowances. These development standards in this zone encourages the desired flexibility. No development proposal was included with the variance request, so there is no way to know what the future plan is for the site, to fully determine if the proposal will enhance the quality of life or not. Staff recommend that the planning commission assess all information provided to determine if the proposal conflicts with the Land Use Planning Goal.

The Public Facilities Goal States “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 does not include information on how the public utilities will serve future development if this proposal is approved. Without this information, it is not possible to address whether or not this proposal will ultimately be in compliance with or conflict with this goal. All existing lots are currently served with Public Utilities, so the current development pattern is in compliance with this comprehensive plan goal.

In conclusion, the proposed variance is well supported by the transportation and housing goals in the comprehensive plan, but conflicts with other goals are less clear. Staff recommends that the Planning Commission assess all evidence provided to determine if the proposal is materially detrimental to the goals in the comprehensive plan.

4. *The variance requested is the minimum variance which would mitigate the exceptional or extraordinary circumstance.*

Finding: The applicant provided a response to this requirement stating, “ The variance requested is both minimum and quite simple – allow a Property Line Adjustment conditioned upon a requirement for a common access driveway to the five lots known as Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 2 of Mrs. White’s First Addition at Devils Lake. Mrs. White’s plat was filed circa 1926. To simplify your decision-making process, consider what is really being discussed – Semantics, the branch of logic that concerns itself with meaning. Abutting a street for 25 feet is fundamentally a proxy for ensuring every approved city lot has legal access to a street or alley, so no owner’s property is landlocked. That is its intent and purpose. By providing an equally legal, permanent, and effective alternative, through a common access road that serves four or five lots, and acts exactly like a street or alley, the question comes down to: What are we arguing about? The simple answer is the proposed variance results in a superior civic condition while fully serving the goals and purposes of the code and Comp Plan as written.”

The proposed easement of 25’ is the minimum width that would be needed to replace the existing 25’ street access requirement. This width is consistent with the fire marshal’s recommendations and would be a typical width that allows for two-way access. This requirement is met.

RECOMMENDATION

Staff recommend that the Planning Commission hold a public hearing on the variance request, take public testimony, close the public hearing, deliberate, and determine whether the request complies with the criteria for granting approval of the request or doesn’t comply with the criteria. If the Planning Commission approves the variance, staff recommends the following conditions.

Planning:

1. The 25’ access easement as shown in the application materials must be dedicated to serve lots 2, 3, 4, 5, 6, and 7.

2. A homeowners' association or similar entity must be set up to ensure continued access and maintenance of the easement and utilities.

Public Works:

1. Appropriate utility easements must be dedicated to ensure city services can be delivered to the lots

Fire:

1. The driveway easement shall not be obstructed in any manner that reduces the width to less than 25 feet.
2. Gates or barricades shall not be installed unless approved by the Fire Code Official, per OFC 503.5.
3. The easement shall be constructed and maintained to support a minimum load of 75,000 pounds.

Variance Application

THIS IS PUBLIC RECORD

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.

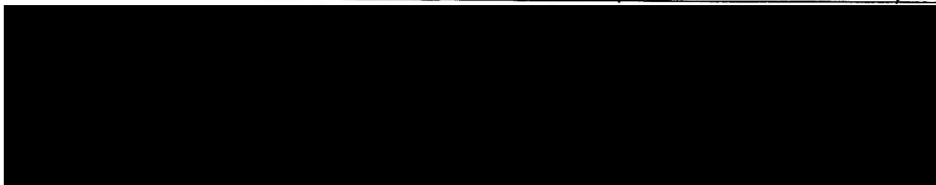
NAME: William J. Kombol, Trustee Kombol Real Property Trust of Oregon



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: Jennifer M. Kombol, Trustee Kombol Real Property Trust of Oregon



SITE INFORMATION:

ZONING DISTRICT: Oceanlake Plan District

TAX MAP AND LOT: 07-11-10-DC-07600-00 Lot 6 and Lot 7

SITE ADDRESS: 1201 N.W. 14TH ST.

REQUESTED VARIANCE:

Cite the code section of the code requirement to be varied: LCMC 17. 52.030

THE PLANNING COMMISSION MUST BE PROVIDED ENOUGH EVIDENCE AND PROOF IN THIS APPLICATION THAT FINDINGS OF FACT CAN BE MADE THAT ALL OF THE FOLLOWING CIRCUMSTANCES EXIST:



LCMC 17.77.140.C.1 – *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this chapter, topography, or other circumstances over which the property owner has no control;*

LCMC 17.77.140.C.2 – *The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess;*

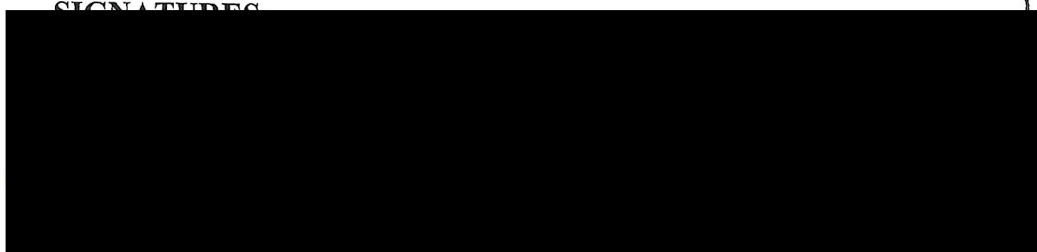
LCMC 17.77.140.C.3 – *The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy; and*

LCMC 17.77.140.C.4 – *The variance requested is the minimum variance which would alleviate the hardship.*

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 circumstances listed above exist. Each circumstance must be discussed and thoroughly addressed.

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, 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



of Oregon

March 16, 2026

Date

3-16-2026

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.

Variance Application Request (the proposal and its justification by landowner is in bold type, blue color, and Times New Roman font) by William & Jennifer Kombol, Trustees, Kombol Real Property Trust of Oregon.

Prior to addressing the actual variance request, it will be useful to provide Planning Commission reviewers with an overview of the existing property, together with the proposed boundary line adjustment our variance is designed to enable.

The two lots intended to have their boundary lines changed are Lot 6 and Lot 7. In simple terms, the proposal is to turn them 90-degrees on their side, so both are horizontal (east to west) rectangles rather than their current vertical (north to south) orientation. The lot sizes (5,000 sf) remain the same.

However, this presents a problem as LCMC 17.52.030 requires that, “Every lot shall abut a street, other than an alley, for at least 25 feet.” The code requirement serves a useful municipal purpose by stipulating that privately-owned city lots have access to public streets or alleys. And we, as owners of property, endorse that requirement. For who would purchase a lot without access to a public street?

Our proposal cures the deficiency by providing an equally beneficial easement that will allow Lot 7 to a similar 25-foot access to N.W. 14th Street, by way of a recorded easement for ingress, egress, access, and utilities. Yet this runs counter to the literal reading of 17.52.030 that every lot shall abut a street for at least 25 feet. This is why we request a variance.

The plan of the owners of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, is to provide a recorded easement access to all five lots with one common driveway to serve those lots. The driveway easement will be from south to north, as illustrated in the Proposed Variance Map below. The advantage is less impervious surface and fewer driveways connecting to city streets. This single driveway will provide more convenient access to all five lots than might exist if or when the lots are sold to third parties.

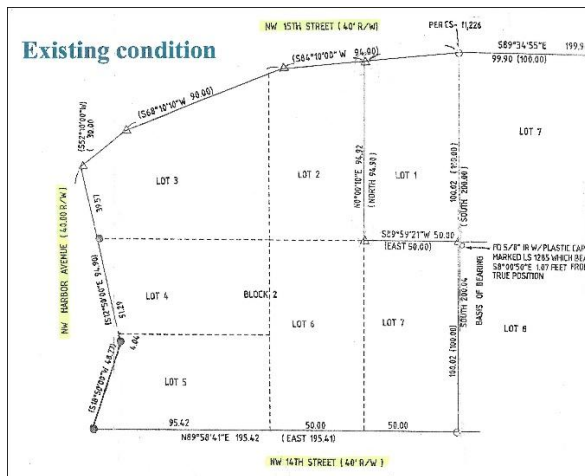
This common access driveway solves another lingering problem. After the City parking lot was installed on N.W. Harbor Avenue, due west of Lot 4, that lot forfeited its convenient access to Harbor Avenue, though it still technically abuts that street. However, to build an access driveway, to the street Lot 4 abuts, will require dismantling the quarry rock wall that stands 6 to 10 feet tall and then cutting a suitable grade to climb up to Lot 4’s current level. For there is no

assurance that the future owner of Lot 5 will grant the future owner of Lot 4 an easement from N.W. 14th.

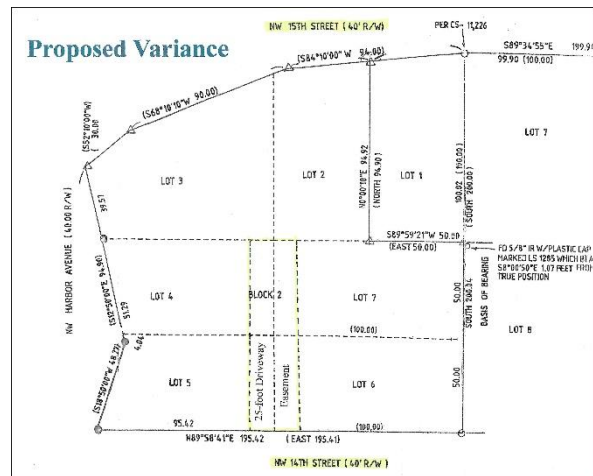
And to those who say that we, as owners of both lots can grant Lot 4 an easement, that is exactly what we are trying to accomplish by our current proposal – that correspondingly reduces the number of access driveways that might be needed to serve all five lots.

This Propose Variance access road will likely have to be built in any case, unless Lot 4 chooses direct access to Harbor Avenue and eliminates two to three parking spaces in the process. Under present conditions, Lot 6 and Lot 7 could very well build two separate driveways onto N.W. 14th as well yet a third to Lot 5. Even Lot 3 can be served by this common driveway access easement, which could remedy their very steep access drive from N.W. 15th.

The Existing Condition map (left) and Proposed Variance PLA map (right) illustrate the plan. Full size maps are found on pages 8 and 9.



Existing Condition map



Proposed Variance PLA Map

The remainder of our variance application explains how this plan conforms to:

- A.** The purpose, policy, and construction of Title 17 Zoning provisions (17.04.020).
- B.** The specific variance conditions, all of which must be satisfied (17.52.030).
- C.** How our proposal conforms to the intent of the code provision from which we seek relief.

A. While the property owner / proponent will be specifically addressing the code section cited in LCMC 17.52.030, it is equally important to first address the purpose, policy, and construction of the Lincoln City Municipal Code as detailed in the general provisions (17.04.020) detailed below.

17.04.020 Purpose, policy and construction.

A. This title has been designed in accordance with the goals, policies and statements of intent of the adopted comprehensive plan for the city of Lincoln City and its environs. It is the general purpose of this title, therefore, to provide one of the principal means for the implementation of the comprehensive plan of Lincoln City.

B. In adopting the ordinance codified in this title, the city council is responding to the growth and development of Lincoln City and its attendant **problems, and is anticipating that as future growth and urbanization continues, sensitive control will be required in order to preserve and enhance the amenities necessary to maintain and improve the prosperity and appearance of the community.**

C. This title is designed to classify, designate and regulate the location and use of buildings, structures, agricultural, residential, commercial, industrial and other uses in appropriate places and, for said purposes, to divide the city into districts of such number, shape and area as be deemed best suited to carry out these regulations and provide for their enforcement; to encourage the most appropriate use of lands; to conserve and preserve natural resources; to conserve and stabilize the value of property; to provide adequate open space for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote the public health, safety and general welfare.

D. To further implement the comprehensive plan of Lincoln City, the ordinance codified in this title **is adopted for the following special purposes:**

1. To promote coordinated, sound development, taking into consideration the city's natural environment, amenities, view and the appearance of its buildings and open spaces;
2. To achieve a balanced and efficient land use pattern, to protect and enhance real property values, **to promote safe and uncongested traffic movement and to avoid uses and development which might be detrimental to the stability and livability** of the city;
3. **To encourage innovations in residential development** and renewal so that the demand for housing may be met by a greater variety in the type and design of dwellings and by the conservation and more efficient and attractive use of open space;

4. To safeguard and enhance the appearance of the city through the advancement of effective land use, architectural design and site planning, which reflect improvements in the technology of urban development.

E. This title shall be construed most favorably to provide all the necessary authority to carry out the above purposes and policies. (Ord. 84-2 § 1.020)

The Variance section of the code was not written in a vacuum but drafted to provide appropriate modifications when specific site conditions allow. We have underlined specific phrases which bear on our proposal.

Section B of 17.04.020 makes clear that the city council anticipated future growth and expected *sensitive controls* to preserve and enhance amenities to improve the appearance of the community. In this context the word ‘*sensitive*’ speaks to a careful examination of what impacts and outcome a slight change to the code in this specific circumstance might yield. Because by the end of the day, the outcome is what we most care about.

Section D of 17.04.020 explains that the codified ordinance was adopted for special purposes including subsection 2, that seeks to promote safe and uncongested traffic movement. Subsection 3 similarly encourages innovation in residential development, while subsection 4 speaks to site planning which reflects improvements in urban development.

And Section E puts an exclamation point on those principles by demanding that the code be construed most favorably to carry out the purposes and policies contained in 17.04.020.

As Planning Commission members read and reflect upon the specific variance sought, they should keep be mindful of the purposes and policies that the Title 17 zoning code hoped to foster.

17.52.030 Access requirement.

Every lot shall abut a street, other than an alley, for at least 25 feet. (Ord. 84-2 § 4.030)

B. We are seeking relief from this access requirement in order to pursue a Property Line Adjustment that reconfigures one lot (Lot 7), that will no longer physically abut a street, but will be served by an equivalent 25-foot ingress, egress, access, and utilities easement that connects said lot to the street.

LCMC 17.77.140 Variance

C. Approval Criteria. To approve a variance, the planning commission shall make findings of fact, based on evidence provided, that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from at least one of the following (city official or city staff error is not an exceptional or extraordinary circumstance):

a. Lot size or shape legally existing prior to the date of the ordinance codified in this chapter;

The lots under consideration existed prior to the 1984 date of this ordinance. They were platted circa 1926 (see below) and have been conveyed as named separate lots ever since.

b. Topography;

The steep topography and potential Harbor Avenue parking lot disruption that affects Lot 4 is not a part of this variance application, but Lot 4 is owned by the same landowner and will benefit from the proposed Property Line Adjustment Application, which is the primary purpose of the variance.

c. Other circumstances specifically pertaining to the property over which the property owner has no control;

The owner has no control over the Harbor Avenue parking lot, which limits Lot 4's legal access to a public street for reasonable vehicular access. The property owner also has no control over how many driveways or where future owners of Lot 4, Lot 5, Lot 6, and Lot 7 might construct private driveways.

2. The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess;

The property right at question is the ability for this property owner to serve its five lots through a common driveway for ingress, egress, access, and utility easement. By using a common access driveway to Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, it will eliminate the need for three to four individual access driveways. This will result in one alley-like connection to the public street. The accompany map titled “Access Driveways Without Variance” illustrates what may occur in the future if the lots are sold to different owners under circumstances if the variance is not granted.

3. The variance should not be materially detrimental to the purposes of this title, or to any property in the vicinity of the subject property, or otherwise conflict with the goals or policies of the comprehensive plan;

We have examined the Zoning Code and can find no manner by which our plan to reduce the number of driveways accessing a public street is materially detrimental to its purposes, goal, or policies. The sole exception is the provision requiring a 25-foot street abutment. We contend that our substitute plan that provides a 25-foot access driveway to several lots better conforms to the intent of the requirement, though obviously not the letter of the code.

Likewise, we have walked throughout the neighborhood and spoken with neighbors, and none objected to having only one access driveway rather than potentially three or four.

COMPREHENSIVE PLAN CONFLICTS:

We have read through Comprehensive Plan 2043 (CP 2043) and found no conflicts between our plan and CP 2043’S goals and policies. In fact, we found a number of goals and policies that comfortably endorse our planned common access easement.

One of the goals of the CP 2043 (Page 15) is to “enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.” Reducing the number of driveway stubs to city streets is a creative redevelopment effort to rehabilitate this existing residential neighborhood (consisting of Lots 3, 4, 5, 6, and 7) that today supports one home, but in the future might support five.

Page 17 of CP 2043 proposes to “Enhance and/or maintain the safety, walkability, and livability of residential neighborhoods.” It logically follows that having one driveway for pedestrians, cyclists, and motorists to ‘stop, look and listen’ before

crossing is better than having three or four driveways to navigate. With the increasing use of Amazon and food delivery vehicles, the one driveway approach, where delivery drivers walk the final steps to each home, is preferable to a delivery driver pulling into and out of a four-driveway alternative.

The Oceanlake Area is specifically mentioned on Page 57 of CP 2043 for providing *maximum flexibility* in the land use approval process while striving for excellence in design that is compatible with the coastal and historic nature of the Oceanlake area. It is a fact that this variance will accomplish the “excellence in design” concept that CP 2043 envisions, as it is clearly better than the three or four driveway alternatives. And by approving our variance request, the Planning Commission will be exercising the “*maximum flexibility* in the land approval process” that CP 2043 promotes and anticipates.

Page 58 sums up the primary Policy Object of CP 2043 by stating, “1. Utilize a range of land use planning tools to implement the goals, policies, and objectives of the comprehensive plan, including the development code.” Our tiny variance to a 42-year-old development code provision, which might have outlived its usefulness, is the very essence of utilizing a range of land use planning tools to implement the goals conceptualized in CP 2043.

4. The variance requested is the minimum variance which would mitigate the exceptional or extraordinary circumstance.

The variance requested is both minimum and quite simple – allow a Property Line Adjustment conditioned upon a requirement for a common access driveway to the five lots known as Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 2 of Mrs. White’s First Addition at Devils Lake. Mrs. White’s plat was filed circa 1926.

To simplify your decision-making process, consider what is really being discussed – Semantics, the branch of logic that concerns itself with meaning. Abutting a street for 25 feet is fundamentally a proxy for ensuring every approved city lot has legal access to a street or alley, so no owner’s property is landlocked. That is its intent and purpose.

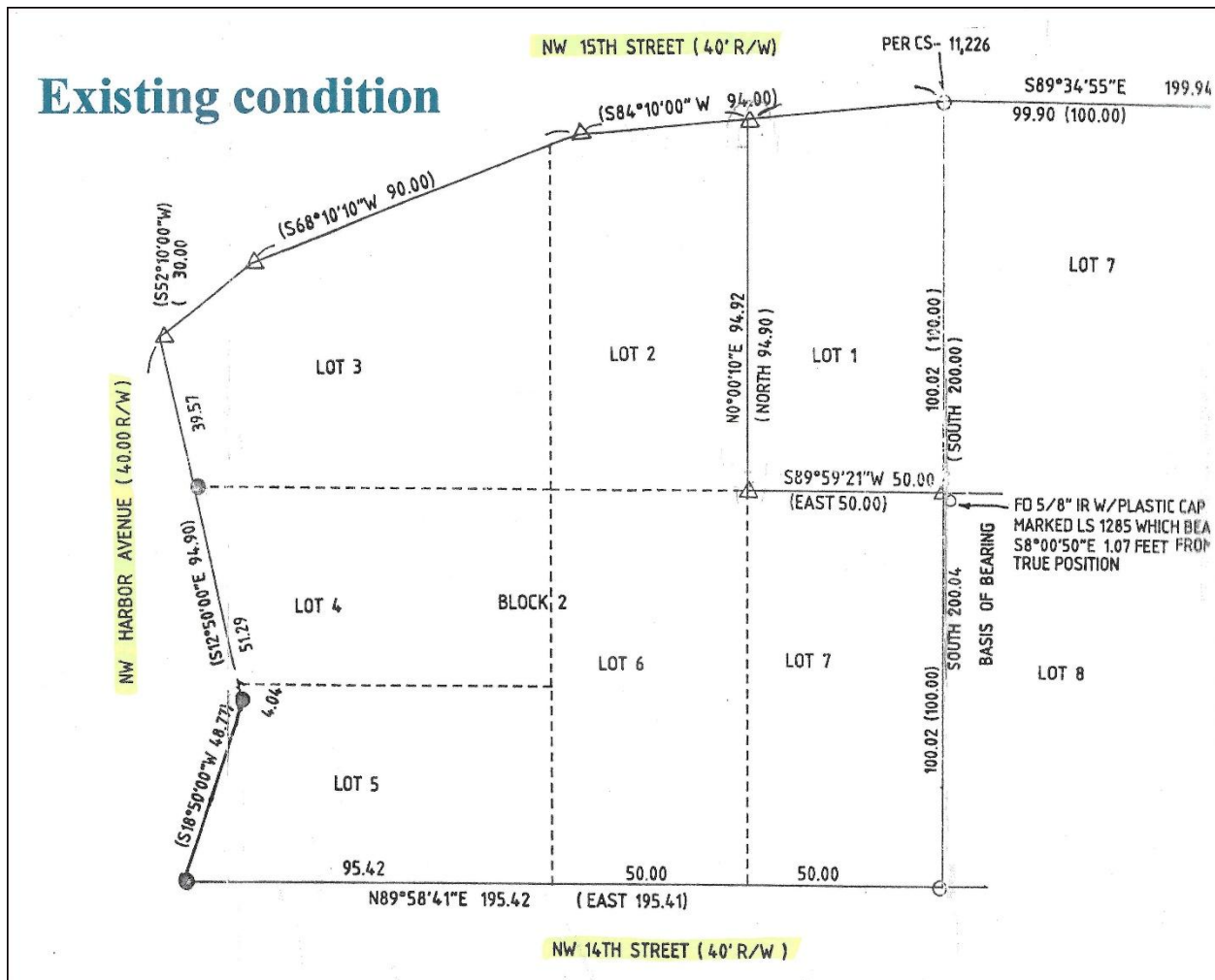
By providing an equally legal, permanent, and effective alternative, through a common access road that serves four or five lots, and acts exactly like a street or alley, the question comes down to: What are we arguing about?

The simple answer is the proposed variance results in a superior civic condition while fully serving the goals and purposes of the code and Comp Plan as written.

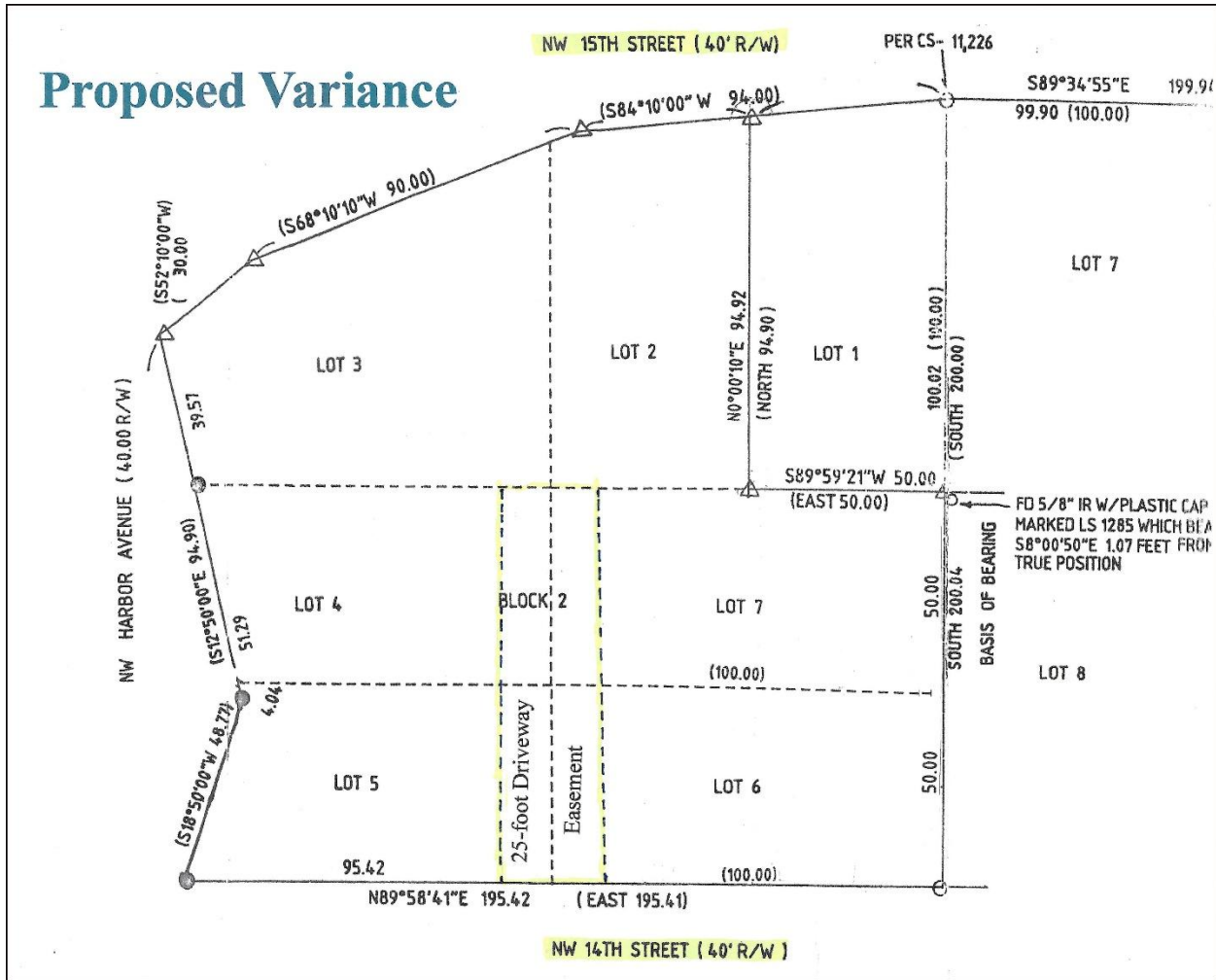
APPENDIX:

- Full size Existing Condition Map (page 8)
- Full size Proposed Variance Map (page 9)
- Nov. 2025 Aerial Photo of the subject properties (page 10)

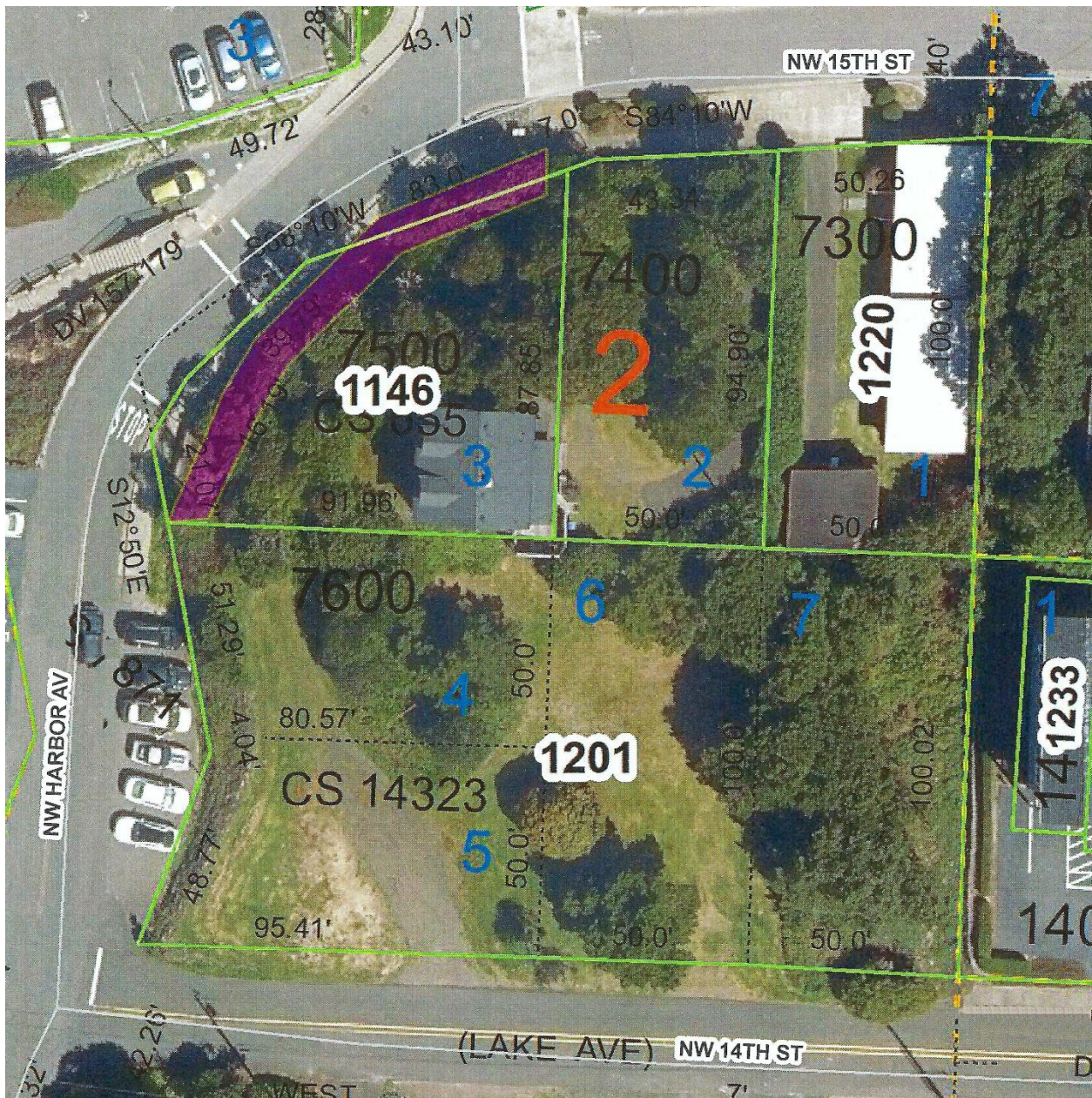
As such our request also addresses whether the proposed variance conforms to its purpose.



Full size Existing Condition Map showing Lot 6 and Lot 7 abutting N.W. 14th Street.



Full size, Proposed Variance PLA Map showing Lot 7 no longer abuts N.W. 15th Street but is fully served by a 25-foot Easement for ingress, egress, access, and utilities.



Nov. 2025 Aerial Photo of the subject properties.

Note how Lot 4 no longer has convenient access to N.W. Harbor Avenue due to a 6 to 10-foot rockery and elevation difference. To obtain the required 25-foot access to Harbor Avenue, several parking spots will need to be removed and a steep driveway built. This problem is solved by the proposed 25-foot Driveway Easement to serve Lot 7 if the Property Line Adjustment is approved by this variance.