Geologic Hazard Report Review
Staff Review, Decision, Conditions of Approval
Case File GEO 2022-03

Date:	October 18, 2022
Case File:	GEO 2022-03 Webb
Property Owner:	Karen Webb
Situs Address:	887 SW 5th St
Location:	Northwest corner of SW 5th St and SW Ebb Ave
Tax Map and Lot:	07-11-15-DB-01300-00
Comprehensive Plan Designation:	High-Density Residential District (R-M)
Zoning District:	Multiple-Unit Residential (R-M) Zone
Site Size:	21,344 square feet
Proposal:	Request to review a geotechnical report
Surrounding Land Uses and Zones:	North: undeveloped; R-M South: Houses; R-M East: Restaurant and parking; G-C West: Pacific Ocean
Authority:	Table 17.76.020-1 of Lincoln City Municipal Code (LCMC) 17.76.020 lists a geologic hazard report review application as a Type II procedure with the Planning and Community Development Director (Director) listed as the review authority. LCMC 17.76.040.A states that Type II procedures apply to administrative permits and applications and that decisions on administrative applications are made by the Director, based on reasonably objective approval criteria that require only limited discretion.
Procedure:	The application was received on September 21, 2022. The application was deemed complete on September 22, 2022. On September 23, 2022, pursuant to LCMC 17.76.040(E), the Planning and Community Development Department mailed a notice of application to property owners within 250 feet of the subject property.
Applicable Substantive Criteria:	LCMC Chapter 17.20 Multiple-Unit Residential (R-M) Zone LCMC Chapter 17.47 Natural Hazards, Beaches and Dunes LCMC Section 17.76.040 Type II Procedure LCMC Section 17.77.090 Geologic Hazard Report Review

BACKGROUND

The subject property (site) is addressed as 887 SW 5th St and is in the R-M zone. The tax lot number is 07-11-15-DB-01300-00 and the assessed lot size is 21,344 square feet (.49 acres). Of the 21,344 square feet, roughly 7,840 square feet of the site is west of the statutory vegetation line. The property owner seeks to develop an addition to the existing single-family residence.

Lincoln City's GIS mapping shows the site contains bluff erosion hazards. The site does not contain aesthetic resource, floodway, flood hazard areas, or natural resource overlays.

COMMENTS

No comments were received from the public.

ANALYSIS

Chapter 17.20 Multiple Unit Residential (R-M) Zone
17.20.020 Permitted uses

Finding: The property owner plans to construct an addition to the existing single-unit dwelling. The site is zoned Multiple-Unit Residential (R-M) Zone. LCMC Chapter 17.20 lists the permitted uses in the R-M zone; specifically, detached single-unit dwellings are listed as a permitted use as LCMC 17.20.020.D

17.20.050 Development Standards

Finding: The lot is an existing legal lot, so the minimum lot area, minimum lot width, and minimum lot depth are not applicable. This application is not for development; rather, this application is for a geologic hazard report review. Compliance with all other development standards shall be confirmed at the time of a development application review.

17.20.060 Landscaping

Finding: This section is not applicable to the application.

17.20.070 Signs

Finding: No signs are proposed, this section is not applicable.

17.20.090 Off-street parking and loading

Finding: This section is not applicable.

17.20.110 Restrictions.

Finding: This application is not for development; rather, this application is for a geologic hazard report review. Compliance with the restrictions shall be confirmed at the time of a development application review.

Chapter 17.47 Natural Hazards, Beaches and Dunes
17.47.020 Development in identified hazard areas

A. Hazards Identified and Applicability of Standards. Specific natural hazard areas have been identified in Environmental Geology of Lincoln County, Oregon, Bulletin 81 (State of Oregon Department of Geology and Mineral Industries, 1973) and Environmental Hazard Inventory (RNKR Associates, 1978), and other sources. They are depicted on the comprehensive plan natural hazards map, as supplemented by Priest, G.R., and Allan, J.C., 2004. For purposes of this chapter, in cases of conflict between a cited source and the map, as supplemented by the 2004 Priest and Allan report, the map, as so supplemented, will prevail.

Natural hazard areas identified in Environmental Geology of Lincoln County, Oregon, Bulletin 81 (State of Oregon Department of Geology and Mineral Industries, 1973) and Environmental Hazard Inventory (RNKR Associates, 1978) are advisory only. The city does not require analysis or mitigation for property identified as being in these hazard areas, but recommends that developers seek professional advice.

Finding: The site is in an identified natural hazard area. As stated in the code, the city does not require analysis or mitigation for property identified as being in hazard areas, but recommends that developers seek professional advice. The property owner sought the professional advice of J. Douglas Gless, who is a registered engineering geologist licensed to practice in Oregon.

Development of property identified by Priest, G.R., and Allan, J.C., 2004, as subject to coastal erosion must meet the requirements of this chapter; however, the following activities are exempt:

1. *Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation;*
2. *New construction or maintenance, repair, or alterations to existing structures on a portion of the lot that lies outside the coastal erosion zones;*
3. *Exploratory excavation under the direction of a registered engineering geologist or geotechnical engineer;*
4. *Construction for which a building permit is not required;*
5. *Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided work does not extend outside the previously disturbed area;*
6. *Activities of emergency responders intended to reduce or eliminate an immediate danger to life or property.*

Finding: LCMC Chapter 17.08 defines development as the alteration of the natural environment through the construction or exterior alteration of any building or structure, whether above or below ground or water, and any grading, filling, dredging, draining, channelizing, cutting, topping, or excavation associated with such construction or modification; the placing of permanent or temporary obstructions that interfere with the normal public use of the waters and lands subject to this code; the division of land into two or more parcels, and the adjustment of property lines between parcels. The property owner seeks to alter the natural environment through construction of an addition; therefore, the proposed development activity is not exempt and must meet the requirements of LCMC Chapter 17.47.

B. Required Geotechnical Analysis. Development of all types, except beach front protective structures and natural means of beach protection, in coastal erosion hazard areas identified by Priest, G.R., and Allan, J.C., 2004, may not occur until an engineering geologist, certified to practice in Oregon, or geotechnical engineer registered and licensed to practice in Oregon, completes a review of the

project site. To the extent the engineering geologist or geotechnical engineer deems necessary, the review shall incorporate analysis and recommendation of an Oregon-certified coastal engineer and of technical experts from other fields outside of engineering geology. The review shall be prepared at the applicant's expense. The geologist or geotechnical engineer must submit (electronically) the review to the city as a written report that, if written or last updated more than a year prior to the first building inspection, must be updated to reflect current conditions. In reviewing the submitted geotechnical report, the city may consult with, among others, the Oregon Department of Geology and Mineral Industries, the Department of Land Conservation and Development, and a certified engineering geologist or geotechnical engineer. The city assumes no responsibility for the quality or accuracy of a geotechnical report.

Finding: The site is in an identified coastal erosion hazard area. Per LCMC 17.47.020(B), development may not occur until an engineering geologist, certified to practice in Oregon, or geotechnical engineer registered and licensed to practice in Oregon, completes a review of the project site. This requirement has been met by the property owner retaining the services of J. Douglas Gless, who is a registered engineering geologist licensed to practice in Oregon, to review the site. Mr. Gless conducted a geologic hazards and geotechnical investigation of the site and prepared a written report. The written report submitted with this application is dated September 24, 2021, hereinafter referred to as Report. The Report has been prepared and submitted prior to construction, as required by LCMC 17.47.020(B). No construction has occurred, there have been no building inspections. A required update shall be provided as required by LCMC 17.47.020(B). **Lincoln City assumes no responsibility for the quality or accuracy of the report.**

Report Contents. Any geotechnical report must follow professional guidelines established by the Oregon State Board of Geologist Examiners, and include an explanation of the degree the hazard affects the property use in question, an explanation of the measures to be employed to minimize losses associated with the hazard, including, but necessarily limited to, erosion control, vegetation removal, and slope stabilization, and an explanation of the hazard-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.

For development activities of all types on a property in the coast erosion hazard zones, defined by Priest and Allan, 2004, except for beach front protective structures and natural means of ocean beach protection, the geotechnical report must include, but is not limited, to the following items:

1. *Site Description.*
    a. *The history of the site and surrounding areas, such as previous riprap or dune grading permits, erosion events, exposed trees on the beach, or other relevant local knowledge of the site.*

Finding: The Report provides a site description at the bottom of page 2 and 3 with a history of the site and surrounding areas. This requirement has been met.

    b. *Topography, including elevations and slopes on the property.*

Finding: The initial pages of the Report provide a description of the site topography, elevations, and slopes. The Report adds that the bluff along the western part of the site slopes down to the west very steeply about 60 to 80 feet down to the beach. This was calculated using relevant data. The requirement to provide the information on topography, including elevations and slopes on the property, is met.

c. Vegetation cover.

Finding: Page 3 of the Report lists the site's vegetation cover, noting the following: "East of the bluff slope, the site is generally vegetated with landscape plants and lawn grass. The bluff slope is heavily vegetated with shore pine, salal, English ivy and beach grass." The requirement to provide the information on the site's vegetation cover is met.

d. Subsurface materials – the nature of the rocks and soils.

Finding: Page 3 of the Report gives a brief description of the subsurface materials and notes the detailed descriptions and analyses are provided in section 3.1 and 3.3 of the Report. Accordingly, the requirement to provide the information on the site's subsurface materials is met.

e. Conditions of the seaward front of the property, particularly for sites having a sea cliff.

Finding: Pages 3 of the Report provides a brief description of the site's oceanfront conditions. This includes a description of historical conditions. A more detailed analysis is provided in section 3.2 and 4.0 of the Report. The Report also documents debris piles at the toe of the slope. The requirement to provide the information on the conditions of the seaward front of the property is met.

f. Presence of drift logs or other flotsam on or within the property.

Finding: Information on flotsam and drift logs is provided on page 3 of the Report. Specifically, the Report states that "we observed minor accumulation of driftwood and flotsam…" Staff concludes this requirement has been met.

g. Description of streams or other drainage that might influence erosion or locally reduce the level of the beach.

Finding: Page 3 of the Report states that "we did not observe streams in the vicinity of the site that would influence the beach elevation." The requirement to provide information on the description of streams or other drainage is met.

h. Proximity of nearby headlands that might block the long shore movement of beach sediments, thereby affecting the level of the beach in front of the property.

Finding: Page 4 of the Report provides the information on headland proximity and influence on beach sediment transport and elevations. The Report specifies the site is with the "Lincoln Littoral" cell that extends from Cascade Head to Cape Foulweather. The requirement to provide information on the proximity of nearby headlands is met.

i. *Description of any shore protection structures that may exist on the property or on nearby properties.*

Finding: On page 4 of the Report, it is stated that "a beachfront protective structure is mapped along the bluff slope at the site; however, due to the dense vegetation on the bluff slope, we did not observe the revetment. Oceanfront protective structures are present and exposed at the base of the bluff on lots approximately 50 feet north of the subject site and approximately 1,300 feet south of the site." The requirement to provide a description of any shore protection structures that may exist on the property or on nearby properties is met.

j. Presence of pathways or stairs from the property to the beach.

Finding: The Report addresses beach stairs on page 4 stating: "Presently there is no direct access to the beach from the subject site. Public beach access is present at the D River State Recreation Site, approximately 1,300 feet north of the site." The requirement to provide information on the presence of pathways or stairs is met.

k. Existing human impacts on the site, particularly those that might alter the resistance to wave attack.

Finding: Page 4 of the Report states: "Based on our observations, direct human impacts are not contributing to alteration of the resistance of the bluff to wave attack at this site." The requirement to provide information on existing human impacts on the site is met.

2. Description of the Fronting Beach.

a. Average widths of the beach during the summer and winter.

Finding: Page 5 the Report states "The beach at the site has a width of approximately 100 feet to more than 300 feet in this area during the winter and summer, respectively, depending upon sand transport in any given year." The provided width information is congruent with the intentions of this code section.

b. Median grain size of beach sediment.

Finding: Page 5 of the Report indicates the sand in the base of the debris piles was a mixture of sand and silt. Page 8 states that "beach sediment at the site is comprised of primarily fine-grained to lesser medium- grained sand." The requirement to provide information about the median grain size is met.
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c. Average beach slopes during the summer and winter.

Finding: Page 5 of the Report states the following: "The beach slopes west at approximately 7 degrees in the winter and a few degrees in the summer." Accordingly, the requirement to provide information on the average beach slopes during the summer and winter is met.

d. Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter.

Finding: Page 5 of the Report states the following: "Topographic contours derived from 2016 lidar data provided by NOAA show the elevation above mean sea level of the beach-bluff junction west of the subject property as approximately 20 feet (NAVD 88) (Figure 3), which generally agrees with data from Allan and Hart." The requirement to provide information on elevations above mean sea level is met.

e. Presence of rip currents and rip embayment that can locally reduce the elevation of the fronting beach.

Finding: Page 5 of the Report states the following: "Rip currents and rip current embayments have formed approximately 1300 feet north and 1500 feet south of the site, and likely elsewhere, within the last decade, as evidenced by our review of historical satellite imagery." The requirement to provide rip currents and rip embayment information is met.

f. Presence of rock outcrops and sea stacks, both offshore and within the beach zone.

Finding: Page 5 of the Report states the following: "Offshore rock outcrops are not present in the immediate vicinity of the site. Mapping by Priest and Allan (2004) identifies similar outcrops approximately 0.8 miles north of the site as possibly Tertiary Cascade Head basalt outcrops." The required information is provided.

g. Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.

Finding: On page 6, the Report states that "although not exposed at the time of our site visit, we have observed exposed bedrock approximately 250 feet west of the beach bluff junction fronting the site during previous visits to the area. We estimate sand depths along the beach at the time of our visit to be about 6 feet thick. Sand depths here can reach about 8 feet or more in some years." The required information is provided.

3. Analysis of Erosion and Flooding Potential.

a. Analysis of DOGAMI beach monitoring data available for the site.

Finding: Page 9 of the Report states the following: "The site is also mapped in an area of moderate landslide susceptibility, and the bluff is mapped in an area of high landslide susceptibility based on the DOGAMI methodology (Burns, Mickelson, and Madin, 2016)." The requirement to provide information on an analysis of DOGAMI beach monitoring data is met.

b. Analysis of human activities affecting shoreline erosion.

Finding: Page 4 of the Report states the following: "Based on our observations, direct human impacts are not contributing to alteration of the resistance of the bluff to wave attack at this site." The requirement to provide information on analysis of human activities is met.

c. Analysis of possible mass wasting, including weathering processes, land sliding or slumping.

Finding: Page 10 of the report states the following: "Weathering, landsliding, recession rates, and other erosional processes at this oceanfront site are discussed in Section 4.0 above and Section 4.1.8 below. The rate used for our setback analysis was 0.27 feet per year, based on the calculated erosion rates presented by Priest (1994) and Priest et al. (1994), our field observations, and a review of aerial photography." The requirement to provide information on analysis of possible mass wasting is met.

d. Calculation of wave runup beyond mean water elevation that might result in erosion of the sea cliff or foredune.

Finding: The Report does not give an exact calculation of wave run up, but it does address risks from direct wave action. Page 9 states that "coastal erosion rates and hazard zones (as referenced in Priest and Allan, 2004) are presented in Section 4.0 above. In the bluff-backed shoreline recession methodology applicable to the subject site, wave erosion at the bluff toe and associated parameters (rock composition, vegetative/protective cover, ballistics of debris, bluff slope angle of repose, etc.) are more critical to erosion zone and rate estimates than calculating wave run-up elevation which changes with many variables such as changing beach elevations, presence of transient dunes, etc. Because of the vegetative cover protecting the lower bluff slope, only minor erosion is expected with a high wave run-up event at this site. It is the chronic nature of the wave attack hazard that can undercut the toe of the bluff, creating bluff instability." The requirement to provide information on the calculation of wave run-up has been met.

e. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy.

Finding: Page 10 of the Report notes the following: "As discussed in Section 4.0 above, the average annual erosion rate for the dune at the site is 0.27 ± 0.34 feet per year (Priest, 1994; Priest et al., 1994), and as also discussed in Section 4.1.3 above, is currently estimated at 0.27 feet per year for the calculation of setbacks from the upper bluff edge. Ocean wave, wind, and rain erosion are continuous and ongoing processes that impact bluff recession. Future land sliding at the subject site would cause additional recession of the upper bluff. We anticipate that future landslides could fail back 3 to 10 feet at a time if not mitigated for; however, these would be very infrequent and impossible to predict when they will occur." The requirement to provide information on the evaluation of frequency of erosion-inducing processes is met.

f. For dune-backed shoreline, use an appropriate foredune erosion (Komar et al. 1999) or time-dependent erosion model (e.g., Kriebel and Dean, 1993) to assess the potential distance of property erosion, and compare the results with direct evidence obtained during site visit, aerial photo analysis, or analysis of DOGAMI beach monitoring data.

Finding: The site is not a dune-backed shoreline; therefore the requirement to provide information on the dune-backed shoreline is not applicable.

g. For bluff-backed shorelines, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and field work, to assess the potential distance of property erosion.

Finding: Pages 9 and 10 of the Report investigate the risk associated with the site, citing multiple published resources including DOGAMI. The requirement to provide information on potential distance of property erosion is met.

h. Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.

Finding: The Report addresses sea level rise at the bottom of Page 10 stating that "information from NOAA's Garibaldi and Newport/South Beach monitoring stations provides an average sea level rise of approximately 2.13 ± 0.66 mm/year between 1967 and 2020 (NOAA Tides & Currents Sea Level Trends, http://tidesandcurrents.noaa.gov/sltrends). Global climate change can also influence rates of sea-level rise (refer to Section 7.0)." The requirement to provide information on potential for sea level rise is met.

i. An estimation of the annual erosion rate at the site.

Finding: Page 11 of the Report states that " a detailed discussion of recession and estimated erosion rates is in Section 4.0 above; Priest (1994) and Priest et al. (1994) determined the average annual erosion rate for the bluff at the site as 0.27 ± 0.34 feet per year." The requirement to provide an estimation of erosion is met.

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4. Assessment of Potential Reactions to Erosion Episodes.

a. Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for nonstructural erosion control methods).

Finding: Page 11 of the Report states the following: "As noted in Section 2.11 above, according to the Oregon Coastal Atlas Ocean Shores Data Viewer (http://www.coastalatlas.net/oceanshores, accessed September 2021), a beachfront protective structure is mapped along the bluff slope at the site; however, due to the dense vegetation and colluvium on the bluff slope, we did not observe the revetment." The requirement to provide information regarding a determination of legal restrictions of shoreline protective structures is met.

b. Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.

Finding: Page 11 of the Report states that "deep foundations, oceanfront protective structures, retaining walls, underpinning of foundations, vegetation management, relocation of structures, and bioengineering can all be potential reactions and control measures to erosion events." The requirement to provide information regarding assessment of potential reactions to erosion events has been met.

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c. An annual erosion rate for the property.

Finding: Page 11 of the Report states the following: "A detailed discussion of recession and estimated erosion rates is in Section 4.0 above; Priest (1994) and Priest et al. (1994) determined the average annual erosion rate for the bluff at the site as 0.27 ± 0.34 feet per year." The requirement to provide an annual erosion rate is mewt.

5. Recommendations.

a. Based on results from the above analyses, recommended setbacks, building techniques, or other mitigation to ensure an acceptable level of safety and compliance with all local requirements.

Finding: The Report gives recommendations for foundation design, excavation, and other building techniques to ensure a potential dwelling is constructed safely. The required bluff setback is calculated at 21 feet east of the bluff edge. The requirement to provide recommended setbacks, building techniques, and other mitigation is met.

b. A plan for preservation of vegetation and existing grade within the setback area, if appropriate.

Finding: Page 18 of the Report states that "vegetation should be removed only as necessary, and exposed areas should be replanted following construction. Disturbed ground surfaces exposed during the wet season (November 1 through April 30) should be temporarily planted with grasses, or protected with erosion control blankets or hydro mulch." The requirement to provide a plan for preservation of vegetation and existing grade is met.

c. Consideration of a local variance process to reduce the building setback on the side of the property opposite the ocean, if this reduction helps to lessen the risk of erosion, bluff failure or other hazard.

Finding: The request does not include consideration of a local variance process, nor does it request a variance.

d. Methods to control and direct water drainage away from the ocean (e.g., to an approved storm water system), or, if not possible, to direct water in such a way so as to not cause erosion or visual impacts.

Finding: Page 19 states the following: "All roof drains should be collected and tightlined in a separate system independent of the footing drains, or an approved backflow prevention device shall be used. All roof and footing drains should be discharged to an approved disposal point. If water will be discharged to the ground surface, we recommend that energy dissipaters, such as splash blocks or a rock apron, be utilized at all pipe outfall locations. Water collected on the site should not be concentrated and discharged to adjacent properties. Water should not be disposed of along the bluff slope unless piped to the toe of the slope." The requirement to provide methods to control and direct water drainage away from the ocean is met.

C. Compliance. Permitted development shall comply with the recommendations in any required geotechnical report and any report required by the building code.

Finding: As a condition of approval and pursuant to LCMC 17.47.020(C), all permitted development shall comply with the recommendations in any required geotechnical report, as well as any report required by the building code.

At the time of footing inspection, or, if no footing inspection is required, at the time of the first building inspection, the author of the geotechnical report must certify that the development was constructed in accordance with the report's recommendations.

Finding: Pursuant to LCMC 17.47.020(C), permitted development shall comply with the recommendations in the Report and any report required by the building code. Additionally, at the time of the footing inspection, H.G. Schlicker and Associates Inc. shall certify that the development was constructed in accordance with the Report's recommendations.

D. Bluff Setback. No bluff setback is required for public infrastructure, beach front protective structures, or natural means of beach protection. The footprint of any other new structure or any horizontal addition requiring at least one footing in ocean bluff areas must be set back from the bluff a distance of at least 60 times the average annual erosion rate (determined by the geotechnical analysis) plus five feet. The bluff, for this purpose, shall be determined by the city through inspection of aerial photos, the most recent LIDAR data, and the dividing line between the active and the high-risk erosion zones identified in the 2004 Priest maps referenced above. If the city cannot determine the location of a bluff, the geotechnical analysis, provided at the applicant's expense, shall determine an appropriate site for the structure, if one exists. The bluff setback must be measured from the unaltered bluff edge, as based upon a recent (conducted within the 12 months prior to the date of the geotechnical analysis) topographic survey performed by a land surveyor licensed in the state of Oregon. If damaged, an existing structure that does not conform to the setback may be rebuilt in conformance with Chapter 17.64 LCMC, Nonconforming Situations. Reconstruction shall comply with recommendations provided in a report from an engineering geologist licensed in the state of Oregon or a registered geotechnical engineer licensed in the state of Oregon, or both, as determined necessary by the building official.

Finding: The submitted materials include a map of a topographic survey performed by Terra Calc Land Surveying on September 15, 2022. The Report uses an average annual erosion rate of .27 feet per year in the determination of oceanfront setbacks for the site. Using the annual erosion rate of 0.27 and multiplying by 60, then adding LCMC's required additional 5 feet gives a minimum setback of 21 feet, rounded to the nearest foot, from the unaltered bluff edge. Based on the slope profiles and survey, the unaltered bluff edge is at the western most section of the 80-foot elevation contour. This requirement will be met through the conditions of this report.

E. Other Policies That Apply. If structures to protect shorelands, beaches and dunes, or flood areas are proposed, comprehensive plan "Shorelands, Beaches, Dunes, Estuaries, and Ocean Resources" Policies 7, 8, 9, 21 and 22 also apply.

Finding: The other policies do not apply to this request because no structures to protect shorelands, beaches and dunes, or flood areas are proposed.

Chapter 17.76 Procedures
17.76.040 Type II procedure

A. General Description. Type II procedures apply to administrative permits and applications. Decisions on administrative applications are made by the director, based on reasonably objective approval criteria that require only limited discretion. Type II procedures require public notice and an opportunity for appeal, but do not require a public hearing or a public meeting.
B. When Applicable. Table 17.76.020-1 identifies Type II applications. Applications not listed in Table 17.76.020-1 may be identified as Type II by the director based on the general description in this section.
C. Pre-Application Conference. A pre-application conference is not required for Type II procedures.

Finding: A pre-application conference is not required, nor was one held.

D. Application Requirements. Type II applications shall:
1. Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.
2. Be accompanied by the required fee as adopted by city council resolution.
3. Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).

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

E. Public Notice of Application and Comment Period. Type II applications require public notice of receipt of a complete application with an opportunity for area property owners and other interested parties to provide written comment prior to issuance of the decision.
1. After a Type II application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:
a. The applicant and applicant's representative;
b. The owners of record of the subject property;
c. Property owners of record within 250 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record; and
d. Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.

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

2. The written public notice shall include the following:
a. A brief description of the request;
b. The applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;

c. The street address or other easily understood geographical reference to the subject property;
d. Statement that failure of an issue to be raised in writing prior to the expiration of the public comment period, or failure to provide statements or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA);
e. The name of a department staff member to contact and the telephone number where additional information may be obtained; and
f. Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

3. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.
4. Public notices for receipt of complete Type II applications shall include a written comment period of 14 days from the date the notice was mailed for the submission of written comments before the decision is issued.

Finding: The written public notice contained all the information required in LCMC 17.76.040(E)(2)(a) through (f). The written public notice included the written comment period of 14 days.

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

Finding: The Director reviewed the submitted Type II application.

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

Finding: The relevant approval criteria are addressed in detail throughout this staff report. Consideration of the written comments received, if any, is given at the beginning of this report.

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

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

3. The notice of the decision shall include the following:
a. A brief description of the request;
b. A statement of the decision and the applicable approval criteria used in making the decision;
c. The street address or other easily understood geographical reference to the subject property;
d. A statement that the decision is final, unless appealed as provided in LCMC 17.76.180;

e. The requirements for filing an appeal of the decision, including a statement of the date and time by which an appeal must be filed;
f. A statement that the complete file is available for review; and
g. The name of a department staff member to contact and the telephone number where additional information may be obtained.

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

Chapter 17.77 Applications
17.77.090 Geologic hazard report and/or beach protective structure review – Natural resources development review

A. Procedure. Geologic hazard report, beach protective structure review, and natural resources development review are subject to the Type II procedure as described in LCMC 17.76.040.

Finding: A geologic hazard report was submitted for review. Pursuant to LCMC 17.76.040, the request is subject to the Type II procedure and has been processed accordingly.

B. Submittal Requirements. Type II application submittal requirements are set forth in LCMC 17.76.040 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.100, as well as Chapters 17.46 and 17.47 LCMC.

Finding: The required documents were submitted.

C. Approval Criteria.
1. See Chapter 17.47 LCMC for approval criteria for geologic hazard report and beach protective structure review.

Finding: The submitted geologic hazard report has been analyzed against the applicable criteria in LCMC Chapter 17.47, as detailed earlier in this staff report.

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

Finding: This standard is not applicable to this application for a geologic hazard report review.

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

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

DECISION
Based upon an analysis of the submitted application and accompanying materials against applicable criteria, the Director concludes that all criteria have been or will be met, and thus **APPROVES WITH CONDITIONS** the geologic hazard report review request, subject to the following conditions:

1. The developer, applicant, and or property owner are responsible for compliance and conformance with all city, state, and federal requirements, rules, regulations, standards, and ordinances.
2. The site plan for the structural permit application materials shall be revised to depict the unaltered bluff edge, based on the submitted topographical survey, which lies at the western most portion of the

80-foot elevation contour, just west of the site. The 21-foot bluff setback line from the unaltered bluff edge, and the proposed building footprint of the proposed construction must also be clearly depicted.

3. The footprint (footprint is defined in LCMC Chapter 17.08 as the square footage of a building that rests, directly or indirectly, on the ground, including, for example, cantilevers, bay windows with floor space, and chimneys) of any new structure shall be placed to the east of the 21-foot bluff setback line, said 21-foot line as measured from the unaltered bluff edge. The site plan for any structural permit shall clearly depict the unaltered bluff edge, the 21-foot bluff setback line, and the structure's footprint in compliance with the 21-foot bluff setback line.
4. Any horizontal addition requiring at least one footing in ocean bluff areas must be to the east of the 21-foot bluff setback line as measured from the unaltered bluff edge. Any site plan for any structural permit shall clearly show and label the unaltered bluff edge and the 21-foot bluff setback line, with clear depiction of any horizontal addition in compliance with the 21-foot bluff setback.
5. The 21-foot bluff setback line, measured from the unaltered bluff edge, shall be flagged on the site by a licensed land surveyor, and the flagging shall remain in place until development is complete to help ensure that no development takes place to the west of the 21-foot bluff setback line.
6. A representative of H.G Schlicker & Associates Inc shall observe and approve footing and slab excavations prior to placing fill, or forming or pouring concrete, as indicated in the Report.
7. Permitted development shall comply with the recommendations in any required geotechnical report and any report required by the building code.
8. Pursuant to LCMC 17.47.020.B, H.G Schlicker & Associates Inc. or the applicant must submit to the city, through ePermitting as an attachment to the structural permit file number, an updated report to reflect current conditions if the first building inspection occurs after September 24, 2022.
9. In addition to city requirements for proper drainage and erosion control, plans shall incorporate proper drainage and erosion control, as discussed in the applicable sections of the Report.
10. Development of the site shall adhere to and comply with all recommendations noted in the entire Report and subsequent updates.
11. If there are any conflicts in the conditions, the strictest shall apply.

Prepared by: Weston Fritz, Associate Planner

Approved by:

October 20, 2022

Anne Marie Skinner, Director — Date
Planning and Community Development