

**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

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

Date: March 18, 2026

Case File: CUP 2026-01 & NRDR 2026-01 2nd St I&I

Planner: Weston Fritz, Senior Planner (wfritz@lincolncity.org)

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

Situs Address: 1452 NE 6th Dr, 1325 NE 1st Street, 1325 NE 1st Street, 1230 NE 1st Street, 1115 SE 1st Street, 1102 SE 2nd Court, 1160 SE 2nd Court, 1151 SE 3rd Street, 1149 Se 3rd Street, Rights of Way, Devils Lake, 2nd Street Canal

Location: From North of NE first, under Devil's Lake, to SE 2nd Street, across the Canal to the existing pump station on SE 3rd. see Exhibit A

Tax Map and Lot: See Exhibit B

Comprehensive

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

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

Site Size: Approximately 2000 linear feet of new sewer line

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

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

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

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

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LCMC Section 17.77.060 Conditional Use Permit
LCMC Section 17.77.090 Geologic Hazard Report and/or Beach Protective Structure Review- Natural Resource Development Review.

BACKGROUND

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

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

COMMENTS

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

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

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

ANALYSIS

Chapter 17.20 Multiple Unit Residential (RM) Zone

17.20.040 Conditional Uses

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

Chapter 17.28 Recreation Commercial (RC) Zone

17.28.040 Conditional Uses Permitted

B. Public Utility

Chapter 17.32 General Commercial (GC) Zone

17.32.040 Conditional Uses Permitted

E. Public Utility

Chapter 17.42 Park (P) Zone

17.42.030 Conditional Uses

B. Public Utilities

Chapter 17.43 Open Space (OS) Zone

17.43.030 Conditional uses

C. Public Utilities and Drainage Facilities

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

Chapter 17.44 Marine Waterway (MW) Zone

17.44.030 Conditional Uses Permitted

C. Public Utility Facility

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

17.44.040 Standards for Conditional Uses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.46.040 Uses Allowed

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

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

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

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

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

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

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

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

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

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

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

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

17.46.050 Natural Resource Development Review

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

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

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

Chapter 17.48 Aesthetic, Historical and Archaeological Sites

17.48.020 Development in areas of aesthetic resources.

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

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

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

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

Chapter 17.52 Supplementary Regulations and Exceptions

17.52.220 Tree Protection and Removal

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

3. Public Utilities and Public Works.

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

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

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

Chapter 17.55 Landscaping

17.55.020 Applicability

The standards of this chapter shall apply to:

A. All Type II and Type III procedures.

B. New construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.76.050 Type III procedure

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

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

E. Notice of Public Hearing.

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

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

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

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

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

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

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

Chapter 17.77 Applications

17.77.060 Conditional use permit

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

Finding: The required documents were submitted.

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

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

D. Approval Criteria. In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This requirement is met.

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

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

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

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

Chapter 17.77 Applications

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

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

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

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

C. Approval Criteria.

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

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

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

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

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

RECOMMENDATION

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

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

General

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

Planning

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

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

Exhibit B

Table 1: Zoning and Adjacent Land Uses

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