

**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