



AGENDA

Lincoln City Planning Commission
Tuesday, March 15, 2022, 6:00 PM
Zoom, Streamed LIVE on Zoom
801 SW Highway 101 - 3rd Floor, Streamed LIVE on Zoom, Lincoln City, OR 97367

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
- 2. AGENDA CHANGES OR REVISIONS**
- 3. MINUTES**
 - 3.1. Planning Commission - Regular Meeting - Mar 1, 2022 6:00 PM
- 4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**
 - 4.1. Final Recommendation for CPA ZC 2022-01 Purvine
- 5. PUBLIC HEARINGS/DELIBERATIONS**
 - 5.1. ZOA 2022-05 Code corrections and clarifications Title 16 and Title 17 - continued to April 5, 2022
 - 5.2. VAR 2022-01 6604 NE Logan Street Side Setback Variance
 - 5.3. VAR 2022-02 Olson Natural Resource Development Variance
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - 7.1. Housing Needs Analysis Update
 - 7.2. Housing - Comprehensive Plan Update
- 8. PLANNING COMMISSION TRAINING**
- 9. REPORTS AND COMMENTS**

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

11. ADJOURN

All information for this meeting is available on the City of Lincoln City website at www.lincolncity.org, and this meeting will be televised live on Charter Channel 4 Lincoln City and rebroadcast at various times. Planning Commission meetings are streamed live on the Internet through a link on the City of Lincoln City website, and can also be viewed following the meeting. 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 the City Recorder, at 541-996-1203.

**LINCOLN CITY PLANNING COMMISSION
MINUTES
March 1, 2022**

1. CALL TO ORDER & ROLL CALL

Chair Blackerby called the meeting to order at 6:03 pm. Director Skinner announced that long-time Planning Commissioner Lenny Nelson died on Thursday, February 24th, and expressed her sadness for the loss and her great appreciation for the Commissioner's community service.

Attendee Name	Title	Status	Arrived
Glenn Johnson	Commissioner	Present	
Mellissa Sumner	Commissioner	Excused	
Marci Baker	Commissioner	Present	
Robert Vincent	Commissioner	Present	
Kim Blackerby	Chair	Present	
Lenny Nelson	Commissioner	Excused	
Miles Schlesinger	Commissioner	Present	

2. AGENDA CHANGES OR REVISIONS

Director Skinner noted that the Public Hearing for VAR 2022-01, regarding the street side setback variance for 6604 NE Logan Rd, would be continued to the Planning Commission meeting on Tuesday, March 15th, at the applicant's request.

3. MINUTES

3.1. Planning Commission - Regular Meeting - Feb 15, 2022, 6:00 PM

MOTION:	Approve the minutes of the Feb. 15, 2022, Planning Commission meeting
AYES:	Baker, Vincent, Blackerby, Schlesinger
ABSTAIN:	Johnson
EXCUSED:	Sumner, Nelson
RESULT:	Passed

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

4.1. FR 2022-06 for ZOA 2022-04 Duplex fix

MOTION:	Approve FR 2022-06 for ZOA 2022-04 Duplex fix
MOVER:	Baker
SECONDER:	Vincent
AYES:	Johnson, Baker, Vincent, Blackerby, Schlesinger
EXCUSED:	Sumner, Nelson
RESULT:	Passed

5. PUBLIC HEARINGS/DELIBERATIONS

5.1. VAR 2022-01 6604 NE Logan Rd Street Side Setback Variance

At the request of the applicant, the public hearing was continued to the Planning Commission meeting on March 15, 2022.

5.2. CPA ZC 2022-01 Purvine - zone change from Multiple-Unit Residential (R-M) to Single-Family Residential (R-1-7.5)

Chair Blackerby opened the public hearing at 6:11 pm, introduced the application, read the required statements, and explained the order of proceedings for the hearing. No Commissioners were excused for conflicts of interest, no challenges were offered. Chair Blackerby disclosed that he had driven by the property to observe site conditions. Director Skinner listed the applicable substantive criteria.

Director Skinner presented the staff report. The proposal is to change the Comprehensive Plan designation and the zoning of the property at 3508 NE 40th Ct from R-M Multiple Unit Residential to R-1-7.5. Director Skinner described the site, details of the application, and provided an overview of existing development in the vicinity of the parcel, which includes primarily single-family residences within the City and in unincorporated Lincoln County. The site is not encumbered by the Natural Resource Overlay, flood hazard areas, bluff protection requirements, nor does it contain aesthetic resources or designated trails. The primary reason for the request is to allow more diverse housing options than those available under the current zoning, primarily that of single-family residential.

Director Skinner reported that she had not received any substantive comments from City Departments or public agencies. Comments received from a few adjacent neighbors were in support of the requested zone change. Following staff review and analysis of the applicable criteria, Director Skinner made a finding that the zone change meets the needs of Statewide Goal 10 Housing, and recommended approval of the request.

Responding to a question from Commissioner Baker, Director Skinner replied that the minimum development possible under current zoning was a duplex. Chair Blackerby added that building coverage requirements would also limit the overall development per current and requested zoning.

Gary Purvine, an owner of the property, presented on behalf of the property owners. Mr. Purvine shared that they had owned the property for a number of years and had always been under the impression it was zoned for a single-family residence. He added that providing parking would likely be problematic if they were to develop multiple units on the property.

Responding to a question from Commissioner Vincent, Mr. Purvine stated that the applicants' intent is to construct a single-family residence. Responding to a question from Chair Blackerby, the applicant stated that the remainder of the lot would likely be left undeveloped and serve as a yard for the residence.

There were no members of the public present in Council chambers or in attendance by Zoom.

Commissioner Baker moved to close the public hearing and Commissioner Vincent seconded. The motion passed. Chair Blackerby closed the public hearing at 6:38.

MOTION:	Recommend approval of CPA ZC 2022-01 to change the comprehensive plan map and zone from Multiple-Unit Residential (R-M) to Single-Family Residential (R-1-7.5)
MOVER:	Vincent
SECONDER:	Johnson
AYES:	Johnson, Baker, Vincent, Blackerby
EXCUSED:	Sumner, Nelson
AWAY:	Schlesinger
RESULT:	Passed

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. PLANNING COMMISSION TRAINING

None.

9. REPORTS AND COMMENTS

Chair Blackerby echoed Director Skinner's appreciation of Lenny Nelson and her work and commitment to serving the community.

10. FUTURE AGENDA ITEMS & NEXT MEETINGS

Director Skinner provided an overview of a very busy Planning Commission in the coming months. The March 15th meeting will include the Public Hearing for VAR 2022-01 that was continued from tonight's meeting, as well as a public hearing for an upcoming Zoning Ordinance amendment addressing some general housekeeping items. The first public comment opportunity for the Comprehensive Plan Update process will be provided, and will focus on the Commission's top priority of Statewide Planning Goal 10 Housing. In conjunction with the housing discussion, a consultant will be on hand to discuss issues related to the housing needs analysis, funded by a recent grant. Finally, there are approximately nine or ten zone change cases in the pipeline that pertain to City-owned properties that will be changed from current zones to either P Parks or OS Open Space depending on the intended uses.

Responding to a question from Commissioner Vincent, Director Skinner cited that the March 15th meeting will still be via Zoom, as public outreach materials have already been published. A decision as to the format of the April Planning Commission meeting has not yet been made.

11. ADJOURN

Chair Blackerby adjourned the meeting at 6:46 pm.

Respectfully submitted,

Anne Marie Skinner
Planning Director

Kim Blackerby
Chair

Planning Commission Communication

Final Recommendation for CPA ZC 2022-01 Purvine

Meeting Date:	March 15, 2022	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Move to approve FR 2022-07 for CPA ZC 2022-01 Purvine for a map amendment and zone change of 3508 NE 40th Court.

Attachments:

FR 2022-07 for CPA ZC 2022-01 Purvine (PDF)

LINCOLN CITY PLANNING COMMISSION

IN THE MATTER OF

Amendment to Comprehensive Plan:	)	Final Recommendation
Map Amendment and Zone Change	)	No. 2022-07
R-M to R-1-7.5	)	
	)	

NATURE OF THE APPLICATION

CPA ZC 2022-01 amends the Lincoln City Comprehensive Plan Map and the Lincoln City Zoning Map by changing map designation and zoning classification of the site addressed as 3508 NE 40th Ct. The map designation will change from High-Density Residential District to Medium-Density Residential District. The zoning classification will change from Multiple-Unit Residential (R-M) Zone to Single-Family Residential (R-1-7.5) Zone.

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on March 1, 2022, including the staff report and the findings (attached hereto as Exhibit A), the Planning Commission recommends that the City Council approve the comprehensive plan map amendment and zone change of 3508 NE 40th Ct from the High-Density Residential District and R-M zone to the Medium-Density Residential District and R-1-7.5 zone.

APPROVED THIS 15th DAY OF MARCH, 2022.

Kim Blackerby
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director

Exhibit A Findings

A. Lincoln City Comprehensive Plan

1. Land Use Planning Goal

“To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The City Council established a land use policy framework and implementing ordinance through adoption of a comprehensive plan and zoning ordinance, respectively. The Land Conservation and Development Commission acknowledged the City of Lincoln City’s Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

The Comprehensive Plan Land Use Planning element identifies zoning as the most common method of land use regulation and control. The plan states:

“Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. It provides adequate amounts of space for each type of development.”

The proposed map amendment and zone change would convert the platted 11,131-square-foot lot from the Multiple-Unit Residential zone to the Single-Family Residential zone. The proposed map amendment and zone change does not introduce a new zone to the area, as the areas to the south and east of the site are all in Lincoln County’s single-family residential zone. Both zones allow housing. Staff finds the proposal is consistent with Goal 1.

2. Citizen Involvement Goal

“Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.”

The Comprehensive Plan’s Citizen Involvement Program goal is to “develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.” The City has developed a Citizen Involvement Program through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners, and review of the proposal by the Planning Commission and the City Council, consistent with the Plan, Goal, and Resolution.

Among the policies under the City’s Citizen Involvement Program goal is one that states: “Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings.” The Planning Commission and City Council meetings are publicized widely with hearing notices mailed to property owners in the affected area, published in *The News Guard*, and posted on the City’s website. The City holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the

meetings are televised live, streamed live over the internet, and rebroadcast on cable television. Video of meetings and the packet materials are also available on the City's website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet Goal 2.

3. Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment [sic] the area and serve as a framework for urban and rural development."

Public services and utilities are already in place in the area of the proposed map amendment and zone change.

Available public services and utilities are as follows:

- a. Pacific Power provides electric power;
- b. The City of Lincoln City provides water service;
- c. The City of Lincoln City provides sanitary sewer service;
- d. Various providers provide land line and cellular telephone service;
- e. Access is from NE 40th Ct, which is an improved public street.

Existing services and utilities generally satisfy Goal 3.

4. Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the City limits and is already developed as urban. The proposed amendment and zone change will not change the already-existing urban development or prevent more urban development, so is consistent with this goal.

5. Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The City's maps show no identified natural hazards on the site. The proposal is consistent with Goal 5.

6. Housing Goal

"To provide for the housing needs of all citizens."

The request would convert the 11,131-square-foot platted lot from one residential zone (Multiple-Unit Residential R-M) to another residential zone (Single-Family Residential R-1-7.5). In both zones, housing is an outright permitted use. The housing options are different in the two zones with the R-1-7.5 zone allowing single-family dwellings, attached single-family dwellings, duplex dwellings, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone allows attached single-family dwellings, cottage housing developments, duplex dwellings, multi-unit dwellings, residential homes, and

tiny house developments. Both zones, then, provide for the housing needs of the citizens of Lincoln City, just with different options.

Based on the requirements of the R-1-7.5 zone, the property could support one single-family detached dwelling, an accessory dwelling unit accompanying the single-family detached dwelling, a duplex dwelling, a cottage housing development, a manufactured home, a residential home, or a four-flat dwelling. Based on the requirements of the R-M zone, the property could support two attached dwellings, one duplex dwelling, a cottage housing development, a residential home, a tiny house development consisting of nine tiny houses, a manufactured home, or a four-unit apartment building. Accessory dwelling units are not allowed in the R-M zone because detached single-family dwellings are not allowed, and accessory dwelling units are only permitted as accessory to detached single-family dwellings. Both zones allow a four-unit dwelling, but the R-M zone doesn't allow a detached single-family dwelling and the R-1-7.5 zone doesn't allow a tiny house development. Essentially, then, both zones provide for the housing needs of the citizens of Lincoln City with the same number of unit options excepting the inability of constructing a detached single-family dwelling in the R-1-7.5 zone or a tiny house development in the R-M zone. Staff finds the proposal is consistent with Goal 6.

7. Economy Goal

“To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.”

The Comprehensive Plan states that the City's primary industry is tourism and concludes that tourism will continue to function as the City's basic industry. The request to change from one residential zone to another residential zone has no bearing on the tourist industry. Staff finds this goal is not applicable to the request.

8. Aesthetic Goal

“To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area.”

Landscaping standards and design standards apply to both the R-M zone and the R-1 zone. The fulfillment of the landscaping and design standards, when the site is developed, will satisfy LCMC Title 17, which also satisfies this goal. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

“To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.”

The site is accessed by NE 40th Ct, which is a local public street. NE Johns Ave is to the east of the site, and is also a local public street. Both are improved. NE Johns Ave accesses from NE Neotsu Dr, a paved public street, that directly connects with Hwy 101, which is a principal arterial. This goal is satisfied.

10. Energy Goal

“To conserve energy.”

This lot is close to other destinations and services. New construction must meet all energy and building codes. The goal, therefore, is satisfied.

11. Overall Environmental Goal

“To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city.”

The city’s inventory of natural resources, including wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas show none are on this lot. New construction on this lot will not impact the natural environment of the city. This goal is satisfied.

12. Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Goal

“To conserve, protect, and enhance the coastal resources of the city.”

The site does not contain any shoreland, beaches, dunes estuaries, or ocean resources and is more than 2 miles from the Pacific Ocean. Rezoning of the site will not have any impact on the city’s coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – “Citizen Involvement” “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the City’s website and also available for public review and purchase at the counter. Staff was available to explain the proposal and technical information. The City published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the City’s website in advance of the meeting. The request is consistent with Goal 1.

Goal 2 – “Land Use Planning” “To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The City Council adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

The proposed rezoning is integrated and consistent with the planning process and policy framework; specifically, the request furthers compliance with existing policies to stabilize and protect the existing (almost completely detached single-family dwellings) residential

neighborhood from incompatible uses. Findings concerning the Planning goal for the Lincoln City Comprehensive Plan are incorporated herein by this reference. The request is consistent with Goal 2.

Goal 3 – “Agricultural Lands” “To preserve and maintain agricultural lands.”

The area affected by the proposed rezoning is within the City’s Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, Goal 3 is not applicable.

Goal 4 – “Forest Lands” “To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”

The area affected by the proposed rezoning is within the City’s Urban Growth Boundary and currently zoned and developed for urban development. The affected area does not contain any designated forest lands; therefore, Goal 4 is not applicable.

Goal 5 – “Open Spaces, Scenic and Historic Areas and Natural Resources” “To protect natural resources and conserve scenic and historic areas and open spaces.”

The area affected by the proposed rezoning does not include any areas zoned Open Space or Park. The site does not contain any structures, nor is the site listed on the National Register of Historic Places. The findings concerning the Lincoln City Comprehensive Plan’s Overall Environmental goal, as well as the Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal, are incorporated herein by this reference. The proposal is consistent with Goal 5.

Goal 6 – “Air, Water and Land Resources Quality” “To maintain and improve the quality of the air, water and land resources of the state.”

Current building and public works standards for new development require protection of these resources. Accordingly, when a building permit application is submitted for new construction on the site, the plans will be reviewed for compliance with requirements for maintaining the quality of the air, water, and land resources of the state. City standards for discharges regulate solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The findings concerning the Lincoln City Comprehensive Plan’s overall Environmental goal are incorporated herein by this reference. The proposed request is consistent with Goal 6.

Goal 7 – “Areas Subject to Natural Disasters and Hazards” “To protect people and property from natural hazards.”

City maps show no identified hazards on the site. The findings concerning the Lincoln City Comprehensive Plan Natural Hazard goal are incorporated herein by this reference. The proposal is consistent with Goal 7.

Goal 8 – “Recreational Needs” “To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.”

The area affected by the proposed rezoning does not contain any open space or park areas, nor does it contain any areas designated for open space or parks in the City's master plans. The proposal is consistent with Goal 8.

Goal 9 – “Economic Development” “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”

The area affected by the proposed rezoning is within the City's Urban Growth Boundary and currently zoned and developed for housing development. The affected area does not contain any economic development lands. The proposed rezoning is consistent with Goal 9.

Goal 10 – “Housing” “To provide for the housing needs of citizens of the state.”

The request would convert the 11,131-square-foot platted lot from one residential zone (Multiple-Unit Residential R-M) to another residential zone (Single-Family Residential R-1-7.5). In both zones, housing is an outright permitted use. The housing options are different in the two zones with the R-1-7.5 zone allowing single-family dwellings, attached single-family dwellings, duplex dwellings, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone allows attached single-family dwellings, cottage housing developments, duplex dwellings, multi-unit dwellings, residential homes, and tiny house developments. Both zones, then, provide for the housing needs of the citizens of Lincoln City, just with different options.

Based on the requirements of the R-1-7.5 zone, the property could support one single-family detached dwelling, an accessory dwelling unit accompanying the single-family detached dwelling, a duplex dwelling, a cottage housing development, a manufactured home, a residential home, or a four-flat dwelling. Based on the requirements of the R-M zone, the property could support two attached dwellings, one duplex dwelling, a cottage housing development, a residential home, a tiny house development consisting of nine tiny houses, a manufactured home, or a four-unit apartment building. Accessory dwelling units are not allowed in the R-M zone because detached single-family dwellings are not allowed, and accessory dwelling units are only permitted as accessory to detached single-family dwellings. Both zones allow a four-unit dwelling, but the R-M zone doesn't allow a detached single-family dwelling and the R-1-7.5 zone doesn't allow a tiny house development. Essentially, then, both zones provide for the housing needs of the citizens of Lincoln City with the same number of unit options excepting the inability of constructing a detached single-family dwelling in the R-1-7.5 zone or a tiny house development in the R-M zone. The findings that address the City's Housing goal are incorporated herein by this reference. Staff considers the proposal consistent with Goal 10.

Goal 11 – “Public Facilities and Services” “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Utilities and services are available at the site. The findings concerning the City's Public Services and Utilities goal are incorporated herein by this reference. The request is consistent with Goal 11.

Goal 12 – “Transportation” “To provide and encourage a safe, convenient and economic transportation system.”

The site is accessed by NE 40th Ct, which is a local public street. NE Johns Ave is to the east of the site, and is also a local public street. Both are improved. NE Johns Ave accesses from NE Neotsu Dr, a paved public street, that directly connects with Hwy 101, which is a principal arterial. The findings concerning the City's Transportation goal are incorporated herein by this reference. The request is consistent with Goal 12.

Goal 13 – “Energy Conservation” “To conserve energy.”

Any construction on the site must meet the current building and energy codes. The proposed rezoning will not impact the requirements to meet current building and energy codes. The findings concerning the City's Energy goal are incorporated herein by this reference. The request is consistent with Goal 13.

Goal 14 – “Urbanization” “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The area affected by the proposed rezoning is within the City's Urban Growth Boundary and currently zoned for urban housing development. The proposal does not the City's Urban Growth Boundary, nor does it change that the site will be zoned for urban housing development. The findings concerning the City's Land Use goal, Housing goal, and Urbanization goal are incorporated herein by this reference. The proposed amendment and zone change are consistent with Goal 14.

Goal 15 – “Willamette Greenway” “To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.”

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed amendment and zone change will have no impact to the Willamette Greenway. Accordingly, Goal 15 is not applicable.

Goal 16 – “Estuarine Resources” “To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.”

The proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

Goal 17 – “Coastal Shorelands” “To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.”

The City's coastal shorelands are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings

concerning the City's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

Goal 18 – “Beaches and Dunes” “To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.”

The proposed rezoning does not affect any areas located within a beach or active dune area. The findings concerning the City's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

Goal 19: “Ocean Resources” “To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.”

Since the area of the proposed amendment and zone change is on the dry land area of the City, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the City's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

Single-Family Residential (R-1-7.5) zone criteria

LCMC Section 17.16.020 lists the type of uses permitted within the zone, including:

- Single-family dwellings
- Attached single-family dwelling, if attached to no more than one other single-family dwelling
- Two-family and duplex dwellings
- Cottage housing developments
- Manufactured homes
- Residential homes
- Four-flat dwellings

LCMC 17.16.030 provides accessory uses of guest houses, home occupations, and accessory dwelling units.

Any new development or construction must meet the requirements of the R-1 zone and other regulations referenced by the zone, including among others, those pertaining to landscaping and off-street parking.

The R-1-7.5 zone has a minimum lot size requirement of 7,500 square feet. The site contains 11,131 square feet. The R-1-7.5 zone has a minimum lot width requirement of 70 feet and a minimum lot depth requirement of 80 feet. The site is 127 feet wide and 101 feet deep. The R-1-7.5 zone has a minimum front, side, street side, and rear setback requirement of 5 feet for single-story structures and 7.5 feet for multi-story structures. Building height may be up to 35 feet. Maximum building coverage is 35% of the site. The site meets the lot size and dimension requirements. Compliance with setback, height, and building coverage requirements is reviewed during the building permitting process.

Planning Commission Communication

ZOA 2022-05 Code corrections

Meeting Date:	March 15, 2022	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Question:

Should the Planning Commission conduct a public hearing on ZOA 2022-05 (code corrections) and make a recommendation to the City Council?

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the proposed amendment to the zoning code.

Authority:

Legal authority for text amendments is as follows:

17.76.060 Type IV (Legislative).

- A. General Description. Type IV procedures apply to "legislative" matters. Legislative decisions are made by the City Council and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a geographic area containing many properties. Type IV procedures require general public notice and a public hearing.*
- H. Recommendation Authority.*
 - 1. Following receipt of testimony and deliberation at the public hearing held before the Planning Commission, the Planning Commission shall provide a recommendation to the City Council for all Type IV applications. The Planning Commission shall recommend that the City Council approve or deny the proposed amendments, with or without changes.*
 - 2. Decision Authority. Upon receiving the Planning Commission's Final Recommendation, the City Council shall hold a public hearing on the Type IV application.*

Background:

This is a clean-up ordinance amendment to correct portions of Titles 16 and 17 that contain references to sections that have been repealed, procedures that are now defined as Type II, Type III, and Type IV procedures, striking sections that have been repealed, and moving definitions to the definitions section.

Planning Commission Options:

1. Hold the public hearing; close the public hearing; make a recommendation.

Potential Motions:

1. I move to close the public hearing and the record for ZOA 2022-05.

Then:

2. I move to recommend approval to City Council of ZOA 2022-05.

This public hearing is being continued to April 5, 2022.

Planning Commission Communication

VAR 2022-01 Street side setback

Meeting Date:	March 15, 2022	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Question:

Should the Planning Commission approve or deny the requested variance?

Staff Recommendation:

Staff recommends the Planning Commission hold the public hearing, close the public hearing and the record, deliberate, and approve or deny the requested variance.

Authority:

Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a variance as a Type III application with the decision authority given to the Planning Commission.

Background:

See attached Staff Report

Planning Commission Options:

1. Hold the public hearing, close the public hearing and the record, deliberate, and move to approve or deny the requested variance.
2. Hold the public hearing, keep the hearing and record open, and continue it to a future meeting, date and time certain.
3. Hold the public hearing, close the public hearing but keep the record open to allow additional submittals, and continue deliberation to a future meeting, date and time certain.

Financial Impact

None

Potential Motions:

1. Move to approve VAR 2022-01 as requested.
2. Move to deny VAR 2022-01 to vary the minimum street side setback because the request doesn't meet all the criteria for approval, specifically (then state which of the criterion are not met and why).

Attachments:

VAR 2022-01 Application (PDF)
 VAR 2022-01 Narrative (PDF)
 VAR 2022-01 Site Plan (PDF)
 Comments Fire 02_08_2022 (PDF)
 Comments Hibler 02_14_2022 (PDF)
 Comments Urban Renewal 02_08_2022 (PDF)
 Email Mcgough (PDF)
 Comments Mcgough (DOCX)
 00003046a roads end 1 addition- jan 1932 (PDF)
 00014283 darius 1993 lot survey (PDF)
 Foundation Survey Map (PDF)
 VAR 2022-01 STAFF REPORT (PDF)

Variance Application

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: 3G'S CONSTRUCTION INC

ADDRESS: PO BOX 85
SALEM, OR 97308

PHONE: 503-871-8434

E-MAIL: ROGER@3GSCONSTRUCTION.COM

PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):

Copy of purchase must be included with submittal for application to be accepted.

NAME: _____

ADDRESS: _____

PHONE: _____

E-MAIL: _____

SITE INFORMATION:

ZONING DISTRICT: Single Family Residential, Roads End (R-1-RE)

TAX MAP AND LOT: 06-11-34-AA-03200

SITE ADDRESS: 6604 NE Logan Road

REQUESTED VARIANCE:

Cite the code section of the code requirement to be varied: LCMC 17.17.070.F.

**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:



Property Owner/Contract Purchaser (signature required)

Property Owner/Contract Purchaser (signature required)

2/6/22

Date

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.

Narrative in Support of Roger Griswold's Request for a Variance from the Street Side setback Requirement

This narrative provides evidence and argument in support of a variance from the street side setback requirement for the completed house located at 6604 NE Logan Road in the Roads End neighborhood. Each of the criteria for a variance as found in LCMC 17.77.140 are set out in **bold** below, followed by a discussion of each.

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.

The extraordinary circumstance here is the fact that with a street side setback of 10 feet, the newly-constructed house on the property does not meet the street side setback requirement. LCMC 17.17.070.F. says:

The minimum street side yard shall be 20 feet, except that it may be one foot less for each two feet of front yard setback over the minimum, but not to less than 10 feet.

The situation came about as a result of a cascade of mistakes on the part of the city. Before purchasing the property, on November 17th, I called and talked to James White in the planning department in a 13 minute phone call. Among the matters I spoke with him about, we specifically talked about setbacks. At that time he told me that the street side setback was 10 feet. I spoke with him again when I was developing the house plans for this lot and the adjacent one on Dec 1st during a 4 minute and 50 second call, and at that time he reaffirmed the 10-foot setback. I had a third conversation with him as I was finalizing the plans. In these calls I asked specifically about setbacks, lot coverage, deck heights, and if there was anything I needed to know in regard to building in Lincoln City and by the ocean and on these lots. I have not built anything here before and was unfamiliar with local codes and anything that may be specific to where I'm planning to build. I was given information about high wind areas, using stainless steel and aluminum because of the salt air. Except for the misinformation about the street side setback he was very helpful and informative. I had no reason to believe he was not providing accurate information.

When I completed the building plans I applied for a building permit. Among the reviews that the city performed on the building plans was a review by the planning department. As a part of the planning department review the reviewer, David Mattison, checked the setbacks, including the street side setback. The plans showed clearly that the proposed setback was 10 feet. The reviewer approved the plans as I submitted them with the 10-foot setback.

After all the reviews were completed, the city issued a building permit and I began construction. One of the first steps in building a house is to put in the forms into which the

concrete for the foundations and footings will be poured. When the forms were in place, as required I called the city for an inspection. One of the primary purposes of this inspection is to ensure that the house is being placed properly on the lot in accordance with the approved plans and that the required setbacks are met. The planning department's inspector, David Mattison, approved everything and the forms passed inspection. I then went ahead and poured the footings and built the house. At the point where there was only touch up painting and the like left to complete I was ready for a final inspection. At this point, Anne Marie Skinner called me and told me I had a problem because the house was built too close to the street side property line. This was a shock to me as I had asked specifically about setbacks, had passed the building plans review (including setbacks), and had passed the field inspection (also including setbacks). As a consequence I have a completed house that is not allowed to be occupied, and I am asking for a variance.



The completed house, view looking northeast from Logan Road. NE 66th Street to the right.

At this point it is important to understand how much of variance I am seeking. As shown above, LCMC 17.17.070.F. allows the street side yard to be reduced by as much as 10 feet if the actual front setback is greater than what is required. Another code provision makes the required front setback for properties fronting on Logan Road equal to the average setback of buildings on all lots within 100 feet of the lot on which the proposed building is to be located and that abut Logan Road. According to the Planning & Community Development Director, this average is 12.77 feet. So the required front setback is 12.77 feet.

The front face of my house is set back 34 feet from the front property line. But the front deck sets back at about 25 feet, and the stairs to the front door entrance are set back 20 feet. Using the stairs' setback of 20 feet, the house is set back 7.23 feet more than is required. Because LCMC 17.17.070.F. allows the street side setback to be reduced by one foot for each two feet of front yard setback over the minimum, the actual required street side setback is 16.38 feet ($20 - [7.23/2]$). So the actual variance I am seeking is 6.38 feet.

As a side note, it is important to understand that this is not a case of claiming that because of the city's repeated mistakes, the city is estopped from applying the ordinance's setback requirement. Instead, this is a case where, yes, the setback requirement applies, but because of the extraordinary circumstance resulting from the city's mistakes – the completed house that does not fully meet the setback requirements – the ordinance's variance provisions allow me the necessary relief.

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 involved here is the right to build and occupy a detached dwelling on the property. The property is zoned R-1-RE and in this zone a detached dwelling is an outright permitted use. This right to build and occupy a house is shared in common with all other properties in the R-1-RE zone. In this case, the house has been built but cannot be occupied because the final inspection revealed that it does not meet the setback requirement. The variance is needed so that the house may be occupied.

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.

LCMC 17.04.020 sets out the purposes of Title 17. In relevant part, the purposes include promoting sound development, protecting and enhancing real property values, avoiding development that is detrimental to the stability and livability of the city, and safeguarding and enhancing the appearance of the city through effective land use, architectural design, and site planning. This variance is not detrimental to any of these purposes. The house, as built and as shown in the photo, is attractively designed and is a positive addition to the appearance of the city.

Reducing the street side setback by 6.38 feet, to 10 feet, does not materially affect any of the property in the zone or vicinity. In terms of views, it still leaves, next to NE 66th Street's 50-foot right-of-way, a 10-foot setback for views to the west from houses up hill to the east. This setback of 10 feet is greater than what is required in any other zone in Lincoln City. In every other single-family residential zone in Lincoln City the required street side setback is five feet for a one-story dwelling and 7.5 feet for more than one story. This includes the R-1-5 zone, R-1-7.5 zone, the R-1-10 zone, the RR zone, the VR zone, the NCR zone, and, for single-unit dwellings, the NBMU zone. In the RM zone, to the extent

single-unit residences are allowed, the required street side setback is the same: five feet and 7.5 feet. In the OPD zone, there is no street side setback requirement, except for oceanfront dwellings, where the required setback is 10 feet – exactly what is sought here. In the TVC zone, there is no setback requirement at all, except that there is a 10-foot maximum setback.

The 20-foot street side setback requirement in the R-1-RE zone did not originate in Lincoln City. It is a hold-over from the old Lincoln County R-1A zone that was in effect in Roads End at the time of its annexation into the city. There is nothing unique about the street side situation in Roads End, other than this legacy standard, compared to the rest of the city, and the rest of the city has seen fit to apply the 5/7.5-foot standard without ill effect. And even in Roads End, the street side setback, under certain circumstances as described above, is allowed to be reduced to 10 feet, which is exactly what is being sought here.

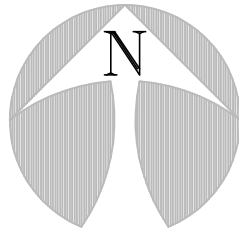
4. The variance requested is the minimum variance which would alleviate the hardship.

The hardship in this case is the inability to provide the required 16.38-foot -minimum setback from the side (south) property line to the side of the existing house. The house was built with a ten-foot setback in accordance with the approved plans and inspections. The alternative is to remove over six feet of the completed house, which would be extremely costly and which would destroy the habitability of the remaining structure. The minimum necessary to alleviate this hardship is varying the street-side setback from 16.38 feet to 10 feet. The house has been built and completed and is ready for an occupancy permit. The variance requested is exactly what is required – no more and no less – to allow the house to be occupied in accordance with the approved plans.

CONTRACTOR/OWNER

3 G'S CONSTRUCTION
(503)-871-8434
PO BOX 85 SALEM OR 97308
map 06-11-34-AA-03200
LOT SF 4,500
HOUSE AND STRUCTURE SF 1540
IMERVIOUS STRUCTURES SF 1880
FRONT YARD 1020 SF

SITE PLAN



1"=20'

SUBDIVISION: _____ LOT: ____ BLK: ____
NAME: 3 G'S CONSTRUCTION PH. # 503-871-8434
ADDRESS: _____ CDA: _____
ASBUILT # _____ MAP # _____
STORM DRAINAGE: _____
WATER SERVICE LEVEL: _____ CODE: ____ PS: ____
SIDEWALK: _____

APPROVAL STAMPS



Additional engineering plans required for public improvements - deferred submittal required for review prior to final



Reviewed for Code Compliance
Approved by: Brandon Zipser
Permit #: **541-21-000119-STR**
Date: **04/15/2021**
Reviewed for Lincoln City

See attached Building Department Checklist.
Numbered items on plans reference code requirements and corresponding code sections.

① ② ③ ④

See Engineering "S" Pages

541-21-000119-STR

RECEIVED
03/25/2021
PLANNING

541-21-000119-STR
Approved plans shall be on site and accessible at inspection.

**SITE PLAN
APPROVED**
SUBJECT TO NOTATIONS
03/25/2021
David Mattison
PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

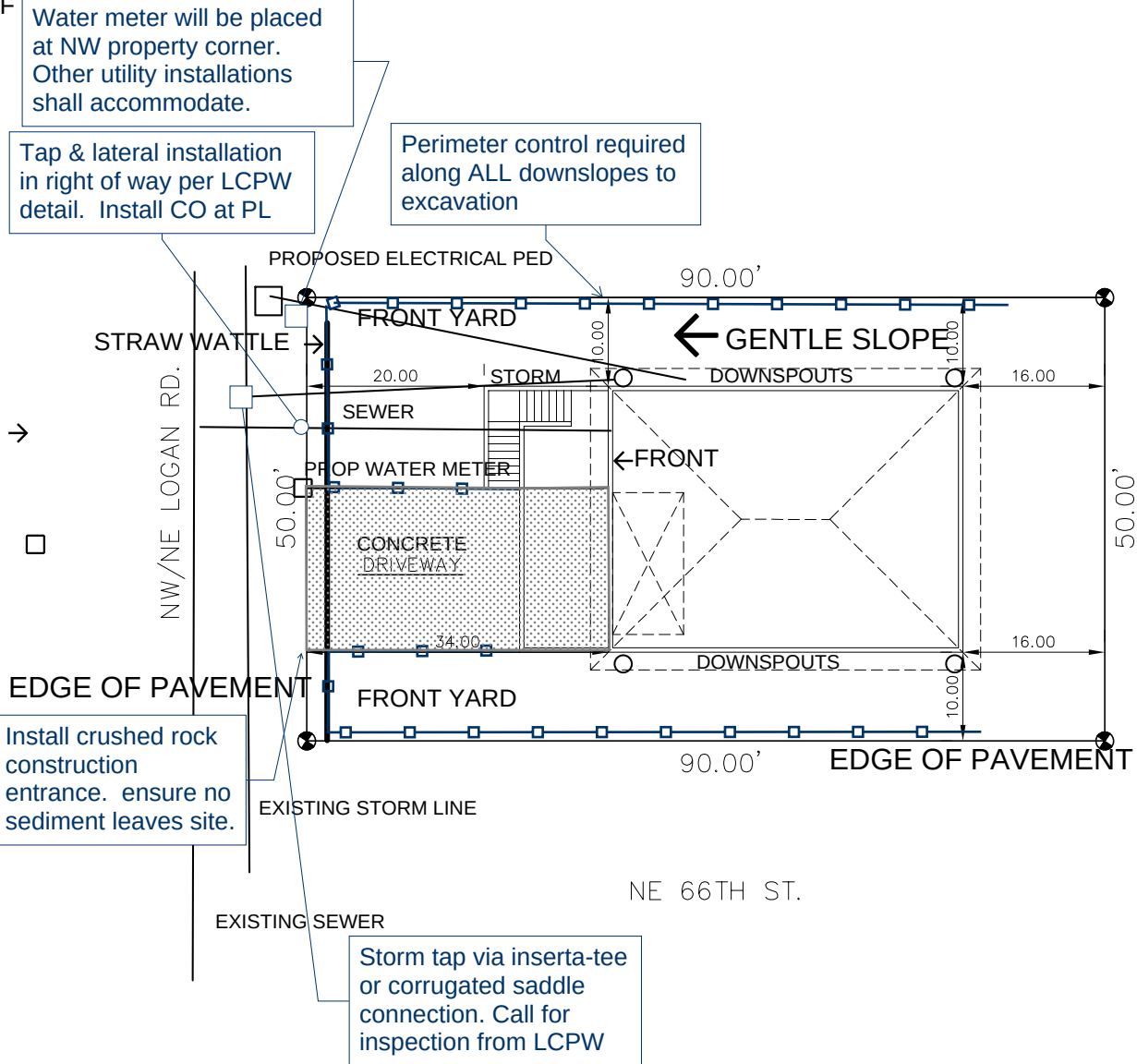
**ANY DECKS, PORCHES, BAYS,
CANTILEVERS OR OTHER FEATURES NOT
SHOWN ON THE SITE PLAN ARE NOT
APPROVED. EVEN IF SHOWN ON THE
BUILDING PLANS.**

- ☒ Residential Landscape Plan Required
- ☒ Driveway must be asphalt/concrete/pavers
- ☒ ALL utilities must underground (Includes cable, phone, & electric)

WARNING

You must follow these plans exactly as you submitted them and as approved. If you want to make ANY changes they must be approved by Both the building inspector AND the Planning Department. Approval by the building inspector alone is not enough. You might end up violating the setback or height requirements of the zoning ordinance. If that happens you will have to **FIX THE PROBLEM AT YOUR OWN COST** before we will issue a Certificate of Occupancy. It is possible the only way to fix the problem will be to **DEMOLISH** some or all of the structure.

THERE WILL BE NO EXCEPTIONS!



LCPW NOTES:
CALL 541-996-1013 OR 541-996-1238 FOR INSPECTIONS, QUESTIONS OR REMARKS.

ROW IMPROVEMENTS: FULL ENGINEER PLANS SHALL BE SUBMITTED FOR APPROVAL IN ACCORDANCE WITH THE REQUIREMENTS OF 17.52.230. IMPROVEMENTS SHALL BE COMPLETED, INSPECTED, AND APPROVED BY LCPW PRIOR TO FINAL APPROVAL AND ISSUANCE OF BUILDING COA. DEFERRED SUBMITTAL AT OWNER'S REQUEST AND FULL LIABILITY

**E&SC- NO SEDIMENT DUE TO CONSTRUCTION TO LEAVE SITE. CITY WILL DELIVER STRAW WATTLES UPON REQUEST, AFTER FEES HAVE BEEN PAID.
-INSTALL EROSION & SEDIMENT CONTROL (E&SC) AS SHOWN OR NECESSARY BEFORE ANY CONSTRUCTION ACTIVITY BEGINS.**

WATER- WATER METER WILL BE INSTALLED WITHIN 30 DAYS OF APPROVED EROSION CONTROL INSPECTION. CALL FOR COORDINATION IF REQUESTING ALTERNATIVE.

SEWER- INSTALL TO FOLLOW ALL LCPW DETAILS. CALL FOR INSPECTION BEFORE COVERING. USE FITTING SUITABLE FOR TRAFFIC IF PLACED IN DRIVEWAY.

STREETS- ANY STREET CUTS TO BE PATCHED WITH HOT OR WARM MIX ASPHALT CEMENTS. SEE STANDARD DETAIL FOR PATCH SPECIFICATIONS.

GRADING - NO GRADING PLAN SHOWN FOR APPROVAL. ALL GRADING TO BE COMPLETED ACCORDING TO LCPW STANDARDS AND LCMC. INQUIRE FOR QUESTIONS REGARDING GRADING APPROVAL PRIOR TO COMPLETION OF WORK.

- * CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD*
- * ALL UTILITY LOCATIONS ARE TO BE DETERMINED BY CONTRACTOR.*
- * ALL PROPERTY ELEVATIONS ARE TO BE DETERMINED BY CONTRACTOR.*

Setbacks to property lines shall be marked at the footing inspection. The contractor of record is responsible for establishing the correct property markers and setbacks.

JOB SITE MUST BE POSTED WITH ADDRESS & PERMIT NUMBER VISIBLE FROM THE STREET
THE APPROVED PLANS MUST BE KEPT ON THE JOB SITE IN SUCH A WAY THAT THEY ARE EASILY LOCATED & PROTECTED FROM WATER AND OTHER DAMAGE.

SITE PLAN
6600 LOGAN RD.
LINCOLN CITY, OREGON
SCALE: 1" = 20.00'

PRESCRIPTIVE ENERGY CODE

NOTICE
ALL FEDERAL, STATE, AND LOCAL CODES, ORDINANCES, REGULATIONS ECT. SHALL BE CONSIDERED AS PART OF SPECIFICATIONS FOR THIS BUILDING AND SHALL TAKE PREFERENCE OVER ANYTHING SHOWN, DESCRIBED, OR IMPLIED IN THESE BUILDING PLANS. COORDINATE ALL APPLICABLE MODIFICATIONS TO THESE DRAWINGS AS REQUIRED.

NOTE:
DESIGNER IS NOT AN ARCHITECT OR ENGINEER AND ASSUMES NO LIABILITY FOR THE PLANS IN PART OR WHOLE AND/OR THE CONSTRUCTION OF THE WORK CONTAINED HERE IN. A QUALIFIED PROFESSIONAL SHOULD REVIEW PLANS FOR ERRORS AND OMISSIONS. THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A QUALIFIED CONSTRUCTION PROFESSIONAL. THESE PLANS ARE INTENDED TO BE GUIDELINES FOR CONSTRUCTION THE CONTRACTOR RESERVES THE RIGHT TO MAKE SUCH MINOR DEVIATIONS AS DEEMED NECESSARY AS LONG AS SUCH DEVIATIONS PROMOTE THE OVERALL EFFICACY AND AESTHETICS OF THE PLAN CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. DESIGNER MUST BE NOTIFIED OF ANY DISCREPANCIES OR VARIATIONS OF AND FROM THESE DRAWINGS PRIOR TO WORK ON THE JOB.

See energy form and floor plan notes for required energy code requirements.

- ENVELOPE ENHANCEMENT MEASURE:
OPTION#2: UPGRADED FEATURES
- CONSERVATION MEASURE:
OPTION A: HIGH EFFICIENCY HVAC SYSTEM
- HOUSE WRAP:
WEATHERSMART

INSTALLATION OF SIDING, HOUSE WRAP, AND WINDOWS TO BE PER CODE REQUIREMENTS AND MANUFACTURER'S INSTALLATION INSTRUCTIONS.

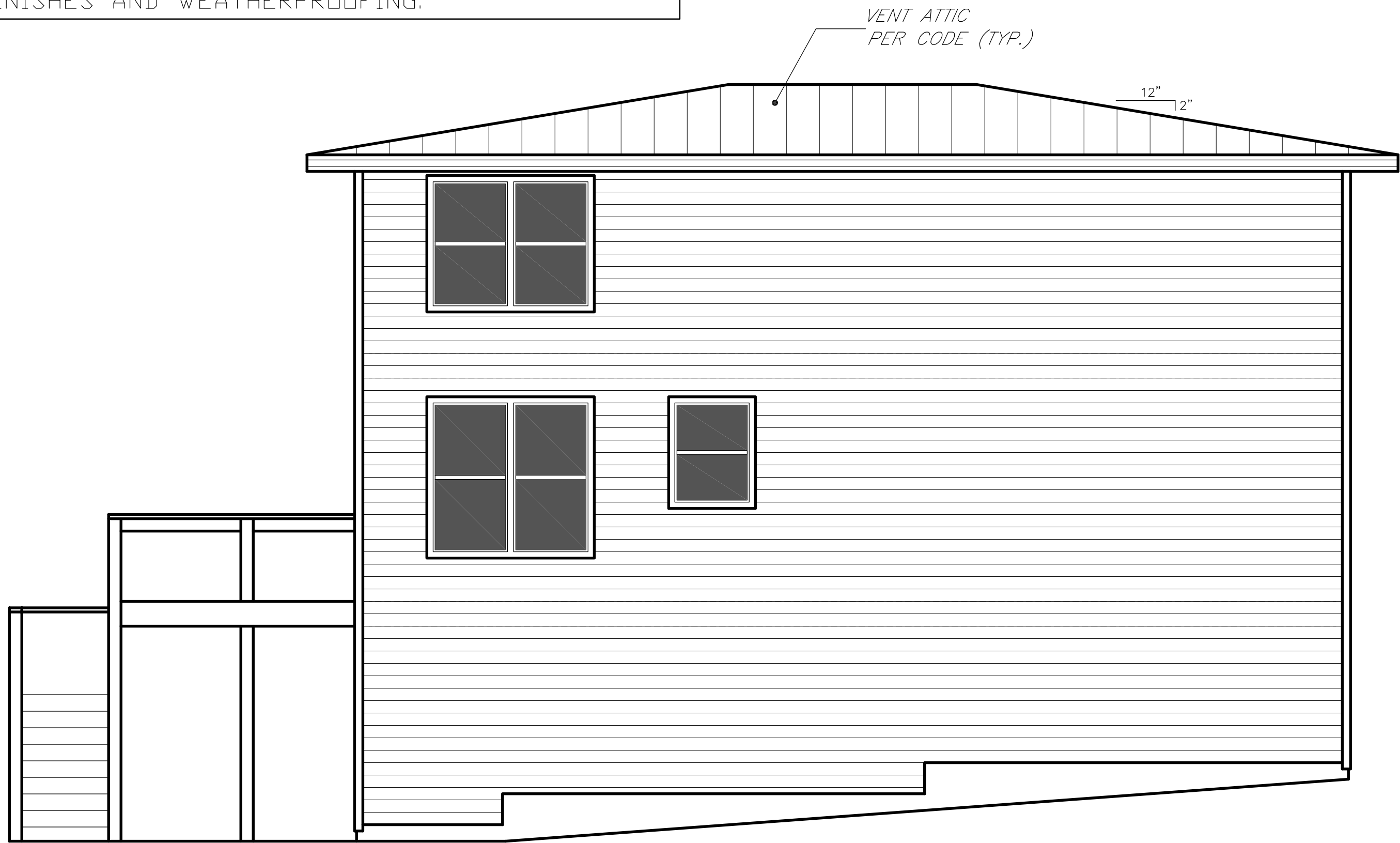
THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR THE CORRECT INSTALLATION OF ALL EXTERIOR FINISHES AND WEATHERPROOFING.



LEFT ELEVATION SCALE: 1/4" = 1'-0"



FRONT ELEVATION SCALE: 1/4" = 1'-0"

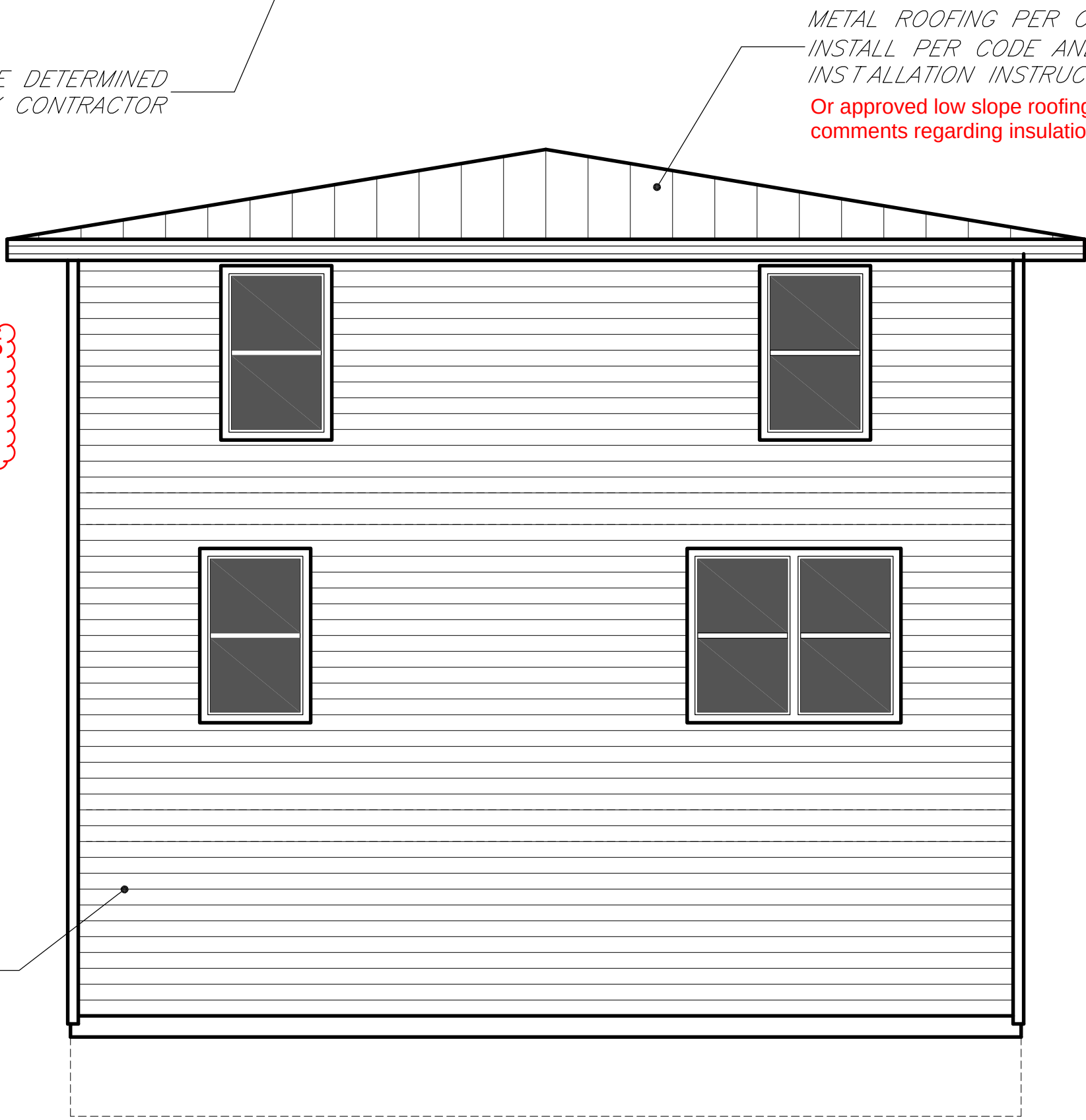


RIGHT ELEVATION SCALE: 1/4" = 1'-0"

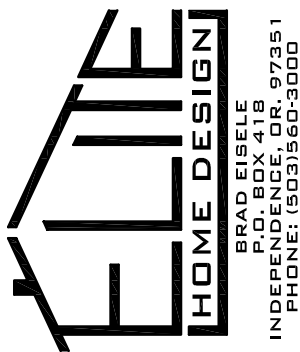
All roofing and siding materials must be rated for 105 MPH wind. Corrosion resistant fasteners required (Highly recommend stainless steel). Eave, rake and kick out flashings required. Head flashings required above all projecting horizontal trim.

ELEVATIONS ARE ARTISTIC RENDERINGS ONLY

HARDI PLANK SIDING OVER APPROVED HOUSE WRAP. INSTALL SIDING/HOUSE WRAP AND WINDOWS PER CODE & MANUFACTURER'S INSTALLATION INSTRUCTIONS



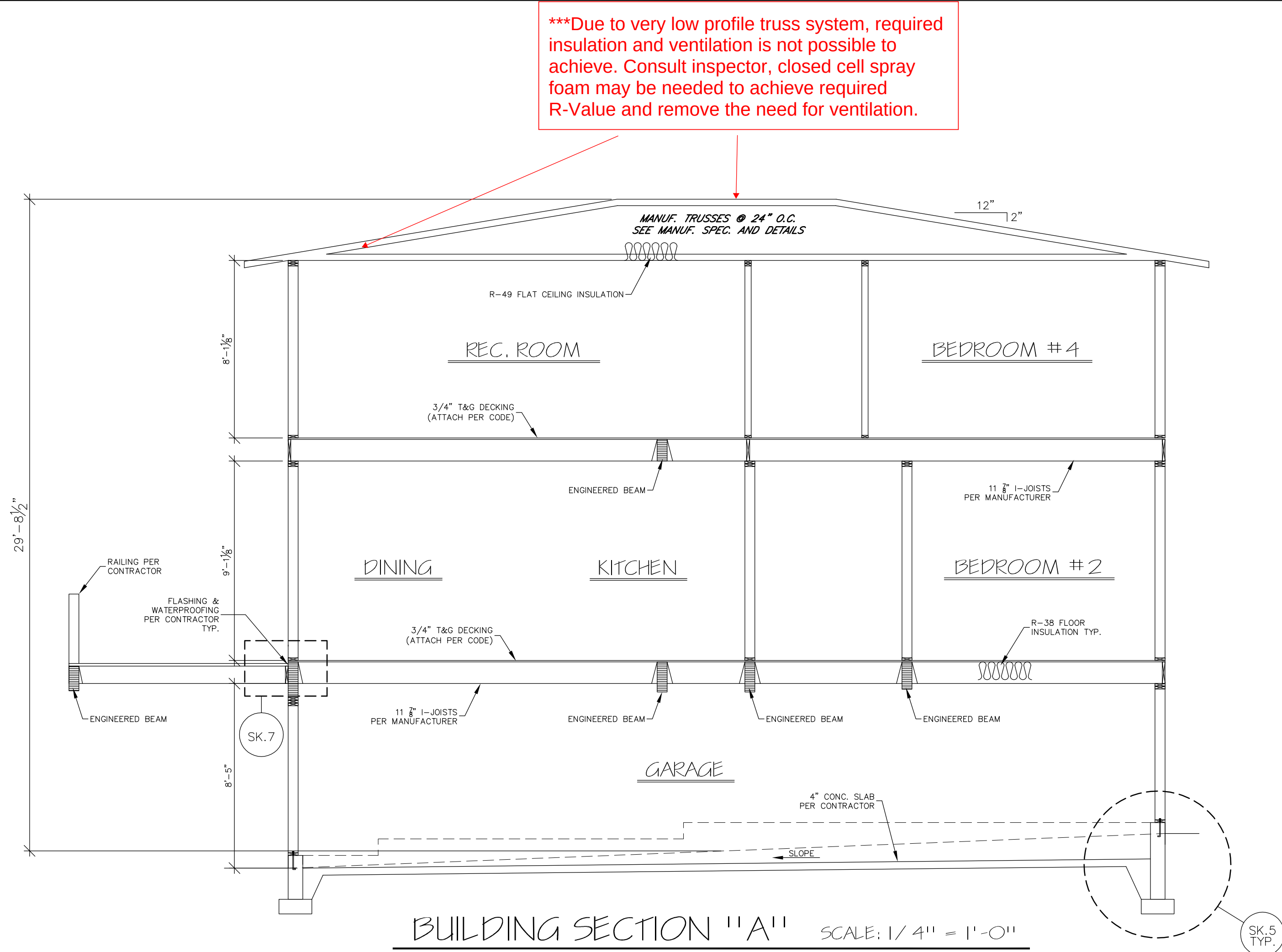
REAR ELEVATION SCALE: 1/4" = 1'-0"

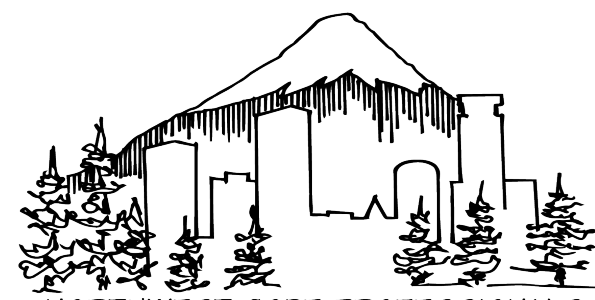


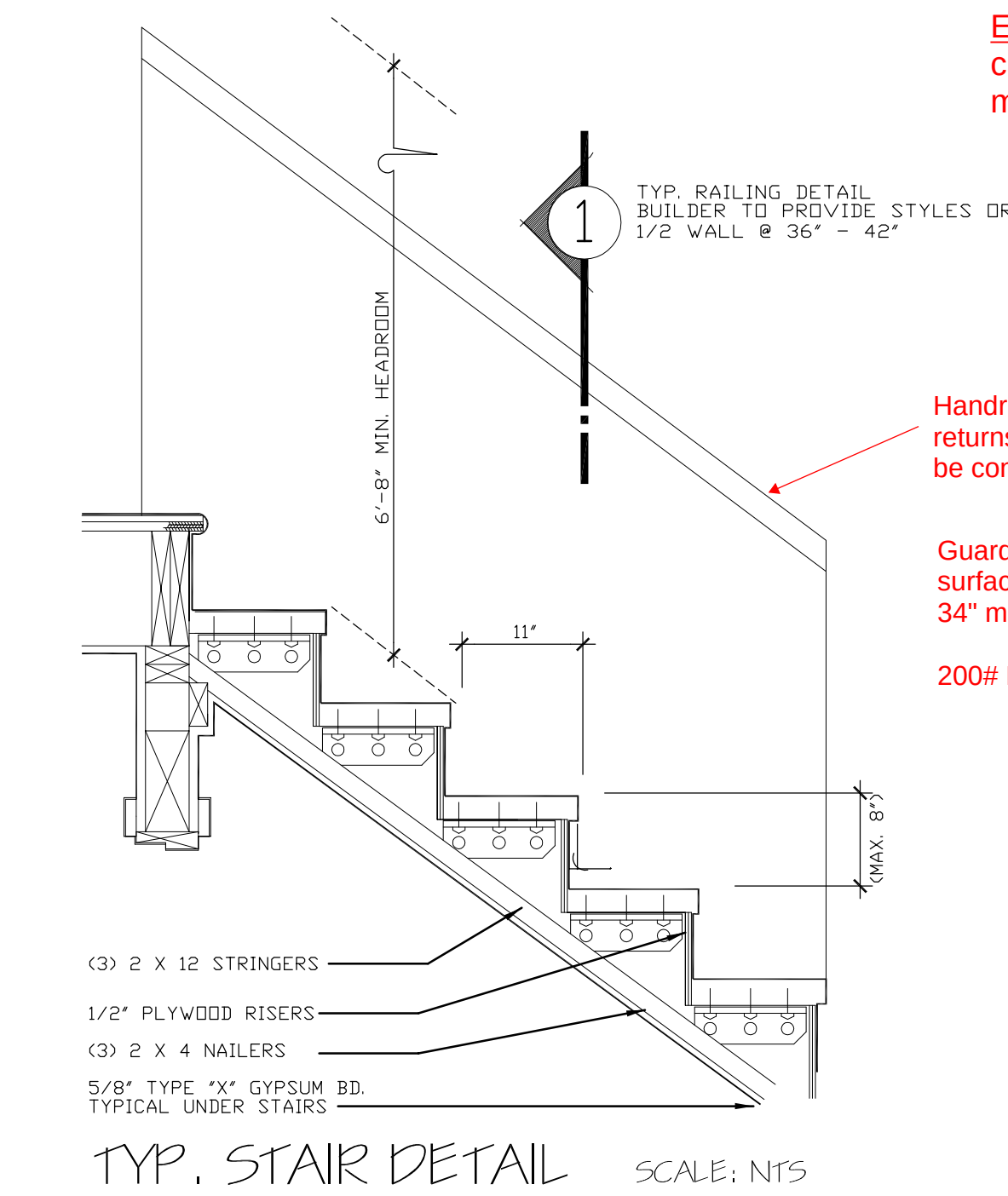
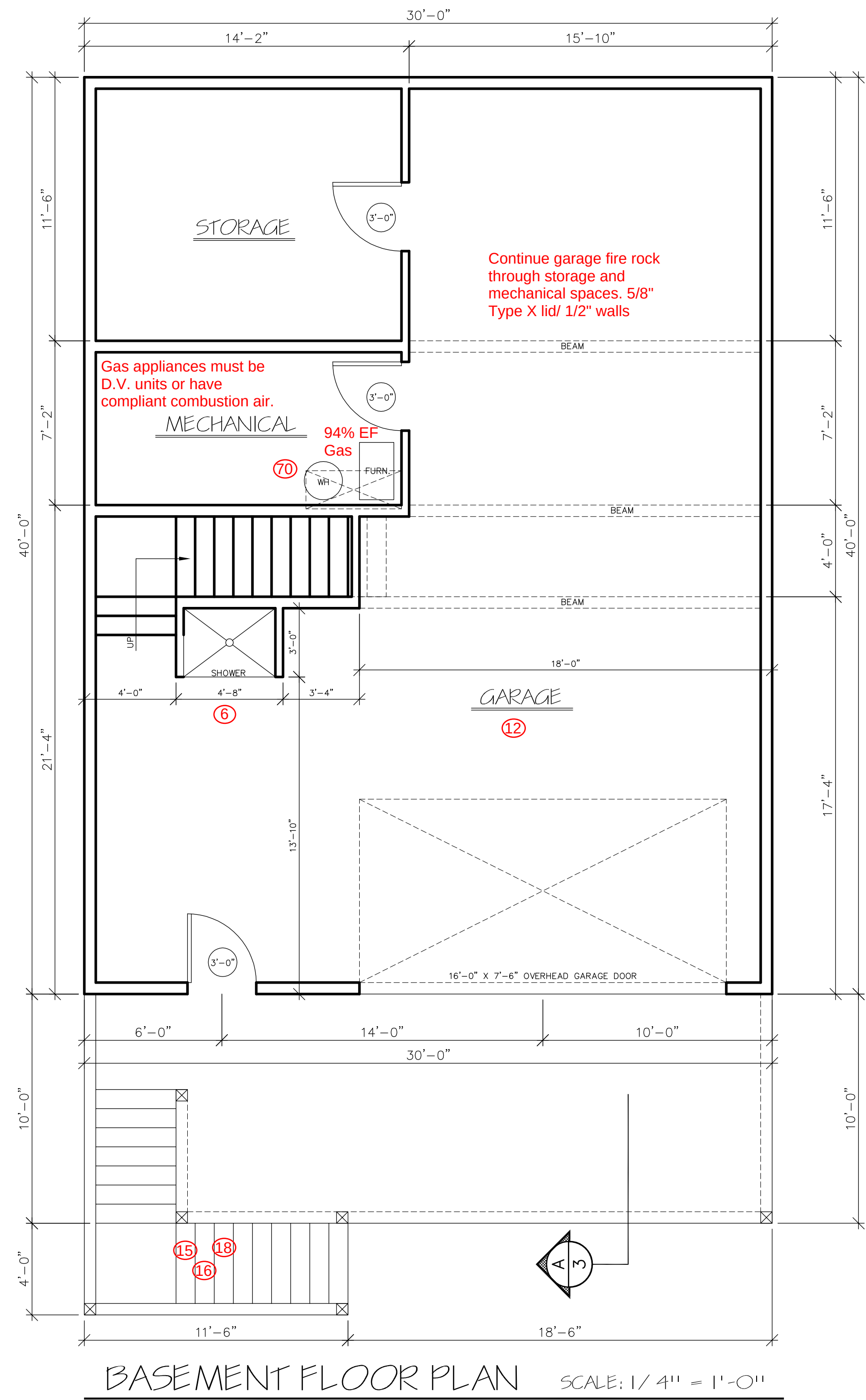
2400 PLAN
6600 LOGAN RD.
LINCOLN CITY, OREGON

CONTRACTOR: 3 G'S CONST.
(503) 871-8434

DATE:	03-07-21
SCALE:	1/4" = 1'-0"
DRAWN:	BRAD EISELE
JOB:	
SHEET:	1
OF	6 SHEETS




NORTHWEST CODE PROFESSIONALS
Reviewed for Code Compliance
Approved by: Brandon Zipser
Permit #: 541-21-000119-STR
Date: 04/15/2021
Reviewed for Lincoln City



Handrail= 30-38" & must have returns. 1.5" clear from wall. Must be continuous for entire flight.

Guardrails= 36" min at flat surfaces.
34" min in stair flights.

200# Lateral load design.

See attached Building Department Checklist.
Numbered items on plans reference code requirements and corresponding code sections.

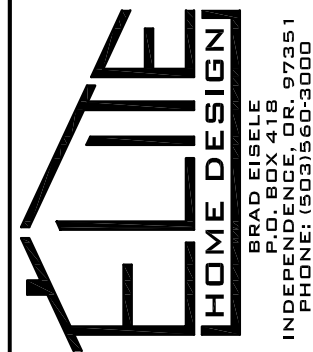
NOTICE
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ENVELOPE ENHANCEMENT MEASURE:
OPTION#2: UPGRADED FEATURES
EXTERIOR WALLS-U-0.057/R-23 INTERMEDIATE R-21 ADVANCED
FRAMED FLOORS-U-0.026/R-38
WINDOWS-U-0.28 (AVERAGE UA)

THIS DESIGNER IS NOT AN ARCHITECT OR ENGINEER AND ASSUMES NO LIABILITY FOR THE PLANS IN PART OR WHOLE AND/OR THE CONSTRUCTION OF THE WORK CONTAINED HERE IN. A QUALIFIED PROFESSIONAL SHOULD REVIEW PLANS FOR ERRORS AND OMISSIONS.

See Engineering "S" Pages

Engineer notes and requirements have been transferred to the plans.



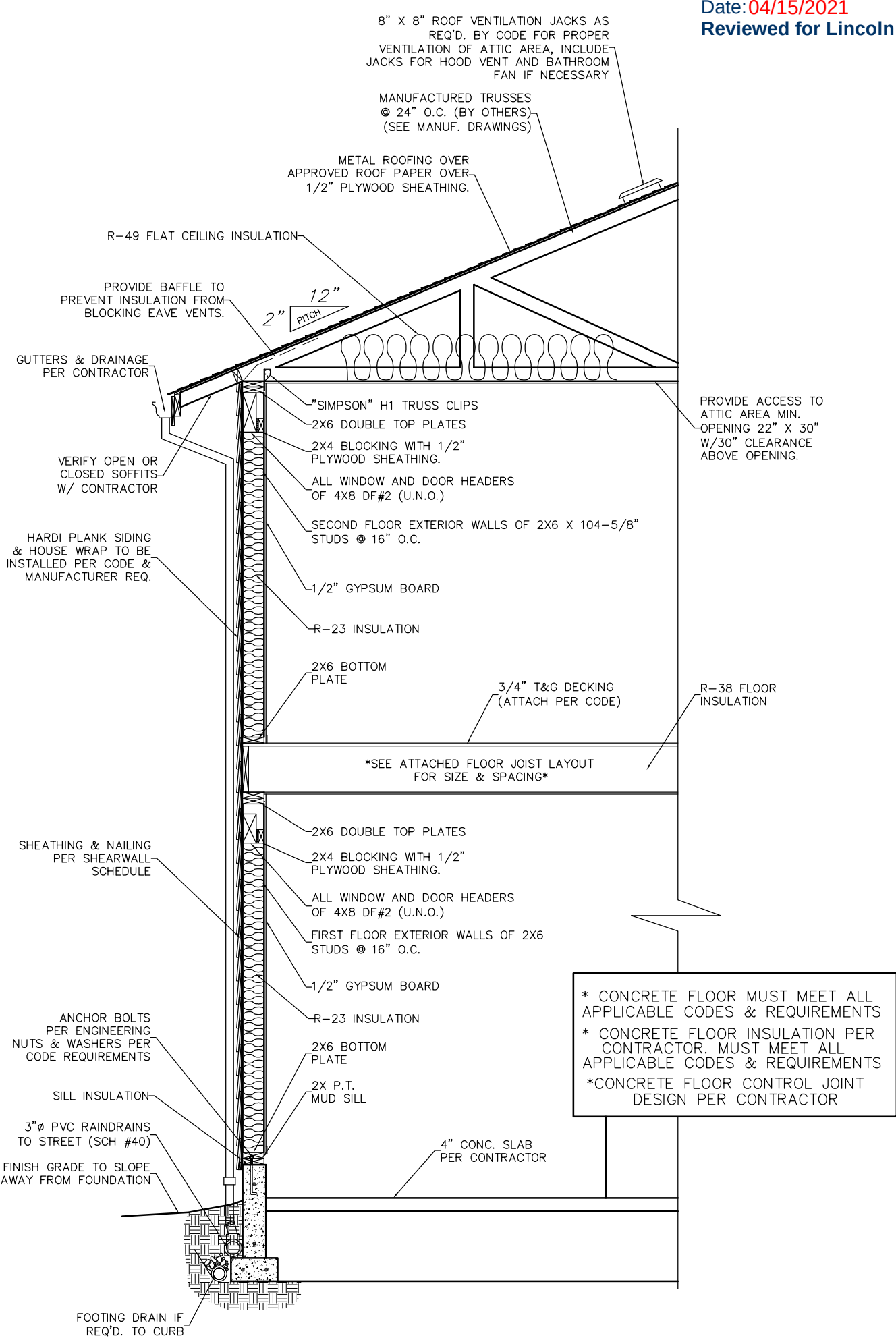
2400 PLAN
6600 LOGAN RD.
LINCOLN CITY, OREGON

CONTRACTOR: 3 G'S CONST.
(503) 871-8434

DATE:	03-07-21
SCALE:	1/4" = 1'-0"
DRAWN:	BRAD EISELE
JOB:	
SHEET:	3
OF	6 SHEETS



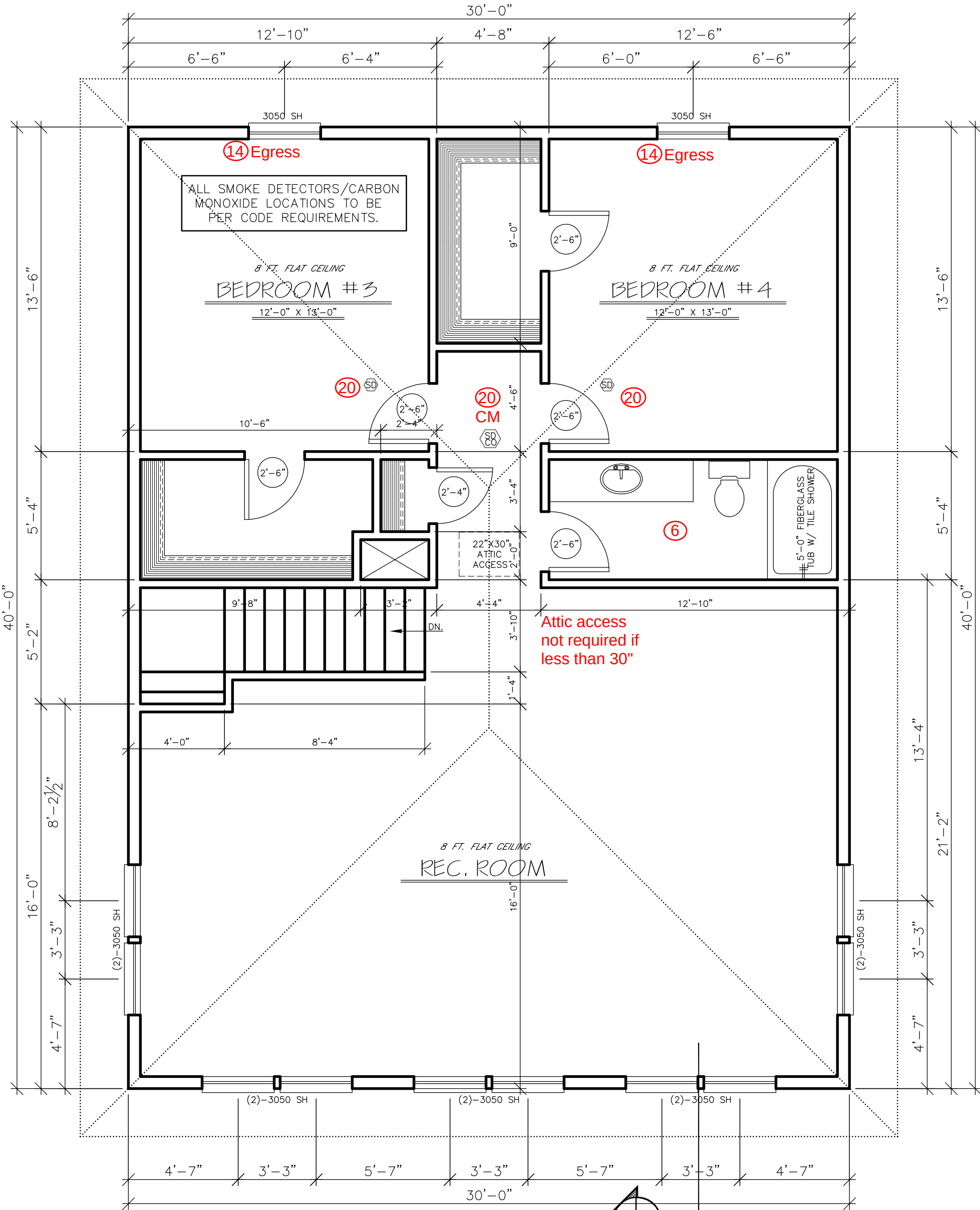
Reviewed for Code Compliance
Approved by: Brandon Zipser
Permit #: 541-21-000119-STR
Date: 04/15/2021
Reviewed for Lincoln City



TYPICAL WALL SECTION

SCALE: N.T.S.

Any opening window with a sill less than 24" to the floor, and that has a greater then a 72 inch drop outside must have have fall protection per R312.2

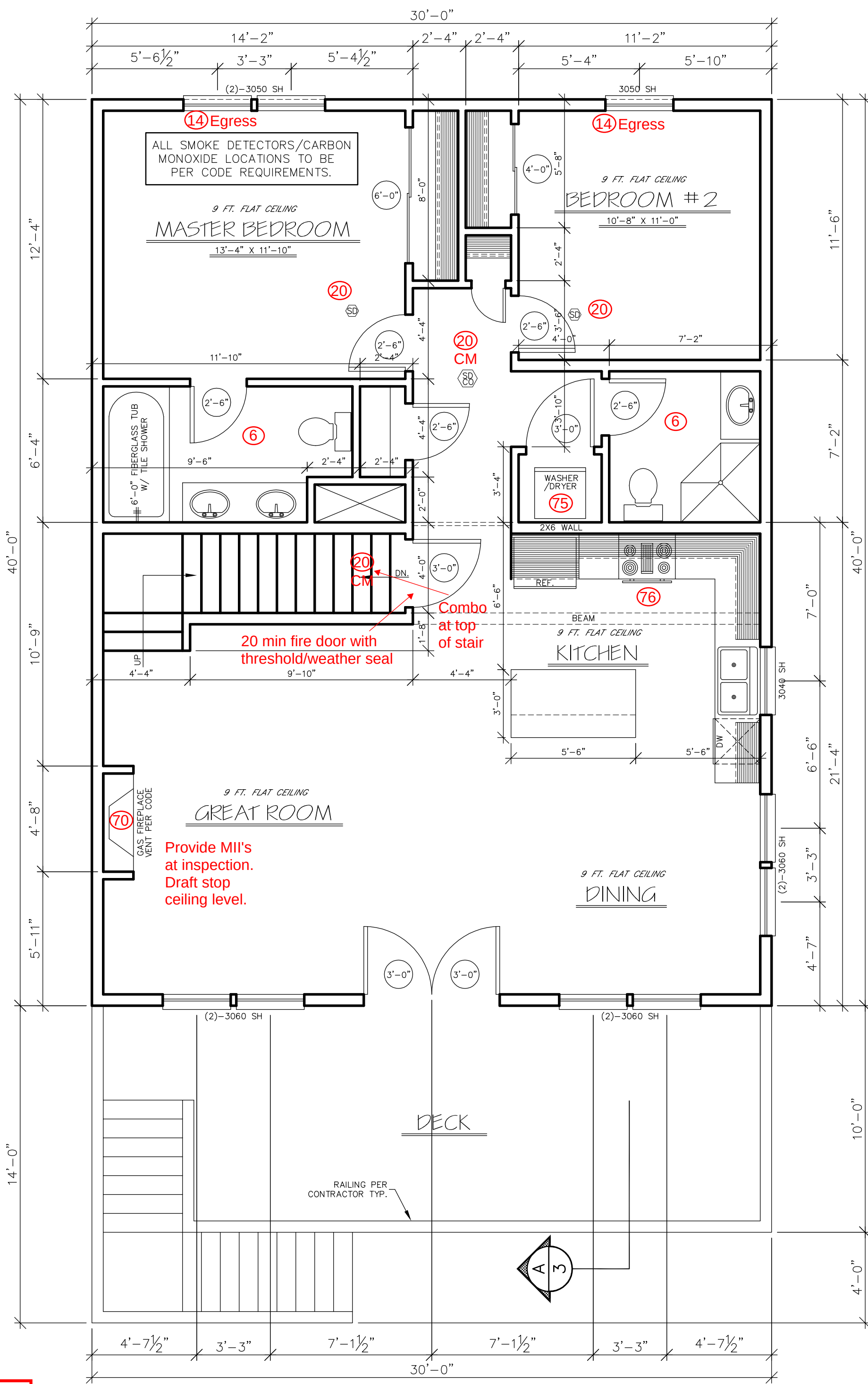


UPPER FLOOR PLAN

SCALE: 1/4" = 1'-0"

MAIN FLOOR	1200 SQ. FT.
SECOND FLOOR	1200 SQ. FT.
TOTAL LIVING	2400 SQ. FT.
LOWER FLOOR/GARAGE	1200 SQ. FT.

See attached Building Department Checklist.
Numbered items on plans reference code requirements and corresponding code sections.



MAIN FLOOR PLAN

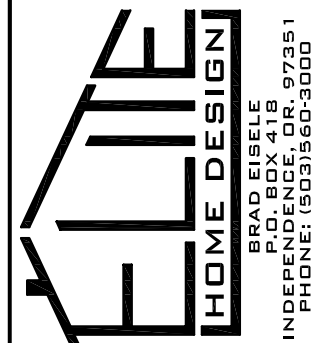
SCALE: 1/4" = 1'-0"

ROOF VENTILATION PER SECTION R806
THE MINIMUM NET FREE VENTILATING AREA
SHALL BE 1/150 OF THE AREA OF THE VENTED SPACE.
VENT LOCATIONS TO BE DETERMINED BY CONTRACTOR
IN FIELD AND BE INSTALLED PER CODE REQUIREMENTS.

NOTICE
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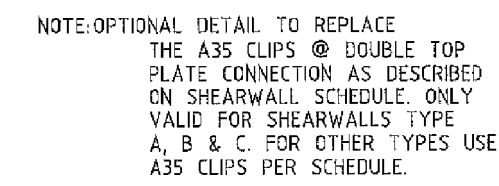
ENVELOPE ENHANCEMENT MEASURE:
OPTION#2: UPGRADED FEATURES
EXTERIOR WALLS—U—0.057/R-23 INTERMEDIATE R-21 ADVANCED
FRAMED FLOORS—U—0.026/R-38
WINDOWS—U—0.28 (AVERAGE UA)



2400 PLAN
6600 LOGAN RD.
LINCOLN CITY, OREGON

CONTRACTOR: 3 G'S CONST.
(503) 871-8434

DATE:	03-07-21
SCALE:	1/4" = 1'-0"
DRAWN:	BRAD EISELE
JOB:	
SHEET:	2
OF	6 SHEETS


$$\frac{3}{4}'' = 1' - 0''$$


 FILE No: 210105 SHEET No: SK-6
 MADE BY: JWL DATE: 2/17/21
 CLIENT: G S'S CONSTRUCTION
 PROJECT: 6600 LOGAN ROAD RESIDENCE

NOTE: FLASHING AND WATER
PROOFING PER CONTRACTOR



	FILE No:	210105	SHEET No:	SK- 7
	MADE BY:	JWL	DATE:	2/17/21
	CLIENT:	3 G'S CONSTRUCTION		
	PROJECT:	6600 LOGAN ROAD RESIDENCE		

Job # 210105
Project: 6600 Logan Road Residence

Date: 2/17/2021
Designer: JWL

Sheet # T.1
Client: 3 G's Construction

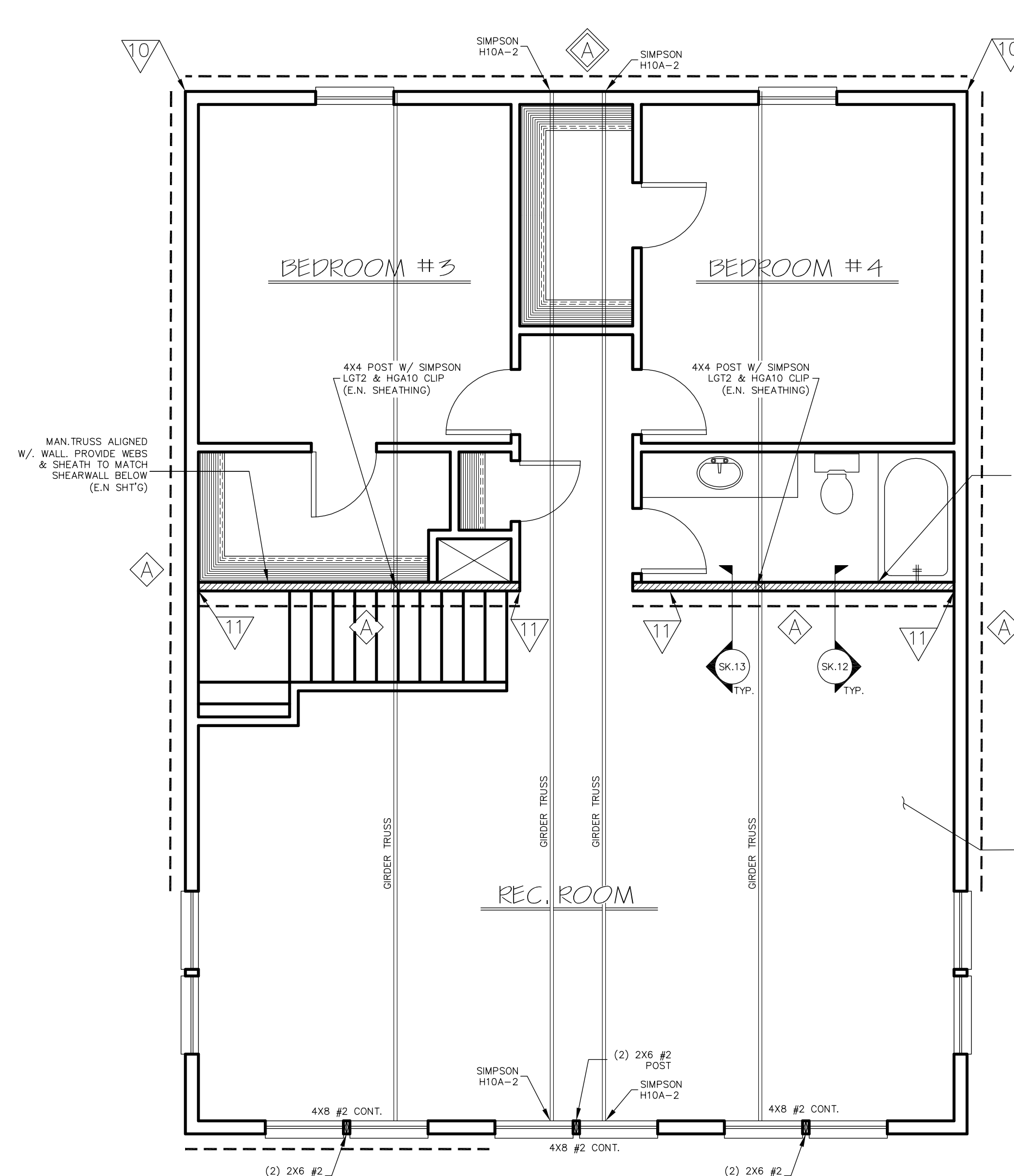
SHEAR WALL CONSTRUCTION SCHEDULE ^{1,2,3,4,5,7,9}

(NOT ALL WALL TYPES SHOWN MAY BE USED ON PROJECT)

Sill Plate Connection (A,B.)										
Wall Type	Structural Panel Sheathing	Edge Nailing ⁴	Field Nailing	Remarks	A 35 Clip Double Top Plate Conn. ⁵	1/2" Dia. X 10" Long	5/8" Dia x 10" Long	Sole Plate Connection	Shear Value (plf) Seismic	Shear Value (plf) Wind
A	7/16" OSB or 15/32" Plywood	0.131" Dia x 2.5" Nails @ 8" O.C.	0.131" Dia x 2.5" Nails @ 12" O.C.	-	24" O.C.	2'-8" O.C. ¹⁰	4'-0" O.C. ¹⁰	16d Nails @ 8" O.C.	260	344
B	7/16" OSB or 15/32" Plywood	0.131" Dia x 2.5" Nails @ 4" O.C.	0.131" Dia x 2.5" Nails @ 12" O.C.		16" O.C.	1'-4" O.C. ¹⁰	2'-8" O.C. ¹⁰	16d Nails @ 4 1/2" O.C.	380	515
C	7/16" OSB or 15/32" Plywood ¹¹	0.131" Dia x 2.5" Nails @ 3" O.C.	0.131" Dia x 2.5" Nails @ 12" O.C.		12" O.C.	1'-4" O.C. ¹⁰	2'-0" O.C. ¹⁰	16d Nails @ 3 1/2" O.C.	490	685
D	15/32" Plywood ¹²	0.148" Dia x 3" Nails @ 3" O.C.	0.148" Dia x 3" Nails @ 12" O.C.		9" O.C.	N/A	1'-4" O.C. ¹⁰	(2) Rows 16d Nails @ 6" O.C.	600	840
E	15/32" Plywood ¹³	0.148" Dia x 3" Nails @ 2" O.C.	0.148" Dia x 3" Nails @ 12" O.C.		8" O.C.	N/A	1'-4" O.C. ¹⁰	(2) Rows 16d Nails @ 4" O.C.	870	1218

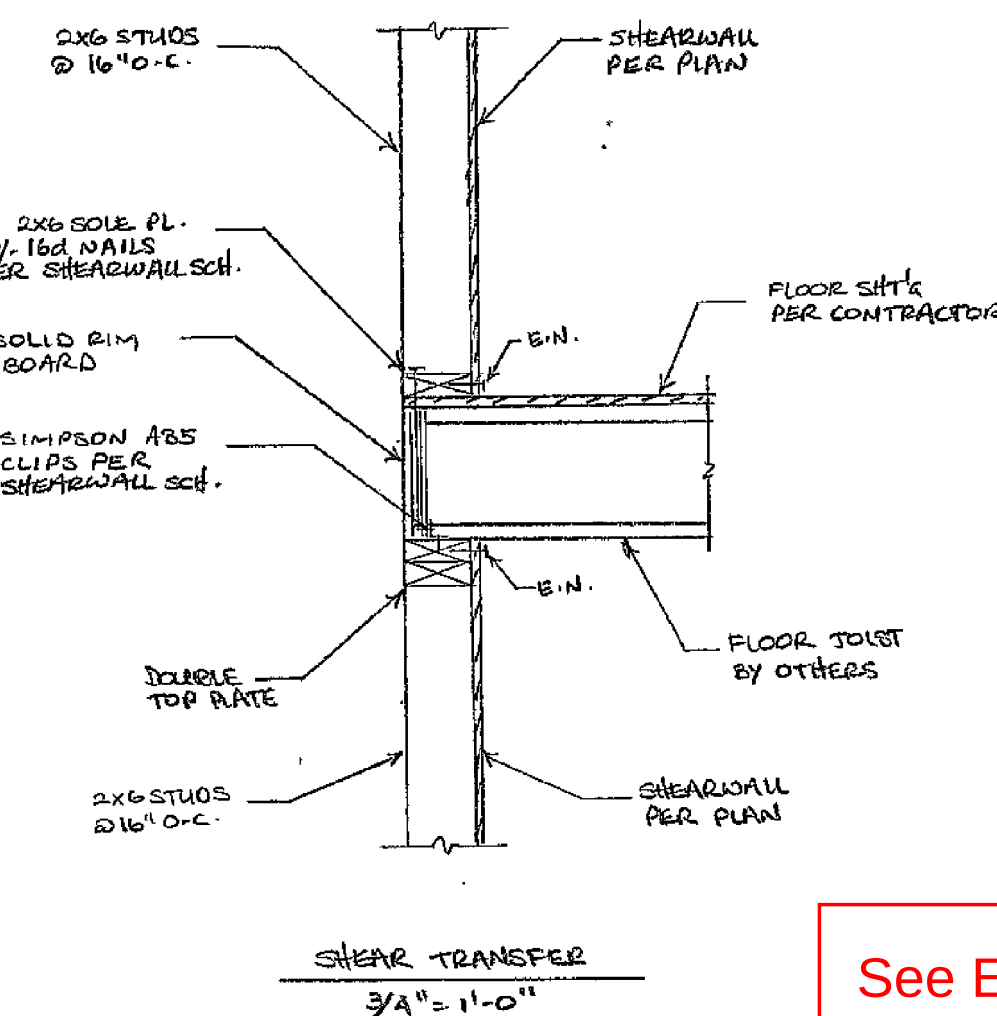
Notes:

- Block all edges of sheathing, U.O.N.
- Do not break sheathing skin by over driving nails.
- Pre-drill as required to avoid splitting, etc.
- Nails should be located 3/8" clear of panel edges.
- Use Simpson A35 clips to attach blocking or gable to top plate
At roof line use Simpson H-1 clips in place of the A35 clips at each truss (U.O.N.)
- Values of other standard construction fasteners will require spacing adjustments and must be approved by the engineer-of-record.
- Use hot dipped galvanized nails at all exterior applications.
- C-D, C-C sheathing, plywood panel siding, and other grades covered in APA Plywood Design Specification.
- Sheathing face grain can be applied perpendicular or parallel to wall studs, provided studs are spaced a maximum of 16" o.c.
- 3" x 3" x 1/4" washer required at each A,B. (Extend to within 1/2" of sheathed side)
- All framing members receiving edge nailing from abutting panels shall not be less than a 3" nominal or thicker member or (2) 2" nominal members nailed with 16d nails 4" o.c. staggered. Panel joint nailing shall be staggered.
- Framing at adjoining panel edges shall be 3" nominal member or wider and nails shall be staggered where nails are spaced 2" or less o.c., or where 10d nails have penetration into framing of more than 1 1/2" are spaced 3" or less o.c.



SCALE: 1/4" = 1'-0"

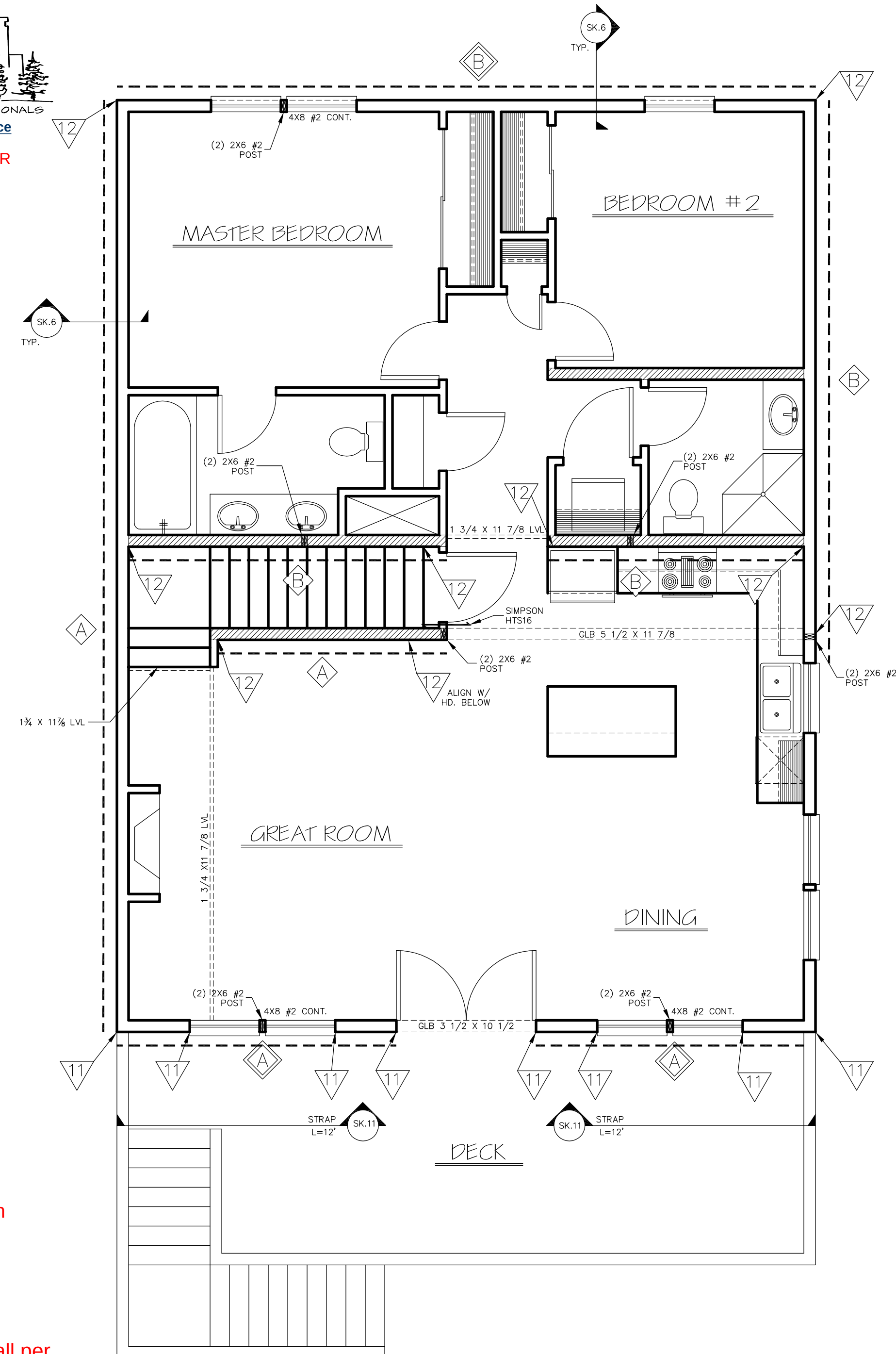
**ENGINEERED TRUSS CALCULATIONS
ARE REQUIRED TO BE ON THE JOBSITE
PRIOR TO CONSTRUCTION**



See Engineering "S" Pages

Engineer notes and requirements
have been transfered to the plans.

FILE No: 210105 SHEET No: SK-8
MADE BY: JWL DATE: 2/17/21
CLIENT: 3 G'S CONSTRUCTION
PROJECT: 6600 LOGAN ROAD RESIDENCE

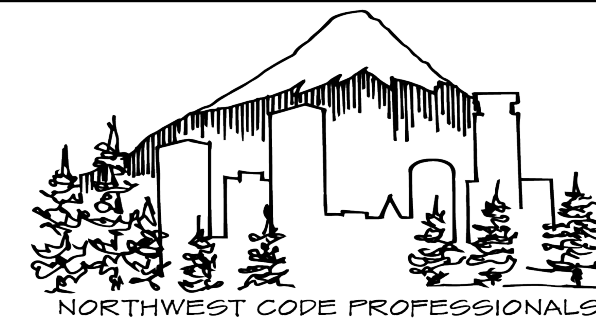


SCALE: 1/4" = 1'-0"

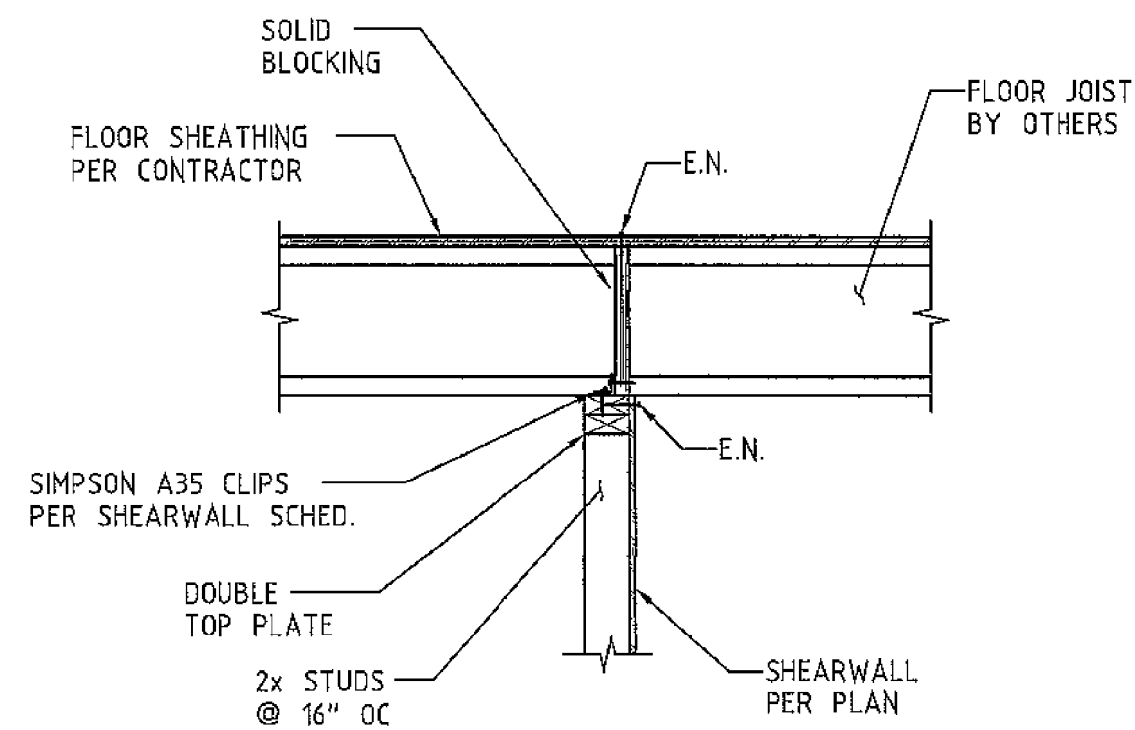
NOTE:
-TYP. TRUSS/WALL CONN. TO BE (2)
SIMPSON H2.5A CLIP (ONE EACH SIDE)
U.O.N.
-TYP. FRAMING TO BE DF-L #2 U.O.N.
-TYP. HDR. TO BE 4X8 DF#2 U.O.N.

- | | |
|---|--|
|  | SHEARWALL |
|  | INTERIOR BEARING WALL |
|  | SHEATH ENTIRE WALL
ABOVE & BELOW OPENINGS
PER SHEARWALL SCHEDULE |
|  | SHEARWALL TYPE |
|  | HOLDDOWN TYPE/LOCATION |

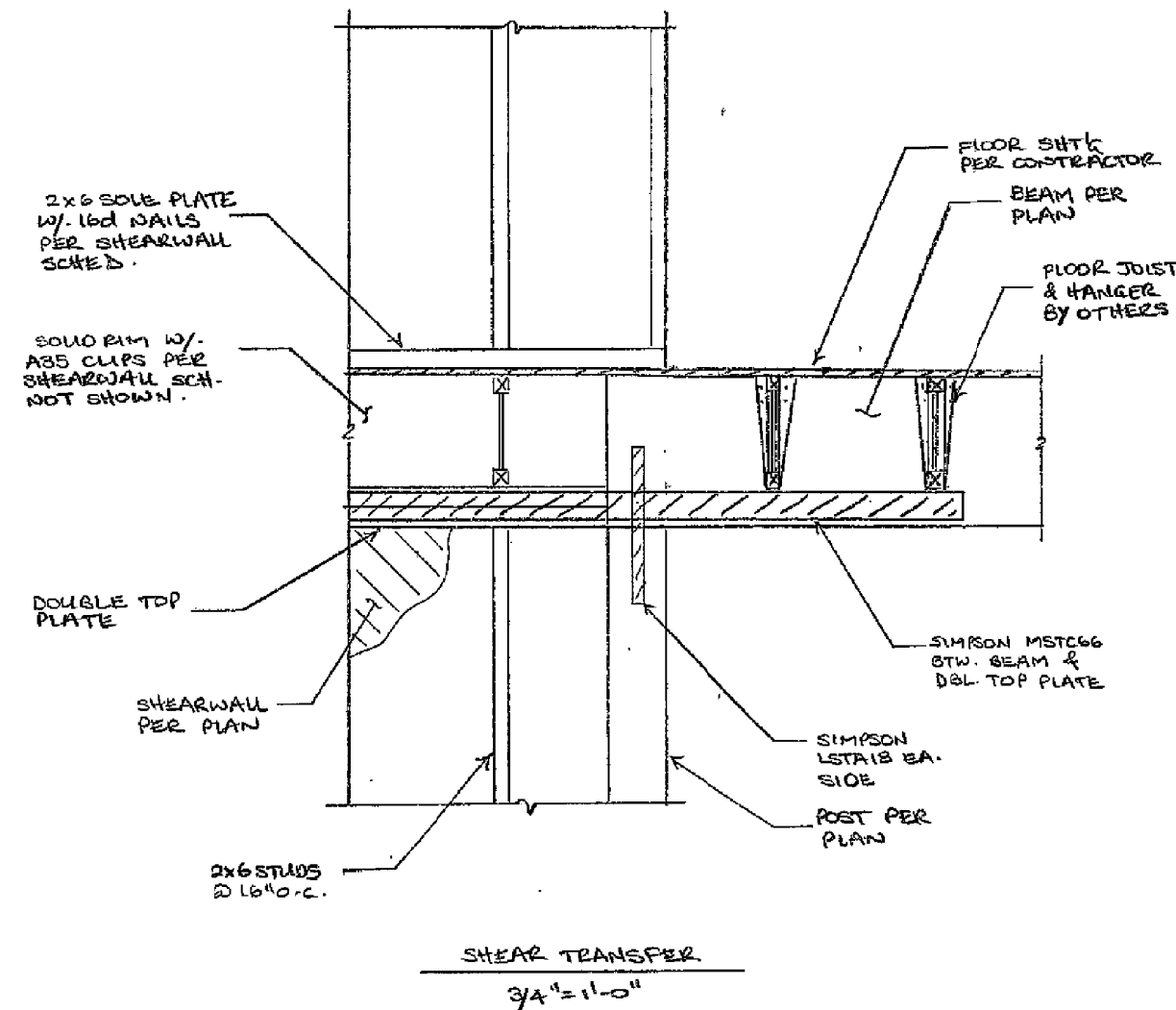
THIS DESIGNER IS NOT AN ARCHITECT OR ENGINEER AND
ASSUMES NO LIABILITY FOR THE PLANS IN PART OR WHOLE
AND/OR THE CONSTRUCTION OF THE WORK CONTAINED HERE IN.
A QUALIFIED PROFESSIONAL SHOULD REVIEW PLANS
FOR ERRORS AND OMISSIONS.



Reviewed for Code Compliance
Approved by: Brandon Zipser
Permit #: 541-21-000119-STR
Date: 04/15/2021
Reviewed for Lincoln City



TYP. FLOOR TO SHEAR WALL CONN.
3/4"=1'-0"



SHEAR TRANSFER
3/4"=1'-0"

Refer to project I-Joist layouts.
Install per engineering and
manufacturer spec's

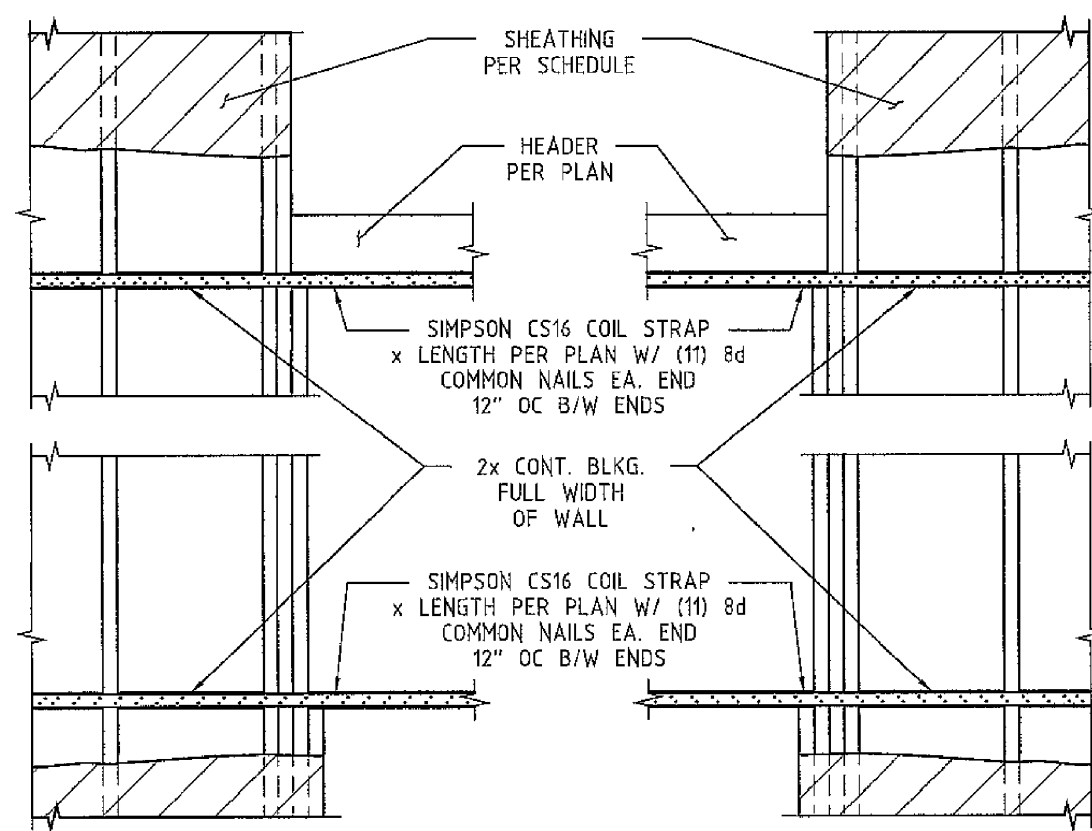
Squash block all point loads through
floors to the foundation/approved
footings below.

LEE STRUCTURAL
ENGINEERS LLC

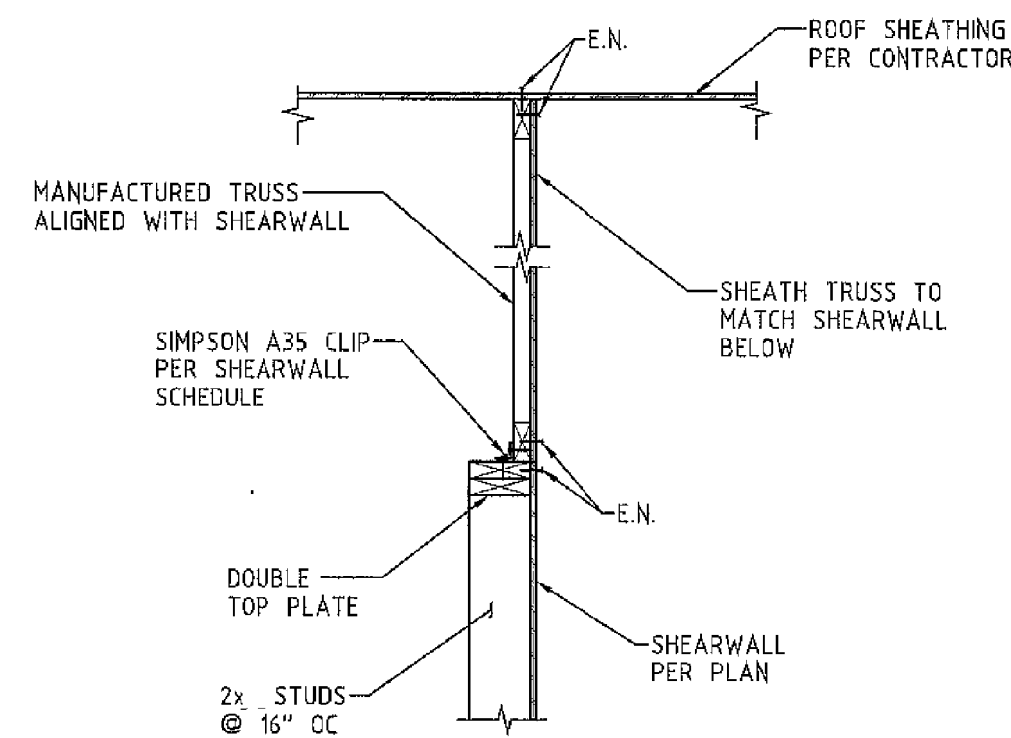
FILE No: 210105 SHEET No: SK-9
MADE BY: JVL DATE: 2/17/21
CLIENT: 3 G'S CONSTRUCTION
PROJECT: 6600 LOGAN ROAD RESIDENCE

LEE STRUCTURAL
ENGINEERS LLC

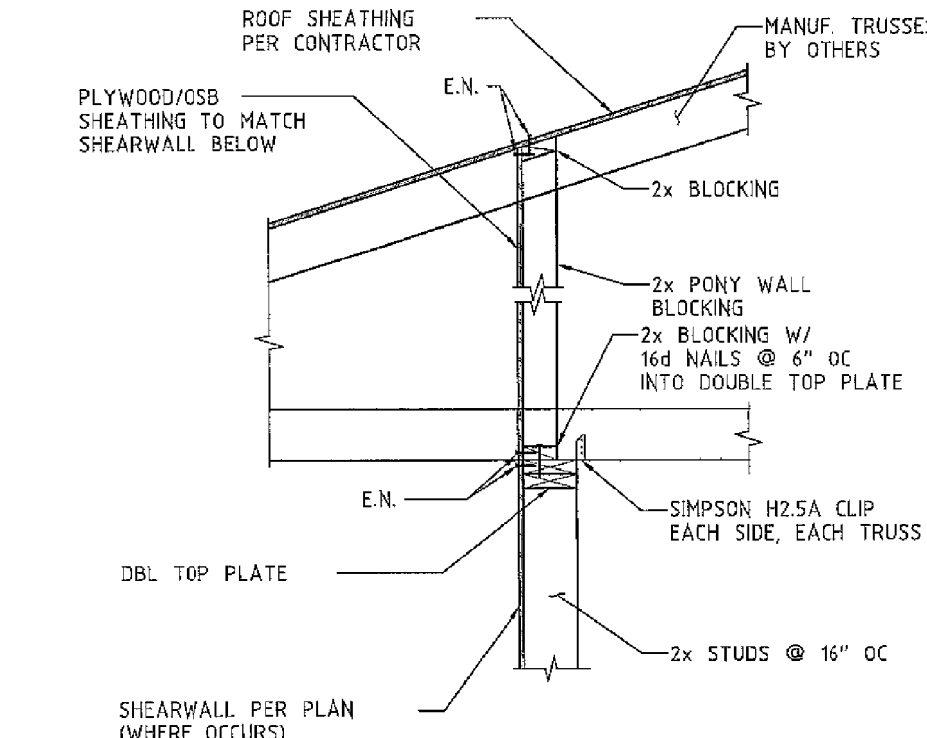
FILE No: 210105 SHEET No: SK-10
MADE BY: JVL DATE: 2/17/21
CLIENT: 3 G'S CONSTRUCTION
PROJECT: 6600 LOGAN ROAD RESIDENCE



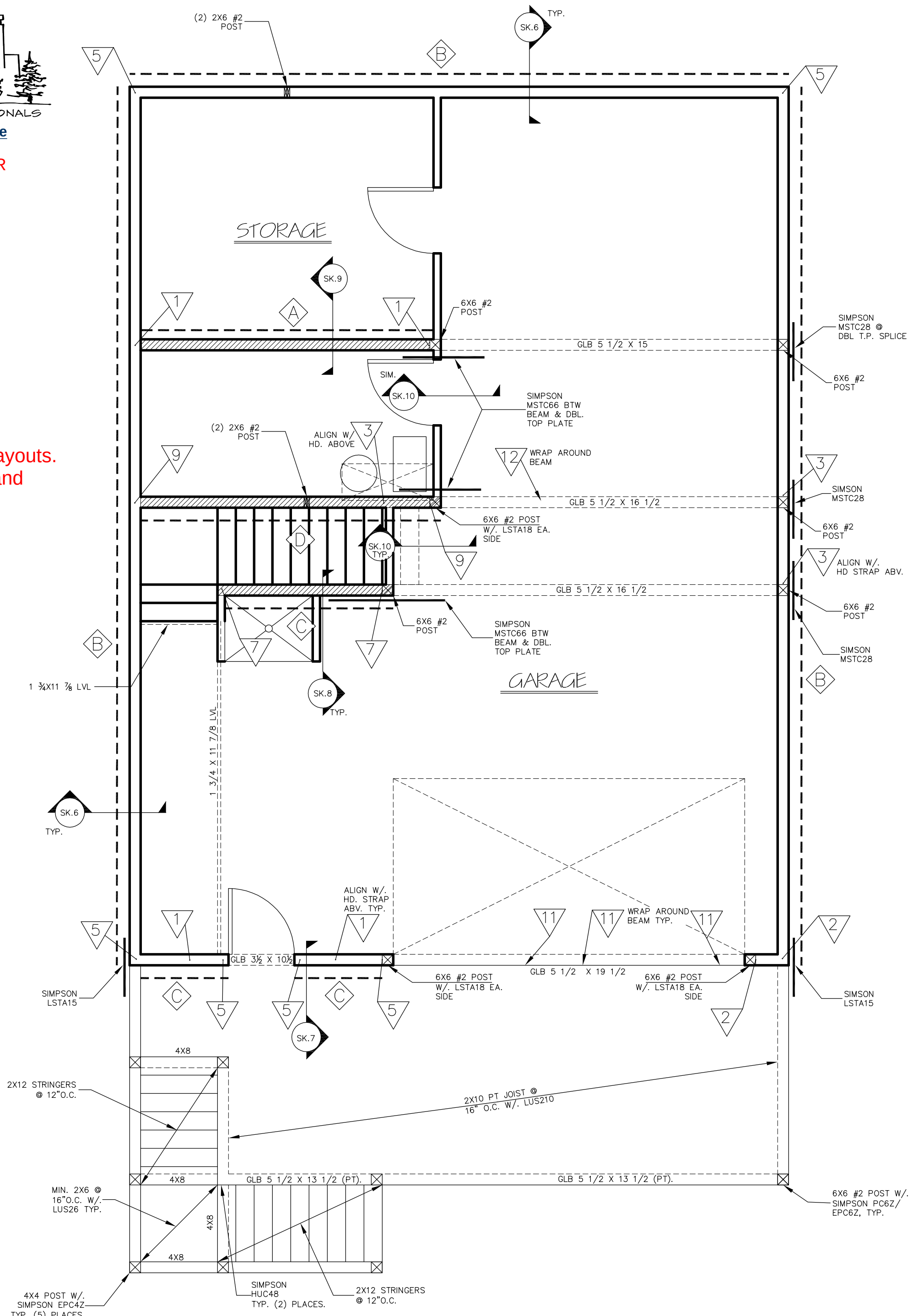
STRAP TIE @ SILL AND HEADER
3/4"=1'-0"



SHEAR TRANSFER DETAIL
3/4"=1'-0"



SHEAR TRANSFER
PERPENDICULAR TO TRUSS
3/4"=1'-0"



BASEMENT FLOOR ENGINEERING PLAN SCALE: 1/4" = 1'-0"

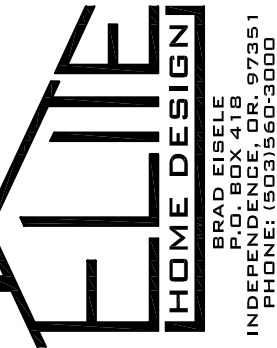
NOTE:
-TYP. TRUSS/WALL CONN. TO BE (2)
SIMPSON H2.5A CLIP (ONE EACH SIDE)
U.O.N.
-TYP. FRAMING TO BE DF-L #2 U.O.N.
-TYP. HDR. TO BE 4X8 DF#2 U.O.N.

- SHEARWALL
- INTERIOR BEARING WALL
- SHEATH ENTIRE WALL
ABOVE & BELOW OPENINGS
PER SHEARWALL SCHEDULE
- SHEARWALL TYPE
- HOLDOWN TYPE/LOCATION

See Engineering "S" Pages

Engineer notes and requirements
have been transferred to the plans.

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A QUALIFIED PROFESSIONAL SHOULD REVIEW PLANS
FOR ERRORS AND OMISSIONS.



2400 PLAN
6600 LOGAN RD.
LINCOLN CITY, OREGON

CONTRACTOR: 3 G'S CONST.
(503) 871-8434

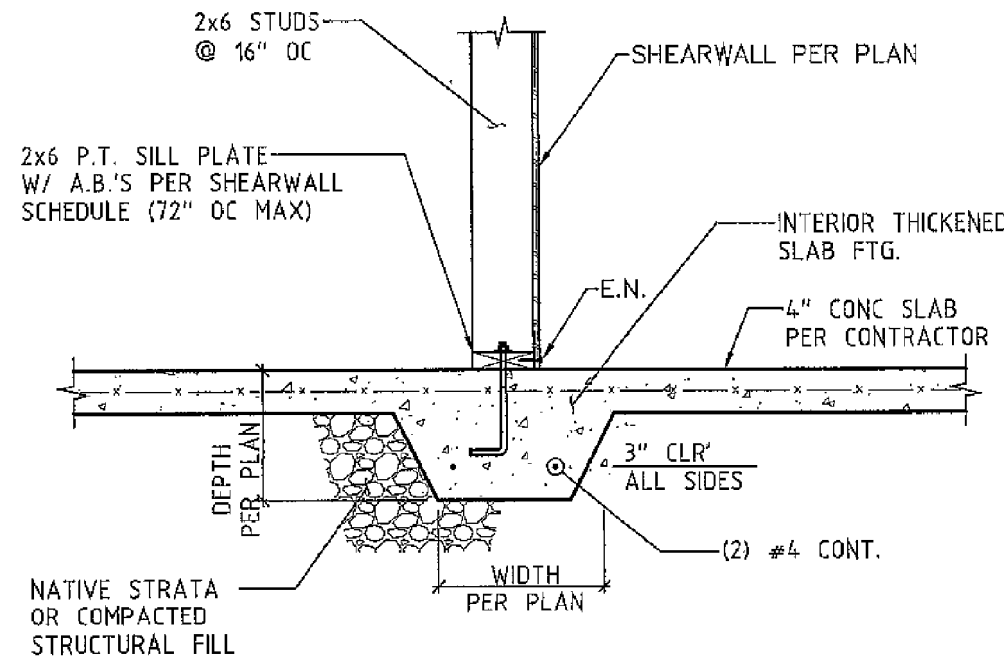
DATE: 03-07-21
SCALE: 1/4" = 1'-0"
DRAWN: BRAD EISELE
JOB:
SHEET: 5
OF 6 SHEETS

Mark	Holdown	Anchor Bolt	Anchor Diameter	Embedment Length	Minimum Stemwall Width	Minimum Boundary Member	Connection to Boundary Member	Remarks	Allowable Loads			Allowable Loads		
									(Wind)			(Seismic)		
									Mid-Wall	Corner	End Wall	Mid-Wall	Corner	End Wall
1	LTT20B	SSTB16	5/8"	12 5/8"	6"	(2) 2x6 [#]	(10) 10d Common		1500#	1500#	1500#	1500#	1500#	1500#
2	HDU2	SSTB16	5/8"	12 5/8"	6"	(2) 2x6 [#]	(6) 1/4" x 2 1/2" [#]		3075#	3075#	3075#	2550#	2550#	2550#
3	HDU4	SSTB20	5/8"	16 5/8"	6"	(2) 2x6 [#]	(10) 1/4" x 2 1/2" [#]		4145#	3880#	3880#	3145#	2960#	2960#
4	HDU5	SSTB24	5/8"	20 5/8"	6"	(2) 2x6 [#]	(14) 1/4" x 2 1/2" [#]		4825#	4295#	4285#	3740#	3325#	3325#
5	HDU9	SSTB28	7/8"	24 7/8"	8"	4x6	(20) 1/4" x 2 1/2" [#]		6970#	6970#	6970#	6970#	6970#	6395#
6	HDQ8	SSTB28	7/8"	24 7/8"	8"	4x6	(20) 1/4" x 3" [#]		7630#	7630#	7310#	7630#	7630#	6395#
7	HDQ8	SSTB28	7/8"	24 7/8"	8"	6x6	(20) 1/4" x 3" [#]		9230#	8360#	7310#	8315#	7315#	6395#
8	HDQ8	SB1x30	1"	24"	8"	6x6	(20) 1/4" x 3" [#]		9230#	9230#	6930#	9230#	8315#	6065#
9	HHDDQ11	SB1x30	1"	24"	8"	6x6	(24) 1/4" x 2 1/2" [#]		11810#	9505#	6930#	11470#	8315#	6065#
10	MSTC28	N/A	N/A	N/A	N/A	(2) 2x6 [#]	(12) - 10d Common			1155#			1155#	
11	MSTC40	N/A	N/A	N/A	N/A	(2) 2x6 [#]	(28) - 10d Common			2695#			2695#	
12	MSTC62	N/A	N/A	N/A	N/A	(2) 2x6 [#]	(44) - 10d Common			4235#			4235#	
13	MSTC66	N/A	N/A	N/A	N/A	(2) 2x6 [#]	(64) - 10d Common			5380#			5380#	

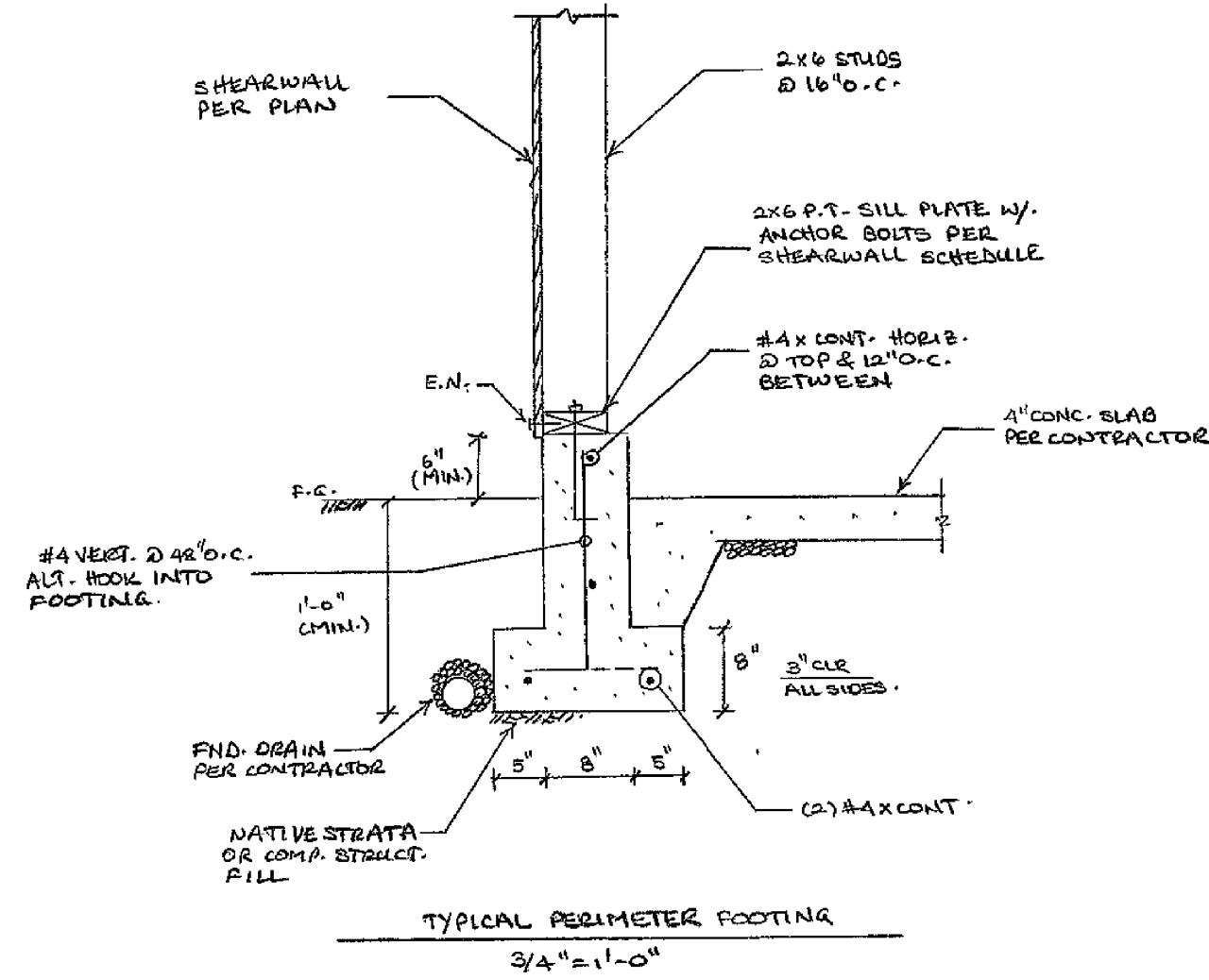
Notes:

- Holdowns by Simpson Strong-Tie Company, Inc. See Simpson catalog for proper installation.
- Install all holdown anchors prior to concrete pour.
- Edge nail sheathing to all posts or boundary members at holdowns.
- Locate HD within 6" of end of shear panel.

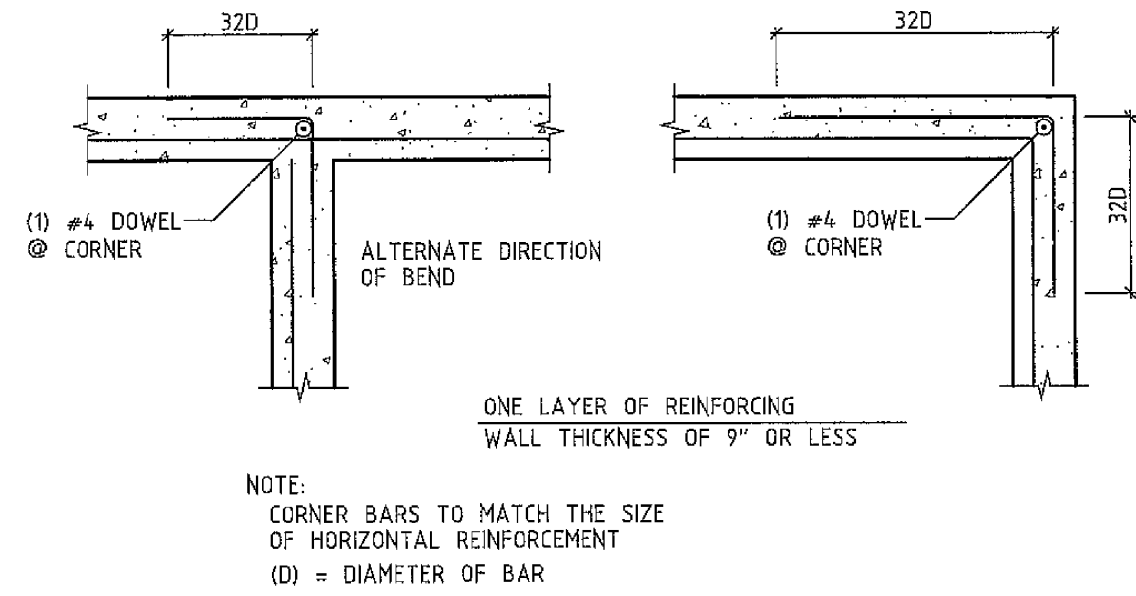
- Install holdown minimum 5" clear from corner.
- Laminated studs with 16d nails at 12" on center staggered. Clinch tips of nails.
- Use Simpson SDS 1/4" diameter wood screws.
- Assume a DF sill or sole plate. 6x6 boundary member required with HP sole plate.



INTERIOR STRIP FTG.
3/4"=1'-0"



TYPICAL PERIMETER FOOTING
3/4" = 1'-0"



TYPICAL CONCRETE
CORNER REBAR DETAILS
N.T.S.

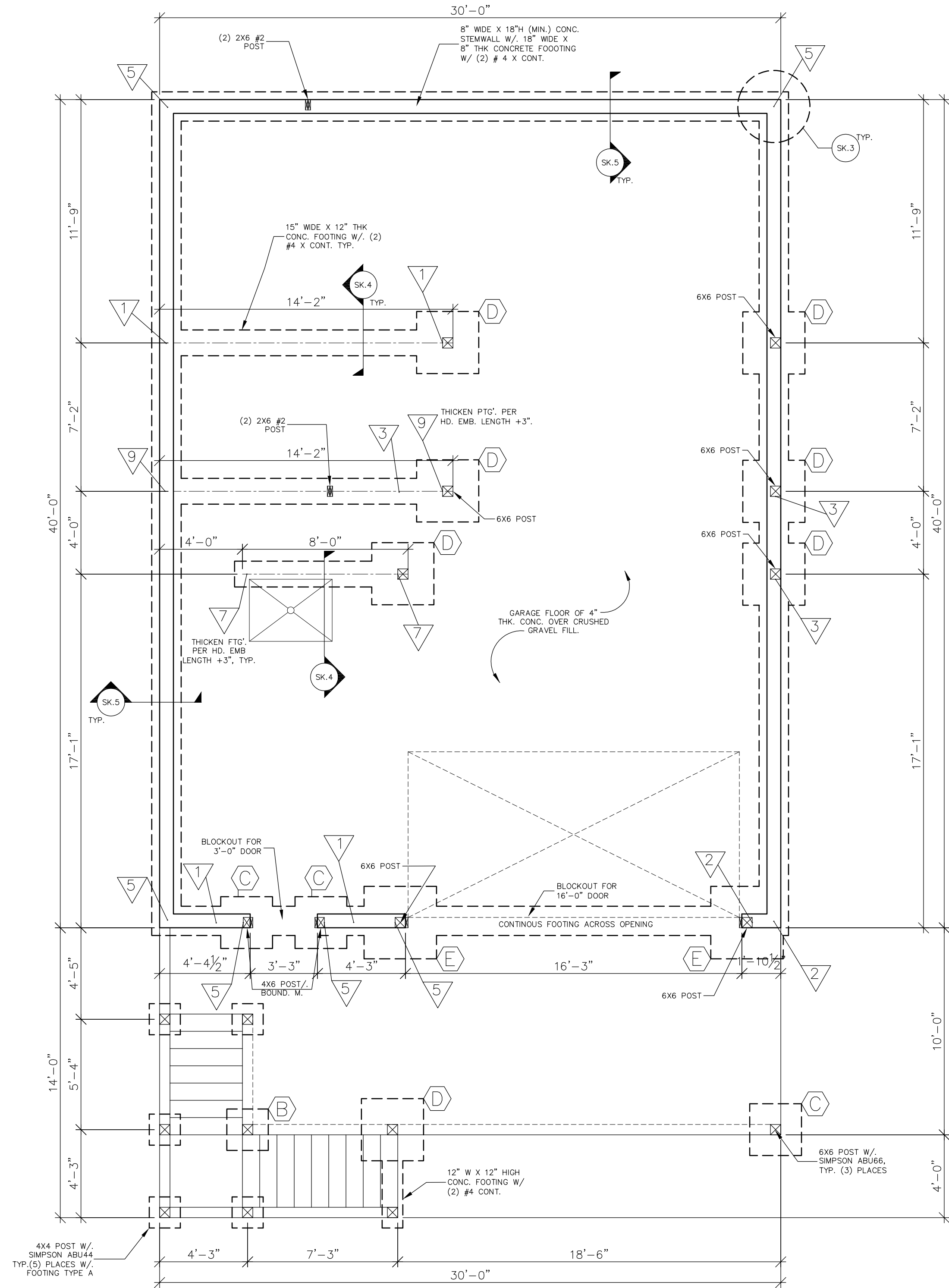
LEE STRUCTURAL ENGINEERS LLC

FILE No: 210105 SHEET No: SK-3
MADE BY: JWL DATE: 2/17/21
CLIENT: 3 G'S CONSTRUCTION
PROJECT: 6600 LOGAN ROAD RESIDENCE



Reviewed for Code Compliance
Approved by: Brandon Zipser
Permit #: 541-21-000119-STR
Date: 04/15/2021
Reviewed for Lincoln City

Squash block all point loads through floors to the foundation/approved footings below.



FOUNDATION PLAN SCALE: 1/4" = 1'-0"

EXPANSIVE SOILS OR OTHER SOIL ISSUES MAY BE PRESENT ON YOUR PROPERTY (BUILDING SITE). THE OWNER OR PERMIT HOLDER IS RESPONSIBLE TO VERIFY IF ANY SOIL CONDITIONS ARE PRESENT PRIOR TO FOUNDATION/FOOTING INSTALLATION.

THIS DESIGNER IS NOT AN ARCHITECT OR ENGINEER AND ASSUMES NO LIABILITY FOR THE PLANS IN PART OR WHOLE AND/OR THE CONSTRUCTION OF THE WORK CONTAINED HERE IN. A QUALIFIED PROFESSIONAL SHOULD REVIEW PLANS FOR ERRORS AND OMISSIONS.

See attached Building Department Checklist.
Numbered items on plans reference code
requirements and corresponding code sections.

Setbacks to property lines shall be marked at the footing inspection. The contractor of record is responsible for establishing the correct property markers and setbacks.

Soil Conditions are assumed **1500psf**. If at excavation soils issues are found, consult a qualified engineer and the jurisdiction.

MARK	FOOTING SIZE	FOOTING REINFORCEMENT
(A)	1'-6" X 1'-6" X 10"	(2) #4 X 1'-0" EA. WAY
(B)	2'-0" X 2'-0" X 10"	(3) #4 X 1'-6" EA. WAY
(C)	2'-6" X 2'-6" X 10"	(3) #4 X 2'-0" EA. WAY
(D)	3'-0" X 3'-0" X 10"	(4) #4 X 2'-6" EA. WAY
(E)	3'-6" X 3'-6" X 12"	(4) #4 X 3'-0" EA. WAY

NOTE: THICKEN EXTERIOR ISOLATED PAD FOOTING TO 12" (MIN>) FOR FROST

NOTE:
-LOCATE FND. VENTS 12" CLEAR (MIN.)
FROM HD'S. & AB'S

▽ # HOLDDOWN TYPE/LOCATION
 ⬡ # FOOTING MARK

ELITE HOME DESIGN
BRAD EISLE
DESIGN
INDEPENDENCE, OR, 97351
PHONE: (503) 560-3000

2400 PLAN
6600 LOGAN RD.
LINCOLN CITY, OREGON

CONTRACTOR: 3 G'S CONST.
(503) 871-8434

DATE:	03-07-21	
SCALE:	1/4" = 1'-0"	
DRAWN:	BRAD EISELE	
JOB:		
SHEET:	6	
OF	6	SHEETS

From: [Frederick Ulrich](#)
To: [Anne Marie Skinner](#)
Subject: RE: VAR 2022-01 3GS Construction Setback Variance
Date: Tuesday, February 8, 2022 10:52:43 AM
Attachments: [image002.png](#)
[image003.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The requested variance has no conflict with OFC requirements.



Frederick (Ed) Ulrich
Fire Marshal

North Lincoln Fire & Rescue
District #1

Phone: 541-996-2233
 Cell: 541-921-9024
 Fax: 541-996-5344
 Email: fulrich@nlfr.org

Administrative Offices
 Bob Everest Station 14
 PO Box 200
 2525 NW Highway 101
 Lincoln City, OR 97367

From: Anne Marie Skinner <askinner@lincolncity.org>
Sent: Tuesday, February 08, 2022 10:33 AM
To: Department Heads <Department_Heads@lincolncity.org>; Brian.S.NELSON
 (Brian.S.NELSON@odot.state.or.us) <Brian.S.NELSON@odot.state.or.us>; BROWN Jevra * DSL
 <Jevra.BROWN@dsl.oregon.gov>; Clara Taylor (clara.taylor@dsl.oregon.gov)
 <clara.taylor@dsl.oregon.gov>; Daniel Wentz <dwentz@lincolncity.org>; Devils Lake Water
 Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm
 (director.nlchm@gmail.com) <director.nlchm@gmail.com>; duane.j.liner
 (duane.j.liner@odot.state.or.us) <duane.j.liner@odot.state.or.us>; Frederick Ulrich
 <fulrich@nlfr.org>; Joshua.Lee (Joshua.Lee@PacifiCorp.com) <Joshua.Lee@PacifiCorp.com>;
 Katharine.A.Mott2@usace.army.mil; Lon French (lfrench@northlincolnsanitary.com)
 <lfrench@northlincolnsanitary.com>; Onno Husing <ohusing@co.lincoln.or.us>; pamelal
 (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa * DLCD (Lisa.PHIPPS@dlcd.oregon.gov)
 <Lisa.PHIPPS@dlcd.oregon.gov>; Schurter, Andrew <Andrew.Schurter@nwnatural.com>;
 surveys@co.lincoln.or.us; UNITIS Matthew * DSL (Matthew.UNITIS@dsl.oregon.gov)
 <Matthew.UNITIS@dsl.oregon.gov>
Subject: VAR 2022-01 3GS Construction Setback Variance

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you know the content is safe.

Hello,

Attached to this email are application materials for a street side setback variance. The application was received February 6, 2022. Please review the application materials and provide an emailed response to this email indicating additional items you may need to complete your review **OR** provide any comments you have on the application, as well as your recommended conditions of approval.

Please reply **no later than Tuesday, February 15, 2022**. If no response is received, the assumption is that you have no comments, need no additional materials, and/or have no conditions of approval.



Anne Marie Skinner

DIRECTOR

City of Lincoln City | Planning & Community Development
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541.996.1228
E: askinner@LincolnCity.org | W: LincolnCity.org

From: trishhibler@gmail.com
To: [Planning](#)
Subject: Public Hearing on VAR 2022-01
Date: Monday, February 14, 2022 6:37:47 PM

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I'm writing about the requested variance at 6604 NE Logan Road. They're requesting variance of 6.38 feet from the minimum 20-foot street side setback.

As I recall from a notice from a month or more ago, the property was also in violation on the north side property line with about the same measurement. I supposed it was just an oversight and that happens sometimes. Now that there's another variance requested, I'm wondering if it was intentional and then the builder just asks for a variance.

I own the house up the hill at 1923 NE 66th. The building of the two houses has impacted my view of the ocean, especially the house closest to 66th. Is that house also too close to the set back from the side street? That would be quite a coincidence.

I spoke to someone at the planning commission last spring about adding a very small deck to the street side front of my house. I was informed that it would violate the setback and wouldn't be allowed. It seems rather unfair that the house facing Logan Road is able to build so close to the side street (66th) since it faces Logan Road and blocks way more view than my small deck would have done.

I'm not sure how this can be resolved but I felt that I needed to state my objections.

Patricia Hibler, property owner
1923 NE 66th
Lincoln City, OR 97367

Mailing address:
1285 32nd Ave. NW
Salem, OR 97304
Sent from [Mail](#) for Windows

From: [Alison Robertson](#)
To: [Anne Marie Skinner](#)
Subject: RE: VAR 2022-01 3GS Construction Setback Variance
Date: Tuesday, February 8, 2022 12:09:38 PM
Attachments: [image001.png](#)

I have no comments.

Thanks,
 Alison



Alison Robertson, AICP, LEED AP
DIRECTOR

City of Lincoln City | Urban Renewal & Economic Development
 801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
 P: 541.996.1207
 E: ARobertson@LincolnCity.org | W: LincolnCity.org

From: Anne Marie Skinner <askinner@lincolncity.org>
Sent: Tuesday, February 8, 2022 10:33 AM
To: Department Heads <Department_Heads@lincolncity.org>; Brian.S.NELSON
 (Brian.S.NELSON@odot.state.or.us) <Brian.S.NELSON@odot.state.or.us>; BROWN Jevra * DSL
 <Jevra.BROWN@dsl.oregon.gov>; Clara Taylor (clara.taylor@dsl.oregon.gov)
 <clara.taylor@dsl.oregon.gov>; Daniel Wentz <dwentz@lincolncity.org>; Devils Lake Water
 Improvement District (lake.manager@dlwid.org) <lake.manager@dlwid.org>; director.nlchm
 (director.nlchm@gmail.com) <director.nlchm@gmail.com>; duane.j.liner
 (duane.j.liner@odot.state.or.us) <duane.j.liner@odot.state.or.us>; Frederick Ulrich
 (fulrich@nlfr.org) <fulrich@nlfr.org>; Joshua.Lee (Joshua.Lee@PacifiCorp.com)
 <Joshua.Lee@PacifiCorp.com>; Katharine.A.Mott2@usace.army.mil; Lon French
 (lfrench@northlincolnsanitary.com) <lfrench@northlincolnsanitary.com>; Onno Husing
 <ohusing@co.lincoln.or.us>; pamelal (pamelal@ctsi.nsn.us) <pamelal@ctsi.nsn.us>; PHIPPS Lisa *
 DLCD (Lisa.PHIPPS@dlcd.oregon.gov) <Lisa.PHIPPS@dlcd.oregon.gov>; Schurter, Andrew
 <Andrew.Schurter@nwnatural.com>; surveys@co.lincoln.or.us; UNITIS Matthew * DSL
 (Matthew.UNITIS@dsl.oregon.gov) <Matthew.UNITIS@dsl.oregon.gov>
Subject: VAR 2022-01 3GS Construction Setback Variance

Hello,

Attached to this email are application materials for a street side setback variance. The application was received February 6, 2022. Please review the application materials and provide an emailed

response to this email indicating additional items you may need to complete your review **OR** provide any comments you have on the application, as well as your recommended conditions of approval.

Please reply **no later than Tuesday, February 15, 2022**. If no response is received, the assumption is that you have no comments, need no additional materials, and/or have no conditions of approval.



Anne Marie Skinner
DIRECTOR

City of Lincoln City | Planning & Community Development
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541.996.1228
E: askinner@LincolnCity.org | W: LincolnCity.org

From: mcgought@centurytel.net
To: [Anne Marie Skinner](#)
Subject: Response to VAR 2022-01
Date: Sunday, February 27, 2022 6:57:15 PM
Attachments: [Beach house response.docx](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Ms. Skinner,

I have attached our response to Mr. Griswold's request for a variance on the property at 6604 NE Logan Rd. If you need anything more, please let me know. Also, my husband, Patric Mcgough, would like to speak at the hearing on March 15th. Thank you for your time,

Therese Mcgough
503-678-5334

To the Planning Commission members,

This is a response in the matter of VAR 2022-01

I am writing this letter on behalf of my Mother, Dorothy Prater, my Sister, Denise Prater and myself Therese McGough. We jointly own the property at 1835 NE 66th St., Lincoln City 97367 and have since 1953. It is not a rental property and has been enjoyed by our family for decades. My Father and Grandfather bought the two lots as a place where our family could gather together.

We recently replaced our existing deck that had been in place for over 50 years. We needed to make numerous revisions to comply with current building codes and setbacks at considerate cost even though the setback issues were entirely on the two lots we have always owned. We believe that 3GS Construction out of Salem, should be held to the same building codes and setbacks as the longtime Lincoln City property owners.

To the matter at hand; We would like the variance Mr. Griswold is requesting to be denied. Here are our reasons.

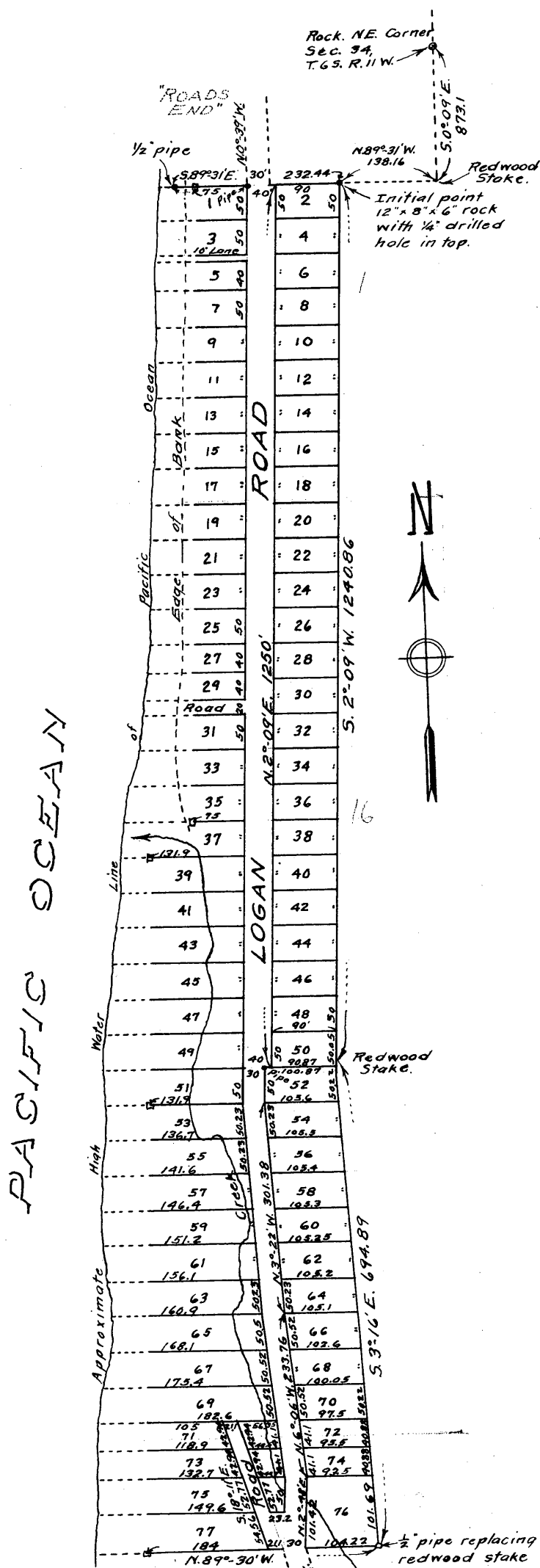
1. Any contractor building a structure has no excuse for not looking into the current zoning codes. They are easily found on the city website. The blatant disregard for the building codes is inexcusable. The structure he built is simply too large for the size of the lot. The structure he built right next to it was also not built within code and was also too large for the lot, but 6 inches is very different from the 6.38 foot variance he is asking for now. This is no one's fault but his own and he should be made to make it compliant.
2. As everyone knows Logan Rd is an extremely busy street and directly at the end of 66th is a public access for the beach. The line of sight, because of the structure's placement is a hazard and we believe does not comply with the clear-vision area requirement. A vehicle on 66th cannot see a vehicle heading south unless you enter the road, especially if there are cars in the driveway. I had this problem when building was occurring. Pedestrians also have the same problem and even through there is a crosswalk at the corner it can be dangerous, especially for young children who tend to run ahead of their parents in their excitement to get to the beach. I have found that many people driving and walking are not paying good attention to their surroundings. This is another zoning violation.

We therefore ask that Mr. Griswold's variance be denied.

Sincerely, Therese McGough

Commented [P1]:

CS. 3046-A.



All odd numbered lots
extend from LOGAN ROAD
to high water line of
Pacific Ocean.

FILED
FEB 12 1975

Received from Multnomah County
County Surveyor
By [Signature]

FIRST ADDITION
TO
ROADS-END
Jan. 1932. Scale: 1 in. = 200 ft.

Beasley & Stoehr, Engr's.
Portland, Ore.

LINCOLN CO.

0-1105

C.S. # 14283
FILED 04 October 1993
LINCOLN COUNTY SURVEYOR

NARRATIVE

PURPOSE OF SURVEY IS LOCATE AND MARK CORNERS OF TWO ADJOINING TRACTS OF LAND DESCRIBED IN DEEDS MF 198 PG 1845 AND MF 244 PG 1857, BOTH METES AND BOUNDS DESCRIPTIONS SHOWN ON C.S. #2340 AS LOTS 1&2 "ROADS END" (NOT A RECORDED SUBDIVISION).

MONUMENTS OF SURVEYS C.S. #296, 440, 8521, 8623 AND 9975 AS FOUND WERE HELD ALONG WITH DEED DATA TO LOCATE DEED LINES OF SUBJECT TRACTS AND FOUND THE SOUTH LINE OF DEED DESCRIPTION MF 244 PG 1857 OVERLAPPING THE NORTH LINE OF 1ST ADDITION TO ROADS END WHICH OVERLAP WAS HELD AS THE EXCEPTION CALLED BY DEED OF SOUTHERLY SUBJECT TRACT MF 244 PG 1857.

BY RECOVERING AND HOLDING THE 'INITIAL POINT' OF '1ST ADDITION' STONE W/ DRILL HOLES ALONG WITH MONUMENT OF C.S. #8525 FOR THE NORTH LINE OF 1ST ADDITION THE DATA OF AND MONUMENTS SET FOR THE NORTH LINE OF LOT 1 1ST ADDITION SHOWN IN A PREVIOUS SURVEY BY THIS FIRM C.S. #13,951 WERE FOUND SLIGHTLY OUT OF POSITION WITH LINE EXTENDED FROM C.S. #8525, THEREFORE THESE MONUMENTS WERE RESET TO CONFORM WITH C.S. #8525.

DATA OF C.S. #13,951 FOR THE NORTH LINE OF LOT 1 1ST ADDITION IS TO BE AMENDED BY AN AFFIDAVIT OF CORRECTION TO FOLLOW. THIS AMENDED NORTH LINE OF LOT 1 1ST ADDITION WAS THEN INTERSECTED WITH THE EAST AND WEST DEED LINES OF MF 244 PG 1857 AND HELD FOR SOUTH LINE MF 244 PG 1857.

MONUMENTS WERE SET FOR THE NORTH LINE OF MF 198 PG 1845 PER DEED, A PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN SUBJECT TRACTS, AND AT THE INTERSECTION OF THE WESTERLY R/W LINE OF LOGAN RD. AS EXTENDED SOUTH FROM MONUMENTS OF RECORD SURVEYS FOUND AS SHOWN WITH THE NORTH LINE OF 1ST ADDITION AND FOUND TO BE IN R/W ALIGNMENT OF 1.51' AT POINT AS SHOWN.

EQUIPMENT USED: TOPCON GTS-2C SEMI-TOT. STA. - PRISM/STAFF
100 FT. ST. CHAIN & MAG. LOCATOR

SURVEY OF TRACTS LOCATED IN THE N.E. 1/4 OF SECTION 34 T6S, R11W, W.M. LINCOLN COUNTY OR.

FOR
MR & MRS GERALD FULLMAN
3306 S.W. SHERWOOD PL.
PORTLAND OR.

SURVEY BY: DARIUS K. FERGUSON P.L.S. - LAND SURVEYING & DESIGN
P.O. BOX 15 NEATSBY, OR. 97364 - PH: (503) 994-5854

NOTE-A = P.D.B. MF 198 PG 1845
& MF 244 PG 1857

DEED = S-773.15' = S-773.43'
W-261.73' = W-261.75' MS
FROM CORNER: 26.27.34.35

NOTE-B = BUILDING RESTRICTION LINE
TO FUTURE CONSTRUCTION.

- LEGEND
- = MONUMENTS FOUND AS NOTED
 - = MONUMENTS SET - 5/8" X 30" I.R. W/ YELLOW PLASTIC 110 CAP PLS. 2279
 - ▲ = TRACK IN WOOD WALK: 8-21-93
 - = NORTH LINE 1ST ADDITION TO ROADS END PER C.S. #8525 AND EXTENDED WESTERLY TO AMEND NORTH LINE OF PREVIOUS SURVEY BY THIS FIRM OF LOT 1&2 1ST ADD TO ROADS END C.S. #13,951
 - = RECORD DATA OF DEEDS, C.S. #2340 AND OTHER SURVEYS AS NOTED
 - - - - - = RECORD DATA OF 1ST ADDITION TO ROADS END AND C.S. #13,951
 - + - - - - = PRORATED MEASURE OF C.S. #13,951
 - = DATA DIFFERENT THAN RECORD AND NEW DATA OBSERVED THIS PLAT
 - MS = MEASURED
 - ① = TRACT NUMBER AS SHOWN ON C.S. #2340
 - 1- = LOT NUMBER 1ST ADDITION TO ROADS END

SCALE: 1" = 30'

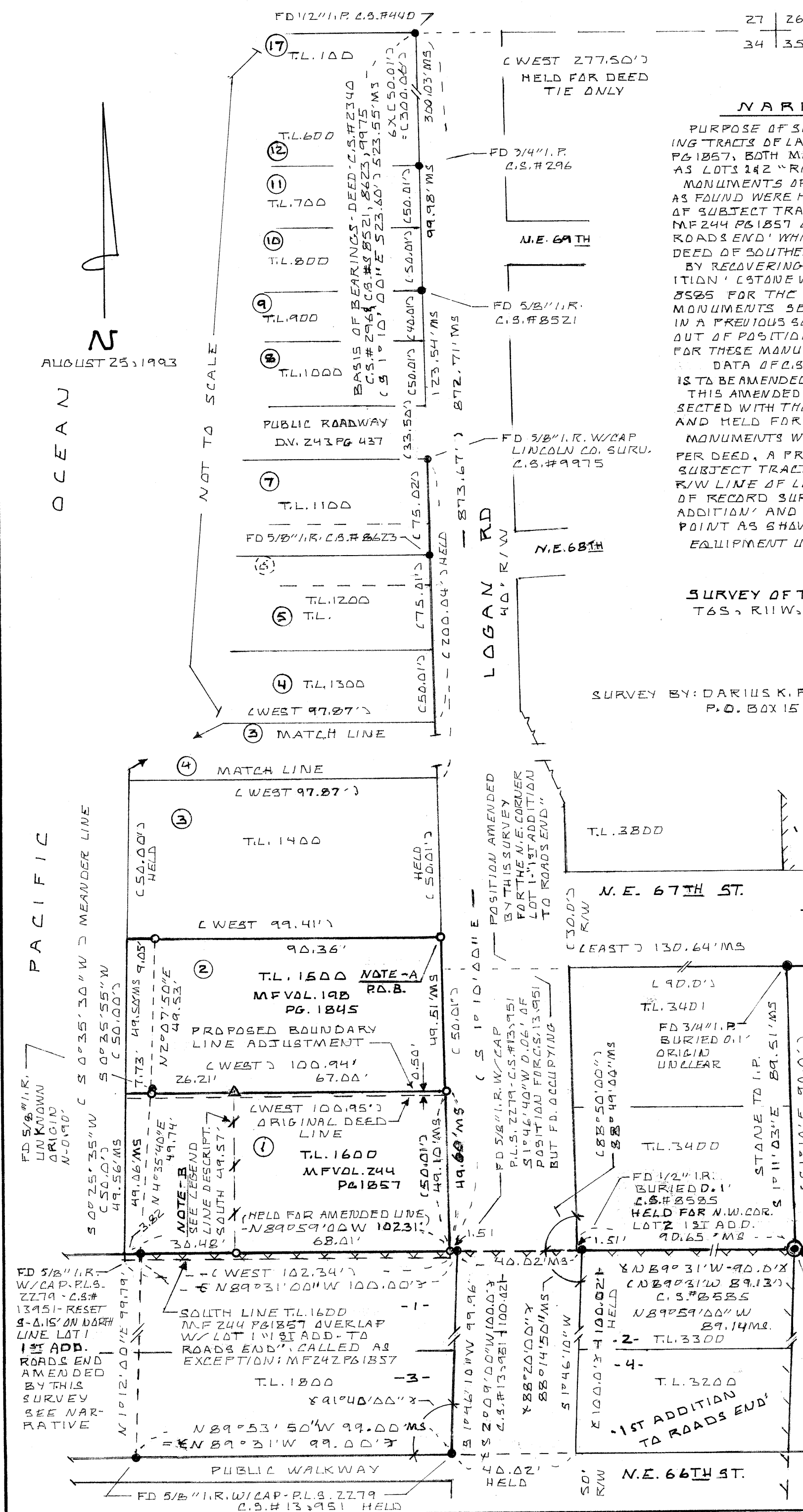
BLOCK 1
"RAIL
ADDITION"

HELD - FD 12" X 8" X 16"
STONE W/ 1/4"
DRILL HOLE - BURIED
0.3' INITIAL POINT
"1ST ADDITION TO
ROADS END" -
N 75° 57' 50" W Δ.27'
OF FD 1/2" I.P.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 16, 1987
DARIUS K. FERGUSON
2,279

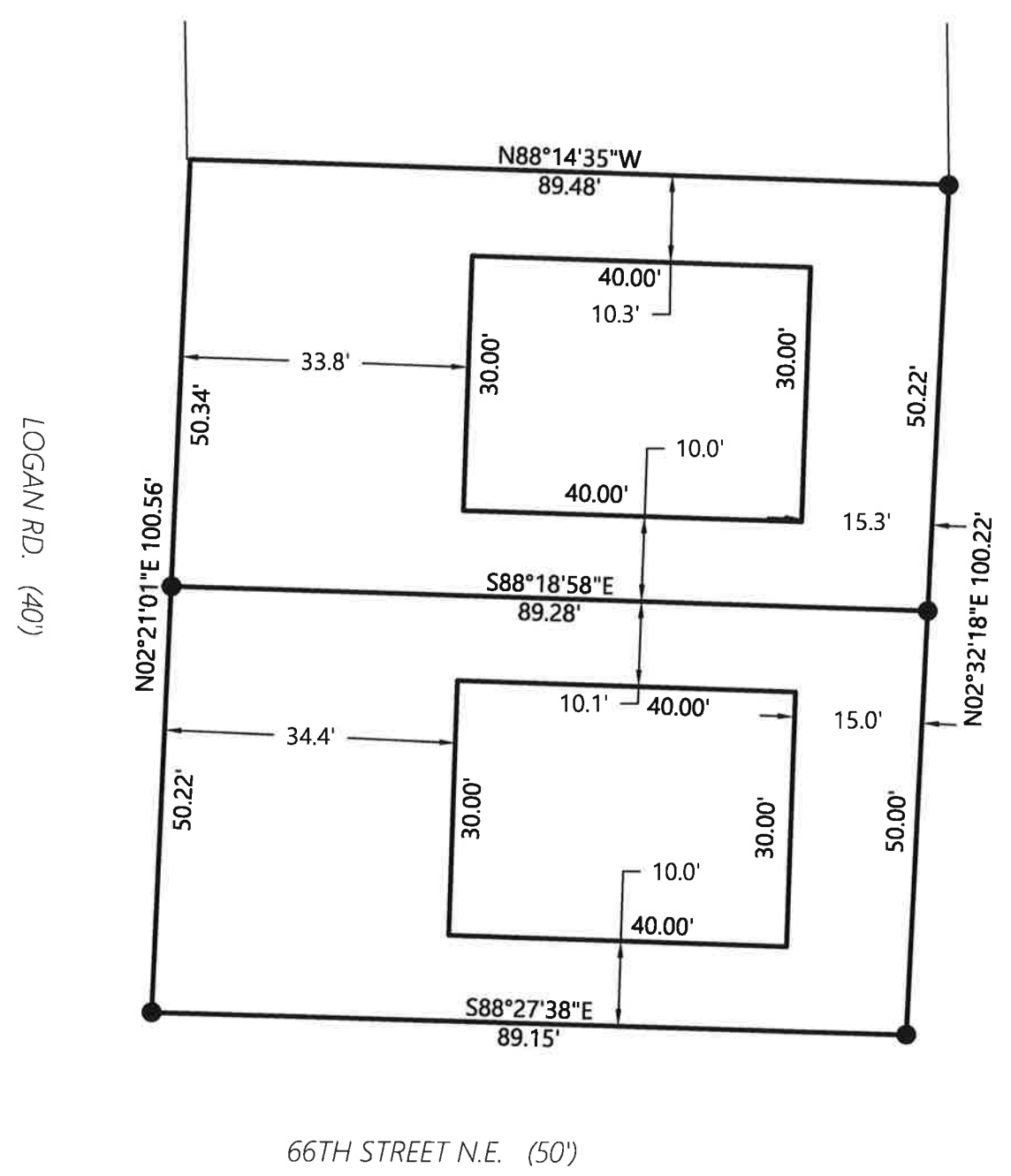
REG. CURRENT
THRU 12-31-93



FOUNDATION SURVEY

FOR 3 G'S CONSTRUCTION
IN THE NE 1/4 SEC. 34, T. 6 S., R. 11 W., W.M.
LINCOLN CITY, LINCOLN COUNTY, OREGON

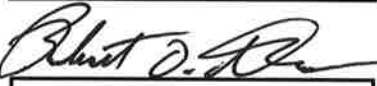

1" = 20'
1/25/2022
#7272



● = FOUND MONUMENT

I, ROBERT D. HAMMAN, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT THE FOUNDATIONS FOR THE BUILDINGS HEREON HAVE BEEN CONSTRUCTED AS SHOWN.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 13, 2004
ROBERT D. HAMMAN
64202LS

EXPIRES: 6-30-2023

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

Variance Staff Report for Planning Commission Public Hearing Case File VAR 2022-01

Date: February 18, 2022

Case File: VAR 2022-01 6604 NE Logan Rd Street Side Setback

Applicant: 3 G's Construction, Inc.
PO Box 85
Salem, OR 97308

Property Owner: 3 G's Construction, Inc.
PO Box 85
Salem, OR 97308

Situs Address: 6604 NE Logan Rd

Location: Northeast corner NE Logan Rd/NE 66th St intersection

Tax Map and Lot: 06-11-34-AA-03200-00

**Comprehensive
Plan Designation:** Single-Family Residential District (R-5)

Zoning District: Single-Family Residential, Roads End (R-1-RE) Zone

Site Size: 0.10 acre

Proposal: Vary required 16.38-foot street side setback to 10 feet

**Surrounding
Land Uses
and Zones:** North: Residential; R-1-RE
South: Residential; R-1-RE
East: Residential; R-1-RE
West: Residential; R-1-RE

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a variance as a Type III application with the decision authority given to the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on February 8, 2022. The *News Guard* published the public hearing notice on February 15, 2022.



Applicable LCMC Chapter 17.17 Single-Family Residential, Roads End (R-1-RE) Zone
Substantive LCMC Section 17.76.050 Type III Procedures
Criteria: LCMC Section 17.77.140 Variances

BACKGROUND

The subject property (site) is addressed as 6604 NE Logan Rd and contains a newly-constructed detached dwelling. The application for a structural (building) permit for the new construction was submitted on March 10, 2021. The review of the site plan by the former senior planner, David Mattison, took place on March 25, 2021, with subsequent approval. Public Works and Building staff completed their reviews and the permit was issued on April 28, 2021.

With the issued permit, the applicant proceeded to site preparation. This included clearing and grading, as well as setting the footings for the pouring of the foundation. The applicant requested the required setback inspection, which was subsequently performed on May 17, 2021, by David Mattison. David Mattison approved the setback inspection. Both the site plan and the setback inspection approved by David Mattison showed a street side setback of 10 feet, rather than the required 16.38 feet.

A citizen complaint was filed in January 2022 regarding the possible street side setback encroachment. The complaint was verified and a code violation case was created on January 20, 2022. A courtesy notice was issued to the property owner of the site requesting that, no later than January 30, 2022, one of three actions take place: remove all setback encroachments; apply for a zoning code text amendment to LCMC 17.17.070; or apply for a variance for the street side setback. The applicant chose to apply for a variance and subsequently submitted the required application and fee.

COMMENTS

On February 8, 2022, Fire Marshal Ulrich provided a comment that the requested variance has no conflict with OFC requirements.

On February 8, 2022, the director of Lincoln City Urban Renewal & Economic Development emailed that she has no comments.

On February 14, 2022, Patricia Hibler provided comments stating that the building of the house has impacted her view of the ocean and questioning the fairness of this variance request when she wasn't allowed to add a small deck to the street side of her house because it would have violated the setback. Staff notes that LCMC Title 17 has no requirements for view protection and impacts to views is not a criterion for approving or disapproving a variance.

ANALYSIS

17.08 Definitions

“Setback” means the minimum or maximum distance required between a specified object and another point. Typically, a setback refers to the minimum or maximum distance from a building or structure to a specified property line. “Street side setback” means the required distance from the street side property line and a specified object.

17.17.070 Lot requirements.

Lot requirements shall be as follows:

- D. The minimum front yard shall be 20 feet. Except that the minimum setbacks from Logan Road need not exceed the average setback of buildings on all lots within 100 feet of the lot on which the proposed building is to be located and that abut Logan Road.*

Finding: The average setback of buildings on all lots within 100 feet of the site and that abut Logan Rd calculates to 12.77 feet. Accordingly, the front setback for the site is 12.77 feet. All portions of the structure, including porches, stairs, decks, and balconies that are over 30 inches from the ground, must meet the 12.77-foot-front setback requirement. In this case, the front of the main wall of the house is set back 34.4 feet from the front property line, and the upper stairs and deck that are over 30 inches from the ground are set back 20 feet from the front property line. The front setback requirement is not only met, but is exceeded by 7.32 feet.

F. The minimum street side yard shall be 20 feet, except that it may be one foot less for each two feet of front yard setback over the minimum, but not to less than 10 feet.

Finding: The front setback for the site is 12.77 feet. The front of the main wall of the house is set back 34.4 feet from the front property line. However, the upper stairs and deck on the front of the house that are over 30 inches from the ground are only set back 20 feet from the front property line. Accordingly, the provided front setback is 7.32 feet over the minimum of that which is required (required 12.77 feet, provided 20 feet – 20-12.77 = 7.32).

The provided front setback is 20 feet. The required front setback is 12.77 feet. The distance over the minimum of 20 feet is determined by subtracting the minimum requirement (12.77 feet) from what has been provided (20 feet) to yield 7.32. That number is then divided by 2, which equals 3.62.

3.62 is then subtracted from the minimum street side setback of 20 feet to give the required street side setback for this site at 16.38 feet. The provided street side setback is 10 feet, which means that the house encroaches by 6.38 feet into the required street side setback.

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 lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;*

Finding: This criterion requires evidence of an exceptional or extraordinary circumstance that applies to this site, which does not apply to other properties in the vicinity, over which the applicant has no control. The applicant feels this criterion is met with the extraordinary circumstance being the city's inaccurate review and approval of the site plan showing the 10-foot street side setback, followed by the city's inaccurate passing of the setback inspection, both over which the applicant has no control. The applicant's narrative specifically states the following:

"The extraordinary circumstance here is the fact that with a street side setback of 10 feet, the newly-constructed house on the property does not meet the street side setback requirement... The situation came about as a result of a cascade of mistakes on the part of the city...Before purchasing the property, on November 17th, I called and talked to James White in the planning department in a 13 minute phone call. Among the matters I spoke with him about, we specifically talked about setbacks. At that time he told me that the street side setback was 10 feet...Except for the misinformation about the street side setback he was very helpful and informative...As a part of the planning department review the reviewer, David Mattison, checked the setbacks, including the street side setback. The plans showed clearly that the proposed setback was 10 feet. The reviewer approved the plans as I submitted them with the 10-foot setback...When the forms were in place, as required I called the city for an inspection. One of the primary purposes of this inspection is to ensure that the house is being placed properly on the lot in accordance

with the approved plans and that the required setbacks are met. The planning department's inspector, David Mattison, approved everything and the forms passed inspection. I then went ahead and poured the footings and built the house... This was a shock to me as I had asked specifically about setbacks, had passed the building plans review (including setbacks), and had passed the field inspection (also including setbacks). As a consequence I have a completed house that is not allowed to be occupied, and I am asking for a variance."

The applicant's narrative also states:

"As a side note, it is important to understand that this is not a case of claiming that because of the city's repeated mistakes, the city is estopped from applying the ordinance's setback requirement. Instead, this is a case where, yes, the setback requirement applies, but because of the extraordinary circumstance resulting from the city's mistakes – the completed house that does not fully meet the setback requirements – the ordinance's variance provisions allow me the necessary relief."

The applicant has not provided any evidence of an exceptional or extraordinary circumstance which does not apply to the other properties in the R-1-RE zone or the vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified. No evidence has been provided that the lot size or shape of the site is an exceptional or extraordinary circumstance. No evidence has been provided that the topography of the site is an exceptional or extraordinary circumstance. The applicant is relying on the "other circumstances over which the applicant has no control" portion of 17.77.140.C and is claiming the circumstance over which the applicant has no control is the city's inaccurate approval of the site plan and subsequent inaccurate approval of the setback inspection. Staff concludes that the applicant has not provided evidence to support the existence of an exceptional or extraordinary circumstance that applies to the site; therefore, this criterion is not met.

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

Finding: The applicant states that "the property right involved here is the right to build and occupy a detached dwelling on the property" and that the "house has been built but cannot be occupied because the final inspection revealed that it does not meet the setback requirement" and that the "variance is needed so that the house may be occupied."

Staff finds that a detached dwelling is an allowed use in the R-1-RE zone, per LCMC Chapter 17.17. This property right is enjoyed by all property owners in the R-1-RE zone. When a detached dwelling is constructed in accordance with the Oregon Residential Specialty Code (ORSC), occupancy of that dwelling is allowed. Again, this occupancy right is shared by all properties in the R-1-RE zone that meet the requirements of the ORSC. A building permit for a detached dwelling has been applied for and obtained. The construction of the dwelling is complete and is ready for the final building inspection by the building official. Provided the ORSC requirements are met and passed in the building official's final building inspection, the building official will issue the certificate of occupancy. Setback violations are not grounds for denying issuance of a certificate of occupancy. Specifically, ORSC R105.4 states that the building official is authorized to prevent occupancy or use of a structure where in violation of this (referring to the ORSC) code by withholding or revoking a certificate of occupancy. However, setback requirements are not part of the ORSC; therefore, meeting or not meeting a setback requirement is irrelevant to the issuance of the certificate of occupancy. This criterion is not met.

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;*

Finding: The site is in the R-1-5 zone. The site is surrounded on all sides by properties also in the R-1-5 zone. Surrounding properties either already contain detached dwellings or are planned for the future construction of detached dwellings. The existing dwelling on the southeast corner of the NE Logan Rd/NE 66th St exceeds the required 20-foot street side setback at approximately 27'-1 ¾". However, houses at 1830 NE 66th St, 1918 NE 66th St, 6555 NE Neptune Dr, and 2030 NE 66th St do not meet the required 20-foot street side setback at 18'-10 ½", 16'-1 ¾", 14'-1/4", and 8'-8 ¼", respectively. Additionally, it appears that two existing houses don't meet the required 20-foot front setback at 19'-5 ¾" for 1923 NE 66th St and 16'-11 ½" for 2023 NE 66th St. Having one more house not meeting a required setback amongst the 6 houses in the vicinity that also don't meet a required setback will not be materially detrimental to the vicinity. Staff also notes that the R-1-RE zone is the only residential zone in the city that requires a minimum 20-foot street side setback and a minimum 20-foot front setback. The R-1-5, R-1-7.5, and R-1-10 zones only require a minimum 5-foot street side and front setback for single-story dwellings and a minimum 7.5-foot street side and front setback for two- or three-story dwellings. Staff concludes that this circumstance for granting a variance exists.

4. *The variance requested is the minimum variance which would alleviate the hardship.*

Finding: The required street side setback in this case is 16.38 feet, and what has been provided in the completed house construction is 10 feet. The request is the minimum necessary to alleviate the street side setback encroachment by allowing a variance to the minimum requirement from 16.38 feet to 10 feet. The hardship is that, since the house is constructed, there are three options to alleviate the encroachment: 1) obtain a 6.38-foot variance; 2) obtain a text amendment to change the minimum street side setback requirement in the R-1-RE zone; or 3) remove the southernmost 6.38 feet of the house to meet the required 16.38-foot-minimum setback from street side property line. The applicant states: "The minimum necessary to alleviate this hardship is varying the street-side setback from 16.38 feet to 10 feet." Staff concludes that this criterion is met.

RECOMMENDATION

Staff submits that the evidence presented in the submitted application materials, as concluded in the findings in this report, is not sufficient to show that every criterion is being met, and recommends denial of the request.

Planning Commission Communication

VAR 2022-02 Olson NRD variance

Meeting Date:	March 15, 2022	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

Question:

Should the Planning Commission approve or deny the requested variance?

Staff Recommendation:

Staff recommends the Planning Commission hold the public hearing, close the public hearing and the record, deliberate, and approve or deny the requested variance.

Authority:

Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a variance as a Type III application with the decision authority given to the Planning Commission.

Background:

See attached Staff Report

Planning Commission Options:

1. Hold the public hearing, close the public hearing and the record, deliberate, and move to approve or deny the requested variance.
2. Hold the public hearing, keep the hearing and record open, and continue it to a future meeting, date and time certain.
3. Hold the public hearing, close the public hearing but keep the record open to allow additional submittals, and continue deliberation to a future meeting, date and time certain.

Financial Impact

None

Potential Motions:

1. Move to approve VAR 2022-03 as requested.
2. Move to deny VAR 2022-03 because the request doesn't meet all the criteria for approval, specifically (then state which of the criterion are not met and why).

Attachments:

VAR 2022-02 Application (PDF)
VAR 2022-02 Dept State Lands Determination (PDF)
VAR 2022-02 Staff Email 2010 (PDF)
VAR 2022-02 Site Plan (PDF)
VAR 2022-02 Claim of Map Error (PDF)
VAR 2022-02 Wetland Specialist Memo 2022 (PDF)
VAR 2022-02 Determination Report (PDF)
VAR 2022-02 STAFF REPORT (PDF)
VAR 2022-02 Staff Figure A (PDF)
VAR 2022-02 Staff Figure B(PDF)

Natural Resources Development Variance Application

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: James A. Olson and Jody L. Olson [Owners]
ADDRESS: 12406 NW Waker Drive
Portland, OR 97229
PHONE: (503) 956-2527
E-MAIL: jnjolson888@gmail.com

PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):

Copy of purchase must be included with submittal for application to be accepted.

NAME:
ADDRESS:

PHONE:
E-MAIL:

SITE INFORMATION:

ZONING DISTRICT:
TAX MAP AND LOT: 07-11-11-CD-03900
SITE ADDRESS: Site Address not yet assigned [Lot 2, Block 1, Loyd Forest - created in 1957]

REQUESTED VARIANCE and WHY:

To allow construction of a detached single-family dwelling in the natural resource overlay zone as allowed by the underlying residential code, so that we may utilize and enjoy the property that we purchase for this reason 29 years ago, in 1993.

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 AND CRITERION ARE MET:

PART 1

A detailed narrative must be prepared and submitted, along with this completed application form, that provides detailed evidence and proof that each of the 7 circumstances/criterion listed above exist. Each of the 7 circumstances/criterion must be discussed and thoroughly addressed in the narrative.

LCMC 17.46.060.A.1 – *Strict adherence to the natural resource overlay zone standards would effectively preclude a use of the lot or parcel that reasonably could be expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of the landowners in the vicinity; and*

Since purchasing this property in 1993 our desire and intention has been to develop our property by building a single-family vacation home similar to what other property owners in the vicinity have done. Strict adherence to the natural resource overlay zone standard would severely impact our ability to develop the property and would preclude us from enjoying the same property rights as our neighbors.

LCMC 17.46.060.A.2 – *The variance requested, of the possible variances necessary to create a buildable area outside of the natural resource overlay zone, has the least impact to the natural resource functions; and*

The requested variance will have the least impact to the natural resource functions, as the Buildable Area, while inside the natural resource overlay zone, is OUTSIDE of any delineated wetland areas. **Attachment: Buildable Area.pdf.**

LCMC 17.46.060.A.3 – *The proposed development, including actions to mitigate impacts to natural resource functions, can be accommodated without substantial negative impact to the applicable natural resource functions; and*

In document from Kim Biafora (Schott & Associates) dated February 17, 2022, **[Attachment: REPORTS-2.pdf]** She states: “The study site as represented by the red outline does not appear to have any natural resource or wildlife habitat value or function as it currently exists. It contains no wetlands, waters or intact upland forestry canopy and is vegetated predominately by invasive species. Development of the site should not impact the wetland to the south or Devil’s Lake provided appropriate erosion and sedimentation control measures are implemented during the construction to avoid any discharge of materials into the wetland and lake.”

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; and*

Neither of the adjacent and bordering properties are the natural resource overlay zone even though they are also lakefront properties. Furthermore, it should be noted that we purchased the property in August 1993 which was prior to the city's adoption of the natural resources overlay zone; this same condition did not exist for *at least one of the neighboring properties.*

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; and*

We purchased this property nearly 29 years ago for the expressed purpose of building a single-family home in our retirement years. The property to the west of ours has been developed already, and the property owners to the east of our lot are preparing to develop theirs; onsite work has commenced. Approval of this Variance Request will enable us to preserve the preserve property rights that are substantially the same as other property owners in the same vicinity.

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*

The variance we are requesting will simply allow the property to be developed in a way that is similar neighboring properties. Once approved, all plans for the development of the property will be subject to the City Ordinances pertaining to building a single-family home and would not otherwise conflict with objectives of any city planning policy.

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

The requested variance will alleviate hardship and allow the property to have a useful purpose as intended when we purchased it 29 years ago. It's important to note that any development of a single-family home will be substantially outside of any delineated wetland areas.

PART 2

The following items must be included in the submittal package and saved as separate pdfs, with pdfs titled as indicated:

1. Site plan drawn to scale, including: [Attachment: SITE PLAN.pdf]

- Date, north arrow, scale
- Exterior and interior property lines and dimensions
- Assessor map and tax lot numbers
- Location, dimensions, and type of each significant natural resource area
- Location and direction of flow of all water courses
 - Locations of trees over 6" in diameter
 - Locations of native vegetation
- Locations of existing and proposed structures, fences, retaining walls, and any other improvements with distances from the significant natural resource areas

2. Applicable delineations and/or environmental reports, if any (pdf titled REPORTS)

2.1 "Determination Report – No Wetlands or Other waters" report prepared by Kim Biafora, from Schott & Associates [Attachment: REPORTS-1.pdf]

2.2 In follow-up letter from Kim Biafora dated February 17, 2022, she states, "Areas within the study site boundary did not meet the criteria for jurisdictional wetlands or other waters as defined by DSL or the federal Army Corps of Engineers (Corps)" and, "No wetland hydrological hydrology indicators were observed within the study site" [Attachment: REPORTS-2.pdf]

3. Communications, letters, reports from Oregon Department of State Lands, if any (pdf titled DSL)

The Oregon Department of State Lands *concurred* with the Schott & Associates study's findings that there were no jurisdictional wetland or other waters of the state within the study area [as indicated on Figure 6 of the DSL.pdf document]. ODSL requested that all copies of the preliminary wetland map be replaced with the final Department-approved map. **[Attachment: DSL.pdf]**

4. Communications, letters, reports from any other state or federal agencies, if any (pdf titled AGENCIES)

4.1 The City of Lincoln City Planning office APPROVED with conditions the Report that was prepared by Schott & Associates and approved by ODSL and agreed to replace existing significant wetland map with the map that was approved and by ODSL. [Attachment: AGENCIES-1.jpg]

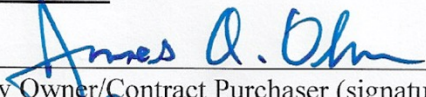
4.2 In April 2010, we received written confirmation from the City of Lincoln City's Planning Department confirming that our property is a "legal lot which could be developed with a single-family home", and that "we would not need to be granted any special exceptions to develop the lot". [Attachment: AGENCIES-2.pdf]

1. Online Direct Pay Authorization Agreement Form for Credit/Debit Cards (pdf titled ONLINE DIRECT PAY)
 - o If payment by check is desired, mail to: Lincoln City Planning, PO Box 50, Lincoln City, OR 97367
 - o If payment over the phone is desired, call 541.996.1232
2. Completed application form with all signatures (pdf titled APPLICATION)

The application package shall be submitted via email to: askinner@lincolncity.org

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.

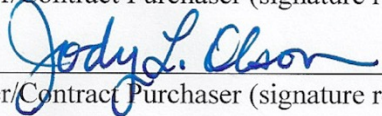
SIGNATURES:



 Property Owner/Contract Purchaser (signature required)

02/21/2022

 Date



 Property Owner/Contract Purchaser (signature required)

02/21/2022

 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



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

September 2, 2021

Jim Olson
12406 Waker Drive
Portland, OR 97229

Kate Brown
Governor

Re: WD # 2021-0340 **Approved**
Wetland Delineation Report for NE Lake Drive Lot
Lincoln County; T7S R11W S11CD TL3900 (Portion)

Shemia Fagan
Secretary of State

Dear Jim Olson:

Tobias Read
State Treasurer

The Department of State Lands has reviewed the wetland determination report prepared by Schott & Associates for the site referenced above. Please note that the study area includes only a portion of the tax lot described above (see the attached map). Based upon the information presented in the report, we concur that there are no jurisdictional wetlands or other waters of the state within the study area, as indicated on the attached Figure 6. Please replace all copies of the preliminary wetland map with this final Department-approved map.

However, there are jurisdictional wetlands and waters located immediately south of the study area boundary. Devil's Lake is essential salmonid habitat. Therefore, fill or removal of any amount of material below its OHWL or within hydrologically connected wetland may require a state permit. Devil's Lake is also a state-owned waterway. Any activity encroaching within state-owned submerged and submersible land may require a lease, registration, or easement to occupy. Please contact Dario Frisone at (503) 986-5291 for more information.

This concurrence is based on information provided to the agency and is solely for purposes of the state Removal-Fill Law. Federal or local permit requirements may apply as well. Federal or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact Jurisdictional Coordinator Chris Stevenson, PWS at (503) 986-5246.

Sincerely,



Peter Ryan, Sr. PWS
Aquatic Resource Specialist

Enclosures

ec: Kim Biafora, Schott & Associates
Lincoln County Planning Department
Katherine Mott, Corps of Engineers
Charles Redon, DSL
Oregon Coastal Management Program

Section 2. Contact and Authorization Information☒ Applicant ☐ Owner Name, Firm and Address:

Jim Olson
12406 Waker Dr
Portland, OR 97229

Business phone # (503) 956-2527

Mobile phone # (optional)

E-mail: jnolson888@gmail.com

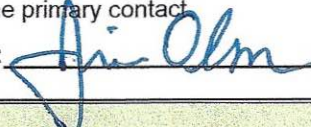
☐ Authorized Legal Agent, Name and Address (if different):

Business phone #

Mobile phone # (optional)

E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the determination, after prior notification to the primary contact.

Typed/Printed Name: JIM OLSONSignature: Date: 6/21/2021 Special instructions regarding site access:**Section 3. Project and Site Information**

Project Name: NE Lake Dr

Latitude: 44.973979°

Longitude: -123.998044°

Decimal Degree required. Provide centroid of site or start & end points of linear project

Proposed Use: Residential Development

Tax Map # 071111CD

Tax Lot(s) 3900

Tax Map #

Tax Lot(s)

Site Street Address (or other descriptive location):
east of 1220 NE Lake Dr

Township 7S \ Range 11W Section 11 QQ SE/SV

City: Lincoln City

County: Lincoln

Section 4. Additional Site Information (check applicable boxes)☒ LWI or SWI shows wetlands or waters within the **study area**.Wetland LWI ID code(s) DEL-14

☐ There are likely wetlands or waters within the **tax lot(s)**
(outside the study area)

☒ There has been fill or grading activity within:☐ **study area**. Approx. date(s) _____☒ **tax lot(s)**. Approx. date(s) 01/01/1996☐ Previous DSL action on **tax lot(s)**

If known, previous DSL # _____

Section 5. Wetland Determination InformationPrimary Contact for determination review and site access is ☐ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland Consultant Name, Firm and Address:

Kim Biafora
Schott & Associates
PO Box 589
Aurora, OR 97002

Phone # (503) 678-6028

Mobile phone # (if applicable)

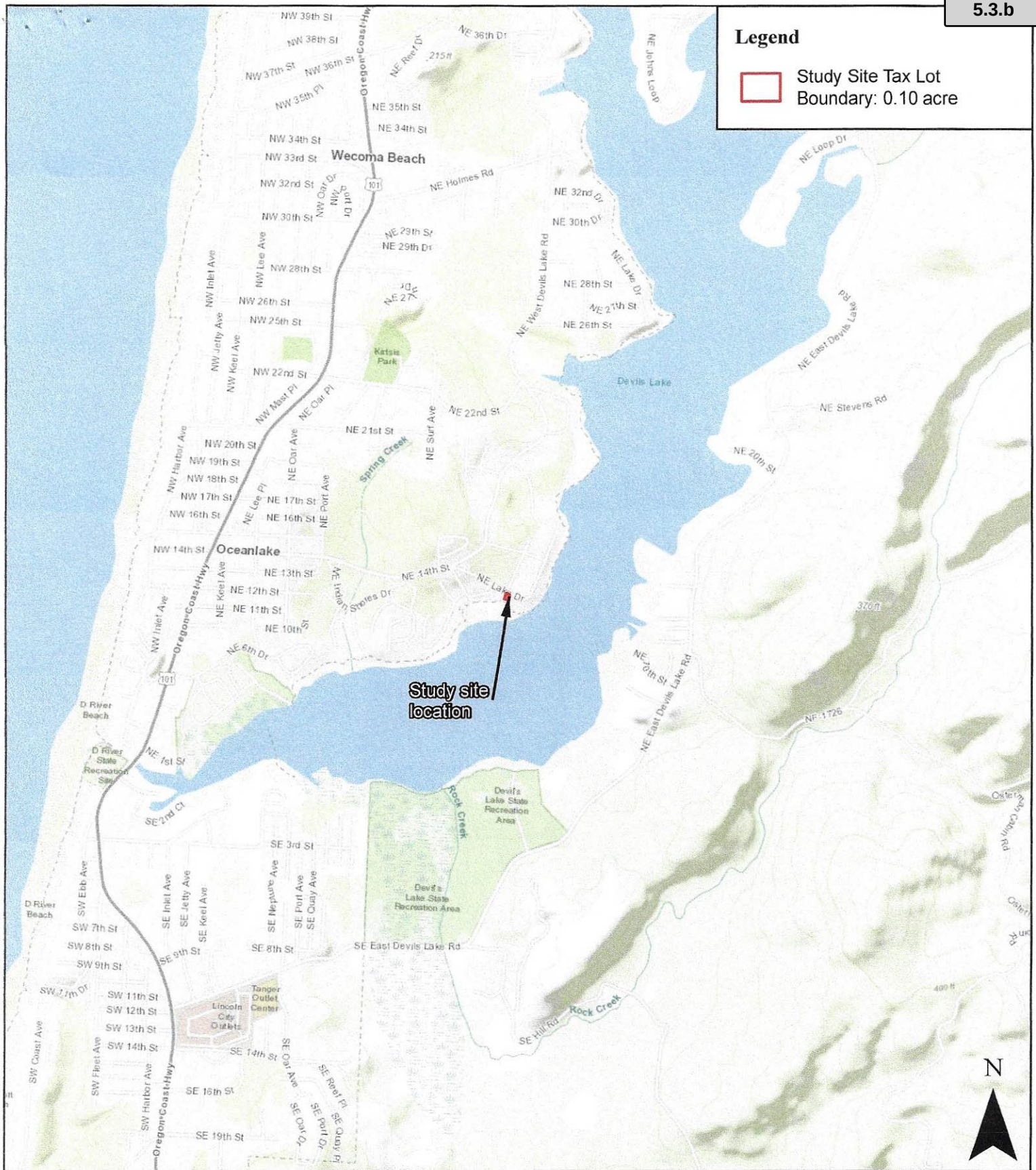
E-mail: kim@schottandassociates.com

The information and conclusions in the attached documents are true and correct to the best of my knowledge.

Consultant Signature: Date: 6/21/2021

Disclaimer: This report is based on the investigation, best professional judgment and conclusions of the investigator. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

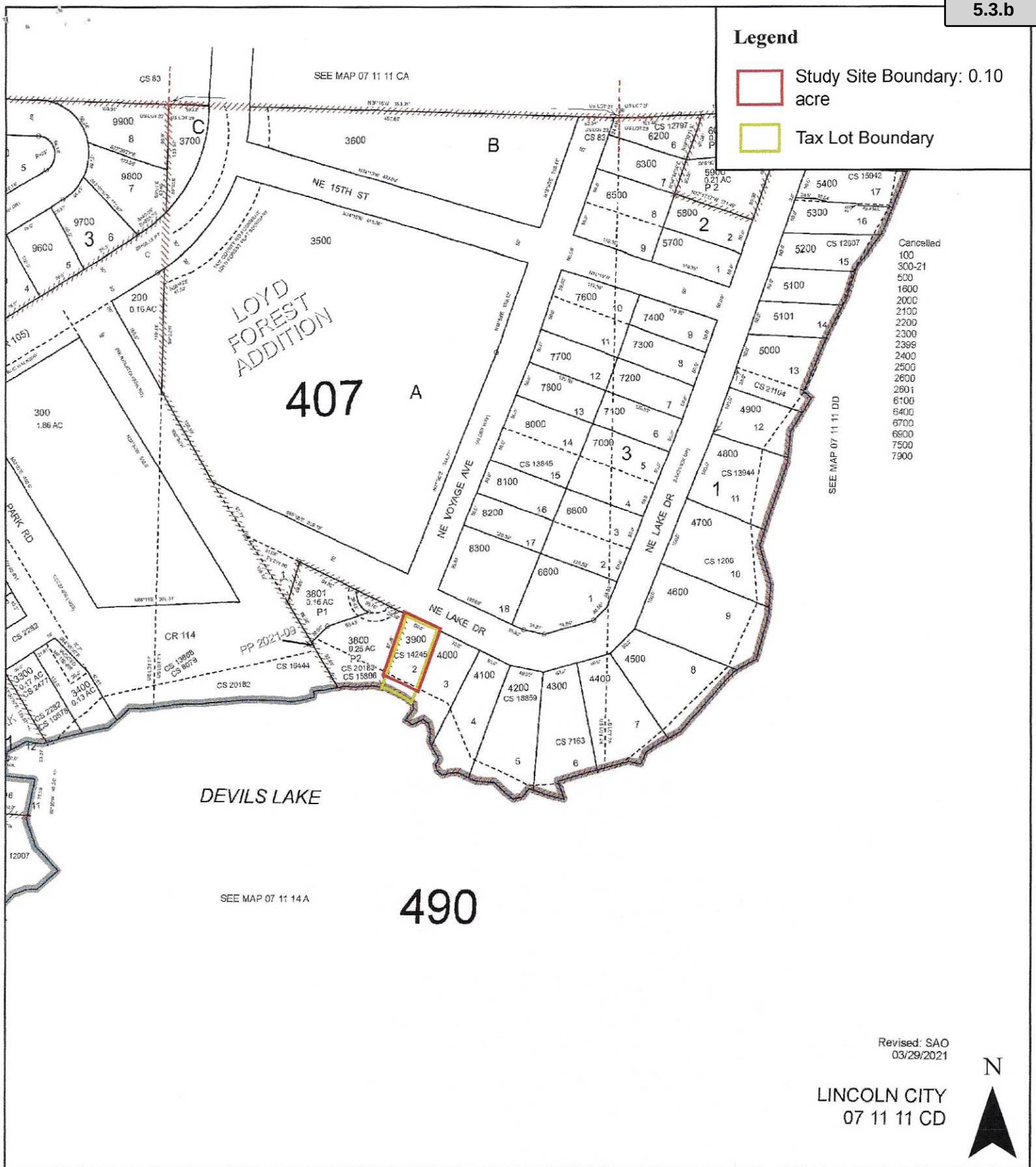
Section 6. For Office Use OnlyDSL Reviewer: MU Date Fee Paid / / DSL WD # 2021-0340Date Determination Received: 06 / 21 / 2021Scanned: ☐Electronic: ☒DSL App.#



Date: 6/21/2021

Data Source: ESRI, 2021; Lincoln County GIS Dept., 2021

Figure 1. Location Map



Date: 8/30/2021

Data Source: ESRI, 2021; Lincoln
County GIS Dept., 2021Figure 2. Lincoln County Tax Lot Map -
07S11W11CD

NE Lake Drive Project Site: S&A # 2877



Date: 8/30/2021

Data Source: ESRI, 2021; Lincoln
County GIS Dept., 2021; DOGAMI, 2009Figure 4. Wetland Determination
Map

Re: URGENT Input for: 6-April 2010 Lincoln City, City Council - PublicHearing

5.3.c

From:

Kate Daschel (Kated@lincolncity.org)

Sent:

Mon 4/05/10 8:43 AM

To:

Jim Olson (jolson2002@hotmail.com)

Cc:

Debra Martzahn (Dmartzahn@lincolncity.org); Richard
Townsend (rtown@lincolncity.org)

Attachments:

CPA and ZC 2010-01 - Planning Commission Staff
Report.pdf (3.2 MB)

Dear Mr. Olson,

I received your e-mail and printed it. It will be provided to the Planning Commission at their hearing tomorrow evening. For the purpose of this matter only, I will add your Hong Kong address to the mailing list of those who will receive a Notice of Decision (when the matter is concluded). For any future land use matters in your neighborhood, we are required to use the mailing address provided by the Lincoln County Assessor, which is your Portland address.

Regarding your undeveloped property on NE Lake Drive (Map 07-11-11-CD-03900) - this lot is already inside city limits and was annexed in either 2002 or 2003. It was not rezoned at that time, but is proposed for rezoning now. The current zoning is Lincoln County R-1-Residential. The proposed zone is R-1-7.5 Single-Family Residential. Attached for your review is a staff report for the proposed rezoning. One of the pages in the report includes a comparison chart of the current zone with the proposed zoning. You'll see that the proposed R-1-7.5 zone provides a greater lot (building) coverage, greater height, and generally smaller setbacks than the county R-1 zone.. The lot itself was created in 1957 as part of the "Loyd Forest Addition" (Lot 2, Block 1, Loyd Forest Addition). The specific lot area is not called out on the original plat. Our maps indicate an approximate area of 5400 square feet (but a survey may reveal an area smaller or larger than that).

In any event, the lot area is nonconforming (but legal) for either the Lincoln County R-1 zone, or the Lincoln City R-1-7.5 zone. As a legal "lot of record" (legally created prior to enactment of an ordinance), the lot can still be developed with a single-family residence, subject to the development standards (setbacks, etc.) of the zoning in place at the time a permit is requested. This provision is stated in Lincoln City Municipal Code Section 17.52.140 "Lot size requirements - General exceptions". You won't need to be granted a special exception to develop your lot.

I hope this answers your questions about your property. If you have additional questions, please don't hesitate to contact me by e-mail, or phone at 541-996-1232. I am copying Planning Director Richard Townsend and Senior Planner Debra Martzahn on this e-mail so that they can provide additional comments to you if necessary.

Best regards,
Kate Daschel
Assistant Planner

>>> Jim Olson <jolson2002@hotmail.com> 4/4/2010 1:13 AM >>>

Dear Lincoln City Representatives,

* My Name is James A. Olson.* I am a US Citizen, and long-term
resident of Oregon, with properties in Portland.* Due to the needs of

my employer I currently reside in Hong Kong, China (SAR). * Since 1993 I have been the owner of a small parcel of land "two properties to the north of the Regatta Grounds."

Recent correspondences were sent to my home address in Portland (where my son now lives: 12695 NW Lovejoy Street, Portland OR 97229), and were subsequently forwarded to me in Hong Kong. According to these correspondences, I believe there may be some changes in zoning that could affect my property.

According to one of the correspondences, my Map and Tax Lot number is: 07-11-11-CD-03900-00. In this correspondence, it was indicated that my property would be affected by this rezoning, while yet in another it appeared that our property would not be affected.

First, I am writing to request your assistance to find out whether or not my property is included in this rezoning exercise.

Secondly, I am writing with GREAT CONCERN, that based on the announcement of the April 6, 2010 meeting, my property is included and that there could be catastrophic consequences to me if this re-zoning was to take place, without exception, for my property.

MY CONCERN:

* I note from one correspondence that the "Proposed Zone" would be R-1-7.5 Single Family. * While from another correspondence I see that for R-1-7.5, the Minimum Lot Area is 7,500 sq. ft.* While I do not have the exact specs at my fingertips here in Hong Kong, it is my recollection that our Lot Size is 4,000 sq. ft. (50W x 80D).

MY QUESTION:

* Would this mean that the property I have owned for 17 years, with the clear intent to develop it someday, would in-fact become useless for me?

MY REQUEST FOR THE APRIL 6, 2010 MEETING:

* While implementing the re-zoning of this area into the city PLEASE grant an exception of some sort (grandfather, permitted or conditional use) to my property to allow it to be developable.

I have been anxiously awaiting this re-zoning with the full expectation that I would build a family vacation home on this property. I'm happy to have my property to become part of the City of Lincoln City, and would be pleased to be a tax-payer and supporter of the City. My only request in return is to simply allow me to develop my land.

With Front, Side, and Rear Yard set-backs of 5 feet for a single-story, it seems the buildable area could be over 2,500 sq. ft. which is more than is required for our use.

Please advise as soon as possible of any subsequent actions I need to take in order to work with the City to create a win-win situation.

Sincerely,

James A. Olson

CURRENT ADDRESS / MAILING ADDRESS:

Block 5, 32nd Floor, Flat B38 Tai Tam Road The Pacific View Tai Tam, Hong Kong

PHONE & EMAIL:

(H): +(852) 2899 0004(M): +(852) 9687 2546 Email: jolson2002@hotmail.com

My mailing address of record in Oregon: 12695 NW Lovejoy Street, Portland OR 97229. This address can be used as a secondary address. Hong Kong would be the preferred and quickest address for written correspondence.

Legend

 Tax Lot Boundary: 0.10 acre



Date: 2/17/2022

Data Source: ESRI, 2021; Lincoln
County GIS Dept., 2021; DOGAMI, 2009

Buildable Area

NE Lake Drive Project Site: S&A # 2877



Date: 2/17/2022

Data Source: ESRI, 2021; Lincoln County GIS Dept., 2021; DOGAMI, 2009

Buildable Area

NE Lake Drive Project Site: S&A # 2877

Location of Trees over 6" in Diameter

5.3.d



Legend

- Study Site Boundary: 0.09 acre
- Tax Lot Boundary
- Wetland Boundary
- Contours: 2-ft. Interval
- ✕ Sample Plots
- Photo Point
- ✱ Red Alder



Mapping Method and Precision Statement: The sample plots and study site boundary were recorded utilizing a Trimble Geo XT hand-held unit. GPS data were post-processed using Pathfinder Office software. GPS points averaged a horizontal accuracy of 0.1 feet.

Date: 2/17/2022

Data Source: ESRI, 2021; Lincoln County GIS Dept., 2021; DOGAMI, 2009

Wetland Determination Map

NE Lake Drive Project Site: S&A # 2877

Staff Report, Decision, Conditions of Approval Natural Resource Overlay (NR) Zone Claim of Map Error

Date: November 17, 2021

Case File: NRDR 2021-03 Olson

Applicant: James and Jody Olson
12406 NW Waker Dr
Portland, OR 97229

Property Owner: Same

Situs Address: Unaddressed

Location: South of NE Lake Dr and approximately 170 feet east of NE Regatta Park Rd

Tax Map and Lot: 07-11-11-CD-03900

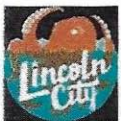
**Comprehensive
Plan Designation:** Single-Family Residential

Zoning District: Single-Family Residential (R-1-7.5) Zone

Site Size: approximately 5,402 square feet

Proposal: Request for approval of a natural resources (significant wetland) claim of map error

**Surrounding
Land Uses
and Zones:** North: undeveloped land, detached dwellings; R-1-7.5, OS
South: Devils Lake
East: undeveloped land, detached dwellings; R-1-7.5
West: detached dwellings; R-1-5



Authority:	Section 17.76.040 of the Lincoln City Municipal Code (LCMC) states that the authority for Type II applications shall be the Planning and Community Development Director (Director). Table 17.76.020-1 of LCMC Chapter 17.76 lists natural resources development reviews as Type II applications, with the Director listed as the review authority.
Procedure:	The application was received on September 29, 2021. The application was deemed complete on September 29, 2021. Notice of receipt of the application was mailed by the Planning and Community Development Department to the owners of all properties within 250 feet of the site on October 5, 2021, with a request for written comments to be received no later than October 19, 2021, at 5:00 p.m. No written comments were received.
Applicable Substantive Criteria:	LCMC Chapter 17.46 Natural Resource Overlay (NR) Zone LCMC Chapter 17.76 Procedures LCMC Section 17.77.090 Geologic Hazard Report Review and/or Beach Protective Structure Review – Natural Resources Development Review

BACKGROUND

The subject property (site) is unaddressed and undeveloped. The site is bordered by NE Lake Dr as its northerly boundary and Devils Lake as its southerly boundary. The site is located in the Single-Family Residential (R-1-7.5) Zone, with a portion of the site overlaid by the Natural Resource Overlay (NR) Zone. The natural resource mapped on the site in 1996, and adopted in the comprehensive plan, is significant wetland. The significant wetland was mapped in 1996 as a rectangular strip running approximately from the northwesterly corner, diagonally through the site, to and beyond the site's southeasterly corner. The southerly portion of the site is in the FEMA Flood Hazard Area, AE zone.

The applicant desires to develop the site with a dwelling. The significant wetland mapped area largely precludes development of the site. The applicant retained the services of Kim Biafora at Schott & Associates, Inc., to perform a wetland delineation and ascertain the accuracy of the 1996 mapping.

ANALYSIS

Chapter 17.46 Natural Resource Overlay (NR) Zone

17.46.020 Definitions

Significant natural resource means wetlands, riparian areas, and wildlife areas within the urban growth boundary and shown on the significant natural resources maps in the comprehensive plan.

Wetland, significant, means a wetland shown on the significant natural resources maps in the comprehensive plan.

Finding: The mapping performed on behalf of Lincoln City in 1996 resulted in a determination of significant natural resources on the site, specifically significant wetland.

17.46.090 Claims of map error

A responsible party may request to be excused from compliance with the requirements of this chapter if the proposed development area was mapped as a significant natural resource in error. If the request is approved, then the significant natural resources map will be amended to remove the proposed development area from the map. In the case of wetlands, the claim of map error must be confirmed by the Oregon Division of State Lands.

Finding: The applicant submitted a “Determination Report – No Wetlands or Other Waters” that was prepared by Kim Biafora, a wetland consultant with Schott & Associates, Inc. The report shows that the consultant selected four areas of the site as sampling points. Three factors must be present for an area to be a wetland – hydrophatic vegetation, hydric soil, and wetland hydrology. The report shows that not one of the four sampling points contained all three of the required factors and that no sampled area is within a wetland. Figure 4 of the submitted report depicts the site’s boundary in yellow, and the wetland study area in red, as well as the specific sampling points. Figure 4 also states that wetland occurs on the site, but at the very southern portion of the site adjacent to Devils Lake and outside the site’s study area.

The report was submitted to the Oregon Department of State Lands (DSL) for review and concurrence. The applicant’s materials include the response from DSL, dated September 2, 2021, which states in part:

“The Department of State Lands has reviewed the wetland determination report prepared by Schott & Associates for the site referenced above. Please note that the study area includes only a portion of the tax lot described above (see the attached map). Based upon the information presented in the report, we concur that there are no jurisdictional wetlands or other waters of the state within the study area, as indicated on the attached Figure 6. Please replace all copies of the preliminary wetland map with this final Department-approved map.

However, there are jurisdictional wetlands and waters located immediately south of the study area boundary. Devil’s Lake is essential salmonid habitat. Therefore, fill or removal of any amount of material below its OHWL or within hydrologically connected wetland may require a state permit. Devil’s Lake is also a state-owned waterway. Any activity encroaching within state-owned submerged and submersible land may require a lease, registration, or easement to occupy...”

The wetland determination report included four figures. The reference to Figure 6 in the DSL concurrence letter is a typographical error that should be Figure 4. Figure 4 is also the referenced “see the attached map” in the DSL concurrence letter. This was confirmed by Kim Biafora. The Determination Report clearly shows in the figures, and states in the findings, that there are no wetlands present in the area previously mapped in 1996 as wetlands. The only wetlands on the site are along the southernmost portion of the southerly boundary. DSL concurs with the assessment and approves the final map, or Figure 4. Accordingly, the site’s mapped significant wetland area is in error and the mapping shall be replaced to reflect removal of the rectangular strip from the northwesterly corner to the southeasterly corner to be replaced with the southernmost portion of the southerly boundary of the site as shown in Figure 4 of the Determination Report.

Chapter 17.76 Procedures

17.76.040 Type II procedure

- A. General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.*
- B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.*
- C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.*
- D. Application Requirements. Type II 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 on September 29, 2021, along with the required fee. The application was deemed complete on September 29, 2021 in accordance with LCMC 17.76.110(D) and (E).

E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.

1. *After a Type II 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. *The owners of record of the subject property;*
 - c. *Property owners of record within 250 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.*

Finding: The Planning and Community Development Department mailed the public notice of receipt of a complete application to the parties noted in LCMC 17.76.040(E)(1)(a) through (d).

2. *The written public notice shall include the following:*
 - a. *A brief description of the request;*
 - b. *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. *Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);*
 - e. *The name of a department staff member to contact and the telephone number where additional information may be obtained; and*
 - f. *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.*
3. *An affidavit of mailing of the public notice of receipt of a complete application shall be prepared with the mailing date noted and the list of parties to whom the notice was mailed attached to the affidavit, along with the notice itself.*
4. *Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.*

Finding: The written public notice of receipt of a complete application was mailed on October 5, 2021. The written public notice contained all the information required in LCMC 17.76.040(E)(2) and (4). The required affidavit of mailing was prepared on October 5, 2021, pursuant to LCMC 17.76.040(E)(3).

F. Review Authority. The review authority for Type II applications shall be the director.

Finding: The Director reviewed the submitted Type II application.

G. Decision.

1. *Based on the criteria and facts contained within the record, the director shall approve, approve with conditions, or deny the request. The decision shall address all relevant approval criteria and consider written comments submitted before the close of the comment period.*

Finding: The relevant approval criteria are addressed in detail earlier in this staff report. No written comments were received before the close of the comment period.

2. *The decision is considered final for purposes of appeal on the date the notice of the decision is mailed. Within seven days after the director has issued the decision, a notice of the decision shall be sent by mail to the following:*
 - a. *The applicant and applicant's representative;*
 - b. *The owners of record of the subject property;*
 - c. *Any person, group, agency, association, or organization who submitted written comments during the comment period; and*
 - d. *Any person, group, agency, association, or organization who submitted a written request to receive notice of the decision.*

Finding: Within seven days after the Director has issued the decision, the notice of that decision shall be mailed by the Planning and Community Development Department, pursuant to LCMC 17.76.040(G)(2).

3. *The notice of the decision shall include the following:*
 - a. *A brief description of the request;*
 - b. *A statement of the decision and the applicable approval criteria used in making the decision;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;*
 - e. *The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;*
 - f. *A statement that the complete file is available for review; and*
 - g. *The name of a department staff member to contact and the telephone number where additional information may be obtained.*

Finding: The Planning and Community Development Department will issue the notice of decision that shall contain all the information noted in subsection 17.76.040(G)(3)(a) through (g).

Chapter 17.77 Applications

17.77.090 Geologic hazard report and/or beach protective structure review – Natural resources 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.*

Finding: The applicant submitted a natural resources claim of map error. Pursuant to LCMC 17.76.040, the request is subject to the Type II procedure and has been processed accordingly.

- 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 17.76.100, as well as Chapters 17.46 and 17.47 LCMC.*

Finding: The required documents were submitted by the applicant.

C. Approval Criteria.

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

Finding: The request was not for a geologic hazard report review or beach protective structure review, so these approval criteria are not applicable.

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

Finding: The request is for the review of a natural resources claim of map error. LCMC 17.46.050 provides approval criteria for an actual natural resources development review, of which this is not. Rather, this is a review of a request for a natural resources claim of map error. Approval criteria are noted in LCMC 17.46.090 and have been addressed previously in this report.

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

Finding: Conditions of approval have been imposed to ensure compliance with applicable approval criteria.

DECISION AND CONDITIONS

Based upon an analysis of the submitted application and accompanying materials against applicable criteria, the Director concludes all criteria have been met, and thus APPROVES WITH CONDITIONS the natural resources claim of map error request, subject to the following conditions:

1. The applicant and property owner are responsible for compliance and conformance with all local, state, and federal requirements.
2. The mapped significant wetland area on the site shall be replaced with the final map approved by DSL, which is attached to this decision and labeled Figure 4.
3. The property owner shall adhere to all conditions, rules, regulations, requirements, and information in DSL's concurrence letter for the site (WD #2021-0340), dated September 2, 2021, which is attached to this decision.

Prepared by: Weston Fritz, Assistant Planner



Approved by: _____
Anne Marie Skinner, Director

November 18, 2021
Date



SCHOTT & ASSOCIATES

Ecologists & Wetlands Specialists

21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

February 17, 2022

Jim Olson
12406 Waker Dr
Portland, OR 97229
503-956-2527
injolson888@gmail.com

Re: Wetland support for project site at NE Lake Dr, Lincoln City, Oregon (T7S, R11W, S11CD, TL 3900)

Dear Mr. Olson,

This memorandum is intended to accompany the “determination of no wetlands or other waters” report prepared for a portion of the above-referenced property by Schott & Associates (S&A) and approved by the Oregon Department of State Lands (DSL) in September 2021 (WD#2021-0340). Areas within the study site boundary did not meet the criteria for jurisdictional wetlands or other waters as defined by DSL or the federal Army Corps of Engineers (Corps). The study site boundary was intended to include all areas of permanent and temporary disturbance associated with the proposed project (area outlined in red in the attached map). The vegetation community within the study site was dominated by Himalayan blackberry (*Rubus armeniacus*), a common invasive shrub that was mowed to facilitate site access for the wetland study. Five native red alder (*Alnus rubra*) trees 6” or greater in diameter at breast height were present in the study site as shown in the attached map, a cluster of three in the northeastern portion of the site and two more in the center of the site. Invasive English ivy (*Hedera helix*) grew extensively over the cluster of three trees and the health of these trees has likely been compromised. The soils mapped onsite according to the USDA Soil Survey for Lincoln County were Fendall-Winema silt loams, a deep, well drained, non-hydric soil complex. Onsite soil samples were brown (10 YR 3/3 to 10 YR 3/4) in matrix color with no redoximorphic concentrations and did not meet hydric soil criteria. No wetland hydrological hydrology indicators were observed within the study site.

Just south of the study site boundary, palustrine scrub-shrub (PSS) wetland associated with Devil’s Lake was present (boundary shown as blue line on attached map). This wetland boundary was delineated by S&A during onsite fieldwork according to methods described in the *Corps Wetland Delineation Manual* (Environmental Laboratory 1987) and the *Regional Supplement to the Corps of Engineers Delineation Manual: Western Mountains, Valleys, and Coast (Version 2)* (Environmental Laboratory 2010). The wetland area south of the study site was represented by Sample Plot 5 as shown on the attached map. It was vegetated by spiraea (*Spiraea douglasii*), willow (*Salix* sp.), invasive reed canarygrass (*Phalaris arundinacea*), and small-fruited bulrush (*Scirpus microcarpus*). The soil met

hydric soil criteria for depleted matrix and secondary wetland hydrological indicators were observed including geomorphic position, FAC-neutral test, and saturation visible on aerial imagery. Photos of the area were included in WD#2021-0340.

The delineated wetland was not included in the report submitted to DSL as it was not part of the proposed project site. Excluding the wetland from the study site saved considerable time and expense that would have been required to produce a formal wetland delineation report when the wetland could easily be avoided by the proposed project. Modifying the study site boundary to avoid the wetland was expressly permitted by DSL during correspondence with the regional Jurisdictional Coordinator who reviewed the determination report.

The study site as represented by the red outline does not appear to have any natural resource or wildlife habitat value or function as it currently exists. It contains no wetlands, waters or intact upland forest canopy and is vegetated predominantly by invasive species. Development of the site should not impact the wetland to the south or Devil's Lake provided appropriate erosion and sedimentation control measures are implemented during construction to avoid any discharge of materials into the wetland and lake.

Hopefully, this memorandum provides some clarity and insight into existing conditions of the project site. Please let me know if you have any additional questions.

Sincerely,

Kim Biafora
Wetland Ecologist & GIS Analyst
kim@schottandassociates.com
503-678-6028

Enclosure: Wetland Determination Map

Legend

-  Study Site Boundary: 0.09 acre
-  Tax Lot Boundary
-  Wetland Boundary
-  Contours: 2-ft. Interval
-  Sample Plots
-  Photo Point
-  Red Alder



Date: 2/17/2022

Data Source: ESRI, 2021; Lincoln
County GIS Dept., 2021; DOGAMI, 2009

Wetland Determination Map

NE Lake Drive Project Site: S&A # 2877

Determination Report – No Wetlands or Other Waters



This form may be used to report on the results of an onsite determination for study areas two acres or less that contain **no wetlands or other waters** such as streams, drainages, or ponds. See below for additional eligibility criteria.

A fully completed and signed report form and [applicable fees](#) are required before report review timelines are initiated by the Department of State Lands.

Make checks payable to the Oregon Department of State Lands. To pay fees by credit card, go [online](#). An electronic report submittal is preferred. A single PDF of the completed form and attachments may be e-mailed to:

Wetland_Delineation@dsl.state.or.us. For submittal of PDF files larger than 10MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website. For paper submittals and fee payments, submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.**

Directions: complete Sections 2 – 5 and submit with required attachments (Section 1).

Section 1. Eligibility and Requirements

Eligibility criteria:

- Study area is 2 acres or less.
- No wetlands or waters within the study area (including the ordinary high water line, highest measured tide, or pool elevation of a nearby water).
- No disturbance has occurred that may obscure wetland indicators or have affected the presence of wetlands or other waters.
- Not currently or recently managed as an agricultural site.
- The field investigation and form must be completed by a wetland professional.

Requirements:

- Wetland determinations must be conducted in accordance with the 1987 U.S. Army *Corps of Engineers Wetlands Delineation Manual*, including regional supplements and applicable guidance and any supporting technical guidance documents issued by the Department.
- Wetland determination data forms must be provided for all suspect areas, including but not limited to areas with mapped wetlands, hydric soils, wet signatures on aeriels, low areas, and other areas likely to be wetland.
- Wetland determination map(s) must be at a scale suitable for the study area size and indicate the study area boundary in relation to the parcel boundaries. The map(s) must include numbered sample plots corresponding to data forms, areas of fill or grading or other major alterations, mapping method and estimated mapping precision statement (1 meter requirement) for the study area boundary and data plot points, a north arrow and scale bar, and photograph locations and direction of view.

Required Attachments (all attachments must be legible):

- Figure 1. Location Map (with outline of study area)
- Figure 2. Tax Lot Map (with outline of study area)
- Figure 3. Recent Aerial (with outline of study area)
- Figure 4. Wetland Determination Map(s) (see requirements section)
- Figure 5. Ground level color photos
- Data Forms (meets data form requirements OAR141-090-0035(17))

Failure to meet eligibility criteria and/or requirements:

- Upon rejection of a report, an applicant, landowner, or agent may, with a \$100 fee, resubmit a determination report, if applicable, or submit a wetland delineation report.

Section 2. Contact and Authorization Information☒ Applicant ☐ Owner Name, Firm and Address:

Jim Olson
12406 Waker Dr
Portland, OR 97229

Business phone # (503) 956-2527

Mobile phone # (optional)

E-mail: jnolson888@gmail.com

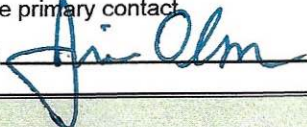
☐ Authorized Legal Agent, Name and Address (if different):

Business phone #

Mobile phone # (optional)

E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the determination, after prior notification to the primary contact.

Typed/Printed Name: JIM OLSONSignature: Date: 6/21/2021 Special instructions regarding site access:**Section 3. Project and Site Information**

Project Name: NE Lake Dr

Latitude: 44.973979°

Longitude: -123.998044°

Decimal Degree required. Provide centroid of site or start & end points of linear project

Proposed Use: Residential Development

Tax Map # 071111CD

Tax Lot(s) 3900

Tax Map #

Tax Lot(s)

Site Street Address (or other descriptive location):
east of 1220 NE Lake Dr

Township 7S Range 11W Section 11 QQ SE/SV

City: Lincoln City

County: Lincoln

Section 4. Additional Site Information (check applicable boxes)☒ LWI or SWI shows wetlands or waters within the **study area**.Wetland LWI ID code(s) DEL-14

☐ There are likely wetlands or waters within the **tax lot(s)**
(outside the study area)

☒ There has been fill or grading activity within:☐ **study area**. Approx. date(s) _____☒ **tax lot(s)**. Approx. date(s) 01/01/1996☐ Previous DSL action on **tax lot(s)**

If known, previous DSL # _____

Section 5. Wetland Determination InformationPrimary Contact for determination review and site access is ☐ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland Consultant Name, Firm and Address:

Kim Biafora
Schott & Associates
PO Box 589
Aurora, OR 97002

Phone # (503) 678-6028

Mobile phone # (if applicable)

E-mail: kim@schottandassociates.com

The information and conclusions on the attached documents are true and correct to the best of my knowledge.

Consultant Signature: 

Date: 6/21/2021

Disclaimer: This report is based on the investigation, best professional judgment and conclusions of the investigator. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

Section 6. For Office Use Only

DSL Reviewer: _____ Date Fee Paid ____/____/____

DSL WD # _____

Date Determination Received: ____/____/____

Scanned: ☐Electronic: ☐

DSL App.# _____



Date: 6/21/2021

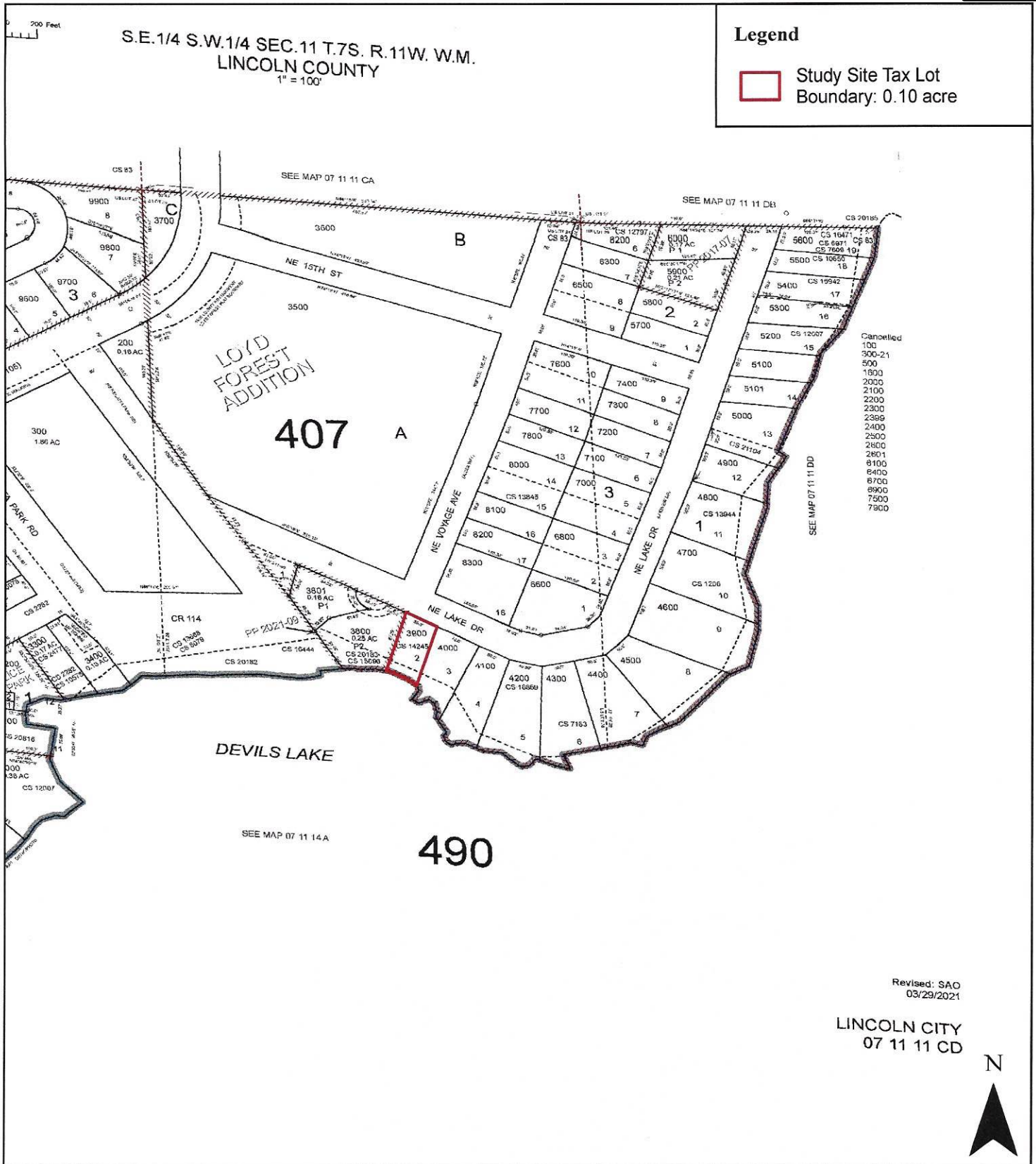
Data Source: ESRI, 2021; Lincoln County GIS Dept., 2021

Figure 1. Location Map

NE Lake Drive Project Site: S&A # 2877



A horizontal number line with tick marks at 0, 500, 1,000, and 2,000. The label "Feet" is at the right end.



Date: 6/21/2021

Figure 2. Lincoln County Tax Lot Map -
07S11W11CD

Data Source: ESRI, 2021; Lincoln
County GIS Dept., 2021

NE Lake Drive Project Site: S&A # 2877



0 100 200 400 Feet



Date: 6/21/2021

Figure 3. Recent Aerial Imagery -
July 4, 2019

Data Source: ESRI, 2021; Lincoln
County GIS Dept., 2021

NE Lake Drive Project Site: S&A # 2877



Date: 6/21/2021

Data Source: ESRI, 2021; Lincoln County GIS Dept., 2021; DOGAMI, 2009

Figure 4. Wetland Determination Map

NE Lake Drive Project Site: S&A # 2877



Photo Point 1. From the southern portion of the site facing northeast. Blackberry recently mown to provide site access.



Photo Point 1. From the southern portion of the site facing southeast toward offsite wetland and lake.

FIGURE 5: GROUND LEVEL PHOTOGRAPHS
NE Lake Drive Project Site
S&A # 2877

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



Photo Point 1. From the southern portion of the site facing southwest toward offsite wetland and lake.

FIGURE 5: GROUND LEVEL PHOTOGRAPHS
NE Lake Drive Project Site
S&A # 2877

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: NE Lake Dr City/County: Lincoln City/Lincoln Sampling Date: 6/8/2021
 Applicant/Owner: Jim Olson State: OR Sampling Point: 1
 Investigator(s): K. Biafora Section, Township, Range: S11, T7S, R11W
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-2
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 44.973883 Long: -123.998036 Datum:
 Soil Map Unit Name: Fendall-Winema silt loams NWI Classification: none
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u>X</u> No <u></u>	Is the Sampled Area within a Wetland?	Yes <u></u> No <u>X</u>
Hydric Soil Present?	Yes <u></u> No <u>X</u>		
Wetland Hydrology Present?	Yes <u></u> No <u>X</u>		
Remarks: Vegetation recently mown to provide site access. Site was vegetated densely by Himalayan blackberry and English ivy			

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
1. <u></u>				
2. <u></u>				
3. <u></u>				
4. <u></u>				
Total Cover: <u>0</u>				
Shrub Stratum				
1. <u>Rubus armeniacus</u>	<u>100</u>	<u>Y</u>	<u>FAC</u>	Prevalence Index Worksheet: Total % Cover of: <u></u> Multiply by: <u></u> OBL species <u></u> x1 = <u>0</u> FACW species <u></u> x2 = <u>0</u> FAC species <u></u> x3 = <u>0</u> FACU species <u></u> x4 = <u>0</u> UPL species <u></u> x5 = <u>0</u> Column Totals: <u>0</u> (A) <u>0</u> (B) Prevalence Index = B/A = <u></u>
2. <u></u>				
3. <u></u>				
4. <u></u>				
5. <u></u>				
Total Cover: <u>100</u>				
Herb Stratum				
1. <u></u>				Hydrophytic Vegetation Indicators: <u>X</u> 1 - Rapid Test for Hydrophytic Vegetation <u></u> 2 - Dominance Test is >50% <u></u> 3 - Prevalence Index is ≤3.0 ¹ <u></u> 4 - Morphological Adaptation ¹ (Provide supporting data in Remarks or on a separate sheet) <u></u> 5 - Wetland Non-Vascular Plants ¹ <u></u> Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u></u>				
3. <u></u>				
4. <u></u>				
5. <u></u>				
6. <u></u>				
7. <u></u>				
8. <u></u>				
9. <u></u>				
10. <u></u>				
11. <u></u>				
Total Cover: <u>0</u>				
Woody Vine Stratum				
1. <u></u>				Hydrophytic Vegetation Present? Yes <u>X</u> No <u></u>
2. <u></u>				
Total Cover: <u>0</u>				
% Bare Ground in Herb Stratum <u></u> % Cover of Biotic Crust <u>0</u>				
Remarks: Blackberry mown to provide site access				

SOIL

Sampling Point: _____ 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10 YR 3/3	100					CoGrLoam	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

☐ Histosol (A1)	☐ Sandy Redox (S5)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)	☐ Red Parent Material (TF2)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (except MLRA 1)	☐ Other (Explain in Remarks)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)	
☐ Thick Dark Surface (A12)	☐ Redox Dark Surface (F6)	
☐ Sandy Muck Mineral (S1)	☐ Depleted Dark Surface (F7)	
☐ Sandy gleyed Matrix (S4)	☐ Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____
Depth (inches): _____Hydric Soil Present? Yes _____ No ☒ X

Remarks: cobble and gravel mixed in soil

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

☐ Surface Water (A1)	☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A and 4B)
☐ High Water Table (A2)	☐ Salt Crust (B11)
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Plowed Soils (C6)
☐ Iron Deposits (B5)	☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Surface Soil Cracks (B6)	☐ Other (Explain in Remarks)
☐ Inundation Visible on Aerial Imagery (B7)	
☐ Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☐ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No ☒ X Depth (inches): _____
 Water table Present? Yes _____ No ☒ X Depth (inches): _____
 Saturation Present? Yes _____ No ☒ X Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒ X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: NE Lake Dr City/County: Lincoln City/Lincoln Sampling Date: 6/8/2021
 Applicant/Owner: Jim Olson State: OR Sampling Point: 2
 Investigator(s): K. Biafora Section, Township, Range: S11, T7S, R11W
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-2
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 44.9739 Long: -123.99814 Datum:
 Soil Map Unit Name: Fendall-Winema silt loams NWI Classification: none
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u></u> No <u>X</u>	Is the Sampled Area within a Wetland?	Yes <u></u> No <u>X</u>
Hydric Soil Present?	Yes <u></u> No <u>X</u>		
Wetland Hydrology Present?	Yes <u></u> No <u>X</u>		
Remarks: Vegetation recently mown to provide site access. Site was vegetated densely by Himalayan blackberry and English ivy			

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>33%</u> (A/B)
1. <u></u>				
2. <u></u>				
3. <u></u>				
4. <u></u>				
Total Cover: <u>0</u>				
Shrub Stratum				
1. <u>Rubus armeniacus</u>	<u>50</u>	<u>Y</u>	<u>FAC</u>	Prevalence Index Worksheet: Total % Cover of: <u></u> Multiply by: OBL species <u></u> x1 = <u>0</u> FACW species <u></u> x2 = <u>0</u> FAC species <u></u> x3 = <u>0</u> FACU species <u></u> x4 = <u>0</u> UPL species <u></u> x5 = <u>0</u> Column Totals: <u>0</u> (A) <u>0</u> (B) Prevalence Index = B/A = <u></u>
2. <u></u>				
3. <u></u>				
4. <u></u>				
5. <u></u>				
Total Cover: <u>50</u>				
Herb Stratum				
1. <u>Anthoxanthum odoratum</u>	<u>30</u>	<u>Y</u>	<u>FACU</u>	Hydrophytic Vegetation Indicators: <u></u> 1 - Rapid Test for Hydrophytic Vegetation <u></u> 2 - Dominance Test is >50% <u></u> 3 - Prevalence Index is ≤3.0 ¹ <u></u> 4 - Morphological Adaptation ¹ (Provide supporting data in Remarks or on a separate sheet) <u></u> 5 - Wetland Non-Vascular Plants ¹ <u></u> Problematic Hydrophytic Vegetation ¹ (Explain)
2. <u>Phalaris arundinacea</u>	<u>10</u>		<u>FACW</u>	
3. <u>Convolvulus arvensis</u>	<u>10</u>		<u>NOL</u>	
4. <u></u>				
5. <u></u>				
6. <u></u>				
7. <u></u>				
8. <u></u>				
9. <u></u>				
10. <u></u>				
11. <u></u>				
Total Cover: <u>50</u>				
Woody Vine Stratum				
1. <u>Hedera helix</u>	<u>20</u>	<u>Y</u>	<u>FACU</u>	Hydrophytic Vegetation Present? Yes <u></u> No <u>X</u>
2. <u></u>				
Total Cover: <u>20</u>				
% Bare Ground in Herb Stratum <u></u> % Cover of Biotic Crust <u>0</u>				
Remarks: Blackberry mown to provide site access				

SOIL

Sampling Point: _____ 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-7	10 YR 3/3	100					LS	
7-16	10 YR 3/4	100					LS	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
☐ Histic Epipedon (A2)
☐ Black Histic (A3)
☐ Hydrogen Sulfide (A4)
☐ Depleted Below Dark Surface (A11)
☐ Thick Dark Surface (A12)
☐ Sandy Muck Mineral (S1)
☐ Sandy gleyed Matrix (S4)

- ☐ Sandy Redox (S5)
☐ Stripped Matrix (S6)
☐ Loamy Mucky Mineral (F1) (except MLRA 1)
☐ Loamy Gleyed Matrix (F2)
☐ Depleted Matrix (F3)
☐ Redox Dark Surface (F6)
☐ Depleted Dark Surface (F7)
☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- ☐ 2 cm Muck (A10)
☐ Red Parent Material (TF2)
☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes _____ No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ☐ Surface Water (A1)
☐ High Water Table (A2)
☐ Saturation (A3)
☐ Water Marks (B1)
☐ Sediment Deposits (B2)
☐ Drift Deposits (B3)
☐ Algal Mat or Crust (B4)
☐ Iron Deposits (B5)
☐ Surface Soil Cracks (B6)
☐ Inundation Visible on Aerial Imagery (B7)
☐ Sparsely Vegetated Concave Surface (B8)

- ☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A and 4B)
☐ Salt Crust (B11)
☐ Aquatic Invertebrates (B13)
☐ Hydrogen Sulfide Odor (C1)
☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Presence of Reduced Iron (C4)
☐ Recent Iron Reduction in Plowed Soils (C6)
☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☐ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____
 Water table Present? Yes _____ No X Depth (inches): _____
 Saturation Present? Yes _____ No X Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: NE Lake Dr City/County: Lincoln City/Lincoln Sampling Date: 6/8/2021
 Applicant/Owner: Jim Olson State: OR Sampling Point: 3
 Investigator(s): K. Biafora Section, Township, Range: S11, T7S, R11W
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-2
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 44.973935 Long: -123.998039 Datum:
 Soil Map Unit Name: Fendall-Winema silt loams NWI Classification: none
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <u>X</u> No <u></u>	Is the Sampled Area within a Wetland? Yes <u></u> No <u>X</u>
Hydric Soil Present? Yes <u></u> No <u>X</u>	
Wetland Hydrology Present? Yes <u></u> No <u>X</u>	
Remarks: Vegetation recently mown to provide site access. Site was vegetated densely by Himalayan blackberry and English ivy	

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
1. <u>Alnus rubra</u>	<u>40</u>	<u>Y</u>	<u>FAC</u>	
2. <u></u>				
3. <u></u>				
4. <u></u>				
Total Cover: <u>40</u>				
Shrub Stratum				Prevalence Index Worksheet: Total % Cover of: <u></u> Multiply by: <u></u> OBL species <u></u> x1 = <u>0</u> FACW species <u></u> x2 = <u>0</u> FAC species <u></u> x3 = <u>0</u> FACU species <u></u> x4 = <u>0</u> UPL species <u></u> x5 = <u>0</u> Column Totals: <u>0</u> (A) <u>0</u> (B) Prevalence Index = B/A = <u></u>
1. <u>Rubus ameniacus</u>	<u>100</u>	<u>Y</u>	<u>FAC</u>	
2. <u></u>				
3. <u></u>				
4. <u></u>				
5. <u></u>				
Total Cover: <u>100</u>				
Herb Stratum				Hydrophytic Vegetation Indicators: 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% 3 - Prevalence Index is ≤3.0 ¹ 4 - Morphological Adaptation ¹ (Provide supporting data in Remarks or on a separate sheet) 5 - Wetland Non-Vascular Plants ¹ Problematic Hydrophytic Vegetation ¹ (Explain)
1. <u></u>				
2. <u></u>				
3. <u></u>				
4. <u></u>				
5. <u></u>				
6. <u></u>				
7. <u></u>				
8. <u></u>				
9. <u></u>				
10. <u></u>				
11. <u></u>				
Total Cover: <u>0</u>				
Woody Vine Stratum				Hydrophytic Vegetation Present? Yes <u>X</u> No <u></u>
1. <u></u>				
2. <u></u>				
Total Cover: <u>0</u>				
% Bare Ground in Herb Stratum <u></u> % Cover of Biotic Crust <u>0</u>				
Remarks: Blackberry mown to provide site access				

SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10 YR 4/6	100					SCL	30% rock fragments

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

☐ Histosol (A1)	☐ Sandy Redox (S5)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)	☐ Red Parent Material (TF2)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (except MLRA 1)	☐ Other (Explain in Remarks)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)	
☐ Thick Dark Surface (A12)	☐ Redox Dark Surface (F6)	
☐ Sandy Muck Mineral (S1)	☐ Depleted Dark Surface (F7)	
☐ Sandy gleyed Matrix (S4)	☐ Redox Depressions (F8)	

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____
Depth (inches): _____Hydric Soil Present? Yes _____ No ☒ X

Remarks: cobble and gravel mixed in soil

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

☐ Surface Water (A1)	☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A and 4B)
☐ High Water Table (A2)	☐ Salt Crust (B11)
☐ Saturation (A3)	☐ Aquatic Invertebrates (B13)
☐ Water Marks (B1)	☐ Hydrogen Sulfide Odor (C1)
☐ Sediment Deposits (B2)	☐ Oxidized Rhizospheres along Living Roots (C3)
☐ Drift Deposits (B3)	☐ Presence of Reduced Iron (C4)
☐ Algal Mat or Crust (B4)	☐ Recent Iron Reduction in Plowed Soils (C6)
☐ Iron Deposits (B5)	☐ Stunted or Stressed Plants (D1) (LRR A)
☐ Surface Soil Cracks (B6)	☐ Other (Explain in Remarks)
☐ Inundation Visible on Aerial Imagery (B7)	
☐ Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A and 4B)
☐ Drainage Patterns (B10)
☐ Dry-Season Water Table (C2)
☐ Saturation Visible on Aerial Imagery (C9)
☐ Geomorphic Position (D2)
☐ Shallow Aquitard (D3)
☐ FAC-Neutral Test (D5)
☐ Raised Ant Mounds (D6) (LRR A)
☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No ☒ X Depth (inches): _____
 Water table Present? Yes _____ No ☒ X Depth (inches): _____
 Saturation Present? Yes _____ No ☒ X Depth (inches): _____
 (includes capillary fringe)

Wetland Hydrology Present? Yes _____ No ☒ X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: NE Lake Dr City/County: Lincoln City/Lincoln Sampling Date: 6/8/2021
 Applicant/Owner: Jim Olson State: OR Sampling Point: 4
 Investigator(s): K. Biafora Section, Township, Range: S11, T7S, R11W
 Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-2
 Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: 44.97405 Long: -123.997921 Datum:
 Soil Map Unit Name: Fendall-Winema silt loams NWI Classification: none
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
 Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
 Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <u></u> No <u>X</u>	Is the Sampled Area within a Wetland?	Yes <u></u> No <u>X</u>
Hydric Soil Present?	Yes <u></u> No <u>X</u>		
Wetland Hydrology Present?	Yes <u></u> No <u>X</u>		
Remarks: Vegetation recently mown to provide site access. Site was vegetated densely by Himalayan blackberry and English ivy			

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>2</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50%</u> (A/B)
1. <u>Alnus rubra</u>	<u>70</u>	<u>Y</u>	<u>FAC</u>	
2. <u></u>	<u></u>	<u></u>	<u></u>	
3. <u></u>	<u></u>	<u></u>	<u></u>	
4. <u></u>	<u></u>	<u></u>	<u></u>	
Total Cover:	<u>70</u>			
Shrub Stratum				Prevalence Index Worksheet: Total % Cover of: <u></u> Multiply by: <u></u> OBL species <u></u> x1 = <u>0</u> FACW species <u></u> x2 = <u>0</u> FAC species <u></u> x3 = <u>0</u> FACU species <u></u> x4 = <u>0</u> UPL species <u></u> x5 = <u>0</u> Column Totals: <u>0</u> (A) <u>0</u> (B) Prevalence Index = B/A = <u></u>
1. <u></u>	<u></u>	<u></u>	<u></u>	
2. <u></u>	<u></u>	<u></u>	<u></u>	
3. <u></u>	<u></u>	<u></u>	<u></u>	
4. <u></u>	<u></u>	<u></u>	<u></u>	
5. <u></u>	<u></u>	<u></u>	<u></u>	
Total Cover:	<u>0</u>			
Herb Stratum				Hydrophytic Vegetation Indicators: <u></u> 1 - Rapid Test for Hydrophytic Vegetation <u></u> 2 - Dominance Test is >50% <u></u> 3 - Prevalence Index is ≤3.0 ¹ <u></u> 4 - Morphological Adaptation ¹ (Provide supporting data in Remarks or on a separate sheet) <u></u> 5 - Wetland Non-Vascular Plants ¹ <u></u> Problematic Hydrophytic Vegetation ¹ (Explain)
1. <u></u>	<u></u>	<u></u>	<u></u>	
2. <u></u>	<u></u>	<u></u>	<u></u>	
3. <u></u>	<u></u>	<u></u>	<u></u>	
4. <u></u>	<u></u>	<u></u>	<u></u>	
5. <u></u>	<u></u>	<u></u>	<u></u>	
6. <u></u>	<u></u>	<u></u>	<u></u>	
7. <u></u>	<u></u>	<u></u>	<u></u>	
8. <u></u>	<u></u>	<u></u>	<u></u>	
9. <u></u>	<u></u>	<u></u>	<u></u>	
10. <u></u>	<u></u>	<u></u>	<u></u>	
11. <u></u>	<u></u>	<u></u>	<u></u>	
Total Cover:	<u>0</u>			
Woody Vine Stratum				¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Hedera helix</u>	<u>100</u>	<u>Y</u>	<u>FACU</u>	
2. <u></u>	<u></u>	<u></u>	<u></u>	
Total Cover:	<u>100</u>			
% Bare Ground in Herb Stratum <u></u> % Cover of Biotic Crust <u>0</u>				Hydrophytic Vegetation Present? Yes <u></u> No <u>X</u>

Remarks:

SOIL

Sampling Point: 4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

[illegible]

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils³:

☐ Histosol (A1)	☐ Sandy Redox (S5)	☐ 2 cm Muck (A10)
☐ Histic Epipedon (A2)	☐ Stripped Matrix (S6)	☐ Red Parent Material (TF2)
☐ Black Histic (A3)	☐ Loamy Mucky Mineral (F1) (except MLRA 1)	☐ Other (Explain in Remarks)
☐ Hydrogen Sulfide (A4)	☐ Loamy Gleyed Matrix (F2)	
☐ Depleted Below Dark Surface (A11)	☐ Depleted Matrix (F3)	
☐ Thick Dark Surface (A12)	☐ Redox Dark Surface (F6)	³ Indicators of hydrophytic vegetation a
☐ Sandy Muck Mineral (S1)	☐ Depleted Dark Surface (F7)	wetland hydrology must be present,
☐ Sandy gleyed Matrix (S4)	☐ Redox Depressions (F8)	unless disturbed or problematic.

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: shovel refusal - roots
Depth (inches): 12

Hydric Soil Present? Yes No X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

Surface Water (A1)	Water-Stained Leaves (B9) (except
High Water Table (A2)	MLRA 1, 2, 4A and 4B)
Saturation (A3)	Salt Crust (B11)
Water Marks (B1)	Aquatic Invertebrates (B13)
Sediment Deposits (B2)	Hydrogen Sulfide Odor (C1)
Drift Deposits (B3)	Oxidized Rhizospheres along Living Roots (C3)
Algal Mat or Crust (B4)	Presence of Reduced Iron (C4)
Iron Deposits (B5)	Recent Iron Reduction in Plowed Soils (C6)
Surface Soil Cracks (B6)	Stunted or Stressed Plants (D1) (LRR A)
Inundation Visible on Aerial Imagery (B7)	Other (Explain in Remarks)
Sparsely Vegetated Concave Surface (B8)	

Secondary Indicators (2 or more required)

- _____ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- _____ Drainage Patterns (B10)
- _____ Dry-Season Water Table (C2)
- _____ Saturation Visible on Aerial Imagery (C9)
- _____ Geomorphic Position (D2)
- _____ Shallow Aquitard (D3)
- _____ FAC-Neutral Test (D5)
- _____ Raised Ant Mounds (D6) (**LRR A**)
- _____ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes <u> </u>	No <u> X </u>	Depth (inches): <u> </u>
Water table Present?	Yes <u> </u>	No <u> X </u>	Depth (inches): <u> </u>
Saturation Present?	Yes <u> </u>	No <u> X </u>	Depth (inches): <u> </u>

(includes capillary fringe)

Wetland Hydrology Present? Yes No ☒ X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Variance

Staff Report for Planning Commission Public Hearing

Case File VAR 2022-02

Date: March 3, 2022

Case File: VAR 2022-02 Olson Natural Resources Variance

Applicant: James A. Olson and Jody L. Olson
12406 NW Waker Dr
Portland, OR 97229

Property Owner: James A. Olson and Jody L. Olson
12406 NW Waker Dr
Portland, OR 97229

Situs Address: Unaddressed Lake Dr

Location: South of NE Lake Dr and approximately 170 feet east of NE Regatta Park Rd

Tax Map and Lot: 07-11-11-CD-03900

Comprehensive Plan Designation: Medium-Density Residential District (R-7.5)

Zoning District: Single-Family Residential (R-1-7.5) Zone

Site Size: Approximately 5,402 square feet

Proposal: Construction of a detached single-unit dwelling in the Natural Resource Overlay Zone

Surrounding Land Uses and Zones: North: undeveloped land, houses; R-1-7.5, OS
South: Devils Lake
East: undeveloped land, houses; R-1-7.5
West: houses; R-1-7.5

Authority: Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a variance as a Type III application with the decision authority given to the Planning Commission.

Procedure: The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on February 22, 2022. The *News Guard* published the public hearing notice on March 1, 2022.



Applicable	LCMC Chapter 17.16 Single-Family Residential (R-1) Zone
Substantive	LCMC Section 17.46 Natural Resource Overlay (NR) Zone
Criteria:	LCMC Section 17.756.050 Type III Procedures
	LCMC Section 17.77.140 Variances

BACKGROUND

The subject property (site) is unaddressed and undeveloped. The site is bordered by NE Lake Dr to the north and Devils Lake to the south. The property adjacent to the site's west boundary is developed with a single-unit dwelling. The property adjacent to the site's east boundary is undeveloped, but it is zoned R-1-7.5 for future residential development.

The applicant obtained the services of Kim Biafora with Schott & Associates to determine the location of wetlands, if any, on the site. In the study site area, it was determined that there is no hydrophytic vegetation present, no hydric soil present, no wetland hydrology present, and the study site is not within a wetland. Ms. Biafora's report indicates that wetland occurs just beyond the study site boundary and to the south of the study site along the site's southern boundary and adjacent to Devils Lake (see attached Determination Report). The Determination Report was submitted to the Oregon Department of State Lands (DSL), who subsequently issued a concurrence approval letter on September 2, 2021, concurring that there are no jurisdictional wetlands or other waters of the state within the study area and noting that there are jurisdictional wetlands and water located immediately south of the study area boundary (see attached DSL letter to Jim Olson, dated September 2, 2021).

Since it was determined that no wetland currently exists in the study area, and since DSL concurred, the applicant submitted an application to Planning and Community Development for a claim of map error as allowed under LCMC 17.46.090. Based on the wording of LCMC 17.46.090 and the DSL concurrence letter, the claim of map error application was approved. However, the Oregon Department of Land Conservation and Development (DLCD) brought it to staff's attention that the claim of map error was not approvable because the wetland did, in fact, exist in 1996 when the original mapping of the natural resource overlay zone occurred. The fact that the wetland does not now exist does not negate the fact that the wetland was accurately mapped originally in 1996, and adopted as a natural resource overlay zone. If the wetland had not existed in 1996, and the natural resource overlay zone was adopted on the site anyway, that would be a mapping error.

The site does have a mapped natural resource overlay zone that was mapped correctly at the time of the original overlay zone mapping adoption in 1996. The fact that the natural resource no longer exists does not eliminate the natural resource overlay zone. Per LCMC 17.46.060 a variance must be approved prior to any development occurring within the natural resource overlay zone. Accordingly, the applicant submitted the requested variance for future construction of a dwelling on the site.

COMMENTS

On February 22, 2022, Dan Wentz with Lincoln City Public Works emailed that there are existing city water and sewer utilities to the property.

No other comments were received.

ANALYSIS

17.46.040 Uses allowed

- A. By Underlying Zoning. Except as limited below, the uses allowed in the natural resource overlay zone are the same as, and only, those allowed by the underlying zoning.*

Finding: The site is located in the R-1 zone. A single-family dwelling is an allowed use in the R-1 zone, listed as 17.16.020.A.1.

- B. In the Natural Resource Overlay Zone. All development is excluded from the natural resource overlay zone, with the following exceptions:*

Finding: Single-family dwellings are not listed as one of the exceptions; therefore, they are excluded from the natural resource overlay zone unless a variance is granted as per LCMC 17.46.060.A.

17.46.060 Natural resources development variance.

- A. A variance must be granted per the provisions of Chapter 17.68 LCMC for all permitted uses not specified in 17.46.040, prior to any development occurring within the natural resource overlay zone. The planning commission must determine that the variance request meets all the following criteria in addition to those found in LCMC 17.68.020:*

Finding: A single-family dwelling is not specified in LCMC 17.46.040; therefore, a variance must be granted prior to construction of a dwelling on the site.

- 1. Strict adherence to the natural resource overlay zone standards would effectively preclude a use of the lot or parcel that reasonably could be expanded to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of the landowners in the vicinity; and*

Finding: Per LCMC 17.46.040 development of a dwelling in the natural resource overlay zone is not allowed. Staff approximated the square footages of the areas on the site that are outside of the natural resource overlay zone. The attached VAR 2022-02 Figure A shows an approximate triangular area of 1,480 square feet on the west side of the natural resource overlay zone and an approximate triangular area of 1,102 square feet on the east side of the natural resource overlay zone. Staff notes that the southern portion of the 1,480-square-foot triangular area does contain wetland, even though it's not mapped as natural resource overlay zone. The attached VAR 2022-02 Figure B shows the approximate distances between the edges of the natural resource overlay zone and the site's property lines. Staff's conclusion is that there is not enough area on the site to construct a dwelling outside of the natural resource overlay zone and outside of the wetland area along the southern boundary. Accordingly, strict adherence to the natural resource overlay zone standards would preclude construction of a dwelling on the site.

The site, as well as those in the vicinity, is in the R-1-7.5 zone, which allows outright both detached and attached single-unit dwellings. The standards for the R-1 zone are listed in Chapter 17.16, and the purpose in Chapter 17.16 states, in part, that the R-1 zone is intended to provide primarily for single-family dwellings. The surrounding properties are either already developed with dwellings or will be developed with dwellings in the future. Since most of the surrounding properties are already developed or will be developed with dwellings in the future, preclusion of the applicant being allowed to construct a dwelling would deny a right that is enjoyed by surrounding property owners.

Staff finds that this criterion is met.

2. *The variance requested, of the possible variances necessary to create a buildable area outside of the natural resource overlay zone, has the least impact to the natural resource functions; and*

FINDING: As stated above and shown on VAR 2022-02 Figure A and VAR 2022-02 Figure B, staff does not feel it is possible to create a buildable area outside of the natural resource overlay zone and the wetland along the southern boundary. However, the applicant has created a buildable area outside of the site's wetland area, which in this case, is different from the natural resource overlay zone. Even though the site is in the mapped natural resource overlay zone that was mapped in 1996, between 1996 and the present time, the wetland area that was mapped as the natural resource overlay zone in 1996 is gone. Instead, the site's wetland area is at the southern edge along Devils Lake. This is unusual in that the mapped natural resource overlay zone and the wetland are typically the same area. In this case, though, the location of the mapped natural resource overlay zone on the site is not consistent with the location of the wetland on the site. While the applicant is not able to create a buildable area outside of the natural resource overlay zone due to its configuration, the applicant has adhered to the intent of the standard which is to create a buildable area outside of the wetland. The applicant's submitted materials show the proposed 1,750-square-foot buildable area at the northern end of the site. The buildable area is approximately 24 feet north of the site's wetland area. By creating the proposed buildable area that is at least 24 feet from the site's wetland, there is no anticipated impact to the functions of the site's wetland. A buildable area has been created that is completely outside of the site's wetland and at least 24 feet from that wetland, with the expectation that development of the site will have no impact to the natural resource functions. Staff concludes that this criterion is met.

3. *The proposed development, including actions to mitigate impacts to natural resource functions, can be accommodated without substantial negative impact to the applicable natural resource functions.*

FINDING: As noted above, the proposed development is taking place outside of the site's wetland area with the expectation that development of the site will have no impact to the site's natural resource functions. Again, the site's natural resources are along the southern edge of the site and the development is proposed to be at least 24 feet from the natural resources. No disturbance to the natural resources will take place, so there will be no impacts that need to be mitigated.

The applicant submitted a memorandum, dated February 17, 2022, from Kim Biafora, a wetland ecologist and GIS analyst with Schott & Associates. In the memorandum, Ms. Biafora states the following: "The study site as represented by the red outline does not appear to have any natural resource or wildlife habitat value or function as it currently exists. It contains no wetlands, waters or intact upland forest canopy and is vegetated predominantly by invasive species. Development of the site should not impact the wetland to the south or Devil's Lake provided appropriate erosion and sedimentation control measures are implemented during construction to avoid any discharge of materials into the wetland and lake." Staff concludes that this criterion is met.

- B. *Development Guidelines. Variances for proposed development within the natural resource overlay zone will be considered only when the following development guidelines are met:*

1. *The yard setback opposite the natural resource area may be reduced by up to one-half of the standard setback, but not to less than three feet.*

Finding: All minimum setback requirements will be met without any setback reductions. This requirement is met.

2. *The allowed reduction must be the minimum necessary to site proposed use. At most, exclusions may be reduced to create a buildable area of no more than 1,750 square feet.*

Finding: The applicant's submitted materials show a proposed buildable area of 1,750 square feet. The proposed area is approximately 24 feet north of the site's wetland. This requirement is met.

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 lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;*

Finding: The applicant's narrative states the following:

"Neither of the adjacent and bordering properties are the natural resource overlay zone even though they are also lakefront properties. Furthermore, it should be noted that we purchased the property in August 1993 which was prior to the city's adoption of the natural resource overlay zone; this same condition did not exist for at least one of the neighboring properties."

In 1996, Lincoln City adopted a natural resource overlay zone based on mapping performed by Shapiro. At that time, the site was determined by Shapiro to contain wetlands and was, therefore, included in the natural resource overlay zone. The applicant had no control over the presence of wetlands on the site in 1996. Neither of the adjacent properties to the east or the west contain wetlands and were, accordingly, not included in the mapped natural resource overlay zone. The expanse of wetland area, as determined in 1996, encompassed most of the site, rendering it largely unbuildable. This circumstance is not generally applicable to properties in the vicinity. Staff concludes that this criterion is met.

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

Finding: The property right of the applicant which is substantially the same as owners of other property in the R-1-7.5 zone is the right to construct a detached single-unit dwelling. The R-1-7.5 zone allows outright both detached and attached single-unit dwellings. Surrounding properties in the R-1-7.5 zone are either already developed with dwellings or will be developed with dwellings in the future. The only way a dwelling can be constructed on the site is with approval of the variance. Denial of the variance will preclude the applicant from constructing a dwelling on the site, and thus deny the applicant's property right to have a dwelling on a site that is located in the R-1-7.5 zone. In the purpose section of LCMC Chapter 17.16, it states that the R-1 zone is intended to provide primarily for single-family dwellings.

The applicant's narrative states that they purchased the property nearly 29 years ago to build a home in their retirement years. The applicant notes that the property to the west is developed and the site to the east is under development.

Staff concludes that this criterion is met.

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;*

Finding: The site is in the R-1-7.5 zone. The site is surrounded on all sides by properties also in the R-1-7.5 zone. Surrounding properties either already contain detached dwellings or are planned for the future construction of detached dwellings. In the purpose section of LCMC Chapter 17.16, it states that the R-1 zone is intended to provide primarily for single-family dwellings. The applicant indicates in the submitted application materials that future construction of a single-family dwelling is intended. The applicant also states that development plans will be subject to city ordinances pertaining to building a single-family dwelling. Staff concludes that this circumstance for granting a variance exists.

4. *The variance requested is the minimum variance which would alleviate the hardship.*

Finding: The hardship in this case is that the Natural Resource Overlay Zone encompasses most of the site, which renders it largely unbuildable. Note that LCMC 17.46.040.B states that all development is excluded from the Natural Resource Overlay Zone, with a few exceptions. The exceptions do not include construction of a dwelling. In accordance with LCMC 17.46.060.B.2, the applicant shows a proposed buildable area in the submitted application materials that is the smallest area that will accommodate a detached dwelling, yard area, and driveway. The proposed buildable area is 1,750 square feet, which is the minimum allowed by LCMC 17.46.060.B.2. The remainder of the site will not be developed. By proposing the smallest area possible, the applicant has provided the minimum necessary to alleviate the hardship, and thus make a small portion of the site buildable, while retaining the majority of the site as undeveloped. Staff concludes that this criterion is met.

RECOMMENDATION

Staff submits that the evidence presented in the submitted application materials, as concluded in the findings in this report, is sufficient to show that every criterion is being met, and recommends approval of the request.





Planning Commission Communication

Housing Needs Analysis Update

Meeting Date:	March 15, 2022	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

A brief update will be given regarding updating the housing needs analysis.

Planning Commission Communication

Housing - Comprehensive Plan Update

Meeting Date:	March 15, 2022	Primary Staff Contact:	AnneMarie Skinner
Department:	Planning Commission	E-Mail:	ASkinner@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:		Estimated Time:	

The Planning Commission will take public comment regarding Lincoln City's housing needs.

Attachments:

Comments Carol Koffel 02_26_2022 (PDF)
Comments Kevin Koffel 02_26_2022 (PDF)
Comments Wolfe 02_07_2022 (PDF)
Statewide Planning Goal 10 Housing (PDF)
Housing Public Outreach Flyer (PDF)
Housing Public Outreach Flyer Spanish (PDF)

From: [Carol Koffel](#)
To: [Anne Marie Skinner](#)
Subject: Housing Comments
Date: Saturday, February 26, 2022 6:27:30 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello, please add my housing comments to the March 15,2022 meeting.Until the city decides to put a limit on Short Term Rentals,there will never be enough housing for people wanting to live in Lincoln City. Where I live,my neighborhood, there are over 100 STR houses,which are being bought by out of State and or out of our county people.Where do you think workers,landscapers,resturant,employees will be living when all new homes are STR????We need to put a cap on Vacation Rentals now,while there is available property for people wanting to actually live here.Also,why do we have three different speed limits going through town,????It starts at 25,goes up to 30,then up to 35,then back down !!!!!This encourages people to drive 40 and over.Why not have one speed limit all the way from Logan Road to Cutler City???What is the point of a 35 MPH speed limit in town?? Does get you through town faster?? Carol Koffel 670 SW 24 Street Lincoln City

From: [kevin koffel](#)
To: [Anne Marie Skinner](#)
Subject: Housing
Date: Saturday, February 26, 2022 5:02:22 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Until the problem of short term rentals is addressed, and a limit put on the amount of these dwellings, there will never be enough affordable housing in Lincoln City.

It's perfectly clear that until a limit is put upon short term rentals, and a sensible compromise is implemented, lots for new houses, as well as sales of existing houses are being taken out of the market for Lincoln City residents, in favor of non residents including out of state buyers. The city council has been blind to this issue and this city would be best served by a reconsideration of just how many short term rental properties are going to be allowed inside the city limits. It's pretty clear from the last time it was voted on, that the will of voters is not enough to prevent the proliferation of short term rentals, this needs addressed at a level that cannot be stymied by a lawsuit and a sympathetic judge.

Kevin Koffel

From: [Carol Wolfe](#)
To: [Anne Marie Skinner](#)
Subject: Housing...public input
Date: Monday, February 7, 2022 8:37:36 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello Anne! I wanted to make sure that the city knows that the Congregational Church of Lincoln City is, again, the location of the Warming Shelter. I do not recall the historical facts as to why this has happened, but I do know that the city seems to be very slow or reticent in stepping up to help. In the 10 years that I have cooked for the Community Meals program, and the past 6 or 7 years in supporting Family Promise and the Warming Shelter, I know that mental health/addiction is at the base of most of the issues and our city does not seem to have any resources to help. Family Promise has been the most successful program in helping families get started again. They have a base, a plan, and have coordinated services to help families get back on their feet.

The church's physical facilities have really taken a beating while providing a place to sleep. One stove went kaput, space heaters and extension cords were everywhere until we put a stop to that, the utility bills go up, and I have picked up some pretty toxic trash on the church property and in the Memorial Garden. Our garden fountain has been vandalized, and of course, there are no outdoor bathroom facilities around the perimeter of the building. Two years ago, a person showing symptoms of severe mental illness, beat up the roof of my car with a metal pole while I was working inside. Our storage building is regularly broken into. Of course, not all of this can be attributed to the Warming Shelter clients, but our property and parking lot has provided respite for many homeless over the years.

A homeless person needs shelter tonight. A homeless person needs a job. A person with a job needs to be healthy. Affordable Housing is the next issue- what is happening with the project planned next to the St. James Santiago Episcopal Church? Is the housing truly going to be affordable, based on the wages paid by the Service Industry here in L.C.?

Sincerely,
Carol Wolfe

Oregon's Statewide Planning Goals & Guidelines

GOAL 10: HOUSING

OAR 660-015-0000(10)

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Buildable Lands -- refers to lands in urban and urbanizable areas that are suitable, available and necessary for residential use.

Government-Assisted Housing -- means housing that is financed in whole or part by either a federal or state housing agency or a local housing authority as defined in ORS 456.005 to 456.720, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

Household -- refers to one or more persons occupying a single housing unit.

Manufactured Homes -- means structures with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.), as amended on August 22, 1981.

Needed Housing Units -- means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

GUIDELINES

A. PLANNING

1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.

4. Plans providing for housing needs should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

B. IMPLEMENTATION

1. Plans should provide for a continuing review of housing need projections and should establish a process for accommodating needed revisions.

2. Plans should take into account the effects of utilizing financial incentives and resources to (a) stimulate the rehabilitation of substandard housing without regard to the financial capacity of the owner so long as benefits accrue to the occupants; and (b) bring into compliance with codes adopted to assure safe and sanitary housing the dwellings of individuals who cannot on their own afford to meet such codes.

3. Decisions on housing development proposals should be expedited when such proposals are in

accordance with zoning ordinances and with provisions of comprehensive plans.

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities, (2) the economic, environmental, social and energy consequences of the proposed densities and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.

5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.

6. Plans should provide for a detailed management program to assign respective implementation roles and responsibilities to those governmental bodies operating in the planning area and having interests in carrying out the goal.

Lincoln City
Planning Commission

COMPREHENSIVE PLAN UPDATE

Community members are encouraged to participate in updating Lincoln City's Comprehensive Plan. A series of public input opportunities are planned, each addressing a key community issue.

HOUSING

PUBLIC FACILITIES & SERVICES

TRANSPORTATION

COASTAL SHORELANDS

OPEN SPACES, SCENIC & HISTORIC AREAS, AND NATURAL RESOURCES

The first community input opportunity will address the important topic of HOUSING!

WHAT: Lincoln City Planning Commission Meeting

WHEN: March 15th at 6:00 pm

WHERE: City Council Chambers and
broadcast live via Zoom.

**Participate in person and/or email your comments to
askinner@lincolncity.org**

THANK YOU!



Ciudad de Lincoln
Comisión de Planificación

ACTUALIZACIÓN DEL PLAN INTEGRAL

Estamos pidiendo a los miembros de la comunidad que participen en la actualización del Plan Integral de la Ciudad de Lincoln. Estamos planeando una serie de oportunidades de comentarios públicos, cada una de las cuales abordará un problema de la comunidad.

VIVIENDA

INSTALACIONES Y SERVICIOS PÚBLICOS TRANSPORTE

TIERRAS COSTERAS

ESPACIOS ABIERTOS, ÁREAS ESCÉNICAS E HISTÓRICAS Y RECURSOS NATURALES

La primera oportunidad de comentarios público de la comunidad abordará el importante tema de la VIVIENDA!

QUÉ: Reunión de la Comisión de Planificación de la Ciudad de Lincoln

CUÁNDO: 15 de marzo a las 6pm

DÓNDE: Salas del Ayuntamiento y transmisión en vivo a través de Zoom

Participe en persona y/o envíe sus comentarios por correo electrónico a askinner@lincolncity.org

¡GRACIAS!

