

Natural Resources Development Variance Application

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

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

NAME: James A. Olson and Jody L. Olson [Owners]
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PHONE: (503) 956-2527
E-MAIL: jnjolson888@gmail.com

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

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

NAME: _____
ADDRESS: _____
PHONE: _____
E-MAIL: _____

SITE INFORMATION:

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

REQUESTED VARIANCE and WHY:

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

THE PLANNING COMMISSION MUST BE PROVIDED ENOUGH EVIDENCE AND PROOF IN THIS APPLICATION THAT FINDINGS OF FACT CAN BE MADE THAT ALL OF THE FOLLOWING CIRCUMSTANCES EXIST AND CRITERION ARE MET:

PART 1

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

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

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

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

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

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

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

LCMC 17.77.140.C.1 – *Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape legally existing prior to the date of the ordinance codified in this chapter, topography, or other circumstances over which the property owner has no control; and*

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

LCMC 17.77.140.C.2 – *The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess; and*

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

LCMC 17.77.140.C.3 – *The variance should not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city planning policy; and*

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

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

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

PART 2

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

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

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

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

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

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

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

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

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

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

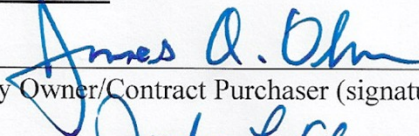
4.2 In April 2010, we received written confirmation from the City of Lincoln City's Planning Department confirming that our property is a "legal lot which could be developed with a single-family home", and that "we would not need to be granted any special exceptions to develop the lot". [Attachment: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

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

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


I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information, as well as the information provided in the attached narrative, is true, complete, and accurate. I (We) acknowledge that providing false information in the application shall be a violation and grounds to deny the application and void any approvals.

SIGNATURES:



Property Owner/Contract Purchaser (signature required)

02/21/2022
Date



Property Owner/Contract Purchaser (signature required)

02/21/2022
Date

- All property owners listed on the deed of each parcel/lot must sign the application.
- All contract purchasers listed on the purchase contract must sign the application.
- If contract purchasers are individuals other than the property owners shown on the deed, all property owners listed on the deed as well as all contract purchasers listed on the purchase contract must sign the application