



February 19, 2026

To: Waldport City Council

Re: Response To Submittal By Mayor Lambert February 12, 2026

Mayor Lambert submitted a letter to the City Council during the February 12, 2026, City Council meeting.

I have been asked to provide analysis in regard to applicable land use laws.

Mayor Lambert correctly states that Taxlot #13-11-19-DB-00100 (former Ball property) is zoned Residential R-1 and Taxlot #13-11-19-00-00202 (former Izaak Walton League Property) is zoned Public Facilities (P-F). However, the Mayor incorrectly states that the former Izaak Walton League Property is under Lincoln County zoning. The Mayor also incorrectly states that the County P-F zoning requires a conditional use for parks and government uses, these are outright permitted uses in the County.

As such, both properties in question fall under the City of Waldport jurisdiction and the Waldport Municipal Code (WMC), specifically Title 16 regarding land use development.

Under WMC 16.12 and 16.52, the Mayor correctly states that under the code: 1. Governmental structure or use of land for necessary public utility facilities; and 2. Public parks and playgrounds, swimming pools, golf courses or a similar recreational facility intended for use by the public, can be permitted as Conditional Uses.

However, the Mayor also makes the following statements:

Ball Property:

- ***"With respect to the former Ball property, if there is not a CUP approved by the Planning Commission, through the prescribed public process, then the city cannot lawfully designate it as "public facility," "city facility," or "utility facility." By claiming that it is, the city fails to comply with its own land use codes and procedures."***

This is incorrect and misleading. The City has not changed the use of the former Ball property. While it remains R-1 zoned, in 1976 it was approved as a utility use necessary for the Phase 1 Planned Development of the Township 13 Subdivision. So, it did go through the lawful land use process as part of the planned development approval, including both the planning commission and city council. The property can be considered public utility land as is allowed by WMC 16.12.020, and is thus lawfully designated. The maintenance, upkeep, replacement and operation of the utility systems in place are a lawful use and do not trigger the requirement of an additional conditional use application.

If new Conditional Use Permits are required at some future time, the City will follow the process as outlined in WMC Chapter 16 to ensure a transparent public process.

Izzak Walton League Property:

- *“With respect to the former Izaak Walton League Property, clearly the intent of the donation is for its perpetual use as parkland, public rights-of-way, and trails. **The city cannot just legally assert that the property is for “utility purposes,” or presumably any use that restricts public access, without being in probable violation of the donation agreement.**”*

While the Mayor’s complaints previously have not mentioned the Izaak Walton League Property, the implication here is that the city has restricted full access on this property. This is not the case.

In the County system:

- Document Number 2021-003394 (Quitclaim Deed), Exhibit B: Conditions of Transfer, Condition No. 5. States: The City shall abide by the terms of any Easement established for the conditions of the property. And shall administrate the protection of the property under Public Facility zoning as appropriate to the health and safety of the City and Park space.
- Document Number 2004-15364 Sanitary Sewer Easement, Exhibit B is a map that shows two (2) sewer easements. Both of these easements were in existence prior to the transfer of ownership.

As per the above documents, the City did not “just legally assert” that the property is for utility purposes. The City obtained a Sanitary Sewer Easement that granted a “perpetual easement to construct, reconstruct, operate, inspect, maintain and repair an underground sanitary sewer line and appurtenances...” Condition No. 5 of the transfer agreement requires the City abide by any easements on the property.

Additionally, the City has the right to restrict access to areas of city property, regardless of zoning or usage, because of the presence of public utilities.

All of the above facilities discussed in Mayor Lambert’s letter are existing facilities. No new facilities are proposed. Existing facilities and maintenance of existing facilities are permitted under Waldport Municipal Code. Building roads to maintain and access these facilities does not constitute a new use.

More importantly, the Mayor’s assertion that *“Taken together, this review indicates that these properties, as presently designated, cannot be classified as utility or governmental facilities under applicable and use requirements” is demonstrably false. As is her claim that “This also means that “no trespassing” signs are not required and that “recreational immunity” may apply for passive public use of the land...”*

Since all facilities discussed exist, and the uses have not changed, new Conditional Use Permits are not required.

Waldport’s Municipal Code can be accessed on the City’s website <https://waldport.municipalcodeonline.com>

If you have any questions regarding the above, please feel free to contact me or the City Manager.

Thank you,

Jaime White
City Planner
City of Waldport