

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 Helping Hands Re-entry Outreach Center in a General Commercial (GC) Zone at 3454 NE Highway 101, Lincoln City, Oregon)
) **Findings of Fact**
) **Conclusions of Law**
) **And Order**

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 Substantive Criteria: LCMC Chapter 17.32 General Commercial (GC) Zone
LCMC Chapter 17.60 Conditional Uses
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.