



# **AGENDA**

Lincoln City Planning Commission  
Tuesday, December 6, 2022, 6:00 PM  
Council Chambers,  
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

- 1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**
- 2. AGENDA CHANGES OR REVISIONS**
- 3. MINUTES**
  - 3.1. Planning Commission - Workshop - Oct 3, 2022 1:30 PM
  - 3.2. Planning Commission - Regular Meeting - Oct 4, 2022 6:00 PM
  - 3.3. Planning Commission - Workshop - Nov 10, 2022 1:30 PM
- 4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**
  - 4.1. FR 2022-18 for ZOA 2022-10
- 5. PUBLIC HEARINGS/DELIBERATIONS**
  - 5.1. VAR 2022-05 Kirk Rucker wetland
  - 5.2. SUB 2022-01\_P NW 40th
- 6. OLD BUSINESS**
  - 6.1. Update on 2043 Comprehensive Plan
- 7. NEW BUSINESS**
- 8. PLANNING COMMISSION TRAINING**
- 9. REPORTS AND COMMENTS**
- 10. FUTURE AGENDA ITEMS & NEXT MEETINGS**

**10.1.** Planning Commission 2023 Schedule

**11. ADJOURN**

*All information for this meeting is available on the City of Lincoln City website at [www.lincolncity.org](http://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 WORK SESSION  
MINUTES  
October 3, 2022**

**I. CALL TO ORDER – 1:00 PM**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Steve Griffiths	Commissioner	Present	
Melissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Commissioner	Present	
Kim Blackerby	Chair	Present	
Charlsy Affuso	Commissioner	Present	
Miles Schlesinger	Commissioner	Present	

**II. DISCUSSION ITEMS**

**2.1. Discussion Items**

**2.1.1 General Planning Commission Business**

City Manager Daphnee Legarza facilitated a discussion of the recent staff-initiated ordinance that would have amended the Lincoln City municipal code to reduce Planning Commission membership from seven to five members. Several of the planning commission members expressed concern that the issue was brought to the City Council prior to any notification of the Commission or any opportunity for input. The City Manager pledged to work with Director Skinner on improving communication in the future, considering options such as sharing the Council newsletter, scheduling additional work sessions, and providing trainings.

**2.1.2 Comprehensive Plan**

Director Skinner presented several pieces of background information as resources for the Planning Commission in their discussion of Goal 10 Housing. These included data from the Imagine Lincoln City visioning process, the existing Comprehensive Plan, the August 2022 Lincoln City Housing Policies and Tools presentation, staff analysis of existing apartments, homes and second homes, and a draft Tsunami Evacuation Facilities Improvement Plan.

The Planning Commission proposed the following to inform the development of housing policies:

- Assess the impact of hazards such as tsunamis on our buildable lands inventory and the availability of land for potential housing;
- Address the lack of available and affordable housing for people of all income levels;
- Consider increasing allowable building heights with consideration for preserving public and private view sheds;
- Recognize the four key segments of our community: tourism; retirees; second home owners; and the non-tourism basis of our workforce;
- Expand the definition of a livable community to include walkability and creating more neighborhood-level services and commercial uses;
- Reduce reliance on the automobile;
- Incentivize the development of Accessory Dwelling Units as long-term rentals;
- Balance the value of short-term rentals (or VRDs) with the need for permanent housing and/or long-term rentals;

- Incorporate partnerships with other agencies, including Lincoln County to reflect the reality of people commuting from rural areas;
- Consider historic preservation elements into the Comprehensive Plan; and
- Develop overarching goal statements that link the various goals together.

The discussion concluded with a few comments from the two community members in attendance, Patti Kroen and Janet Knipe.

### **III. ADJOURNMENT – 3:26 PM**

Respectfully submitted,

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Anne Marie Skinner  
Planning & Community Development Director

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Kim Blackerby  
Chair

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
October 4, 2022**

**1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Steve Griffiths	Commissioner	Present	
Melissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Commissioner	Present	
Kim Blackerby	Chair	Present	
Charlsy Affuso	Commissioner	Present	
Miles Schlesinger	Commissioner	Present	

**2. AGENDA CHANGES OR REVISIONS**

Director Skinner stated that the presentation from the Oregon Department of Land Conservation and Development, Planning Commission Training Item 7.1, would be moved to be the first item on the agenda.

**3. MINUTES**

**3.1. Planning Commission - Regular Meeting - Aug 16, 2022 6:00 PM**

<b>MOTION:</b>	<b>Accept the minutes for the August 16, 2022 meeting as written</b>
<b>MOVER:</b>	<b>Vincent</b>
<b>SECONDER:</b>	<b>Griffiths</b>
<b>AYES:</b>	Griffiths, Sumner, Baker, Vincent, Blackerby, Affuso, Schlesinger
<b>RESULT:</b>	<b>Passed</b>

**4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS**

**4.1. FR 2022-16 for CPA ZC 2022-07**

The Planning Commission voted to approve Final Recommendation 2022-16 for CPA ZC 2022-07 Spyglass Ridge, 6-1. Commissioner Griffiths opposed the motion, stating that he did not feel the application met the Transportation goal.

<b>MOTION:</b>	<b>Approve FR 2022-16 for CPA ZC 2022-07 as written</b>
<b>MOVER:</b>	<b>Vincent</b>
<b>SECONDER:</b>	<b>Baker</b>
<b>AYES:</b>	Sumner, Baker, Vincent, Blackerby, Affuso, Schlesinger
<b>NAYS:</b>	Griffiths
<b>RESULT:</b>	<b>Passed</b>

**4.2. FR 2022-17 for ZOA 2022-09**

The Planning Commission voted to approve Final Recommendation 2022-17 for ZOA 2022-09 revising the definition of tiny house and changing the review procedure for a time extension. The motion passed unanimously.

<b>MOTION:</b>	<b>Approve FR 2022-17 for ZOA 2022-09 as written</b>
<b>MOVER:</b>	<b>Sumner</b>
<b>SECONDER:</b>	<b>Griffiths</b>
<b>AYES:</b>	Griffiths, Sumner, Baker, Vincent, Blackerby, Affuso, Schlesinger
<b>RESULT:</b>	<b>Passed</b>

## 5. PUBLIC HEARINGS/DELIBERATIONS

### 5.1. ZOA 2022-10 Special Event Accessory

Chair Blackerby opened the public hearing at 6:53 PM, introduced the application, read the required statements, and explained the order of proceedings for the hearing. No one was excused for conflicts of interest and no challenges were offered. Director Skinner presented the Staff Report. She stated that the purpose of the amendment was to make the provisions for Special Events in Title 17 consistent with the provisions of Title 5 (Business Taxes, Licenses, and Regulations), to clarify the definitions of hotel, motel, and resort and add a definition for a "boutique inn" as requested by the City Department of Economic Development, add an option for properties with split zoning, and to make the setbacks in Multiple-Unit Residential (R-M) zoning consistent with other residential zones.

Responding to a question from Commissioner Baker, Director Skinner stated that special events are a permitted use in non-residential areas. City Attorney Appicello noted that Special Event permits will still be required.

Responding to a question from Commissioner Griffiths, Director Skinner stated that the boutique inn definition was added at the request of the Economic Development Department in anticipation of allowing the use in relevant zones in the future, and further clarified the difference between the definitions of hotels, motels, and boutique inns.

Several planning commissioners commented that motels and other lodging types include cooking facilities and wondered if there was a reason to specifically exclude cooking facilities in the revised definitions. The Planning Commission recommended revising the proposed wording to say that each of the lodging types may be provided with or without cooking facilities.

Responding to a question regarding split zoning, Director Skinner stated that the changes proposed will give property owners a second option for development that remains consistent with the intended zoning.

Responding to a question from Commissioner Griffiths, Director Skinner stated that the revisions to the R-M setbacks were made to ensure consistency with other portions of the zoning code, and other residential zones.

Responding to a suggestion from Commissioner Baker, Director Skinner agreed to amend the minimum street side setback requirement to 5 feet in the R-M zone.

Responding to questions from Commissioner Griffiths, Director Skinner stated that the landscaping component was removed in order to eliminate redundancy with the chapter on landscaping and the pedestrian amenity requirements were removed due to the fact that the requirement could not be met by any properties.

Commissioner Sumner moved to close the public hearing, seconded by Commissioner Affuso, and approved by the remainder of the Planning Commission.

Commissioner Sumner moved to recommend to City Council approval of ZOA 2022-10 with the recommended changes relating to cooking facilities within the lodging definitions and the revised 5-foot street side setback in the R-M zone. The motion was seconded by Commissioner Vincent and passed unanimously.

<b>MOTION:</b>	<b>Recommend to City Council approval of ZOA 2022-10 Special Event Accessory with two changes: add “with or without cooking facilities” in lodging type definitions and a minimum 5-foot street side setback in the R-M Zone</b>
<b>MOVER:</b>	<b>Sumner</b>
<b>SECONDER:</b>	<b>Vincent</b>
<b>AYES:</b>	Griffiths, Sumner, Baker, Vincent, Blackerby, Affuso, Schlesinger
<b>RESULT:</b>	<b>Passed</b>

## 6. OLD BUSINESS

### 6.1. Status Update 2043 Comprehensive Plan

Director Skinner shared that she would be attending the October meeting of the Parks & Recreation Board to obtain their input on relevant components of the Comprehensive Plan. Assistant Planner Andrea Riner stated that over 140 people had completed the updated community questionnaire, and the Planning Commission voted to close the survey in order to begin the data collection process. Director Skinner announced that the two additional work sessions scheduled for October were canceled, and worked with the commissioners to schedule a November 10th work session from 1:30 to 3:30 PM, to be held in the Northwest Conference Room. Based on feedback from the Planning Commission, the next work session will include consideration of the overall vision for the Comprehensive Plan and a continuation of the Housing component to finalize it. Commissioner Baker requested that staff provide materials in advance of the meeting to create a more structured discussion at subsequent work sessions, and to allow for commission members to come to the meetings more fully prepared.

## 7. PLANNING COMMISSION TRAINING

### 7.1. Presentation from Oregon Department of Land Conservation and Development (DLCD)

Brett Estes, the North Coast Regional Representative for DLCD, introduced himself and gave a brief presentation regarding the history of statewide planning in Oregon, an overview of the Oregon Statewide Planning Goals, as well as the role of DLCD staff and the Land Conservation and Development Commission and the policies and processes they are responsible for, especially those that include work with local governments, such as the Comprehensive Plan.

Mr. Estes provided the following information in response to questions from various planning commissioners:

The geographic territory covered by the North Coast Regional Representative extends from Newport north to Astoria and to counties along the western portion of the Columbia River. Measure 56 established a special notification process for zoning code amendments that may have the potential to impact property values. Director Skinner noted that although it is infrequent, Measure 56 notification processes have been followed by Lincoln City planning staff whenever warranted. For zoning code amendments, jurisdictions must notify DLCD a minimum of 35 days prior to the first local evidentiary public hearing to provide DLCD an opportunity to comment.

The Planning Commission thanked Mr. Estes for his information.

## **8. REPORTS AND COMMENTS**

Director Skinner asked the Planning Commission for their feedback regarding joint meetings with the City Council. The Planning Commission was in favor of such meetings occurring in a quarterly basis. The Planning Commission also supported scheduling regular work sessions to address a range of planning issues, such as public involvement.

City Attorney Appicello was on hand to respond to Commissioners questions and to clarify a recent communication to all staff, elected officials, and committee members regarding political activity. He emphasized the need to take a conservative approach in these instances in order to avoid even the appearance of a questionably ethical action. He cautioned strongly against any individual advocating for or against a candidate or a measure on a ballot while presenting oneself as a Planning Commissioner. Chair Blackerby closed by requesting that future communications be provided with an introduction more targeted to a non-attorney audience.

## **9. FUTURE AGENDA ITEMS & NEXT MEETINGS**

The October 18th regular planning commission was canceled for a lack of agenda items. The schedules for November and December are pending. If held they will be conducted via Zoom as the audio-visual system for the Council Chambers is being updated to facilitate hybrid meetings starting in January 2023.

## **10. ADJOURN**

Chair Blackerby closed the meeting at 7:52 PM

Respectfully submitted,

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Anne Marie Skinner  
Planning & Community Development Director

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Kim Blackerby  
Chair

**LINCOLN CITY PLANNING COMMISSION WORK SESSION  
MINUTES  
November 10, 2022**

**I. CALL TO ORDER**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Steve Griffiths	Commissioner	Present	
Melissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Commissioner	Present	
Kim Blackerby	Chair	Present	
Charlsy Affuso	Commissioner	Present	
Miles Schlesinger	Commissioner	Present	

**II. AGENDA ITEMS**

**2.1. Discussion on Draft Introduction and Vision**

Planning Director Anne Marie Skinner opened the meeting with a review of the agenda, and opened the floor to comments from the Planning Commission. Chair Blackerby started by asking if the Commission had any overarching comments about the Introduction to the Comprehensive Plan, and initiated discussion.

Commissioner Baker described a term of “sometimes locals” that could be applied to our second home and tourist residents, many of whom identify Lincoln City as “their beach.” She supported using this term within the document where appropriate.

Commissioner Griffiths asked about the source of the historical narrative, and suggested that it be made current with a description of the more diverse population that characterizes the current community.

Chair Blackerby suggested a number of edits to make the document read better. Director Skinner worked to incorporate those edits throughout the meeting.

Commissioner Baker requested an edit to the paragraph regarding fire protection to more accurately reflect the history of this service. She also suggested that the other small towns be included specifically by name, in addition to Roads End.

Chair Blackerby stated that the paragraph describing the local economy reflect that a majority of our employers are small businesses, many of whom are family-owned and operated, and several that have existed for generations.

Commissioner Affuso wanted to emphasize the value of those members of the community who are working outside of the tourism and retirement industry. Commissioner Baker suggested that a paragraph be added to further describe the makeup of the community outside of these economic drivers.

Commissioner Baker asked the commission to consider adding text that reflected that many people come here to experience the ocean for the first time, and that we are fortunate to live in a place where that happens every day.

Commissioner Griffiths suggested adding a reference to Cascade Head Marine Reserve, one of five in Oregon, to the description of our area's significant natural resources. Commissioners also supported the addition of references to Devils Lake, Siletz Bay, and the Salmon River. Commissioner Baker suggested adding a statement that speaks to how these special places are core to our community values.

Director Skinner reminded the Commissioners that the introductory statement should remain at a broad scale, and that details and recommendations are more appropriate within each of the individual goals.

The Commission discussed the addition of a final paragraph that would focus on the community members themselves. Commissioner Baker supported revising an earlier description of the four community segments (tourists, retirees, second home owners, and the local workforce), and instead describing them instead as “locals” and “sometimes locals.” Director Skinner added that use of this term would require a definition statement.

Commissioner Schlesinger supported moving the conversation to the next agenda item, which is draft housing component.

Commissioner Blackerby moved the discussion to the Vision Statement. Commissioner Baker supported adding text to reflect the growing artistic and creative values of the community and to tie that into our respect for our natural environment.

Commissioner Griffiths shared the framework for Imagine Lincoln City, and suggested that the Comprehensive Plan follow a similar structure.

Director Skinner stated that she would make the recommended changes to the Introduction and share the next draft with the Commission at a subsequent work session. Chair Blackerby closed the discussion and moved to a review of the draft Housing element of the Comprehensive Plan.

## 2.2. Draft Housing

Chair Blackerby asked the Commissioners if there were any overarching comments or questions about this document, and initiated the discussion. Following a few minor edits to the introductory paragraph, the Commissioners worked to re-craft the goal statement to more closely reflect the recommended language from Imagine Lincoln City, as suggested by Commissioner Griffiths. The statement in Imagine Lincoln City reads: “Community partnerships and progressive planning ensure Lincoln City residents have affordable housing. Lincoln City is a community that cares about those in need and works together to provide housing options for all income levels and ages, especially for our most vulnerable populations.” Commissioner Baker suggested adding a reference to ensure safe housing. The two initiatives from Imagine Lincoln City were supported as additional policy statements.

Responding to a question from Commissioner Griffiths about the first draft policy, Director Skinner stated that the Comprehensive Plan needed to include a policy that will allow the City to

expand the City limits and/or the City Urban Growth Boundary in the future to ensure an adequate supply of land for industrial, commercial, and residential demands.

Chair Blackerby suggested adding a reference to shelters and transitional housing into the third housing policy, per a comment from Commissioner Griffiths.

Chair Blackerby also requested a reference to promote the provision of efficient or sustainable transportation in relation to support services for seniors and people with disabilities.

The Commissioners worked to strengthen the language in the policy encouraging redevelopment to add a reference to the maintenance of properties to ensure the health and safety of residents, especially renters. Director Skinner stated that she would check with the City Attorney and the Building Official about the appropriate way to describe the jurisdiction's responsibilities in this area.

Responding to a question from Commissioner Griffiths, Director Skinner stated that City code already has a number of provisions relating to tree removal and that further improvements to that code were already underway.

Commissioner Vincent expressed concern regarding the policy to allow shelters in all neighborhoods. Other commissioners responded by stating that such developments would still be required to follow standard land use and building code requirements.

Chair Blackerby commented that he supported language connecting the housing goal more directly to transportation.

Commissioner Baker asked how the Comprehensive Plan might encourage more experimental housing, such as those that would use alternative building materials and forms of energy. Director Skinner suggested adding a policy that supports sustainable housing.

Chair Blackerby commented that mixed-use or neighborhood commercial development hadn't yet been addressed. Director Skinner stated that this is best addressed in the Comprehensive Plan housing element by including the policy language on walkability.

The meeting closed with an overview of the December 6th agenda, which will include two public hearings for a natural resource development variance and a preliminary subdivision plat, and a discussion of the January training. Chair Blackerby closed the meeting at 3:22 PM.

Respectfully submitted,

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Anne Marie Skinner  
Planning Director

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Kim Blackerby  
Chair

## Planning Commission Communication

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### FR 2022-18 for ZOA 2022-10

Meeting Date: December 6, 2022      Primary Staff Contact: AnneMarie Skinner  
Department: Planning Commission      E-Mail: ASkinner@lincolncity.org  
Secondary Dept:      Secondary Contacts:  
Approval:      Estimated Time:

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#### **Potential Motion:**

**I move to accept FR 2022-18 for ZOA 2022-10 as written.**

#### **Attachments:**

FR 2022-18 for ZOA 2022-10      (DOC)

**LINCOLN CITY  
PLANNING COMMISSION**

**IN THE MATTER OF**

Amendments to Title 17, Zoning, ) Final Recommendation  
regarding special events as an accessory ) 2022-18  
use, lodging definitions, boundaries of )  
zones, and procedural revisions

**NATURE OF THE APPLICATION**

ZOA 2022-10 AMENDS THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, SECTION 17.08.010 (DEFINITIONS), DEFINITION OF BOUTIQUE INN, HOTEL, MOTEL, RESORT, AND SPECIAL EVENT, AMENDING CHAPTER 17.12. (BOUNDARIES OF ZONES), AMENDING CHAPTERS 17.16, (SINGLE-UNIT RESIDENTIAL) 17.17, (SINGLE-UNIT RESIDENTIAL- ROADS END),17.18 (VACATION RENTAL ZONE), 17.20 (MULTI-UNIT RESIDENTIAL) AND 17.40 (RECREATION- RESIDENTIAL), TO ADD A SPECIAL EVENT AS AN ACCESSORY USE TO AN APPROVED CONDITIONAL USE IN THE ZONE; AMENDING CHAPTER 17.24 (PROFESSIONAL CAMPUS ZONE), CHAPTER 17.28 (RECREATION-COMMERCIAL ZONE), CHAPTER 17.32 (GENERAL COMMERCIAL ZONE), CHAPTER 17.34 (NELSCOTT PLAN DISTRICT); CHAPTER 17.45(TAFT VILLAGE CORE ZONE), CHAPTER 17.50 (OCEANLAKE PLAN DISTRICT) TO ADD SPECIAL EVENT AS AN ACCESSORY USE, AMENDING CHAPTER 17.42 (PARK ZONE), AMENDING CHAPTER 17.56 (OFFSTREET PARKING AND LOADING), AMENDING CHAPTER 17.74 (DESIGN STANDARDS), AMENDING CHAPTER 17.77 (APPLICATIONS)

**FINAL RECOMMENDATION**

Based on the evidence presented at the public hearing on October 4, 2022, including the staff report, the Planning Commission recommends on a 7-0 vote that the City Council approve the draft language (Exhibit A Findings follow). The Planning Commission recommended the following modifications to the draft ordinance: 1) include in the definitions of hotel, motel, and boutique inn “with or without cooking facilities” and 2) modify the street side setback in the RM zone to 5 feet rather than 0 feet. No written comments were received. No oral testimony was given.

APPROVED THIS 6<sup>th</sup> day of December, 2022.

\_\_\_\_\_  
Kim Blackerby  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Anne Marie Skinner, Planning & Community Development Director

## EXHIBIT A – FINDINGS FOR ORDINANCE 2022-38

### Procedural Posture:

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. No City-wide notice was provided as the amendment does not rezone property or change permitted uses. Notice to DLCD was properly made on August 26, 2022. Notices for the public hearings before the City Council on October 24, 2022 and the Planning Commission on October 4, 2022 were also published in the local newspaper as required by City Code.

### Summary

Among other things, the ordinance proposes an amendment to the definitions to differentiate definitions of hotel, motel, resort and boutique inn. Boutique Inn is being added in preparation for adding Boutique Inn as a permitted use in certain zones in response to economic development opportunities. A definition of special event is added - taken from Chapter 5.16 of the Municipal Code. Much of the amendment deals with special events. Under the existing Code, Special Events (authorized outside the zoning code) are permitted in only the Parks zone. Requests for special events on property outside the Park zone have required interpretation of the Code and the required land use process which accompanies the exercise of such discretion. An example includes a prior Planning Director's interpretation (via land use notice) that a special event in a school parking lot was accessory to the approved conditional use for the school. The current Planning Director would like to remove the exercise of such discretion (and the associated land use process) by stating expressly in the Code whether special events are accessory in the zone (commercial zones) or accessory to an approved conditional use in the zone (other zones). Additional minor housekeeping amendments are also included, such as: 1) adding an option for development of properties with split zones to provide more opportunities for, and flexibility in, development of such sites; 2) adding docks as a conditional use in Chapter 17.20 to be consistent with it being listed as a conditional use in Chapter 17.44 and inadvertently being omitted in Chapter 17.20 when Chapter 17.44 was amended; 3) correcting the setback requirements in Chapter 17.20 for consistency with requirements in the R-1 zones; 4) adding community meeting buildings, fraternal, or social organizations to Park zone as an allowed use; 5) Clarifying parking requirements to remove redundancies with Chapter 17.55 and to add maintenance requirements for drainage; 6) Remove the cost percentage requirement for pedestrian amenities; and 7) minor procedural revisions to Chapter 17.77.

The Planning Commission recommended approval with only a slight modification to the language proposed.

The findings in support of the application as contained in the staff supporting materials and the Planning Commission staff report, together with other correspondence in favor of the amendment, are hereby incorporated herein by this reference.

No written or oral comments were received.

**Applicable Criteria:**

**LCMC 17.77.130 provides, (emphasis added):**

**17.77.130 Text amendment.**

A. Purpose. The text amendment process shall be used for legislative amendments to LCMC Title 16, this title, or the comprehensive plan. Such amendments are necessary to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.

B. Procedure. Text amendments are subject to the Type IV procedure, as described in LCMC 17.76.060. However, the director is authorized to make typographical, grammatical and cross-referencing corrections as needed without initiating the text amendment process.

C. Submittal Requirements. Type IV application submittal requirements are set forth in LCMC 17.76.060.

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

**1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**

**2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Text amendments are not subject to expiration.

G. Extension of a Decision. Text amendments are not subject to extension.

**Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

(1) Goal 1: Citizen Involvement

*"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."*

All documents relating to the proposal (amendment) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

(2) 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 of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing 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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

(3) Goal 3: Agricultural Lands

*"To preserve and maintain agricultural lands."*

The area affected by the proposed zoning ordinance amendment is located within the city's urban growth boundary. The city is currently designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

(4) 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 zoning ordinance amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

*“To protect natural resources and conserve scenic and historic areas and open spaces.”*

The amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendment is consistent with Goal 5.

(6) Goal 6: Air, Water and Land Resources Quality

*“To maintain and improve the quality of the air, water and land resources of the state.”*

The amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

*“To protect people and property from natural hazards.”*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

(8) 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 proposed ordinance amendment does not relate to recreation as that term is used in this goal and does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with Goal 8.

(9) 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 proposed ordinance amendment may make special events more common and thus further economic activity – albeit on a temporary basis. Overall the authorization of special events reduces processing time and furthers such economic activity. The amendment certainly will not adversely impact economic activities. The amendment is consistent with Goal 9.

(10) Goal 10: Housing

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

The amendment does not directly impact housing, except that correction of provisions related to the RM zone will remove perceived impediments. The amendment is consistent with Goal 10.

(11) 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."*

The amendment does not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

*"To provide and encourage a safe, convenient and economic transportation system."*

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

(13) Goal 13: Energy Conservation

*"To conserve energy."*

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

(14) 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 amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or is not applicable.

(15) Goal 15: Willamette River 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 affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) 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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

(17) 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 include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

(18) 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."*

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

(19) 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."*

The amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

B. Comprehensive Plan Goals

(1) 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 of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

(2) Citizen Involvement Goal

*"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. In addition, the public hearing process, with notice to the public through publication in the local newspaper and review of the amendment by the Planning Commission (a citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

*"To Plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."*

The proposed amendment does not directly relate to public services and utilities. Accordingly, this goal is not applicable.

(4) Urbanization Goal

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

The amendment does not relate directly to urbanization, so this goal is not applicable.

(5) Natural Hazard Goal

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

The amendment on its own does not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendment is consistent with this goal.

(6) Housing Goal

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

The amendment does not directly relate to housing, except to make corrections to the RM zone which may be perceived as impediments. The amendment is consistent with this goal.

(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 proposed ordinance amendment does not directly relate to economic development however the streamlining of special events (temporary uses) may further more such events which have economic consequences in a tourist town. The amendment does remove process impediments and obstructions to events. The objective of reducing process to encourage events will further economic goals. The amendment is consistent with this goal.

(8) Aesthetic Goal

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

The amendment does not specifically relate to aesthetics. This goal is met or is not applicable.

(9) Transportation Goal

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

The amendment does not directly relate to transportation. This goal is not applicable.

(10) Energy Goal

*"To conserve energy."*

The amendment does not pertain to energy conservation, so this goal is not applicable.

(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."*

By itself, the amendment does not allow development in sensitive natural resource areas. The existing ordinances and plan requirements relating to protection the natural environment will continue to apply to all properties with natural resource areas. This amendment will contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

*"To conserve, to protect, to enhance the coastal resources of the city."*

The amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e. Siletz Bay), in the city's coastal shorelands, beach and

dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards apply to any areas impacted by this amendment, thereby protecting these resources. The amendment is consistent with this goal.

# Planning Commission Communication

---

## VAR 2022-05 Kirk Rucker wetland

Meeting Date: December 6, 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 natural resources development 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 natural resources development 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 natural resources development 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 natural resources development 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. I move to approve VAR 2022-05 as requested with the recommended conditions of approval.  
**or**
2. I move to approve VAR 2022-05 as requested with the following additions/changes to the recommended conditions of approval...  
**or**
3. I move to deny VAR 2022-05 because the request doesn't meet all the criteria for approval. Specifically, the following criteria are not met:... (then state which of the criterion are not met and why).

**Attachments:**

VAR 2022-05 Application Redacted (PDF)  
 VAR 2022-05 Buffer Assessment Schott & Associates (PDF)  
 VAR 2022-05 DSL Concurrence Letter (PDF)  
 VAR 2022-05 Narrative (PDF)  
 VAR 2022-05 Plat Map Taft Third Addition (PDF)  
 VAR 2022-05 Tax Map 07s11w27dc (PDF)  
 VAR 2022-05 Topographic Survey (PDF)  
 VAR 2022-05 Wetland Delineation Report (PDF)  
 VAR 2022-05 Staff Report (PDF)  
 VAR 2022-05 Zoning Map (PDF)  
 VAR 2022-05 Natural Resource Overlay Zone Map (PDF)  
 VAR 2022-05 Vicinity Map (PDF)

RECEIVED  
1 Nov 2022  
PLANNING

# 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: TAFT DEVELOPMENT LLC - REED KIRK AND JASON RUCKER  
ADDRESS: [REDACTED]  
PHONE: [REDACTED]  
E-MAIL: [REDACTED]

**CONSULTANT**

**~~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: NW LAND PLANNING - TRISHA CLARK  
ADDRESS: [REDACTED]  
PHONE: [REDACTED]  
E-MAIL: [REDACTED]

**SITE INFORMATION:**

ZONING DISTRICT: TAFT VILLAGE CORE  
TAX MAP AND LOT: 07S11W27DC 02800 - 03500  
SITE ADDRESS: NO SITE ADDRESS

**REQUESTED VARIANCE and WHY:**

The Variance is needed to determine the location of a wetland buffer based on site specific conditions.  
The applicant has hired Martin Schott to provide a Buffer Assessment and recommendations for the placement of a 5 foot buffer, trees, and a fence with signage to protect the buffer area. Additionally, the Buffer Assessment provides recommendations for protect of the wetland area during construction of the site and any buildings.

**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:**

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*

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*

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*

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*

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*

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 7 circumstances/criterion listed above exist. Each of the 7 circumstances/criterion must be discussed and thoroughly addressed in the narrative.**

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

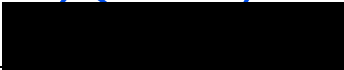
1. Site plan drawn to scale, including: (pdf titled SITE PLAN)
  - Date, north arrow, scale
  - Exterior and interior property lines and dimensions
  - Assessor map and tax lot numbers

- o Location, dimensions, and type of each significant natural resource area
  - o Location and direction of flow of all water courses
  - o Locations of trees over 6” in diameter
  - o Locations of native vegetation
  - o 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)
  3. Communications, letters, reports from Oregon Department of State Lands, if any (pdf titled DSL)
  4. Communications, letters, reports from any other state or federal agencies, if any (pdf titled AGENCIES)
  5. 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
  6. Completed application form with all signatures (pdf titled APPLICATION)

The application package shall be submitted via email to: [askinner@lincolncity.org](mailto: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:**

 Reed Kirk, Member Taft Development LLC  
 \_\_\_\_\_  
 Property Owner/Contract Purchaser (signature required)

10.20.2022  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Property Owner/Contract Purchaser (signature required)

\_\_\_\_\_  
 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.



## SCHOTT & ASSOCIATES

### Ecologists & Wetlands Specialists

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

#### MEMO

**RECEIVED**

1 Nov 2022

**PLANNING**

September 21, 2022

To: Trisha Clark

From: Martin Schott

Subject: Buffer Assessment for SW Ebb Street at SW 50<sup>th</sup> Ave

Schott & Associates (S&A) was requested to provide natural resource consultation on the property located west of SW Ebb Avenue and between SW 48<sup>th</sup> Street and 50<sup>th</sup> Street in Lincoln City, Lincoln County, Oregon (T7S, R11W, Section 27DC, Tax Lots 2800-3500). Lincoln City has requested recommendations of how big the wetland buffer should be. This memo will address site history, site conditions, recommendations during the construction process to minimize wetland impacts and suggestions for management of the wetlands after construction. If recommended construction management practices are implemented S&A recommends a minimal 5' upland buffer will provide adequate wetland protection.

#### Site History

A wetland delineation was completed in October 2020 by Anita Cate Smith of Westbrook Science & Design, LLC and concurrence from Oregon Department of State Lands was received in August 2021 (WD2020-0630) (see attached).

#### Site Conditions

Martin Schott of S&A conducted a site visit in July 2022 and reviewed both the wetland delineation report and DSL's concurrence letter. S&A agreed with the delineated wetland boundaries and found both the wetland and adjacent upland to be in mostly good ecological condition. The wetland was found on lots 3000, 3100 and 3200 and extended offsite to the north and west. Any associated buffers onsite would affect lots 2900 and 3300. No wetlands were documented on lots 2800, 3400 and 3500.

The wetland onsite is described in the wetland delineation report, and is typical of coastal wetlands, which form in sandy soils. Red alder (*Alnus rubra*) and Sitka spruce (*Picea stichensis*) tend to be the dominant trees along with shore pine (*Pinus contorta*). The shrub layer is often dominated by twin flower (*Lonicera involcrata*). The herbaceous layer is often dominated by slough sedge (*Carex obnupta*). The adjacent uplands are often dominated by the same tree species. However, Salal (*Gaultheria shallon*) often is the dominant shrub. Sword fern (*Polystichum munitum*) often replaces the slough sedge.

### Recommendations During Construction

Any development near or adjacent to wetlands has the potential to negatively impacts the wetlands and their functions. Common practice is to require an upland buffer to protect the adjacent wetland. However, in lieu of a buffer, potential impacts can be minimized or eliminated through careful development.

One of the most common impacts to wetlands during construction phases is incidental encroachment into the wetland by large equipment and ground disturbance. This type of impact can be avoided by installing a construction fence along the wetland boundary or buffer boundary. All equipment operators should be instructed not to encroach beyond the construction fence.

### After Construction Management

Another potential impact to wetlands is polluted water entering the wetland from the impervious surfaces. If *any* wetland impacts are proposed as part of the project, the Oregon Department of Environmental Quality (DEQ) would require water quality treatment and certification for the subdivision. Development of Lots 2800, 3400 and 3500 would not have any jurisdictional wetland impacts. Thus, DEQ has no jurisdiction. However, Lots 2900 and 3300 are close to the delineated wetland and development has the potential to impact the wetland on these lots. The potential for this impact can be minimized or eliminated by treating the runoff from the impervious surfaces via rain gardens. The rain gardens can then drain either to the City's storm water system, or towards the wetland.

Another potential indirect impact to the wetland post construction is dewatering of the wetland by the development. This can happen when the storm water is diverted away from the wetland. This potential problem is not likely for a development this small. The climate on this portion of the Oregon coast is cool and wet enough where it is anticipated that natural hydrological inputs will support long term maintenance of the wetland.

Many potential impacts arise from direct human disturbance of wetlands. One of the most common problems with natural areas, including wetlands, is the dumping of yard debris. This problem can be discouraged by building a fence along the property line separating the wetland from the development. The fence should be high enough to make it difficult to dump the yard debris over the fence. Additionally, posting signs identifying the wetland and discouraging dumping can be posted.

Homeless camps have become a significant problem in many jurisdictions, and there were homeless camps in and adjacent to the wetland. There are several ways camping can be discouraged. Lots 3000, 3100 and 3200 can have a deed restriction that would protect the natural area and restrict camping. If there is a neighborhood association, it could manage the remaining natural area. If there isn't a neighborhood association the lots with the wetland could be come part of the nearest developable lot. Again, there would need to be a deed restriction on the lots with the wetland.

### Summary

The wetland largely extends offsite to the north and west and is surrounded by existing development with very little noticeable wetland buffers. The onsite wetland and adjacent upland boundary (buffer) were both found to be in good ecological condition. Managing the site both during and after construction including placement of construction fencing as well as a permanent fence and deed restriction can help minimize impacts to the wetland. With these practices, S&A suggests that development does not pose significant impacts to the ecological health of the wetland and a minimal buffer of 5 feet be established and maintained. To further protect the wetland additional plantings of Sitka spruce within the wetland buffer may help provide separation and visual screening of the wetland from the developed lots.



# 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](http://www.oregon.gov/dsl)

**State Land Board**

August 23, 2021

**RECEIVED**

1 Nov 2022

**PLANNING**

2nd Story Investments, LLC.  
Attn: Jason Rucker  
4804 NW Bethany Boulevard, Suite I2- #282  
Portland, OR 97229

Kate Brown  
Governor

Re: WD # 2020-0630 **Approved**  
Wetland Delineation Report for SW Ebb St. at SW 50th Ave.  
Lincoln County; T7S R11W S27DC TLs 2800-3500  
Lincoln City Local Wetlands Inventory, Wetland SCC-1

Shemia Fagan  
Secretary of State

Tobias Read  
State Treasurer

Dear Mr. Rucker:

The Department of State Lands has reviewed the wetland delineation report prepared by Westbrook Science & Design, LLC, for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland boundaries as mapped in revised Figure 5 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (totaling approximately 0.33 acres) and one ditch were identified. The wetland and the portion of the ditch contiguous with the wetland are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in the wetland or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined). The remaining portion of the ditch not contiguous with the wetland is exempt per OAR 141-085-0515(10); therefore, that portion is not subject to these state permit requirements.

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. 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.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. 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 the Jurisdiction Coordinator for Lincoln County, Matt Unitis, at (503) 986-5262.

Sincerely,



Peter Ryan, SPWS  
Aquatic Resource Specialist

Enclosures

ec: Anita Cate Smyth, SPWS, Westbrook Science & Design, LLC  
Lincoln City Planning Department (Maps enclosed for updating LWI)  
Katharine Mott, Corps of Engineers  
Carrie Landrum, DSL  
Oregon Coastal Management Program

**WETLAND DELINEATION / DETERMINATION REPORT COVER FORM**

Fully completed and signed report cover forms 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 at: <https://apps.oregon.gov/DSL/EPS/program?key=4>.

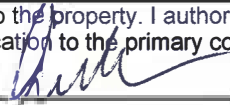
Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (single PDF file of the report cover form and report, minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279**. A single PDF of the completed cover form and report may be e-mailed to: **Wetland\_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

**Contact and Authorization Information**

<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: 2nd Story Investments, LLC, Jason Rucker, Manager 4804 NW Bethany Boulevard, Suite I2 - #282 Portland, Oregon 97229	Business phone # Mobile phone # (optional) (503) 810-7270 E-mail: 2ndstory.jason@gmail.com
---	--

<input type="checkbox"/> 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 information in the report, after prior notification to the primary contact.

**Typed/Printed Name:** Jason Rucker, Mgr      **Signature:** 

Date: 11/14/2020      Special instructions regarding site access: Contact Applicant prior to site entry

**Project and Site Information**

Project Name: SW Ebb St @ SW 50th Avenue	Latitude: 44.9288      Longitude: -124.0193 <b>decimal degree</b> - centroid of site or start & end points of linear project
Proposed Use: Mixed use: multifamily residential and commercial	Tax Map # 7S11W27DC Tax Lot(s) 2800-3500 ----- Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): West of SW Ebb Street, between SW 48th and SW 50th Avenues City: Lincoln City      County: Lincoln	Township 7S      Range 11W      Section 27      QQ DC Use separate sheet for additional tax and location information Waterway: None      River Mile: N/A

**Wetland Delineation Information**

Wetland Consultant Name, Firm and Address: Westbrook Science & Design, LLC Anita Cate Smyth 13700 SW Ascension Drive Tigard, OR 97223	Phone # Mobile phone # (if applicable) (503) 869-7897 E-mail: info@westbrookscience.com
---	---

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

**Consultant Signature:** \_\_\_\_\_      Date: \_\_\_\_\_

**Primary Contact** for report review and site access is  Consultant  Applicant/Owner  Authorized Agent

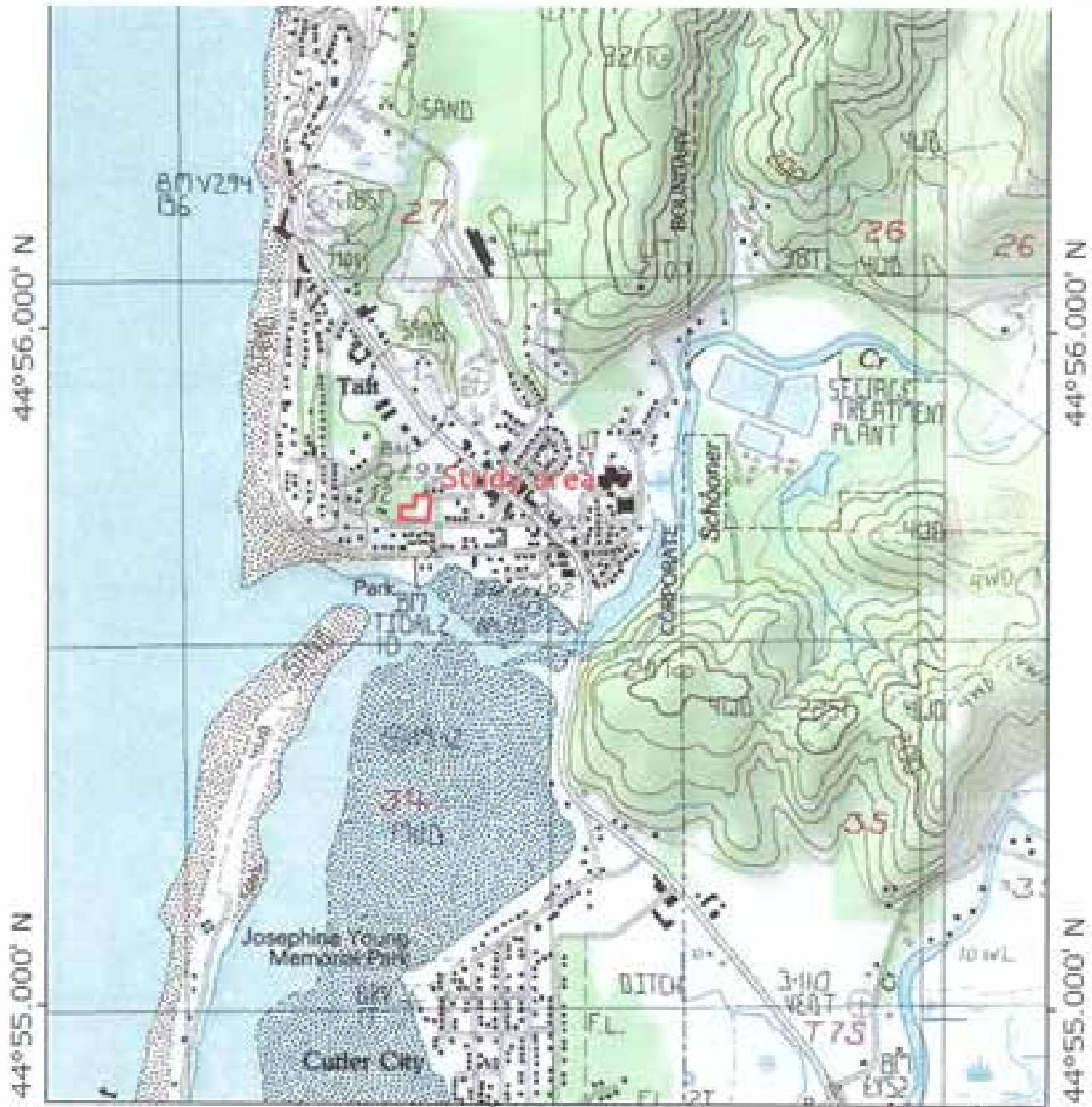
Wetland/Waters Present?  Yes  No      Study Area size: 0.92 acre      Total Wetland Acreage: 0.3300

**Check Applicable Boxes Below**

<input type="checkbox"/> R-F permit application submitted	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>466</u>
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee)
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	DSL # _____      Expiration date _____
<input checked="" type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # <u>WD09-0088</u>	<input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u>SCC-1</u>

**For Office Use Only**

DSL Reviewer: <u>MU</u>	Fee Paid Date: ____ / ____ / ____	DSL WD # <u>2020-0630</u>
Date Delineation Received: <u>11 / 18 / 2020</u>	Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/>	DSL App.# _____



Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com topo)

Source: as shown

	<p>VICINITY MAP - USGS</p> <p>2<sup>nd</sup> Story Investments LLC          SW Ebb Street / SW 50th Street          Lincoln City, Oregon</p>	<p>Figure</p> <p>1</p>
--	--	------------------------

This map has prepared for  
LEGISLATIVE PURPOSE ONLY



S.W. 14 S.E. 14 SEC. 27 T.7S. R.11W. WM.  
LINCOLN COUNTY

07 11 27 DC  
LINCOLN CITY



Source: OregonMap accessed from [www.ormap.net](http://www.ormap.net)

	<p style="text-align: center;"><b>TAX LOT MAP</b></p> <p style="text-align: center;">2<sup>nd</sup> Story Investments LLC SW Ebb Street / SW 50th Street Lincoln City, Oregon</p>	<p style="text-align: center;">Figure  2</p>
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# FIGURE 5 - WETLAND MAP



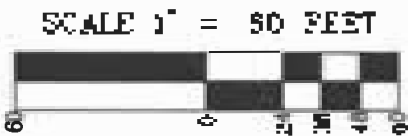
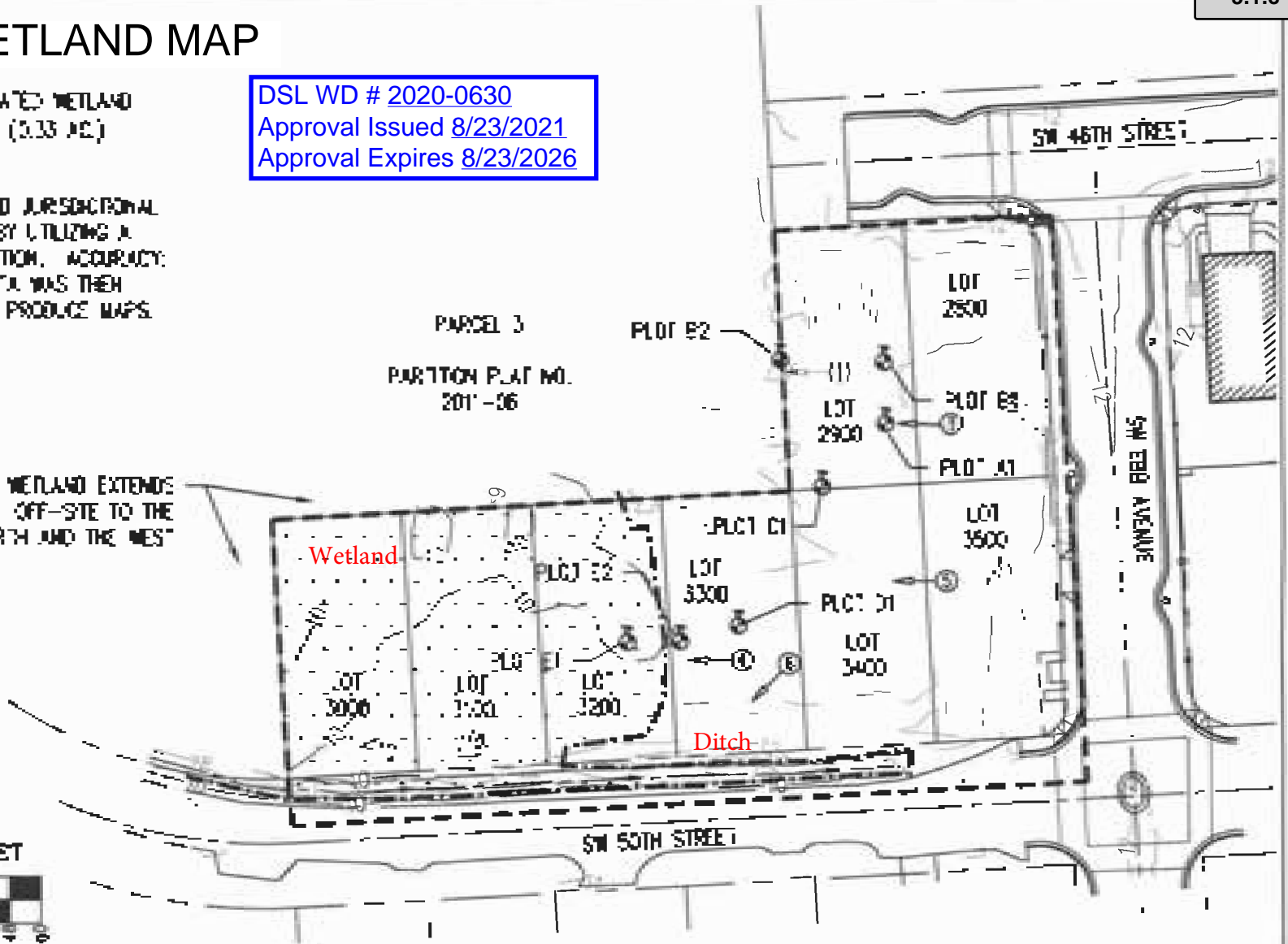
ON-SITE DELINEATED WETLAND  
AREA 14,157 SF (0.33 AC.)

DSL WD # 2020-0630  
Approval Issued 8/23/2021  
Approval Expires 8/23/2026

SAMPLE PLOT LOCATIONS AND JURISDICTIONAL  
BOUNDARY WERE OBTAINED BY UTILIZING A  
TRIMBLE ROBINO TOTAL STATION. ACCURACY:  
± 1 FOOT. THE SURVEY DATA WAS THEN  
IMPORTED INTO AUTOCAD TO PRODUCE MAPS.



WETLAND EXTENDS  
OFF-SITE TO THE  
NORTH AND THE WEST



PREPARED FOR:  TAFT DEVELOPMENT, LLC 5743 SW BALDWINWOOD LANE PORTLAND, OREGON 97225	JOB NAME: LINCOLN CITY TAFT	<b>NORTHWEST</b>  <b>SURVEYING, Inc.</b>  1815 NW 45th PLACE, SUITE 2090 BEAVERTON, OR 97005 PHONE: 503-648-2127 FAX: 503-648-2179 *surveying@nwsvi.com
	JOB NUMBER: 2261	
	DRAWING NUMBER: 2261 WETL	
	DRAWN BY: EJA	
	CHECKED BY: CN	

Land Use Planning  Project Management  
PO Box 1073, Goldendale, WA 98620  
503.330.2019 / trisha\_clark@hotmail.com



October 31, 2022

City of Lincoln City Planning  
AnnMarie Skinner, Director  
801 SW Highway 101  
Lincoln City, OR 97367

RE: Tax Lots 2800, 2900, 3000, 3100, 3200, 3300, 3400 and 3500 of Assessor Map 7 12 27DC, in the City of Lincoln City, Lincoln County, Oregon

Dear Ms. Skinner and Planning Staff,

Please allow this letter to serve as a brief narrative. The applicant, Taft Development LLC, is requesting approval of a Natural Resources Development Variance.

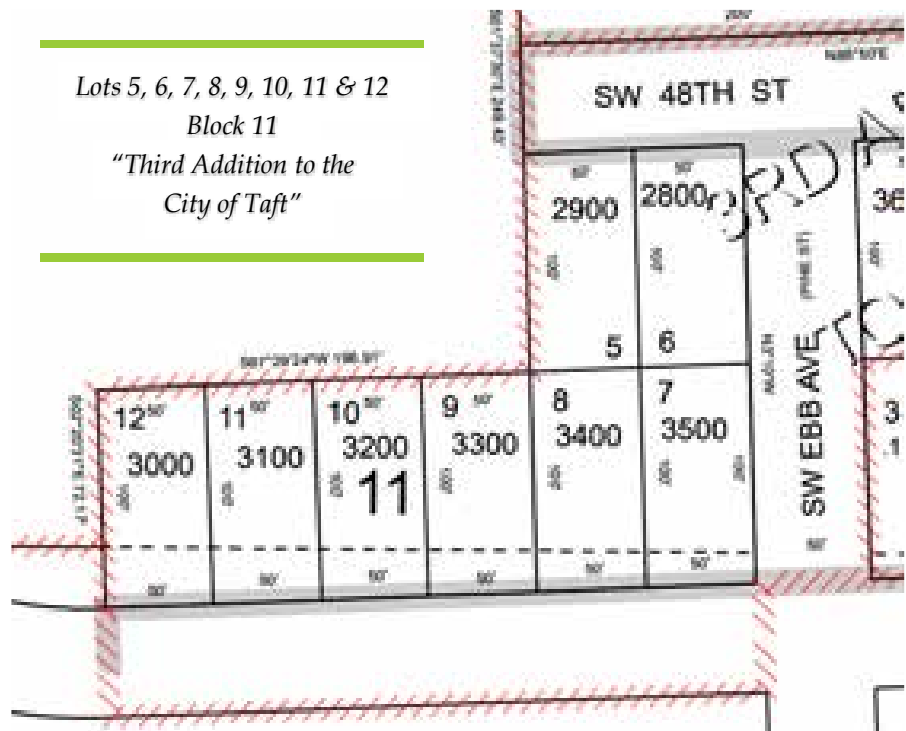
### SITE DESCRIPTION

The site is located on the west side of Ebb Street, the south side of SW 48<sup>th</sup> Street, and the north side of SW 50<sup>th</sup> Avenue in the Taft Village Core.

Each lot is 50 feet wide by 100 feet deep and contain 5,000 square feet.

SW Ebb Street is fully improved with a sidewalks and street lighting.

The site is fairly flat and slopes slightly toward the northwest. The is dense vegetation on the site. The site has been surveyed; a copy of the Topography Map is included as an attachment with this request.





Looking southwest toward the site from SW 48<sup>th</sup> Avenue & SW Ebb Street.



Looking northwest toward the site from SW 50<sup>th</sup> Avenue & SW Ebb Street.

The applicant retained Westbrook Science & Design, LLC to provide an assessment of the site and provide a report and request to the Oregon Department of State Lands (DSL) to correct the mapping of the site. The applicant also hired Schott & Associates to provide buffer recommendations; both the DSL concurrence and the Site Assessment and recommendations are included with this request. WSD found that the lots are vacant of buildings and contain trees and brush. Test plots were taken and analyzed, and the actual wetland boundary was denoted and surveyed in the field by NW Surveying.

**LINCOLN CITY MUNICIPAL CODE  
TITLE 17 - ZONING**

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

*Response: Strict adherence to the natural resource overlay zone standards would effectively preclude the use of the lots. The applicant wants to build multi-family buildings on the area of the lots, which is a use that could reasonably be expected to occur in the TVC zone. As currently mapped, the property owner is precluded a substantial property right enjoyed by the majority of the landowners in the vicinity, which is to be able to develop the land. With a buffer and mitigation measures applied as recommended by licensed professionals the owner can enjoy the rights as enjoyed by the majority of landowners in the vicinity.*

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

*Response: As detailed in the included assessment provided by Schott & Associates, the buildable area has been delineated and the buildable area has been defined. With proper mitigation measures, the wetland area will not be impacted by development on the site. In addition to the measures described in the included report from Schott & Associates, any future development of the site will include design by civil engineers, surveyors, architects, and other required professionals who will recommend additional mitigation measures for stormwater runoff so no impact will be made to off-site wetlands or the public facilities and systems.*

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

*Response: Since the development area will be outside of the defined natural area, the impact will be minimized. Any impact from run off from future development will be mitigated for with modern storm water management practices that will be design by a professional civil engineer and approved by the city. Any future development for the site will be applied for by the applicant to the city.*

## 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

*Response: The lot were legally created in 1950 with the plat "Third Addition to the City of Taft", a copy is included. The collective lots have been owned by the same person and the site has been un-used. Due to not being maintained, the site gives the impression that the entirety of the lots are wetland areas. As demonstrated by the included reports from Westbrook Science, Martin Shott & Associates, along with the DSL concurrence, there is a definable edge to the resource area.*

## 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

*Response: The property owner has a right to build on the lots; the approval of the variance will allow the owner to apply a reasonable buffer area that determines the areas to be developed with buildings on the lots. The owner should have a right to build on the developable portion of their properties.*

## 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

*Response: If developed, the lots have access to all critical and vital services such as sewer and water, fire and police, schools, parks and transportation. Any development on the site will be requested meeting the standards of the zone, or with any required adjustments or variances as needed, all requiring a review by the appropriate jurisdictions. Future development of the site is conceptual until the boundary can be defined as a result of this request.*

## LCMC 17.77.140.C.4

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

*Response: The applicant has included the DSL concurrence and recommendations from Martin Shott & Associates for a buffer for the site to the defined wetland boundary. This variance is the minimum needed to allow for the future development of the site.*

Please let me know if more information is needed, I can be reached at 503.330.2019 or trisha\_clark@hotmail.com.

Attachments:      Application Form  
                          Assessor Map  
                          DSL Concurrence Letter  
                          Martin Shott & Associates Assessment  
                          Plat of "Third Addition to the City of Taft"  
                          Topography Map

DEDICATION

# THIRD ADDITION TO CITY OF TAFT

RECEIVED  
1 November 2022  
PLANNING

KNOW ALL MEN BY THESE PRESENTS that Roll W. Williams and Emma B Williams husband and wife do hereby make, establish and declare the annexed map a true and correct map and plat of the THIRD ADDITION TO THE CITY OF TAFT as described in the accompanying engineers certificate, all lots being of the dimensions shown and all streets and avenues of the widths as set forth and said Roll W Williams and Emma B Williams do hereby dedicate to the use of the public as public ways, forever all streets and avenues shown on said map.

In Witness Whereof said Roll W. Williams and Emma B. Williams have hereunto set their hands and seals this 17<sup>th</sup> day of September 1950

Witnessed by [Signature]  
Witnessed by [Signature]

[Signature]  
[Signature]

SECTIONS 27 & 34 T-7-S. R-11-W W.M. LINCOLN COUNTY OREGON

### ACKNOWLEDGMENT

STATE OF OREGON } ss  
COUNTY OF LINCOLN }

Be it remembered that on this 17 day of September 1950 before me the undersigned Notary Public in and for said State and County, personally appeared said Roll W Williams and his wife Emma B Williams personally known by me to be the identical persons described in and who executed the said instrument and acknowledged to me that they executed the said instrument as their free and voluntary act and deed for the uses and purposes therein set forth

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal, the day and year last above written

Notary Public for Oregon [Signature]  
My Commission Expires [Date]

### ENGINEERS- CERTIFICATE

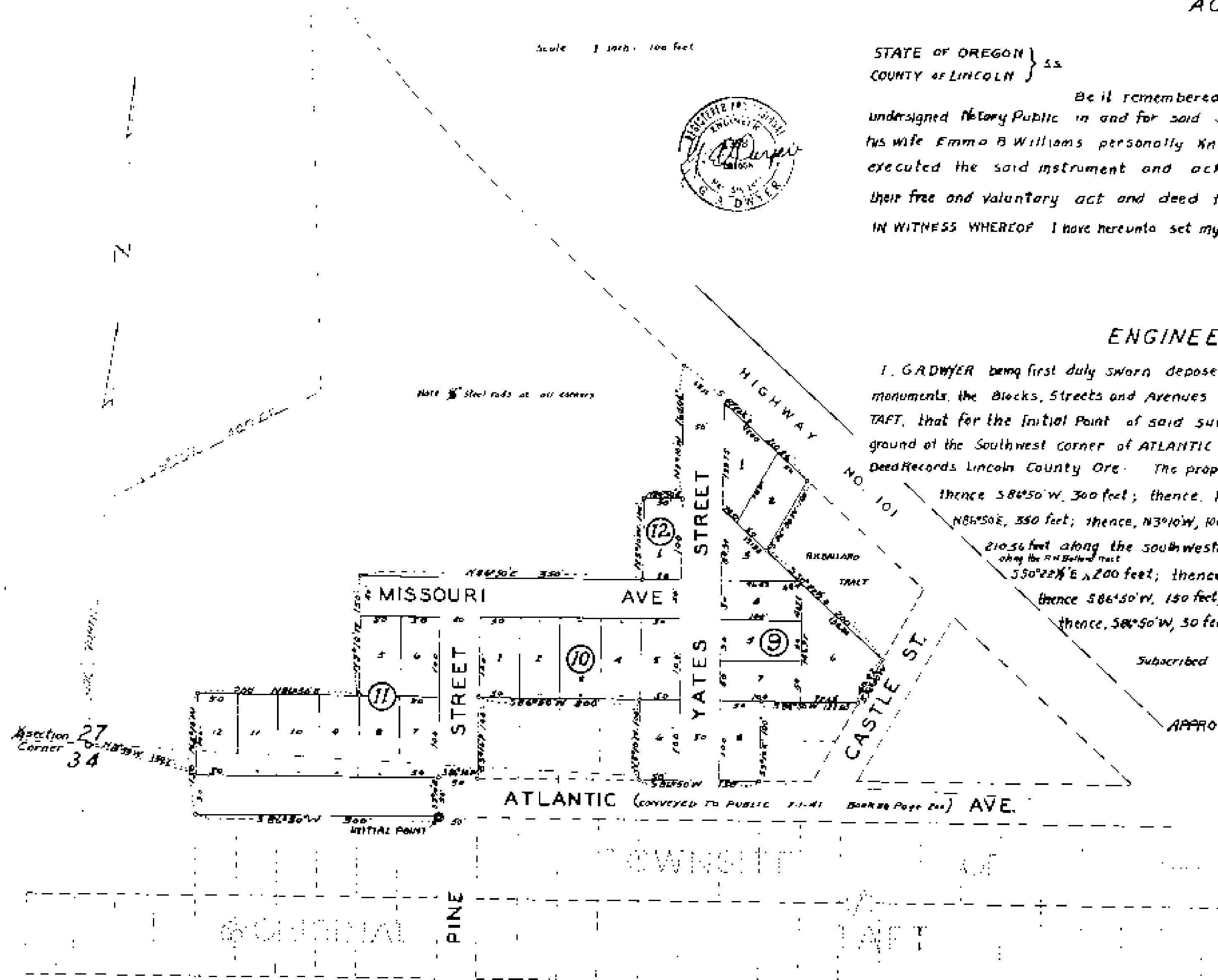
I, GADWYER being first duly sworn depose and say that I have correctly surveyed and marked with appropriate monuments the Blocks, Streets and Avenues represented on the annexed map of the THIRD ADDITION TO THE CITY OF TAFT, that for the Initial Point of said survey I used a 2 inch iron pipe 24" long driven below the surface of the ground at the Southwest corner of ATLANTIC AVE. conveyed to the Public, 7-1-41, by Deed recorded in Book-88 on Page 200 Deed Records Lincoln County Ore. The property platted is described as follows, beginning at the initial point, thence S86°50'W, 300 feet; thence, N3°10'W, 150 feet; thence, N86°50'E, 200 feet; thence N3°10'W, 150 feet; thence N86°50'E, 350 feet; thence, N3°10'W, 100 feet; thence, N86°50'E, 50 feet; thence N3°10'W, 148.04 feet; thence, S50°22'1/2"E, 210.56 feet along the southwesterly boundary of HIGHWAY No. 101; thence S26°30'W, 100 feet; thence, S50°22'1/2"E, 200 feet; thence, S26°30'W, 69.12 feet; thence, S86°50'W, 122.05 feet; thence, S3°10'E, 100 feet; thence S86°50'W, 150 feet; thence N3°10'W, 100 feet; thence, S86°50'W, 200 feet; thence, S3°10'E, 100 ft; thence, S86°50'W, 50 feet; thence, S3°10'E, 50 ft to the Initial Point.

Subscribed and sworn to before me this 17 day of Sept. 1950  
Notary Public for Oregon [Signature]  
My Commission Expires [Date]

APPROVED

TAFT CITY PLANNING COMMISSION [Signature]  
COUNTY JUDGE [Signature]  
COUNTY COMMISSIONER [Signature]  
COUNTY COMMISSIONER [Signature]  
COUNTY CLERK [Signature]  
COUNTY ENGINEER [Signature]  
TAXES ARE PAID TO [Signature] 1951

SHERIFF [Signature]  
H. H. Osburn, County Recorder  
By Virginia Osburn, Deputy

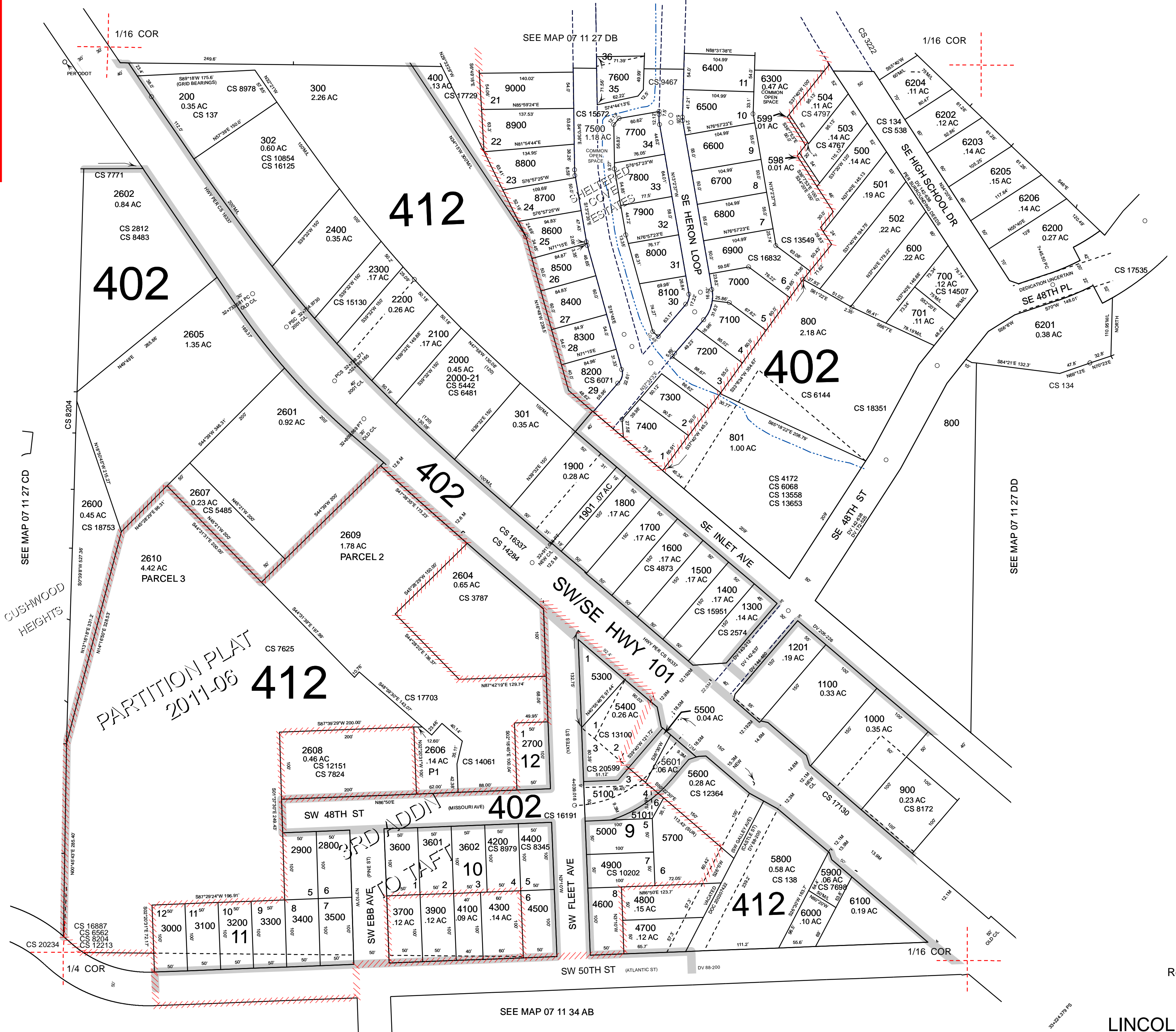


M.B. Collins  
Emma B. Williams

Section 27  
Corner  
34

**RECEIVED**  
1 November 2022  
**PLANNING**

Cancelled  
100  
100-30  
1100-21  
1200  
2500  
2603  
3800  
4000  
5200  
5701  
6100-21  
6100-22  
6207  
6208



Revised: SEB  
06/17/2020

TREE INFORMATION (NUMBERS 601 THROUGH 728 HAVE METAL C TAGS)

Table listing tree information with columns for tree number, species, size, and location. Includes trees 601 through 728.

STORM SEWER INFORMATION

Table listing storm sewer information with columns for manhole number, depth, and location. Includes manholes 801 through 804.

SEWER INFORMATION

Table listing sewer information with columns for manhole number, depth, and location. Includes manholes 805 through 808.

SANITARY SEWER INFORMATION

Table listing sanitary sewer information with columns for manhole number, depth, and location. Includes manholes 809 through 812.



ORTHWEST SURVEYING, INC. 1815 NW 108th Place, Suite 2080, Beaverton, OR 97005. Phone: (503) 948-2177. Fax: (503) 948-2179. Email: info@orthwestsurveying.com

GOING LOTS 1-2, BLOCK 10 AND LOTS 5-12, BLOCK 11, 3RD ADDITION TO TAFT, LOCATED IN THE SE 1/4 OF SECTION 27, TOWNSHIP 7 SOUTH, RANGE 11 WEST, W.M., CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON

TOPOGRAPHIC SURVEY OREGON LINCOLN CITY

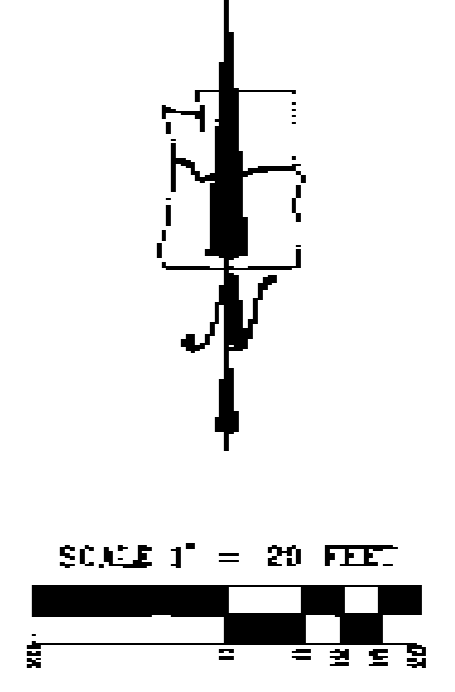
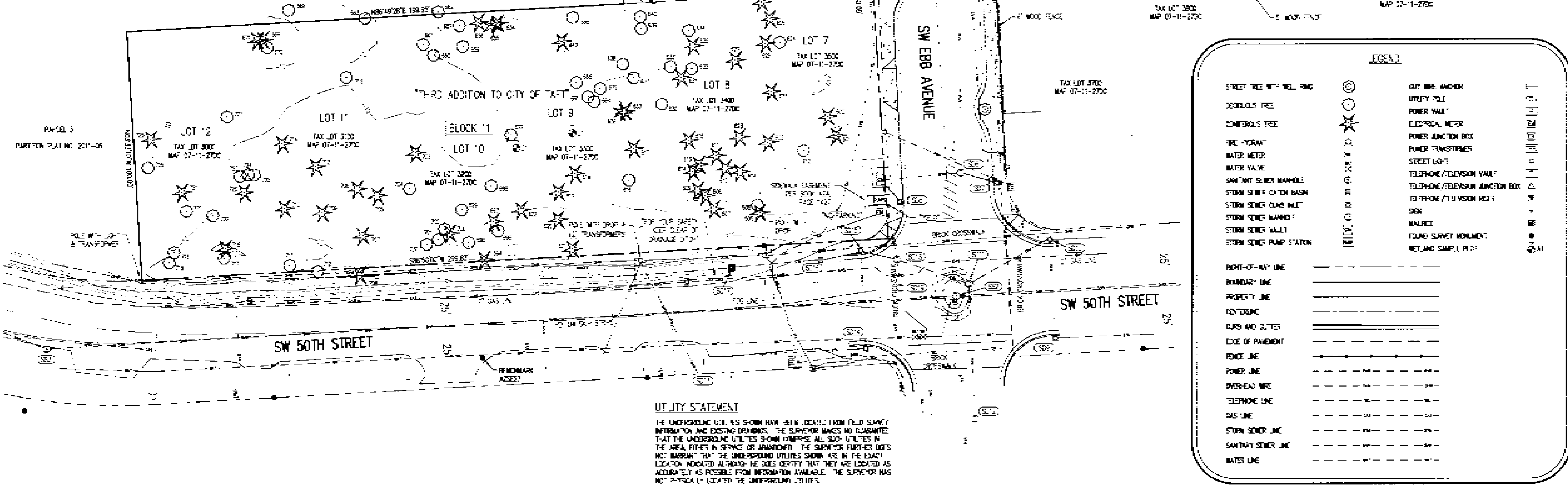
DRAWING NO.: 2261.TD01 SCALE: AS NOTED DRAWING PREPARED BY: LSSB DRAWN BY: JAM CHECKED BY: DJS PREPARED FOR: TAFT DEVELOPMENT, LLC 6740 SW RALEIGH WOOD LANE PORTLAND, OR 97225

REVISIONS: METAL RELEASE: APR 28, 2022

REGISTERED PROFESSIONAL LAND SURVEYOR. Signature of Justin P. Thomas, Oregon, January 13, 2020, License No. 5549913. Renewed: 09/30/22

JOB NUMBER: 2261 SHEET: 1 OF 1

- NOTES: 1) THE FIELD SURVEY FOR THIS MAP WAS COMPLETED ON APRIL 2, 2022. 2) ELEVATIONS AND CONTOURS ARE BASED ON LINCOLN COUNTY BENCHMARK NO. 452271... 3) THE BASIS OF BEARINGS FOR THE SURVEY IS THE POINT OF THIRD ADDITION TO CITY OF TAFT... 4) THE POINT-OF-BUY METERS WERE ESTABLISHED USING INFORMATION FROM PLATS, RECORD SURVEYS AND THE TAX ASSESSOR'S MAP... 5) THE EASEMENTS SHOWN ON THIS MAP ARE BASED ON THE TITLE REPORT, PREPARED BY WESTER, TEE & ESCROW, WFO... 6) THE UNDERGROUND UTILITIES ARE BASED ON THE MARKINGS PER LOCAL TRAIL NUMBERS 226252K AND 226253K.



UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

**WETLAND DELINEATION / DETERMINATION REPORT COVER FORM**

5.1.h

**RECEIVED**

1 Nov 2022

**PLANNING**

Fully completed and signed report cover forms 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 at: <https://aces.oregon.gov/DSL/EPS/broccam?view=1>

Attach this completed and signed form to the front of an unbound report or include a hard copy with a digital version (minimum 300 dpi resolution) and submit to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279. A single PDF of the completed cover form and report may be e-mailed to: [Wetland\\_Delineation@dsl.state.or.us](mailto:Wetland_Delineation@dsl.state.or.us). For submittal of PDF files larger than 10 MB, e-mail DSL instructions on how to access the file from your ftp or other file sharing website.

Contact and Authorization Information	
<input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner Name, Firm and Address: 2nd Story Investments, LLC, Jason Rucker, Manager 4804 NW Bethany Boulevard, Suite I2 - #282 Portland, Oregon 97229	Business phone # Mobile phone # (optional) (503) 810-7270 E-mail: 2ndstory.jason@gmail.com
<input type="checkbox"/> 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 information in the report, after prior notification to the primary contact.	
Typed/Printed Name: <u>Jason Rucker, Mgr</u> Signature: <u><i>[Signature]</i></u> Date: <u>11/14/2020</u> Special instructions regarding site access: <u>Contact Applicant prior to site entry</u>	
Project and Site Information	
Project Name: <u>SW Ebb St @ SW 50th Avenue</u>	Latitude: <u>44.9288</u> Longitude: <u>-124.0193</u> decimal degree - centroid of site or start & end points of linear project
Proposed Use: <u>Mixed use: multifamily residential and commercial</u>	Tax Map # <u>7S11W27DC</u> Tax Lot(s) <u>2800-3500</u>
Project Street Address (or other descriptive location): <u>West of SW Ebb Street, between SW 48th and SW 50th Avenues</u>	Tax Map # Tax Lot(s)
City: <u>Lincoln City</u> County: <u>Lincoln</u>	Township <u>7S</u> Range <u>11W</u> Section <u>27</u> QQ <u>DC</u> Use separate sheet for additional tax and location information
Waterway: <u>None</u> River Mile: <u>N/A</u>	
Wetland Delineation Information	
Wetland Consultant Name, Firm and Address: <u>Westbrook Science &amp; Design, LLC</u> <u>Anita Cate Smyth</u> <u>13700 SW Ascension Drive</u> <u>Tigard, OR 97223</u>	Phone # Mobile phone # (if applicable) (503) 869-7897 E-mail: <u>info@westbrookscience.com</u>
The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.	
Consultant Signature: _____	Date: _____
Primary Contact for report review and site access is: <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Applicant/Owner <input type="checkbox"/> Authorized Agent	
Wetland/Waters Present? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Study Area size: <u>0.92 acre</u> Total Wetland Acreage: <u>0.3900</u>	
Check Applicable Boxes Below	
<input type="checkbox"/> R-F permit application submitted	<input checked="" type="checkbox"/> Fee payment submitted \$ <u>488</u>
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee)
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	DSL # _____ Expiration date _____
<input checked="" type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # <u>WD09-0088</u>	<input checked="" type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code <u>SGC-1</u>
For Office Use Only	
DSL Reviewer: <u>MU</u> Fee Paid Date: _____/_____/_____ DSL WD # <u>2020-0630</u>	Date Delineation Received: <u>11/18/2020</u> Scanned: <input type="checkbox"/> Electronic: <input checked="" type="checkbox"/> DSL App.# _____



NOTICE: REPORTS ARE CONSIDERED DRAFT DOCUMENTS UNTIL REVIEW IS COMPLETED BY DSL. WETLAND MAPS MAY CHANGE AS A RESULT OF DSL REVIEW.

# Determination of Wetlands and Waters of the United States

## Taft Property

## Township 7 South, Range 11 West, Section 27DC

## Tax Lots 2800-3500

Prepared for

**2<sup>nd</sup> Story Investments, LLC**  
Jason Rucker, Manager  
4804 NW Bethany Boulevard  
Suite 12 - #282  
Portland, Oregon 97229  
(503) 810-7270  
2ndstory.jason@gmail.com

Prepared by

**Westbrook Science & Design, LLC**  
13700 SW Ascension Drive  
Tigard, Oregon  
(503) 869-7897  
info@westbrookscience.com

October 12, 2020

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**Tables**

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---------	-------------------------------

**Figures**

Figure 1	Location map
Figure 2	Tax lot map
Figure 3	Local Wetland Inventory map
Figure 4	Soil Survey map (NRCS online 2007)
Figure 5	Wetland Delineation Map

**Appendices**

- Appendix A – Figures
- Appendix B – Data Sheets
- Appendix C – Ground Level and Aerial Photographs
- Appendix D – Literature Citations
- Appendix E – G2 Associates Inc. Boring Logs

**Site Directions**

- From Salem, proceed west on Highway 22
- Proceed south on Highway 101
- Continue through Lincoln City to Taft
- Turn right on SW 48<sup>th</sup> Street and continue to intersection of SW Ebb Avenue

## 1.0 Introduction

Westbrook Science & Design, LLC (WSD) was retained by 2<sup>nd</sup> Story Investments, LLC (2SI) to prepare a wetland determination and delineation to identify the location and extent of waters of the state on eight tax lots in Lincoln County in the city of Taft, just south of Lincoln City. The site is located west of SW Ebb Avenue and between SW 48<sup>th</sup> and 50<sup>th</sup> Streets at 44.9288 north latitude and 124.0193 west longitude.

The study area comprises the area shown in red below and on Figure 1, Location Map and Figure 2, Tax Lot Map in the Appendix to this document. Fieldwork was performed on January 12, 2019, using the Routine Onsite Methodology set forth in the 1987 Federal Interagency Wetland Delineation Manual and the 2010 Western Mountains, Valleys and Coast Regional Supplement version 2.0.



## 2.0 Site Description

The study area comprises eight tax lots totaling approximately 0.92 acre. It abuts SW 48<sup>th</sup> Street to the north, SW Ebb Avenue to the east, and SW 50<sup>th</sup> Street to the south. West of the study area is a large swale wetland fed by a stream on lower ground that drains generally to the southwest.

Water from the broad swale feeds into the roadside ditch constructed on the north side of SW 50<sup>th</sup> Street. The property is currently vacant and undeveloped except for sidewalks and utilities on the eastern and southern sides. Evidence of informal utilization by tent campers was noted throughout the eastern portion of the site.

The immediate neighborhood is residential, with commercial uses nearby. These uses include tourist-oriented businesses such as hotels, coffee shops, and restaurants, and a beach access with associated parking area.

## 2.1 Landscape Setting

The study area lies just inland of the Pacific Ocean in the central Oregon Coast. It lies north of the confluence of Schooner Creek with the Pacific Ocean and adjacent to the southeastern side of a broad lower wetland feature. The subject property is approximately 500 feet from the Pacific Ocean.

The property's topography in the eastern four lots is generally flat with significant hummocks formed by large fallen trees and hollows where buried vegetation has decayed. A larger hummock was observed on tax lot 2800 which may be an old fill of undetermined origin and composition. A distinct terrace near the western property line of tax lot 2900 and 3400 running generally north to south was also observed.

The study area receives water from offsite in the northeastern portion of the study area as well as direct precipitation; tidally influenced subsurface hydrology also supports a high-amplitude, high-frequency water table (pers. conv., John Gray, Engineering Geologist). This water collects in a broad swale bounded by a larger backdune offsite to the north. Water flows generally southwest, ultimately collecting against the SW 50<sup>th</sup> Street roadway prism and turning east. Water then flows easterly into a ditch inlet near the corner of SW Ebb Avenue and SW 50<sup>th</sup> Street. From there, water flows through the public stormwater system, discharging ultimately into the Pacific Ocean. The roadside ditch was excavated and subject to routine City maintenance to preserve conveyance.

## 2.2 Soil Survey

There are two soil series mapped in the study area by the Natural Resources Conservation Service (NRCS) soil survey for the area. Yaquina fine sand, 0 to 3 percent slopes (map unit 7A) covers most of the site, with the interface with Bandon sand (map unit 3A) following the southern property boundary.

Summarizing the NRCS official soil series description, Yaquina fine sand is located on terraces and low interdune positions on the Pacific Coast. The soil is somewhat poorly drained with a high water table between November and April. Yaquina fine sand is considered a hydric soil. The majority of the study area is mapped as Yaquina fine sand.

According to the official soil series description, Bandon soils are well drained soils formed on elevated marine terraces on old sand dune and back beach deposits. They feature a cemented layer beginning around 31 inches. Bandon soils are not designated as hydric. The roadside ditch along SW 50<sup>th</sup> Street was excavated from the thin band of Bandon soils on the subject property that extends farther south.

### 2.3 Current and Previous Land Uses

The study area is historically undeveloped and currently vacant. There is substantial usage by transient people on this property, with usage focused on the four easterly lots on slightly higher ground and farther from the area of open water offsite to the west. The surrounding property to the east and south is in single and multi-family residential usage. The far side of the swale to the west is also residential.

### 3.0 Site Alterations

The site has experienced little alteration to topography except for that necessary to construct sidewalks along 48<sup>th</sup> Avenue and Ebb Street. Utilities including streetlights, power poles and storm drainage infrastructure are present in SW 48<sup>th</sup> Street, SW Ebb Avenue, and SW 50<sup>th</sup> Street. Under normal circumstances, water does not flow onto the study area from SW 48<sup>th</sup> Street or Ebb Avenue. No evidence of ditch overflow onto the subject property was observed; should the stormwater system become compromised, water would flow over SW 50<sup>th</sup> Avenue after the swale backfilled to that elevation.

The roadside ditch along SW 50<sup>th</sup> Street receives water from the large wetland to the west, conveying it east along SW 50<sup>th</sup> Street, and thence into the city's storm drain system. Based on the presence of a ridge of higher ground parallel to the ditch to the north, the ditch was excavated and is lower than the surrounding areas and the soil sidecast to the north. The ditch appears to receive routine maintenance to preserve conveyance by removing soil and emergent vegetation.

### 4.0 Precipitation Data and Analysis

WETS and observed climatological data were accessed from the OTIS 2 NE weather station accessed from the AgACIS website (41041). Table 1 summarizes precipitation for the 2019-2020 water year through the March 13, 2020 field visit.

**Table 1. Average Monthly Precipitation (NRCS WETS Table)**

Month	Average (inches)	30% chance will have (min-max inches)	Observed Precipitation	Comparison to the Normal Range
October 2019	7.50	4.91 – 9.05	7.97	Normal
November 2019	14.64	11.02 – 17.08	3.52	Out of range – low
December 2019	14.75	11.13 – 17.36	11.60	Normal
January 2020	14.59	10.40 – 17.36	23.49	Out of range – high
February 2020	10.52	7.07 – 12.58	13.11	Out of range – high
March 2020 through 3/13	4.44	3.35 – 5.16	1.16	Out of range – low
TOTALS	66.44	47.88 – 78.37	60.85	Normal
Two weeks prior to site visit			1.47	

Through the date of the field visit, the Taft area experienced 92 percent of normal rainfall for the current water year. This accumulation is below average but still within the normal range. The two weeks prior to the site visit experienced 1.47 inches of rainfall, which is below average, but the previous two months received over 3 feet of rainfall. The days prior to the site visit received traces of rain, with 0.12 inch falling the day of the site visit.

## 5.0 Methods

WSD evaluated the wetlands on the project site according to guidelines in the COE 1987 Manual (Environmental Laboratory 1987), and the Western Mountains, Valleys, and Coast Regional Supplement (2010).

WSD walked the site prior to commencing sampling. The site was fairly open to densely brushy and with considerable microtopographic changes where trees have fallen and decayed. We noticed a distinct topographic break between lots 3200 and 3300 that runs generally north-south, trending northeast near the property boundary, as well as a small hill on Lot 2800 that rose above the surrounding grade.

WSD also reviewed a delineation on the subject property from 2009 (WD# 09-0088) and a second report on the property to the west (WD# 2017-0390), paying particular attention to the results at the specific sample plot locations whose locations could be ascertained. The latter delineation had no sample plots near the shared property boundaries, but WSD used the 2009 delineation report to co-locate several sample plots in order to better compare findings between the two reports.

Depth to saturation and a water table, where present, were documented and their location relative to changes in dominance in the vegetation community was noted. Similarly, depth to hydric soil indicators such as redoximorphic features and sulfidic odor was recorded. We paid particular attention to topographic changes and the presence of strongly upland vegetation rooted in the soil.

Most of the site has a preponderance of hydrophytic vegetation due to typical coastal climatic conditions, but subtle shifts in presence and extent of species associated with lower elevations and/or observed wetland hydrology were noted. We determined the presence or absence of soil saturation in the top 12 inches of the sample plots and correlated this with the depth and intensity of redoximorphic features and topographic changes. Of particular interest was the depth to a water table or saturated soil conditions.

WSD surveyed the sample plots and located wetland boundary using a Trimble GEOXH 6000 survey unit. Those data then were post-processed and transferred to an aerial base map (Figure 5).

## 6.0 Description of Wetlands and Other Waters of the State

The field investigation documented one potentially jurisdictional resource on the subject property. This comprises palustrine scrub-shrub wetlands that are contiguous with the larger wetland feature to the west of the study area.

Wetland A (0.39 acre in the study area) is a portion of a larger typical coastal forest and palustrine scrub-shrub marsh. The forest component is a mix of deciduous and evergreen with most of the evergreen trees established on slightly higher ground and hummocks formed by fallen trees. Common species include Sitka spruce (*Picea sitchensis*, FAC), red alder (*Alnus rubra*, FAC), and coast shore pine (*Pinus contorta*, FAC).

The understory is a patchwork of tree/herbaceous and tree/scrub-shrub communities. The open areas are dominated by slough sedge (*Carex obnupta*, OBL) in lower areas and swordfern (*Polystichum munitum*, FACU) on higher ground. In the thicketed areas, twinberry (*Lonicera involucrata*, FAC) and salmonberry (*Rubus spectabilis*, FAC) generally occurred together, transitioning to evergreen huckleberry (*Vaccinium ovatum*, FACU) and salal (*Gaultheria shallon*, FACU) in drier zones. The shrub thickets generally had minimal herbaceous cover due to light exclusion.

**Basis of Delineation:** Because very few areas exhibited a preponderance of non-wetland vegetation, the wetland delineation in Wetland A was based upon the depth to saturated soil conditions and water table, and also the depth to hydric soil indicators. The depth to wetland hydrology indicators coincided generally with the depth to redoximorphic features and low-chroma matrices. The boundary also roughly followed an irregular topographic break that separated the lower areas in the western portion of the study area and offsite from slightly higher ground in the easterly portion of the study area.

Water from this feature flows generally southwest, collecting against the northern side of the SW 50<sup>th</sup> Street roadway embankment. The water then flows east in the roadside ditch, terminating in an inlet that conveys the water approximately 400 feet to the Pacific Ocean. This ditch is also jurisdictional under the Clean Water Act and Removal-Fill Law.

## 7.0 Deviation from LWI or NWI

The Lincoln City Local Wetland Inventory covers this study area. Feature SCC – 1 extends onto the subject property, covering the entirety of the study area. At the time of the LWI preparation, the feature extended across SW Ebb Street onto three parcels east of SW Ebb Street which have since been developed.

The mapping in this report differs in that the southeastern portion of the study area does not meet the criteria for wetland determination; specifically, wetland hydrology was not observed in the top 12 inches during the growing season.

The National Wetland Inventory Map shows PSSC conditions mapped over a smaller area than the LWI map. On that document, the ditch is not included in the PSSC hatching and the northern two lots of the study area are excluded from the wetland boundary.

## 8.0 Mapping Method

The proposed jurisdictional boundaries and sample plots were surveyed using a GEOXH Trimble 6000 GPS device. Locations are based upon field measurements taken to determine the delineated positions and referenced to known fixed points on the subject property on an aerial photography base. Accuracy is to the nearest +/-1.0 foot.

## 9.0 Additional Information

### 9.1 Previous Delineations of Wetlands and Other Waters of the State

One wetland delineation has been performed in the past for the wetland feature present on the subject property. It was approved in 2009 and is thus expired.

WD2009-0088 was conducted in November 2007 and depicts wetlands throughout the study area. We reviewed this wetland delineation and several sample points from this report were taken at common locations. WSD noted the depth to saturated soil conditions and a water table were substantially different from the current observations at each of the common test pit locations. The data were collected for this wetland determination in November 2007 following a three-month period of below-average rainfall.

WSD consulted with the geotech engineering firm contracted to evaluate the property. In personal communication with John Gray, E-CEG, G2 Associates, Inc., Mr. Gray indicated that field crews had sampled the site in June and July 2020 with probes as well as pit excavation. The boring logs are included in Appendix E.

G2 Associates, Inc. performed 4 test pits, one in each in Lots 4, 6, 8, and 9. None of the test pits report an observed water table, even where the pits were sampled to a depth of 6 feet or more. Mr. Gray theorized that the site experiences a strongly fluctuating water table with high amplitude and frequency due to a combination of hydrostatic tidal support from proximity to the Pacific Ocean, hyporheic flow from the adjacent swale that supports a local groundwater table, and direct precipitation from storms combined with the well drained nature of the soil and subsoil beneath. In such a situation, high water tables would not create periods of prolonged continuous saturation despite their frequency.

He noted that the capacity of the site to absorb and dissipate very high volumes of precipitation is evident in the absence of a water table near the soil surface even after heavy rainfall such as that experienced in winter 2019-2020.

## 10.0 Results, Discussion and Conclusions

Potentially jurisdictional wetlands and waterways are present on the subject property and comprise a single wetland feature that extends onto the neighboring property and drains into the City's storm drain system. This feature covers 0.39 acre in the study area. It is a Depressional Outflow feature under the Hydrogeomorphic Method based on its landscape position and downstream connectivity to other resources. It is classified as Palustrine, Shrub-Scrub, Seasonally Flooded (PSSC) under the Cowardin Classification system.

The wetland boundary was located relying primarily on the depth to saturated soil conditions and a water table, where observed. This indicator was deemed particularly relevant because data collection was performed during the window of peak hydrology under normal circumstances (mid-March). Additionally, rainfall totals in the preceding two months were well above normal, suggesting subsurface hydrology was at or near its maximum seasonal extent.

The roadside ditch was constructed at the interface of hydric and non-hydric soil features, likely to serve the twin goals of road drainage and to contain and reroute flow from the wetland. The ditch inlet is several feet lower than the adjacent higher ground, which allows a drainage effect for the wetland and adjacent uplands. The position of the ditch and ditch inlet at the east end of the site substantially lower than the wetland limits the amount of standing water that accumulates in the wetland, which also exerts an influence over the adjacent water table. Ditch maintenance improves this drainage function by deepening the flowline of the ditch as sediment is removed, and improving the rate of flow in the ditch by removing accumulated herbaceous vegetation.

At this time, conditions in the roadside ditch do not appear to be hindering outflow from the site, but other maintenance conditions in the past could create different hydrologic patterns on the subject property.

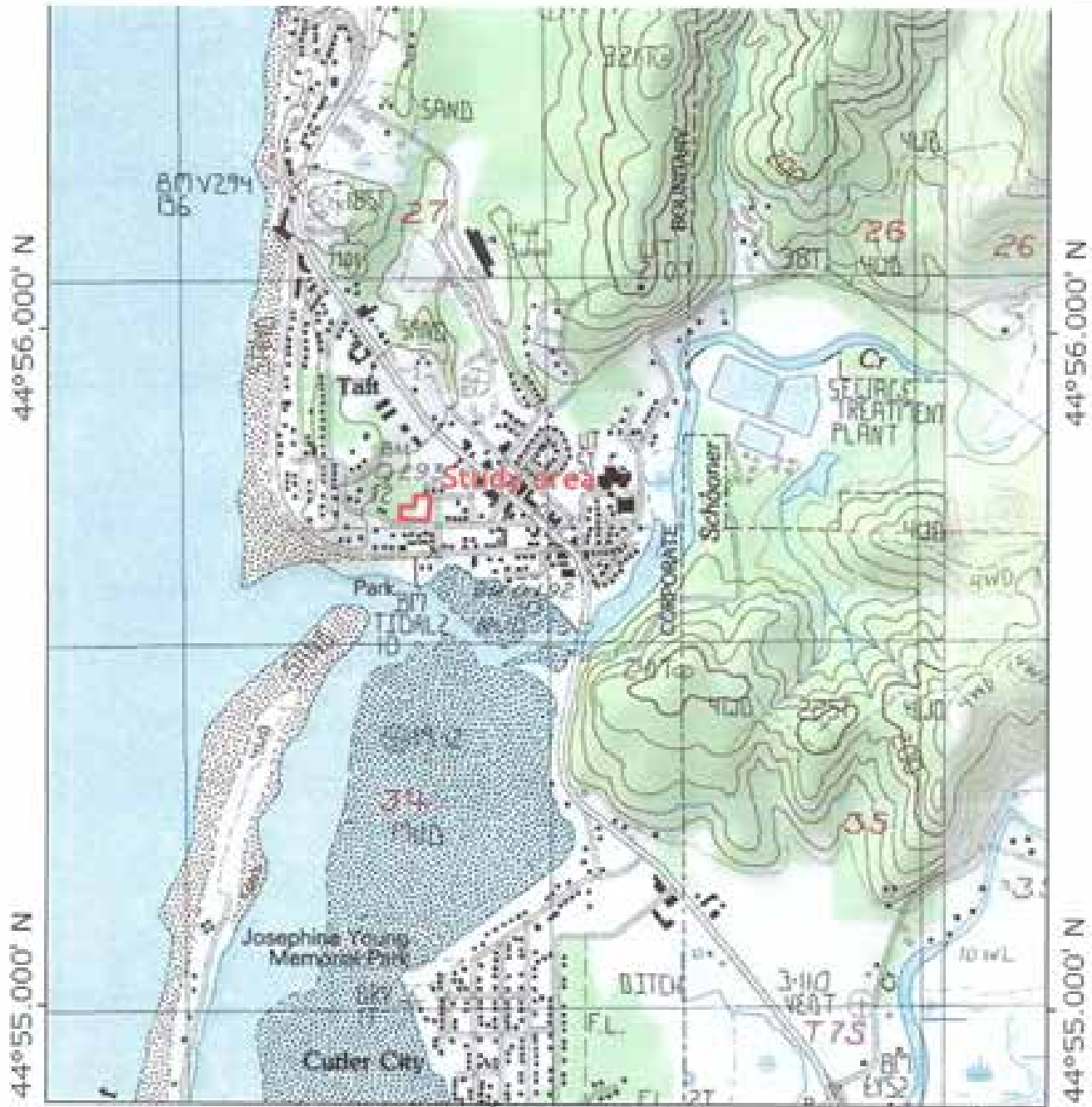
#### **11.0 Disclaimer**

"This report documents the investigation, best professional judgment and conclusions of the investigator. It is correct and complete to the best of WSD's knowledge. 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."

## **APPENDIX A**

### **Figures**





Map created with TOPO!® ©2002 National Geographic (www.nationalgeographic.com topo)

Source: as shown

	<p>VICINITY MAP - USGS</p> <p>2<sup>nd</sup> Story Investments LLC          SW Ebb Street / SW 50th Street          Lincoln City, Oregon</p>	<p>Figure</p> <p>1</p>
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This map has prepared for  
ADMINISTRATIVE PURPOSE ONLY



S.W. 1/4 S.E. 1/4 SEC. 27 T.7S. R.11W. W.M.  
LINCOLN COUNTY

07-11-27 DC  
LINCOLN CITY



Source: OregonMap accessed from [www.ormap.net](http://www.ormap.net)

	<p style="text-align: center;"><b>TAX LOT MAP</b></p> <p style="text-align: center;">2<sup>nd</sup> Story Investments LLC SW Ebb Street / SW 50th Street Lincoln City, Oregon</p>	<p style="text-align: center;">Figure  2</p>
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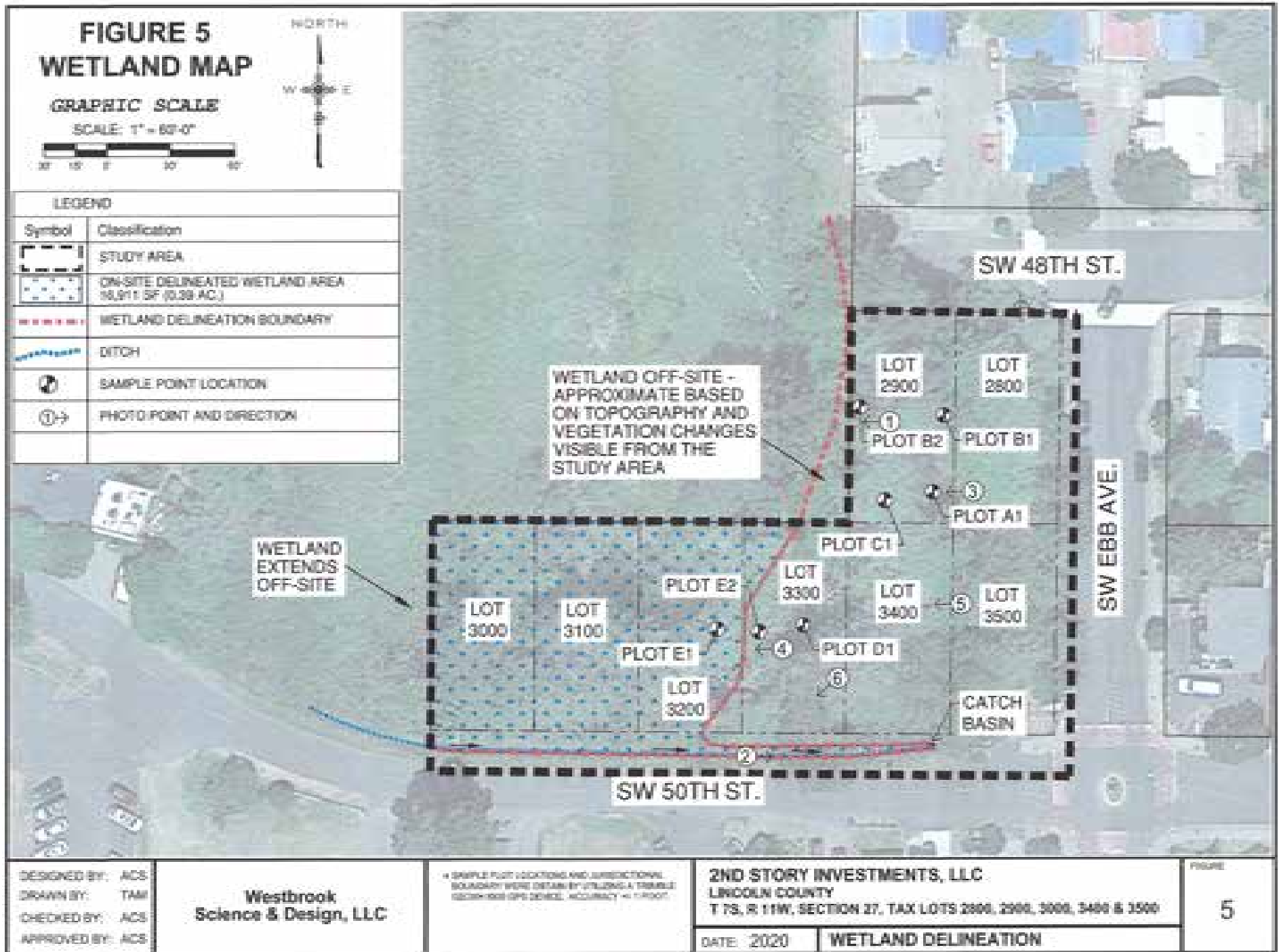














## APPENDIX B

### Data Sheets



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

Project/Site: SW 50<sup>th</sup> Ave / SW Ebb St City/County: Lincoln City / Lincoln Sampling Date: 3/13/2020  
 Applicant/Owner: Z<sup>nd</sup> Story Investments LLC State: OR Sampling Point: A1  
 Investigator(s): ACS Section, Township, Range: T7N R11W 27DC  
 Landform (hilllope, terrace, etc.): Terrace above trees Local relief (concave, convex, none): None Slope (%): none  
 Subregion (LRR): A Lat: 44.9288 Long: -124.0193 Datum: NAD 83  
 Soil Map Unit Name: TA – Yaquina fine sand NWI classification: PSSC  
 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>X</u>	No <u>    </u>			
Wetland Hydrology Present?	Yes <u>    </u>	No <u>X</u>			

Remarks:

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Alnus rubra</u>	20	X	FAC	Number of Dominant Species That Are OBL, FACW, or FAC: <u>4</u> (A)
2. <u>    </u>				Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. <u>    </u>				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
4. <u>    </u>				
5. <u>    </u>				
	20 = Total Cover			
Sapling/Shrub Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. <u>Rubus spectabilis</u>	30	X	FAC	Total % Cover of: <u>    </u> Multiply by: <u>    </u>
2. <u>Lonicera involucrata</u>	20	X	FAC	OBL species <u>    </u> x 1 = <u>    </u>
3. <u>    </u>				FACW species <u>    </u> x 2 = <u>    </u>
4. <u>    </u>				FAC species <u>    </u> x 3 = <u>    </u>
5. <u>    </u>				FACU species <u>    </u> x 4 = <u>    </u>
	50 = Total Cover			UPL species <u>    </u> x 5 = <u>    </u>
				Column Totals: <u>    </u> (A) <u>    </u> (B)
				Prevalence Index = B/A = <u>    </u>
Herb Stratum (Plot size: <u>5' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. <u>Carex obovata</u>	40	X	OBL	<u>    </u> 1 - Rapid Test for Hydrophytic Vegetation
2. <u>    </u>				<u>X</u> 2 - Dominance Test is >50%
3. <u>    </u>				<u>    </u> 3 - Prevalence Index is <3.0 <sup>1</sup>
4. <u>    </u>				<u>    </u> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)
5. <u>    </u>				<u>    </u> 5 - Wetland Non-Vascular Plants <sup>1</sup>
6. <u>    </u>				<u>    </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
7. <u>    </u>				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
8. <u>    </u>				
9. <u>    </u>				
10. <u>    </u>				
11. <u>    </u>				
	40 = Total Cover			
Woody Vine Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present?
1. <u>    </u>				Yes <u>X</u> No <u>    </u>
2. <u>    </u>				
	0 = Total Cover			
% Bare Ground in Herb Stratum: <u>60</u>				

Remarks: Minimal non-wetland vegetation at this location.

**SOIL**

Sampling Point: A1

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 <sup>1</sup>	Loc <sup>2</sup>		
2" thick								Organics
0-3	10YR 4/2	100						Sand/roots
3-8	10YR 4/3	100						Sandy loam
8-20+	2.5Y 5/2	80	10YR 4/5	20	C	M		Sand Fe streaks, Masses

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

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

Indicators for Problematic Hydric Soils<sup>3</sup>:

<input type="checkbox"/> Histic (A1)	<input checked="" type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)	

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

Restrictive Layer (if present):

Type: Not observed  
Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No

Remarks: Upper extent of redox just meets criteria for S5.

**HYDROLOGY**

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

Secondary Indicators (2 or more required)

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Art Mounds (D6) (LRR A)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)		
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		

Field Observations:

Surface Water Present? Yes  No  Depth (inches): \_\_\_\_\_  
 Water Table Present? Yes  No  Depth (inches): 15  
 Saturation Present? (Includes capillary fringes) Yes  No  Depth (inches): 15

Wetland Hydrology Present? Yes  No

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

Remarks: 37 inches of rainfall in the two months preceding the site visit has apparently infiltrated or run off into the adjacent wetland.

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

Project/Site: SW 80<sup>th</sup> Ave / SW Ebb St City/County: Lincoln City / Lincoln Sampling Date: 3/13/2020  
 Applicant/Owner: 2<sup>nd</sup> Story Investments LLC State: OR Sampling Point: B1  
 Investigator(s): ACS Section, Township, Range: T7N R11W 27DC  
 Landform (hillslope, terrace, etc.): Terrace above easel Local relief (concave, convex, none): None Slope (%): none  
 Subregion (LRR): A Lat: 44.9288 Long: -124.0193 Datum: NAD 83  
 Soil Map Unit Name: TA – Yaguna fine sand NWI classification: PSSC  
 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: Plot taken in a low spot between two areas of higher ground. No evidence of ponding at this location despite heavy recent rainfall.

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. <u>Alnus rubra</u>	20	X	FAC	Number of Dominant Species That Are OBL, FACW, or FAC:	<u>4</u> (A)
2. _____				Total Number of Dominant Species Across All Strata:	<u>4</u> (B)
3. _____				Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>100%</u> (A/B)
4. _____					
5. _____					
	<u>20</u>	= Total Cover			
Shrub/Strawb Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:	
1. <u>Rubus spectabilis</u>	40	X	FAC	Total % Cover of	Multiply by:
2. <u>Lonicera involucrata</u>	20	X	FAC	OBL species	<u>    </u> x 1 = <u>    </u>
3. _____				FACW species	<u>    </u> x 2 = <u>    </u>
4. _____				FAC species	<u>    </u> x 3 = <u>    </u>
5. _____				FACU species	<u>    </u> x 4 = <u>    </u>
	<u>60</u>	= Total Cover		UPL species	<u>    </u> x 5 = <u>    </u>
				Column Totals:	<u>    </u> (A) <u>    </u> (B)
Herb Stratum (Plot size: <u>5' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index = B/A = <u>    </u>	
1. <u>Carex obovata</u>	50	X	OBL		
2. _____					
3. _____					
4. _____					
5. _____					
6. _____					
7. _____					
8. _____					
9. _____					
10. _____					
11. _____					
	<u>50</u>	= Total Cover			
Woody Vine Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators: <u>    </u> 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% <u>    </u> 3 - Prevalence Index is $\leq 3.0^1$ <u>    </u> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <u>    </u> 5 - Wetland Non-Vascular Plants <sup>1</sup> <u>    </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.	
1. <u>Hedera helix</u>	2		FACU		
2. <u>Rubus ursinus</u>	2		FACU		
	<u>4</u>	= Total Cover			
% Bare Ground in Herb Stratum	<u>45</u>			Hydrophytic Vegetation Present? Yes <u>X</u> No <u>    </u>	

Remarks:



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

Project/Site: SW 50<sup>th</sup> Ave / SW Ebb St. City/County: Lincoln City / Lincoln Sampling Date: 3/13/2020  
 Applicant/Owner: 2<sup>nd</sup> Story Investments LLC State: OR Sampling Point: B2  
 Investigator(s): ACS Section, Township, Range: T7N R11W 27DC  
 Landform (hilllope, terrace, etc.): Terrace above sea Local relief (concave, convex, none): None Slope (%): none  
 Subregion (LRR): A Lat: 44.9238 Long: -124.0193 Datum: NAO 83  
 Soil Map Unit Name: TA – Yaquina fine sand NWI classification: PSSC  
 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>X</u>	No <u>    </u>			
Wetland Hydrology Present?	Yes <u>    </u>	No <u>X</u>			
Remarks:					

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: <u>15' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. <u>Pinus contorta</u>	<u>50</u>	<u>X</u>	<u>FAC</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)	
2. <u>Alnus rubra</u>	<u>10</u>		<u>FAC</u>	Total Number of Dominant Species Across All Strata: <u>2</u> (B)	
3. <u>    </u>				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>50%</u> (A/B)	
4. <u>    </u>					
5. <u>    </u>					
	<u>60</u>	<u>= Total Cover</u>		<b>Prevalence Index worksheet:</b>	
Sapling/Shrub Stratum (Plot size: <u>15' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Total % Cover of	Multiply by:
1. <u>Gaultheria shallon</u>	<u>85</u>	<u>X</u>	<u>FACU</u>	OBL species <u>0</u>	<u>x 1 = 0</u>
2. <u>Vaccinium ovalum</u>	<u>10</u>		<u>FACU</u>	FACW species <u>0</u>	<u>x 2 = 0</u>
3. <u>Rubus spectabilis</u>	<u>5</u>		<u>FAC</u>	FAC species <u>65</u>	<u>x 3 = 195</u>
4. <u>    </u>				FACU species <u>95</u>	<u>x 4 = 380</u>
5. <u>    </u>				UPL species <u>0</u>	<u>x 5 = 0</u>
	<u>100</u>	<u>= Total Cover</u>		Column Totals: <u>160</u> (A)	<u>575</u> (B)
Herb Stratum (Plot size: <u>5' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index = B/A = <u>3.59</u>	
1. <u>Athyrium filix-femina</u>	<u>T</u>		<u>FAC</u>	<b>Hydrophytic Vegetation Indicators:</b>	
2. <u>    </u>				<u>1 - Rapid Test for Hydrophytic Vegetation</u>	
3. <u>    </u>				<u>2 - Dominance Test is &gt;50%</u>	
4. <u>    </u>				<u>3 - Prevalence Index is &lt;3.0<sup>1</sup></u>	
5. <u>    </u>				<u>4 - Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)</u>	
6. <u>    </u>				<u>5 - Wetland Non-Vascular Plants<sup>1</sup></u>	
7. <u>    </u>				Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)	
8. <u>    </u>				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic	
9. <u>    </u>					
10. <u>    </u>					
11. <u>    </u>					
	<u>T</u>	<u>= Total Cover</u>		<b>Hydrophytic Vegetation Present?</b>	
Woody Vine Stratum (Plot size: <u>15' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Yes <u>    </u>	No <u>X</u>
1. <u>    </u>					
2. <u>    </u>					
	<u>0</u>	<u>= Total Cover</u>			
% Bare Ground in Herb Stratum <u>100</u>					

Remarks:

**SOIL**

Sampling Point: 82

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 <sup>1</sup>	Loc <sup>2</sup>		
3" duff								
0-6	10YR 3/2	100					Fine sand	
6-18	10YR 3/2	95	10YR 3/4	5	C	M	Fine sand	

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

<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>		<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>	
<input type="checkbox"/> Histosol (A1)	<input checked="" type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<sup>3</sup> Indicators of hydrophytic vegetation and wetland hydrology must be present unless disturbed or problematic	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)		
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)		

<b>Restrictive Layer (if present):</b>	<b>Hydric Soil Present?</b>	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Type: <u>Not observed</u>					
Depth (inches): _____					

Remarks:

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b>		<b>Secondary Indicators (2 or more required)</b>	
<b>Primary Indicators (minimum of one required, check all that apply)</b>			
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Dry-Season Water Table (C2)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C3)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input checked="" type="checkbox"/> Geomorphic Position (D2)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> FAC-Neutral Test (D5)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Frost-Heave Hummocks (D7)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)		
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)		
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)		
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)		
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)			
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)			

<b>Field Observations:</b>		<b>Wetland Hydrology Present?</b>	
Surface Water Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>
Water Table Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Saturation Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
(Includes capillary fringe)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Depth (inches): _____	Depth (inches): <u>18</u>		
Depth (inches): _____	Depth (inches): <u>14</u>		

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: SW 50<sup>th</sup> Ave / SW Ebb St City/County: Lincoln City / Lincoln Sampling Date: 3/13/2020  
 Applicant/Owner: 2<sup>nd</sup> Story Investments LLC State: OR Sampling Point: C1  
 Investigator(s): ACS Section, Township, Range: T7N R11W 27DC  
 Landform (hillslope, terrace, etc.): Terrace above sea Local relief (concave, convex, none): None Slope (%): none  
 Subregion (LRR): A Lat: 44.9288 Long: -124.0193 Datum: NAD 83  
 Soil Map Unit Name: TA – Yaquina fine sand NWM classification: PSSC  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  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 <input checked="" type="checkbox"/> No <input type="checkbox"/>	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Remarks:			

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>5</u> (A) Total Number of Dominant Species Across All Strata: <u>6</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>83%</u> (A/B)
1. <u>Malus fusca</u>	<u>30</u>	<input checked="" type="checkbox"/>	<u>FACW</u>	
2. <u>Ainus rubra</u>	<u>30</u>	<input checked="" type="checkbox"/>	<u>FAC</u>	
3. <u>Pinus contorta</u>	<u>5</u>		<u>FAC</u>	
4. _____				
5. _____				
	<u>65</u>	<u>= Total Cover</u>		
Sapling/Shrub Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Prevalence Index worksheet:</b> Total % Cover of:      Multiply by: OBL species <u>    </u> x 1 = <u>    </u> FACW species <u>    </u> x 2 = <u>    </u> FAC species <u>    </u> x 3 = <u>    </u> FACU species <u>    </u> x 4 = <u>    </u> UPL species <u>    </u> x 5 = <u>    </u> Column Totals: <u>    </u> (A) <u>    </u> (B) Prevalence Index = B/A = <u>    </u>
1. <u>Lonicera involucrata</u>	<u>5</u>	<input checked="" type="checkbox"/>	<u>FAC</u>	
2. <u>Rubus spectabilis</u>	<u>5</u>	<input checked="" type="checkbox"/>	<u>FAC</u>	
3. <u>Gaultheria shallon</u>	<u>5</u>	<input checked="" type="checkbox"/>	<u>FACU</u>	
4. _____				
5. _____				
	<u>15</u>	<u>= Total Cover</u>		
Herb Stratum (Plot size: <u>5' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Hydrophytic Vegetation Indicators:</b> <input type="checkbox"/> 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% <input type="checkbox"/> 3 - Prevalence Index is <3.0 <sup>1</sup> <input type="checkbox"/> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> 5 - Wetland Non-Vascular Plants <sup>1</sup> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Carex obnupta</u>	<u>80</u>	<input checked="" type="checkbox"/>	<u>OBL</u>	
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				
10. _____				
11. _____				
	<u>80</u>	<u>= Total Cover</u>		
Woody Vine Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
1. _____				
2. _____				
	<u>0</u>	<u>= Total Cover</u>		
% Bare Ground in Herb Stratum <u>30</u>				
Remarks:				

**SOIL**

Sampling Point

C1

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 <sup>1</sup>	Loc <sup>2</sup>		
2"							Loose duff	
0-7	10YR 3/2	100					Loamy fine sand	
7-20	5YR 5/2	80	7.5YR 4/6	30	C	M	Fine sand	

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

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

Indicators for Problematic Hydric Soils<sup>3</sup>:

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

- Sandy Redox (Sd)
- 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)

- 2 cm Muck (A10)
- Rod Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: Not observed  
Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes  No

Remarks: Borderline but non-hydric based on depth to redox features (S5). Hydric soil parameter likely met just off the subject property about 15 feet to the west, where topography is slightly lower.

**HYDROLOGY**

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required, check all that apply)

Secondary Indicators (2 or more required)

- 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 Tilled Soils (C6)
- Stunted or Stressed Plants (D1) (LRR A)
- Other (Explain in Remarks)

- 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 Art Mounds (D6) (LRR A)
- Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes  No  Depth (inches): \_\_\_\_\_  
 Water Table Present? Yes  No  Depth (inches): 22  
 Saturation Present? (includes capillary fringe) Yes  No  Depth (inches): 30

Wetland Hydrology Present? Yes  No

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

Remarks: 37 inches of rainfall in the two months preceding the site visit has apparently infiltrated or run off into the adjacent wetland. No evidence of ponding at this location.

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

Project/Site: SW 50<sup>th</sup> Ave / SW Ebb St City/County: Lincoln City / Lincoln Sampling Date: 3/13/2020  
 Applicant/Owner: 2<sup>nd</sup> Story Investments LLC State: OR Sampling Point: D1  
 Investigator(s): ACS Section, Township, Range: T7N R11W 27DC  
 Landform (hillslope, terrace, etc.): Terrace above sea Local relief (concave, convex, none): None Slope (%): none  
 Subregion (LRR): A Lat: 44.9288 Long: -124.0193 Datum: NAD 83  
 Soil Map Unit Name: TA – Yaquina fine sand NWI classification: PSSC  
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  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 <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Wetland Hydrology Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Remarks:					

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: <u>15' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Picea sitchensis</u>	<u>20</u>	<input checked="" type="checkbox"/>	<u>FAC</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>4</u> (A)
2. _____	_____	_____	_____	Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. _____	_____	_____	_____	Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
<u>20</u> = Total Cover				
Sapling/Shrub Stratum (Plot size: <u>15' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. <u>Lonicera involucrata</u>	<u>25</u>	<input checked="" type="checkbox"/>	<u>FAC</u>	Total % Cover of: _____ Multiply by: _____
2. <u>Rubus spectabilis</u>	<u>5</u>	<input checked="" type="checkbox"/>	<u>FAC</u>	OBL species _____ x 1 = _____
3. _____	_____	_____	_____	FACW species _____ x 2 = _____
4. _____	_____	_____	_____	FAC species _____ x 3 = _____
5. _____	_____	_____	_____	FACU species _____ x 4 = _____
<u>30</u> = Total Cover				UPL species _____ x 5 = _____
				Column Totals: _____ (A) _____ (B)
				Prevalence Index = B/A = _____
Herb Stratum (Plot size: <u>5' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. <u>Carex obnupta</u>	<u>100</u>	<input checked="" type="checkbox"/>	<u>OBL</u>	1 - Rapid Test for Hydrophytic Vegetation
2. _____	_____	_____	_____	<input checked="" type="checkbox"/> 2 - Dominance Test is >50%
3. _____	_____	_____	_____	3 - Prevalence Index is <3.0 <sup>1</sup>
4. _____	_____	_____	_____	4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)
5. _____	_____	_____	_____	5 - Wetland Non-Vascular Plants <sup>1</sup>
6. _____	_____	_____	_____	Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
7. _____	_____	_____	_____	<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
8. _____	_____	_____	_____	
9. _____	_____	_____	_____	
10. _____	_____	_____	_____	
11. _____	_____	_____	_____	
<u>100</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>15' r.</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present?
1. _____	_____	_____	_____	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2. _____	_____	_____	_____	
<u>0</u> = Total Cover				
% Bare Ground in Herb Stratum <u>0</u>				
Remarks:				

**SOIL**

Sampling Point:          D1

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 <sup>1</sup>		
1' duff							Loose duff Loamy fine sand
0-8	10YR 3/2	100					
8-12	10YR 3/2	85	10YR 4/6	8	C	M	Sand
12-24+	2.5Y 3/2	90	10YR 4/6	10	C	M	Sand

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

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

**Indicators for Problematic Hydric Soils<sup>3</sup>:**

<input type="checkbox"/> Histosol (A1) <input type="checkbox"/> Histic Epipedon (A2) <input type="checkbox"/> Black Histic (A3) <input type="checkbox"/> Hydrogen Sulfide (A4) <input type="checkbox"/> Depleted Below Dark Surface (A11) <input type="checkbox"/> Thick Dark Surface (A12) <input type="checkbox"/> Sandy Mucky Mineral (S1) <input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Sandy Redox (S5) <input type="checkbox"/> Stripped Matrix (S6) <input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1) <input type="checkbox"/> Loamy Gleyed Matrix (F2) <input type="checkbox"/> Depleted Matrix (F3) <input type="checkbox"/> Redox Dark Surface (F6) <input type="checkbox"/> Depleted Dark Surface (F7) <input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> 2 cm Muck (A10) <input type="checkbox"/> Red Parent Material (TF2) <input type="checkbox"/> Very Shallow Dark Surface (TF12) <input type="checkbox"/> Other (Explain in Remarks)
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<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

**Restrictive Layer (if present):**

Type: Not observed  
 Depth (inches):                     

Hydric Soil Present? Yes  No

Remarks: Borderline but non-hydric based on depth to redox features (S5). Hydric soil parameter likely met just off the subject property about 15 feet to the west, where topography is slightly lower.

**HYDROLOGY**

**Wetland Hydrology Indicators:**

Primary Indicators (minimum of one required, check all that apply)

Secondary Indicators (2 or more required)

<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1)  <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3)  <input type="checkbox"/> Algal Mat or Crust (B4)  <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Salt Crust (B11) <input type="checkbox"/> Aquatic Invertebrates (B13) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)  <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquifer (D3) <input checked="" type="checkbox"/> FAC-Neutral Test (D5)  <input type="checkbox"/> Raised Ant Mounds (D6) (LRR A) <input type="checkbox"/> Frost-Heave Hummocks (D7)
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**Field Observations:**

Surface Water Present? Yes  No  Depth (inches):                       
 Water Table Present? Yes  No  Depth (inches):                       
 Saturation Present? (includes capillary fringe) Yes  No  Depth (inches):                     

Wetland Hydrology Present? Yes  No

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

Remarks: No saturation at 24 inches.

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

Project/Site: SW 50<sup>th</sup> Ave / SW Ebb St City/County: Lincoln City / Lincoln Sampling Date: 3/13/2020  
 Applicant/Owner: 2<sup>nd</sup> Story Investments LLC State: OR Sampling Point: E1  
 Investigator(s): ACS Section, Township, Range: T7N R11W 27DC  
 Landform (hillslope, terrace, etc.): Terrace above sea Local relief (concave, convex, none): None Slope (%): none  
 Subregion (LRR): A Lat: 44.9268 Long: -124.0193 Datum: NAD 83  
 Soil Map Unit Name: 7A – Yaquina fine sand NWI classification: PS8C  
 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>X</u>	No <u>    </u>
Hydric Soil Present?	Yes <u>X</u>	No <u>    </u>			
Wetland Hydrology Present?	Yes <u>X</u>	No <u>    </u>			

Remarks: Plot taken west (downslope) of discernible topographic break.

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Picea sitchensis</u>	<u>5</u>	<u>X</u>	<u>FAC</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>3</u> (A)
2. <u>    </u>				Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. <u>    </u>				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>75%</u> (A/B)
4. <u>    </u>				
5. <u>    </u>				
<u>5</u> = Total Cover				
Shrub/Strawb Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Prevalence Index worksheet:
1. <u>Lonicera involucrata</u>	<u>70</u>	<u>X</u>	<u>FAC</u>	Total % Cover of: <u>    </u> Multiply by:
2. <u>    </u>				OBL species <u>    </u> x 1 = <u>    </u>
3. <u>    </u>				FACW species <u>    </u> x 2 = <u>    </u>
4. <u>    </u>				FAC species <u>    </u> x 3 = <u>    </u>
5. <u>    </u>				FACU species <u>    </u> x 4 = <u>    </u>
				UPL species <u>    </u> x 5 = <u>    </u>
				Column Totals: <u>    </u> (A) <u>    </u> (B)
<u>70</u> = Total Cover				Prevalence Index = $\Sigma A_i$ = <u>    </u>
Herb Stratum (Plot size: <u>5' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators:
1. <u>Carex obovata</u>	<u>80</u>	<u>X</u>	<u>OBL</u>	<u>    </u> 1 - Rapid Test for Hydrophytic Vegetation
2. <u>Athyrium filix-femina</u>	<u>10</u>		<u>FAC</u>	<u>X</u> 2 - Dominance Test is >50%
3. <u>    </u>				<u>    </u> 3 - Prevalence Index is $\leq 3.0^1$
4. <u>    </u>				<u>    </u> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)
5. <u>    </u>				<u>    </u> 5 - Wetland Non-Vascular Plants <sup>1</sup>
6. <u>    </u>				<u>    </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)
7. <u>    </u>				<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
8. <u>    </u>				
9. <u>    </u>				
10. <u>    </u>				
11. <u>    </u>				
<u>90</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present?
1. <u>Hedera helix</u>	<u>25</u>	<u>X</u>	<u>FACU</u>	Yes <u>X</u> No <u>    </u>
2. <u>    </u>				
<u>25</u> = Total Cover				
% Bare Ground in Herb Stratum <u>0</u>				

Remarks:

SOIL							Sampling Point	E1
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 <sup>1</sup>	Loc <sup>2</sup>		
0-5	7.5YR 3/1	70	7.5YR 3/4	30	C	M	Loamy fine sand	High organic
5-15	N 4/	100					Sand	
<sup>1</sup> Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.						<sup>2</sup> Location: PL=Pore Lining, M=Matrix		
<b>Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)</b>						<b>Indicators for Problematic Hydric Soils<sup>3</sup>:</b>		
<input type="checkbox"/>	Histosol (A1)		<input checked="" type="checkbox"/>	Sandy Redox (S5)		<input type="checkbox"/>	2 cm Muck (A10)	
<input type="checkbox"/>	Histic Epipedon (A2)		<input type="checkbox"/>	Stripped Matrix (S6)		<input type="checkbox"/>	Red Parent Material (TF2)	
<input type="checkbox"/>	Black Histic (A3)		<input type="checkbox"/>	Loamy Mucky Mineral (F1) (except MLRA 1)		<input type="checkbox"/>	Very Shallow Dark Surface (TF12)	
<input checked="" type="checkbox"/>	Hydrogen Sulfide (A4)		<input type="checkbox"/>	Loamy Gleyed Matrix (F2)		<input type="checkbox"/>	Other (Explain in Remarks)	
<input type="checkbox"/>	Depleted Below Dark Surface (A11)		<input type="checkbox"/>	Depleted Matrix (F3)		<sup>3</sup> Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic		
<input type="checkbox"/>	Thick Dark Surface (A12)		<input type="checkbox"/>	Redox Dark Surface (F6)				
<input type="checkbox"/>	Sandy Mucky Mineral (S1)		<input type="checkbox"/>	Depleted Dark Surface (F7)				
<input type="checkbox"/>	Sandy Gleyed Matrix (S4)		<input type="checkbox"/>	Redox Depressions (F8)				
Restrictive Layer (if present):		Type: <u>Not observed</u>		Depth (inches): _____				
Remarks:								

HYDROLOGY								
Wetland Hydrology Indicators:						Secondary Indicators (2 or more required)		
Primary Indicators (minimum of one required, check all that apply)								
<input type="checkbox"/>	Surface Water (A1)		<input type="checkbox"/>	Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)		<input type="checkbox"/>	Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)	
<input checked="" type="checkbox"/>	High Water Table (A2)		<input type="checkbox"/>	Salt Crust (B11)		<input type="checkbox"/>	Drainage Patterns (B10)	
<input checked="" type="checkbox"/>	Saturation (A3)		<input type="checkbox"/>	Aquatic Invertebrates (B13)		<input type="checkbox"/>	Dry-Season Water Table (C2)	
<input type="checkbox"/>	Water Marks (B1)		<input checked="" type="checkbox"/>	Hydrogen Sulfide Odor (C1)		<input type="checkbox"/>	Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/>	Sediment Deposits (B2)		<input type="checkbox"/>	Oxidized Rhizospheres along Living Roots (C3)		<input type="checkbox"/>	Geomorphic Position (D2)	
<input type="checkbox"/>	Drift Deposits (B3)		<input type="checkbox"/>	Presence of Reduced Iron (C4)		<input type="checkbox"/>	Shallow Aquitard (D3)	
<input type="checkbox"/>	Algal Mat or Crust (B4)		<input type="checkbox"/>	Recent Iron Reduction in Tilled Soils (C5)		<input type="checkbox"/>	FAC-Neutral Test (D5)	
<input type="checkbox"/>	Iron Deposits (B5)		<input type="checkbox"/>	Stunted or Stressed Plants (D1) (LRR A)		<input type="checkbox"/>	Raised Ant Mounds (D6) (LRR A)	
<input type="checkbox"/>	Surface Soil Cracks (B6)		<input type="checkbox"/>	Other (Explain in Remarks)		<input type="checkbox"/>	Frost-Heave Hummocks (D7)	
<input type="checkbox"/>	Inundation Visible on Aerial Imagery (B7)							
<input type="checkbox"/>	Sparsely Vegetated Concave Surface (B8)							
<b>Field Observations:</b>								
Surface Water Present?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Depth (inches): _____		Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Water Table Present?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Depth (inches): <u>5</u>				
Saturation Present? (includes capillary fringe)		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Depth (inches): <u>3</u>				
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: SW 50<sup>th</sup> Ave / SW Ebb St City/County: Lincoln City / Lincoln Sampling Date: 3/13/2020  
 Applicant/Owner: 2<sup>nd</sup> Story Investments LLC State: OR Sampling Point: E2  
 Investigator(s): ACS Section, Township, Range: T7N R11W 27DC  
 Landform (hillslope, terrace, etc.): Terrace above sea Local relief (concave, convex, none): None Slope (%): none  
 Subregion (LRR): A Lat: 44.9288 Long: -124.0193 Datum: NAD 83  
 Soil Map Unit Name: 7A – Yaquina fine sand NWI classification: PSSC  
 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>	Hydric Soil Present? Yes <u>    </u> No <u>X</u>	Wetland Hydrology Present? Yes <u>    </u> No <u>X</u>	Is the Sampled Area within a Wetland? Yes <u>    </u> No <u>X</u>
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Remarks: Between D1 and E1, above topographic break.

**VEGETATION – Use scientific names of plants.**

Tree Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:
1. <u>Malus fusca</u>	<u>50</u>	<u>X</u>	<u>FAC</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>4</u> (A)
2. <u>Ainus rubra</u>	<u>10</u>		<u>FAC</u>	Total Number of Dominant Species Across All Strata: <u>4</u> (B)
3. <u>    </u>				Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100%</u> (A/B)
4. <u>    </u>				
5. <u>    </u>				
<u>60</u> = Total Cover				Prevalence Index worksheet: Total % Cover of: Multiply by: OBL species <u>    </u> x 1 = <u>    </u> FACW species <u>    </u> x 2 = <u>    </u> FAC species <u>    </u> x 3 = <u>    </u> FACU species <u>    </u> x 4 = <u>    </u> UPL species <u>    </u> x 5 = <u>    </u> Column Totals: <u>    </u> (A) <u>    </u> (B) Prevalence Index = B/A = <u>    </u>
Shrub/Strub Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	
1. <u>Lonicera involucrata</u>	<u>20</u>	<u>X</u>	<u>FAC</u>	
2. <u>Rubus spectabilis</u>	<u>20</u>	<u>X</u>	<u>FAC</u>	
3. <u>    </u>				
4. <u>    </u>				
5. <u>    </u>				
<u>40</u> = Total Cover				
Herb Stratum (Plot size: <u>5' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Indicators: <u>    </u> 1 - Rapid Test for Hydrophytic Vegetation <u>X</u> 2 - Dominance Test is >50% <u>    </u> 3 - Prevalence Index is <3.0 <sup>1</sup> <u>    </u> 4 - Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <u>    </u> 5 - Wetland Non-Vascular Plants <sup>1</sup> <u>    </u> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain) <sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
1. <u>Carex obnupta</u>	<u>95</u>	<u>X</u>	<u>OBL</u>	
2. <u>Polystichum murifolium</u>	<u>5</u>		<u>FACU</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>				
<u>100</u> = Total Cover				
Woody Vine Stratum (Plot size: <u>15' r</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Hydrophytic Vegetation Present? Yes <u>X</u> No <u>    </u>
1. <u>    </u>				
2. <u>    </u>				
<u>0</u> = Total Cover				
% Bare Ground in Herb Stratum <u>0</u>				

Remarks:

**SOIL**

Sampling Point E2

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 <sup>1</sup>	Loc <sup>2</sup>		
2' duff								
0-7	10YR 3/3	100					Loamy sand	
7-18	5YR 5/2	95	7.5YR 4/4	S	C	M	Fine sand	
18-20+	N 3/	100					Sand	

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

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)		Indicators for Problematic Hydric Soils <sup>1</sup> :	
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 2 cm Muck (A10)	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Red Parent Material (TF2)	
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1) (except MLRA 1)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)	
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Other (Explain in Remarks)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Dark Surface (F6)		
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Redox Depressions (F8)		

<sup>1</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present): Type: <u>Not observed</u> Depth (inches): _____	Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Remarks: Borderline non-hydric based on S5

**HYDROLOGY**

Wetland Hydrology Indicators:		Secondary Indicators (2 or more required)	
Primary Indicators (minimum of one required; check all that apply)			
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)	<input type="checkbox"/> Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)	
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Drainage Patterns (B10)	
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Dry-Season Water Table (C2)	
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)	
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Geomorphic Position (D2)	
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Shallow Aquitard (D3)	
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> FAC-Neutral Test (D5)	
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Stunted or Stressed Plants (D1) (LRR A)	<input type="checkbox"/> Raised Ant Mounds (D6) (LRR A)	
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Frost-Heave Hummocks (D7)	
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)			
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)			

Field Observations: Surface Water Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>20</u> Saturation Present? (includes capillary fringe) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Depth (inches): <u>18</u>	Wetland Hydrology Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: About 8 inches higher than Plot E1. Gleyed soil layer corresponds with depth to saturation.

## **APPENDIX C**

### **Ground Level and Aerial Photographs**





Photopoint 1: Photo taken from edge of open water. Vegetation is a mix of *Pinus contorta*, *Gaultheria shallon*, with minor cover of *Vaccinium ovatum* and *Alnus rubra*.



Photopoint 2: Roadside ditch, looking downstream. Ditch inlet is past the mailbox in the background.





Photopoint 3: Typical of the interior of easternmost lots. Vegetation is generally hydrophytic with some *Gaultheria shallon* and *Pinus contorta*.



Photopoint 4: Looking at Plot E1 across the wetland boundary. There is a distinct topographic break between Plots E1 and E2.





Photopoint 5: Interior of site looking west, generally toward Plot D1



Photopoint 6: Looking southwest toward the wetland boundary. Filtered sunlight in background is coming from the southern property boundary / Ebb Street. Vegetation is a mixture of *Picea*, *Gaultheria*, and *Carex obnupta*.



Legend



Study area



## REFERENCES

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- Environmental Laboratory, 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual, Western Mountains, Valleys, and Coast Region: Version 2.0. 2010. Vicksburg, MS: US Army Corps of Engineers, Engineer Research and Development Center.
- G2 Associates, Inc. Memorandum dated October 13, 2020. Test pit log results for proposed new development of lots 1-12 at SW Ebb Avenue and SW 50<sup>th</sup> Street, City of Taft, Oregon.
- Gray, John, E-CEG. G2 Associates, Inc. Personal communication via telephone, August 17, 2020.
- Lichvar, R.W., D. L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. *Phytoneuron* 2017-30:1-17. Published 28 April 2017. Accessed at [http://wetland\\_plants.usace.army.mil/](http://wetland_plants.usace.army.mil/).
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Determination and Delineation of Wetlands and Waters of the United States  
Taft Property: T7S, R11W, Sec 27DC, TL 2800-3500 Lincoln County, Oregon

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## **APPENDIX E**

### **G2 Associates, Inc. Test Pit Log Results**





**G2 ASSOCIATES INC.**  
**GEOLOGY · SOILS · ENVIRONMENTAL · DEVELOPMENT**

October 13, 2020

TO: Anita acsmyth@comcast.net

Proposed New Development of Lots 1-12  
 SW Ebb Avenue and SW 50<sup>th</sup> Street  
 City of Taft, Oregon

As you have requested, below are our test pit logs. Please see the attached map with the locations of the test pits marked.

**Test Pit 1**

Accessed via SW Ebb Avenue  
 Utilizing track mounted backhoe  
 Elevation 5 to 7 feet below street grade

- 1-2 feet Grass and vegetative thick ground cover
  - 2-3 feet Tree roots and loose rock
  - 3-6 feet Organic material with small rocks
- No groundwater found to this depth

**Test Pit 2**

Accessed via SW Ebb Avenue  
 Utilizing track mounted backhoe  
 Elevation 5 to 7 feet below street grade

Backhoe began to dig to 3 feet and the machine began to roll, into a deeper cavity.  
 At 3 feet moderate sized boulders were revealed.  
 Due to proximity to the road and sidewalk, the excavation was terminated.

**Test Pit 3**

Accessed via SW Ebb Avenue  
 Utilizing track mounted backhoe  
 0-3 feet Loose organic material

- 3-6 feet Fractured rock cobbles
  - 6-10 feet Larger, less fractured basalt rock
- No groundwater found to this depth

**Test Pit 4**

Accessed via SW Ebb Avenue  
Utilizing track mounted backhoe

- 0-2 feet      Loose organic material
  - 2-5 feet      Medium fractured basalt cobbles with silt
  - 5-10 feet     Massive fractured basalt pieces
- No groundwater was found to this depth

Sincerely,



John H. Gray, E-CEG 1216  
Expires 5/31/2021

10.13.20 Taft data  
Attachment

BOUNDARY AND TOPOGRAPHIC SURVEY

FOR ANNE WILLIAMS

LOT 5, 6, 7, 8, 9, 10, 11 & 12 BLOCK 11  
PLAT OF THIRD ADDITION TO CITY OF TAFT  
IN THE SW 1/4 OF THE SE 1/4 OF SECTION 27  
TOWNSHIP 7 SOUTH, RANGE 11 WEST, WM  
IN LINCOLN CITY, LINCOLN COUNTY, OREGON

Nothing what  
yet-occupied

SURVEYOR'S NARRATIVE

This survey was made to show the boundaries of lots 5, 6, 7, 8, 9, 10, 11 & 12 in Block 11, SW 1/4 of the SE 1/4 of Section 27, Township 7 South, Range 11 West, W.M. in Lincoln City, Lincoln County, Oregon, as shown on the plat of the Third Addition to the City of Taft, Oregon, and to show the location of the corners of the lots and the location of the monuments thereon.

BETWEEN

- 1. FOUND MONUMENTS PLACED BY OTHER SURVEYS
- 2. SET 1/2" x 1/2" x 1/2" IRON NAILS
- 3. IRON RODS
- 4. IRON PIPES
- 5. IRON BOLTS
- 6. IRON WIRE
- 7. IRON CHAINS
- 8. IRON BANDS
- 9. IRON PLATES
- 10. IRON DISCS
- 11. IRON CONES
- 12. IRON SPHERES
- 13. IRON CUBES
- 14. IRON PYRAMIDS
- 15. IRON TRIANGLES
- 16. IRON QUADRANGLES
- 17. IRON PENTAGONS
- 18. IRON HEXAGONS
- 19. IRON SEPTAGONS
- 20. IRON OCTAGONS
- 21. IRON NONAGONS
- 22. IRON DECAGONS
- 23. IRON UNDECAHEDRONS
- 24. IRON DODECAHEDRONS
- 25. IRON TRIGONS
- 26. IRON TETRAHEDRONS
- 27. IRON PENTAHEDRONS
- 28. IRON HEXAHEDRONS
- 29. IRON SEPTAHEDRONS
- 30. IRON OCTAHEDRONS
- 31. IRON NONAHEDRONS
- 32. IRON DECAHEDRONS
- 33. IRON UNDECAHEDRONS
- 34. IRON DODECAHEDRONS



PLAT OF THE CITY OF TAFT, OREGON, SHOWING THE BOUNDARIES OF THE CITY AND THE LOCATION OF THE CORNERS OF THE LOTS AND THE LOCATION OF THE MONUMENTS THEREON.

PLAT OF THE CITY OF TAFT, OREGON, SHOWING THE BOUNDARIES OF THE CITY AND THE LOCATION OF THE CORNERS OF THE LOTS AND THE LOCATION OF THE MONUMENTS THEREON.

PLAT OF THE CITY OF TAFT, OREGON, SHOWING THE BOUNDARIES OF THE CITY AND THE LOCATION OF THE CORNERS OF THE LOTS AND THE LOCATION OF THE MONUMENTS THEREON.

PLAT OF THE CITY OF TAFT, OREGON, SHOWING THE BOUNDARIES OF THE CITY AND THE LOCATION OF THE CORNERS OF THE LOTS AND THE LOCATION OF THE MONUMENTS THEREON.



## Variance

### Staff Report for Planning Commission Public Hearing on December 6, 2022

### Case File VAR 2022-05

**Date:** November 29, 2022

**Case File:** VAR 2022-05 Kirk Rucker wetland

**Property Owners:** Taft Development, LLC

**Situs Address:** Unaddressed

**Location:** Northwest corner of SW 50<sup>th</sup> St/SW Webb Ave intersection – bordered by SW 50<sup>th</sup> St to the south and SW Ebb Ave to the east

**Tax Map and Lot:** 07-11-27-DC-02800-00 through and including 07-11-27-DC-03500-00

**Comprehensive Plan Designation:** Taft Village Core

**Zoning District:** Taft Village Core (TVC) Zone

**Site Size:** Approximately 40,000 square feet

**Proposal:** Request for variance to develop in Natural Resource Overlay (NR) Zone

**Surrounding Land Uses and Zones:**  
 North: Undeveloped and residential; TVC and RC  
 South: Residential and commercial; TVC  
 East: Residential and commercial; TVC  
 West: Undeveloped; TVC

**Authority:** Lincoln City Municipal Code (LCMC) 17.76.020 states that all land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application. Table 17.76.020-1 in LCMC Chapter 17.76 lists a natural resources development variance as a Type III procedure with the Planning Commission as the review authority.

**Procedure:** The application was received on November 1, 2022. The application was deemed complete on November 3, 2022. On November 14, 2022, pursuant to LCMC 17.76.050(E), the Planning and Community Development Department mailed a notice of public hearing to property owners within 500 feet of the subject property. The *News Guard* published the public hearing notice on November 22, 2022.

**Applicable Substantive Criteria:** LCMC Chapter 17.45 Taft Village Core (TVC) Zone  
 LCMC Section 17.76.050 Type III Procedure  
 LCMC Section 17.77.112 Natural Resources Development Variance



## **BACKGROUND**

The subject property (site) is identified as Assessor's Map 07-11-27-DC-02800-00, 02900-00, 03000-00, 03100-00, 03200-00, 03300-00, 03400-00, and 03500-00. The site is unaddressed and undeveloped. The site is located at the northwest corner of the intersection of SW 50<sup>th</sup> St and SW Ebb Ave, bordered by SW 50<sup>th</sup> St to the south and SW Ebb Ave to the east.

The site does not contain any bluff erosion hazards, trails, aesthetic resources, floodway, or flood hazard areas. The site does contain natural resource overlay zone, with the mapped natural resource identified as significant wetlands. There are no mapped significant riparian areas or wildlife habitat areas on the site.

North of the site is developed with houses to the north and northeast and undeveloped to the northwest and is zoned TVC to the north and northeast and RC to the northwest. South of the site is SW 50<sup>th</sup> St with residential and commercial uses south of the street and zoned TVC. The site is bordered on its east boundary by SW Ebb Ave with residential and commercial uses to the east of SW Ebb Ave, all in the TVC zone. Immediately west of the site is undeveloped in the TVC zone.

## **COMMENTS**

Comments were received from Public Works, via email, on November 14, 2022. The comments are as follows: "The surrounding area for Variance 2022-05 sits within a stormwater basin served by a public stormwater pump station. This pump station is at the corner of SW 50<sup>th</sup> and SW Ebb, and sits within a utility easement on SE corner tax lot 3500; the south-easternmost tax lot of the variance application. These pumps handle normal stormwater flows but during a recent extreme storm event (November 2021), the pumps were overwhelmed by flooding in the wetlands located on & west of the subject property. This should be accounted for and additionally addressed in the 'additional mitigation measures' referenced in the application material."

Comments were received from William Thomas, via email, on November 21, 2022. The comments are as follows: "I live at 864 S.W. 50<sup>th</sup> Street which is bordered by S.W. 50<sup>th</sup> St to the north and S.W. Ebb Ave to the east, located at the southwest corner of the SW 50<sup>th</sup> St/SW Ebb Ave intersection. To be clear south across the street from the natural resource overlay zone where the eight tax lots are seeking a variance. On November 11, 2021 an Atmospheric River hit Lincoln City and on November 12, 2021 50<sup>th</sup> Street was closed from Ebb Street west to the parking lot. The pump at 50<sup>th</sup> and Ebb was overwhelmed and 50<sup>th</sup> street was flooded with over a foot of water from Ebb Street west to the parking lot. I have pictures of the water on 50<sup>th</sup> Street and the city workers are very aware of how much water was in that area. The eight tax lots across the street from my house which are seeking this variance were under water. I had water in my garage and under my house and my front yard became a lake. Where will the water drain if the eight tax lots are covered in buildings and pavement? I need to know the new plan on how to get rid of the water if another Atmospheric River event happens again?" Mr. Thomas also included photos in his comments, and the photos are attached to this staff report.

## **ANALYSIS**

*Chapter 17.76 Procedures*

*17.76.050 Type III procedure*

- A. General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.*
- B. When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed in Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.*

- C. *Pre-Application Conference.* A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.
- D. *Application Requirements.* Type III applications shall:
1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
  2. *Be accompanied by the required fee as adopted by city council resolution.*
  3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

**Finding:** The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110(D) and (E).

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

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

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

**Finding:** The public notice of hearing contained all the information required in LCMC 17.76.050(E)(2)(a) through (i).

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

**Finding:** The public hearing is scheduled for December 6, 2022. The notice of public hearing was mailed on November 14, 2022. The notice of public hearing was published in *The News Guard* on November 22, 2022.

#### *Chapter 17.77 Applications*

##### *17.77.112 Natural Resources Development Variance*

- A. Procedure. Natural resources development variance applications are subject to the Type III procedure, as described in LCMC 17.76.050.*

**Finding:** The request for a natural resources development variance is being processed as a Type III procedure.

- B. Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

**Finding:** The required documents were submitted.

- C. Approval Criteria. To approve a natural resources development variance, the planning commission shall make findings of fact, based on evidence provided, that all of the following circumstances exist:*
- 1. Strict adherence to the natural resource overlay zone standards of Chapter 17.46 LCMC would effectively preclude a use of the property that reasonably could be expected to occur in the zone, and that the property owner would be precluded a property right which is substantially the same as owners of other property in the same zone or vicinity;*

**Finding:** The subject site is in the Taft Village Core (TVC) zone. The uses allowed by any property owner owning property in the TVC zone are listed in LCMC 17.45.020. Allowed uses include, but are not limited to, bed and breakfast accommodations; hotels and motels with 10 units or less; vacation rental dwellings; restaurants; financial institutions; mixed-use developments; personal service establishments such as barber/beauty/nail shops, health/athletic clubs, travel agent, and therapeutic massage; single-unit dwellings; attached single-unit dwellings; duplexes; multi-unit dwellings; manufactured homes; and four-flat dwellings. Any of the allowed uses in the TVC zone could reasonably be expected to occur on the site if the site was not in the natural resource overlay zone. Strict adherence to Chapter 17.46 LCMC precludes development in the natural resource overlay zone, thereby effectively precluding the use of the site for any of the allowed uses in the TVC zone that any other property owner in the TVC zone is allowed to do.

Specifically, the applicant's submitted narrative states the desired development of the site is a multi-unit residential development. Such development is an allowed use in the TVC zone. Such development is allowed on any property in the TVC zone. Staff finds that Circumstance #1 exists.

- 2. The proposed development can be accommodated, including actions to mitigate impacts to natural resource functions, without substantial negative impact to the property's significant wetland, significant riparian, and/or significant wildlife habitat areas;*

**Finding:** The applicant states in the submitted narrative that Schott & Associates has delineated a buildable area for the site and that with proper mitigation measures, the wetland area will not be impacted by development on the site.

The site does not contain any significant riparian or significant wildlife habitat areas. The site does significant wetland as generally determined in 1996, which is why the site is in the natural resource overlay zone. A wetland delineation specific to the site was completed in October 2020, by Anita Cate Smith of Westbrook Design, LLC and concurrence from DSL was received in August 2021 (WD2020-0630 attached). In part, the concurrence states the following:

“The Department of State Lands has reviewed the wetland delineation report prepared by Westbrook Science & Design, LLC, for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland boundaries as mapped in revised Figure 5 of the report.”

Figure 5 is a map showing the site-specific boundaries of the delineated wetland as determined by Ms. Smith. A review of the submitted Figure 5 shows the western portion of the site containing significant wetland, with the eastern and northeastern portion of the site being free from any wetland.

Martin Schott of Schott & Associates conducted a site visit in July 2022 and reviewed both Ms. Smith’s delineation report and DSL’s concurrence letter. Mr. Schott agreed with the delineated wetland boundaries and states the following in a buffer assessment memo, dated September 21, 2022, to Trisha Clark:

“S&A agreed with the delineated wetland boundaries and found the wetland and adjacent upland to be in mostly good ecological condition. The wetland was found on lots 3000, 3100 and 3200 and extended offsite to the north and west. Any associated buffers would affect lots 2900 and 3300. No wetlands were documented on lots 2800, 3400 and 3500.”

...

“Development near or adjacent to wetlands has the potential to negatively impacts [sic] the wetlands and functions. Common practice is to require an upland buffer to protect the adjacent wetland. However, in lieu of a buffer, potential impacts can e minimized or el9minated through careful development.”

“One of the most common impacts to wetlands during construction phases is incidental encroachment into the wetland by large equipment and ground disturbance. This type of impact can be avoided by installing a construction fence along the wetland boundary or buffer boundary. All equipment operators should be instructed not to encroach beyond the construction fence.”

Mr. Schott continues in the memo with additional recommendations to avoid impacts to the wetlands on the site.

The applicant’s submittal shows that the entire site is not wetland, that only a portion of the site is wetland. The professionally prepared delineation report identifies that the only portion of the site containing wetland is the western portion of the site. DSL reviewed the delineation and agreed with the identified wetland boundary. The applicant obtained an additional assessment from a different professional who also agreed with the identified wetland boundary and provided recommendations for development to avoid impacts to the delineated wetland.

There is sufficient space on the site for development to occur outside of the identified wetland. With adherence to conditions of approval outlining wetland impact avoidance measures, including compliance with

all city codes and public works design standards, the code does not prevent development of non-wetland properties. Staff finds that Circumstance #2 exists.

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 purpose of the TVC zone is to provide for a wide variety of uses, including retail, professional office, service-oriented businesses, single-unit and multi-unit dwellings and combinations of the those uses in mixed-use developments. The purpose of Chapter 17.46 is to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of natural resources.

The applicant seeks to develop the non-wetland portion of a site with a residential use as allowed in the zone in which it is contained. Development of a use allowed in the zone and/or already existing in the vicinity will not be materially detrimental to property in the zone or vicinity, since those property owners are afforded the same right to develop an allowed use as the applicant. The applicant has hired two different professionals who have determined the boundaries of the wetland on the site and the Oregon Department of State Lands (DSL) concurs with the determination. By developing the non-wetland portion of the site as a residential use, and complying with all city rules and public works design standards, the applicant satisfies the purposes of the TVC zone and Chapter 17.46 by providing multi-unit dwellings in a non-wetland area, thus allowing for conservation and protection of the wetland area and simultaneously giving housing options. Staff finds that Circumstance #3 exists.

4. *The variance requested, of the possible variances necessary to create a buildable area outside of a significant wetland, significant riparian, and/or significant wildlife habitat area, has the least impact to the functions of any significant wetland, significant riparian, and/or significant wildlife habitat areas on the property.*

**Finding:** The site does not contain any significant riparian or significant wildlife habitat areas. The site does not contain significant wetland as generally determined in 1996, which is why the site is in the natural resource overlay zone. A wetland delineation specific to the site was completed in October 2020, by Anita Cate Smith of Westbrook Design, LLC and concurrence from DSL was received in August 2021 (WD2020-0630 attached). In part, the concurrence states the following:

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There is sufficient space on the site for development to occur outside of the identified wetland. With adherence to conditions of approval outlining wetland impact avoidance measures, the code does not prevent development of non-wetland properties. Staff finds that Circumstance #4 exists.

### **RECOMMENDATION**

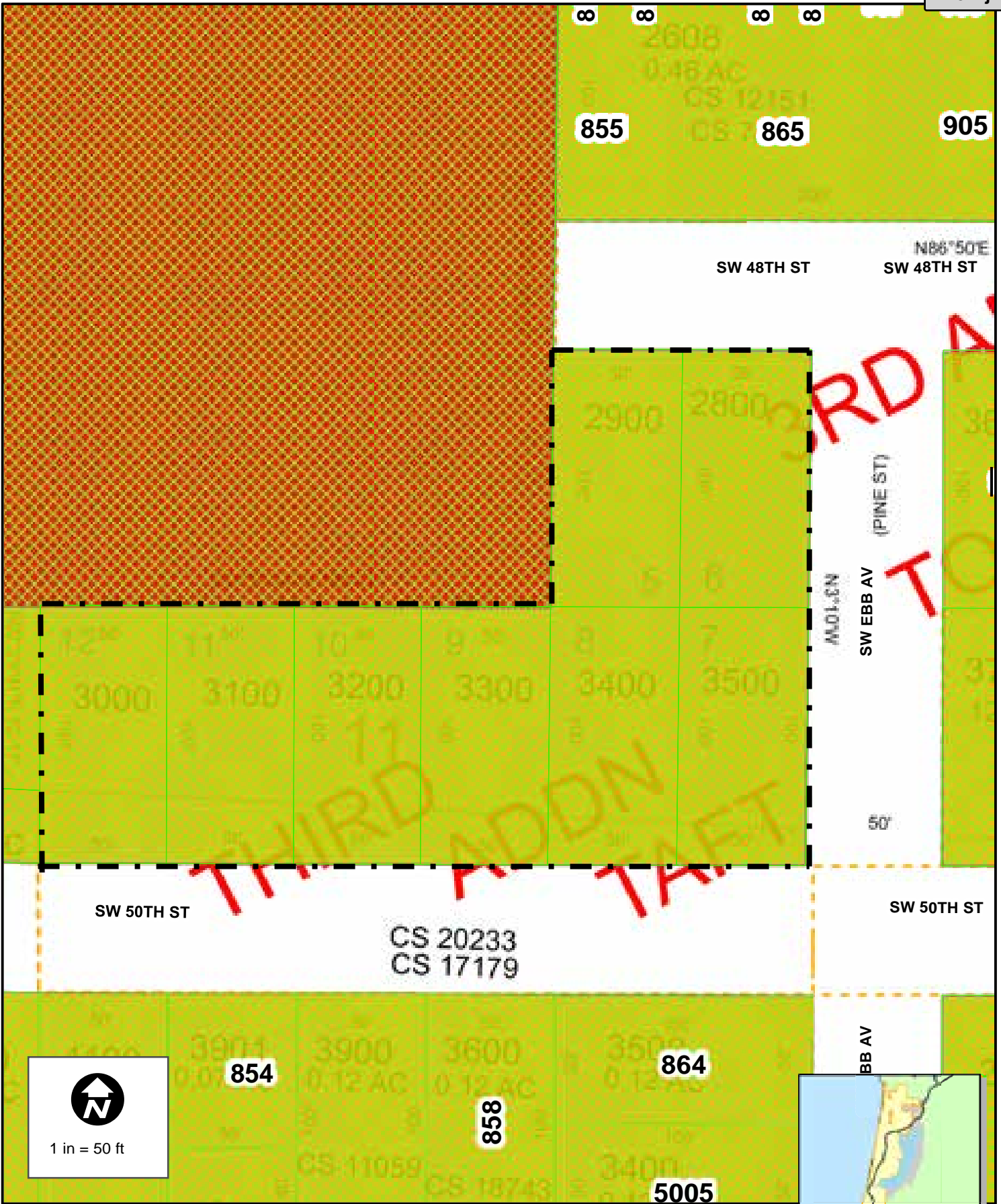
Staff recommends that the Planning Commission hold a public hearing on the natural resources development variance request, take public testimony, close the public hearing, deliberate, and make a motion to approve or deny the request.

Staff concludes that the request does meet all the circumstances for granting approval, and recommends approval with the following recommended conditions of approval:

1. To ensure there is no disturbance or potential impact to the site’s wetland, no development shall take place on any wetland identified in Figure 5 of the concurrence letter. Additionally, there shall be a 10-foot-wide no-development buffer around the wetland and no development shall take place within the buffer.
2. A deed restriction shall be placed on the site to prohibit camping in the wetland.
3. A deed restriction shall be placed on the site such that the wetland shall be permanently protected and preserved from development.
4. As part of development, and prior to issuance of any temporary or permanent certificates of occupancy, the wetland shall be enhanced through removal of all weeds, invasive plant species, and non-native vegetation and replacement with native vegetation appropriate for a wetland in this location.
5. As part of development, and prior to issuance of any temporary or permanent certificates of occupancy, the 10-foot-wide no-development buffer shall be enhanced through removal of all weeds, invasive plant species, and non-native vegetation and replacement with native vegetation appropriate for the site.
6. A deed restriction shall be placed on the site that an appropriate method for maintenance and upkeep of the wetland and the 10-foot-wide no-development buffer is in place, such as through a neighborhood association, homeowners’ association, or similar. Proof of such method shall be

provided to the Planning & Community Development Department prior to issuance of any temporary or permanent certificates of occupancy.

7. All development shall adhere to municipal code requirements, building and fire code requirements, and all federal, state, and local government requirements, including public works design standards and stormwater standards.

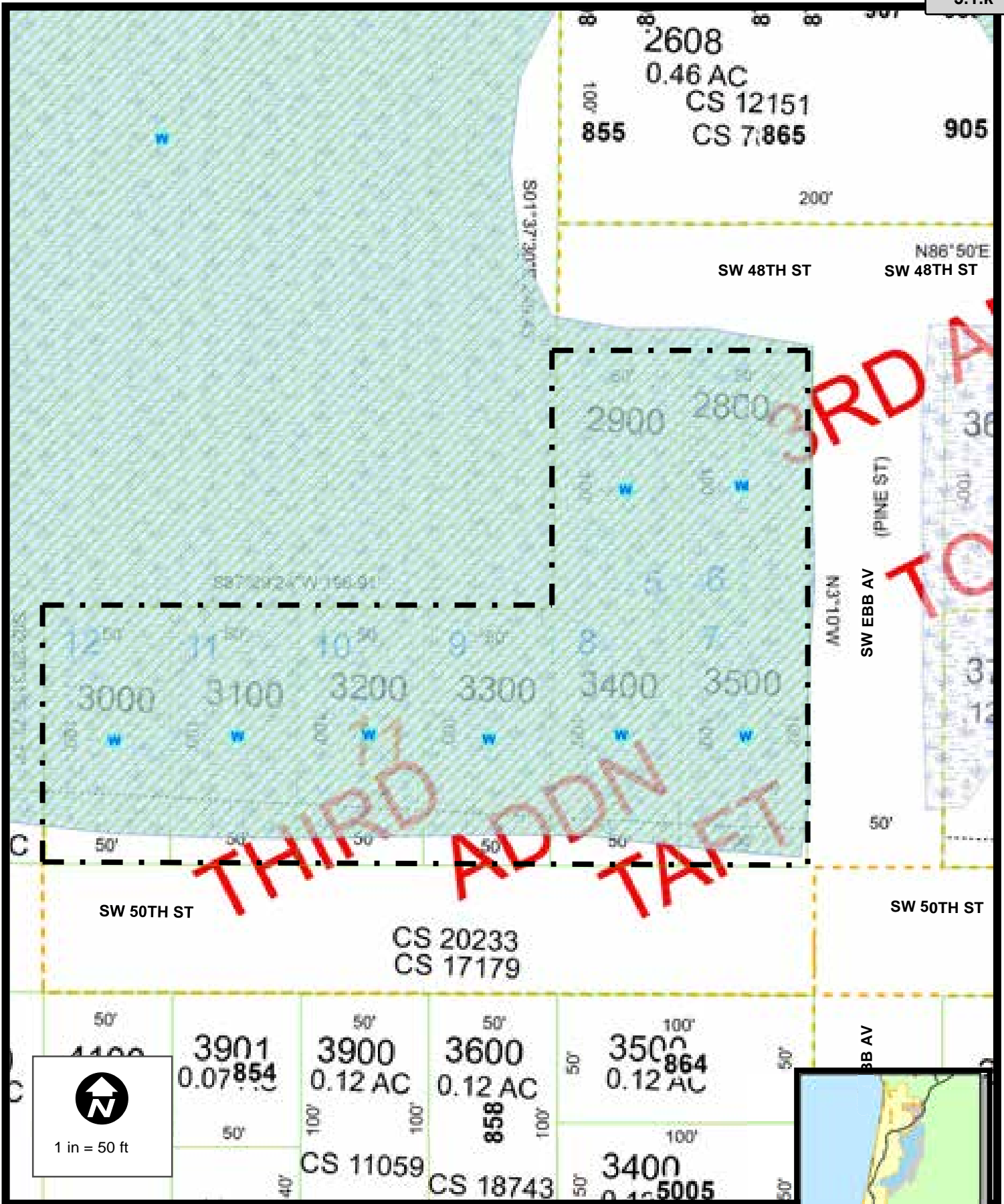


### Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date: 11/3/2022





### Vicinity Map

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Date: 11/3/2022



## Planning Commission Communication

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### SUB 2022-01\_P NW 40th

Meeting Date: December 6, 2022      Primary Staff Contact: AnneMarie Skinner  
Department: Planning Commission      E-Mail: ASkinner@lincolncity.org  
Secondary Dept:      Secondary Contacts:  
Approval:      Estimated Time:

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**This public hearing is continued to January 17, 2023, at 6:00 PM, at the request of the applicant.**

# Planning Commission Communication

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## Update on 2043 Comprehensive Plan

Meeting Date: December 6, 2022      Primary Staff Contact: AnneMarie Skinner  
Department: Planning Commission      E-Mail: ASkinner@lincolncity.org  
Secondary Dept:      Secondary Contacts:  
Approval:      Estimated Time:

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# Planning Commission Communication

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## Planning Commission 2023 Meeting Schedule

Meeting Date: December 6, 2022      Primary Staff Contact: AnneMarie Skinner  
 Department: Planning Commission      E-Mail: ASkinner@lincolncity.org  
 Secondary Dept:      Secondary Contacts:  
 Approval:      Estimated Time:

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### Proposed Schedule for 2023 Planning Commission Meetings:

January 17, 2023  
 February 7, 2023  
 February 21, 2023  
 March 7, 2023  
 March 21, 2023  
 April 4, 2023  
 May 2, 2023  
 May 16, 2023  
 June 6, 2023  
 June 20, 2023  
 July 18, 2023  
 August 1, 2023  
 August 15, 2023  
 September 5, 2023  
 September 19, 2023  
 October 3, 2023  
 October 17, 2023  
 November 7, 2023  
 November 21, 2023  
 December 5, 2023  
 December 19, 2023

All meetings begin at 6:00 PM.

The following meetings are not included in the proposed schedule for the following reasons:

First Tuesday in January - Proximity to New Year's Day holiday  
 Third Tuesday in April - Planning Director will be out of the country

First Tuesday in July - 4<sup>th</sup> of July holiday

Work sessions will be scheduled on an as-needed basis throughout the year.

**Possible Motions:**

I move to approve the 2023 Planning Commission meeting schedule as proposed.

**OR**

I move to approve the 2023 Planning Commission meeting schedule with the following changes to the proposed schedule.