Geologic Hazard Report Review
Staff Review, Decision
Case File GEO 2022-04

Date:	March 2, 2023
Case File:	GEO 2022-04 Merrell
Property Owner:	Anne Merrell and Susan Hiler
Situs Address:	3730 SW Anchor Ct
Location:	East of Pacific Ocean and north of SW Anchor Ct
Tax Map and Lot:	07-11-27-BD-01901-00
Comprehensive Plan Designation:	Single-Family Residential District (R-5)
Zoning District:	Single-Unit Residential (R-1-5) Zone
Site Size:	7,490 square feet
Proposal:	Request to review geotechnical report for a deck
Surrounding Land Uses and Zones:	North: Single-unit dwellings; R-1-5 South: Single-unit dwellings; R-1-5 East: Undeveloped lot, single-unit dwellings; R-1-5 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 November 10, 2022. The application was deemed complete on November 14, 2022. On November 15, 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 17.16 Single-Unit Residential (R-1-5) 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 3730 SW Anchor Ct and is in the R-1-5 zone. The tax lot number is 07-11-27-BD-01901-00 and the site area is 7,940 square feet. The property owner seeks to add a deck as an addition to an existing deck on an existing home.

Lincoln City's GIS mapping shows the site contains bluff erosion hazards. The site does not contain aesthetic resource, nor is it part of the floodway or natural resource overlay zone. Portions of the site are in the VE Significant Flood Hazard Area, close to the SW Anchor Ct right-of-way at the 30-foot elevation. The proposed project area, though, appears to be well outside of the VE Significant Flood Hazard Area. Conformance with regulations for development in the floodplain will be addressed during the structural permitting process.

COMMENTS

No comments were received.

ANALYSIS

Chapter 17.16 Single-Family Residential (R-1-5)
17.16.020 Permitted uses

Finding: The property owner plans to construct a deck addition to an existing single-unit dwelling. The site is zoned Single-Unit Residential (R-1-5). LCMC Chapter 17.16 lists the permitted uses in the R-1 zone; specifically, detached single-unit dwellings are listed as a permitted use as LCMC 17.16.020(A)(1).

17.16.070 Lot Requirements

Finding: The lot is an existing legal lot, so the minimum lot area, minimum lot width, and minimum lot depth requirements are not applicable. Additionally this application is not for development; rather, this application is for a geologic hazard report review. Compliance with minimum setback requirements, maximum building coverage, and maximum impervious surface will be reviewed during the structural permitting process.

17.16.075 Landscaping

Finding: This section is not applicable to the application for geologic hazard report review.

17.16.080 Signs

Finding: No signs are proposed.

17.16.090 Off-street parking and loading

Finding: This section is not applicable to the application for geologic hazard report 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 located 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 advice of Rapid Soil Solutions.

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 a deck 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. The property owner retained the services of Rapid Soil Solutions and a report was prepared on August 3, 2022, hereinafter referred to as the Report. The Report was stamped by a registered geotechnical engineer licensed to practice in Oregon. A document titled "Check sheet reply" and dated February 14, 2023, was submitted as supplemental information to the Report, and is hereinafter referred to as the Check Sheet. This requirement is met.

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 top of page 3 with a history of the site and surrounding areas. The requirement to provide a site description is met.

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

Finding: The initial pages of the Report provide a brief description of the site topography, elevations, and slopes. The Report states: "The house is perched on a nearly leveled bench built roughly 8-10 ft higher than SW Anchor Ct. The observed slopes on site accommodates (sic) a moderate southern descend (sic) of about 10-25 percent towards the property line. The vegetated slopes due north of the existing residence ascends (sic) to about 20-30 percent towards the neighboring property." 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: "The dwelling structure is bordered by a handful of scattered medium-to-tall trees. Thick overgrown vegetation was observed due north and west of the proposed deck." 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 6 of the Report gives a brief description of the subsurface data collection procedures. The results are logged in the appendix. 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: Page 3 of the Report provides a brief description of the site's oceanfront conditions. The Report states: "The sea bluff directly west of the property is roughly 15-20 ft tall. The bluff trends towards the beach to slopes of about 20-30 percent." The requirement to provide 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: The Report's check sheet states "site is on the bluff no drift logs or flotsam." The requirement to provide information on the presence of drift logs or flotsam is 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: "No standing or flowing water is present on the subject site. No standing or flowing water is mapped or was historically mapped at the subject site." 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 mentions the presence of headlands by stating: "Where the terraces abut basaltic headlands, layers of angular basalt fragments are present; these fragments represent talus deposits that were emplaced concurrent with the main body of the terrace. The subject site is near the northern end of a long terrace segment; this segment begins at Siletz Bay and extends to the northern edge of Lincoln City, nearly to Roads End Point." 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 3, the Report states that "the bluff is dominated by low-to-medium story vegetation with protective boulders along its base." The requirement to provide a description of shore protection structures is met.

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

Finding: The Report does not mention any stairs or pathways. Staff did not note any stairs or pathways in a review of aerial imagery. Even though the Report does not specifically state the presence or lack thereof of pathways or stairs, staff's review of aerial imagery confirms the lack of pathways or stairs from the property to the beach. The requirement to provide information on the presence of pathways or stairs is met through the staff review of aerial imagery.

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

Finding: The Report does not provide any information regarding existing human impacts on the site. The Check Sheet states: "The deck is located 100ft from the water's edge and top of a 20ft bluff. Not an issue." Staff interprets these two sentences in the Check Sheet as the geotechnical engineer's provision of information on existing human impacts on the site and concludes the requirement to provide this information is met.

2. Description of the Fronting Beach.

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

Finding: The Report does not provide any information regarding the average widths of the beach during the summer and winter. The Check Sheet states that "beach width is not an issue. Work site is 100ft away from the water and 20ft higher." The code requires that the average widths of the beach during the summer and winter be provided. The code doesn't ask for an assessment of whether or not the widths are an issue or the distance of the work site from the water. Rather, the code states: "*the geotechnical report must include, but is not limited, to the following items: average widths of the beach during the summer and winter."* Providing a statement that beach width is not an issue is not the same as providing the average widths of the beach during the summer and winter, which is specifically what the code requests. The requirement to provide average beach width information is not met, although the registered professional who prepared the Report and the Check Sheet feels that beach width is not an issue because of the work site's distance from the water.

b. Median grain size of beach sediment.

Finding: Page 2 of the Report discusses the typical grain size of the beaches in the vicinity. The Report states: "The bulk of the Lincoln County shoreline, including the shoreline west of the property, consists of prominent coastal bluffs, formed in Tertiary sediments, and fronted by wide, gently sloping, sand beaches composed of predominantly fine-grained beach sediments." The requirement to provide information about grain size is met.

c. Average beach slopes during the summer and winter.

Finding: Page 3 of the Report documents the slope of the bluff down to the beach. The Report doesn't differentiate between summer and winter, but slope information is given. This requirement is met.

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

Finding: The topographic map included in the Report shows the elevation of the existing house and the Report details some rough elevation changes to the beach, but no mention is given to the height of the beach at the bluff/beach junction. The Check Sheet supplied by the registered engineer states: "Future deck is 100ft and 20ft away and higher than sea level, N/A." Neither the Report or the Check Sheet differentiate between summer and winter leaving staff to conclude that the licensed engineer found no difference in the elevations between summer and winter. This requirement to provide elevations above mean sea level of the beach at the seaward edge of the property is met, noting that the Report's omission of any differences between summer and winter means that the licensed engineer is concluding there are no differences in elevation between summer and winter.

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

Finding: No mention of "rip currents" or "rip embayments" was found within the Report. Staff concludes that the licensed engineer did not find any rip currents or rip embayment and, rather than stating none found, simply omitted mention of them altogether.

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

Finding: The Report does not detail or mention any rock outcrops or sea stacks, either offshore or within the beach zone. Staff concludes that the licensed engineer's failure to describe the presence of rock outcrops and sea stacks is the licensed engineer's way of stating that there are no rock outcrops and sea stacks. Staff concludes, then, that the licensed engineer found no rock outcrops and sea stacks, either offshore or within the beach zone because the licensed engineer did not detail any in the Report. The Report is stamped by the licensed engineer.

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

Finding: Information regarding the depth of beach sand down to bedrock is not provided in the Report. The Check Sheet states "see above" which does not address the depth of beach sand. The Report must include a specific statement regarding the depth of beach sand down to bedrock at the seaward edge of the property to meet this requirement. Seemingly, the licensed engineer feels that this information is superfluous, ignoring the fact that the information is required as part of the report. Whether the licensed engineer feels it necessary to provide the information or not does not matter. LCMC Chapter 17.47 requires that the information be provided, so it must be provided for the Report to be approved.

3. Analysis of Erosion and Flooding Potential.

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

Finding: Page 5 of the Report states: "Chronic coastal hazards for the Lincoln sandy shore include ocean flooding and erosion, inlet migration, landsliding, sloughing, and sand inundation. Catastrophic hazards include earthquakes and the associated ground shaking, subsidence, landsliding, liquefaction, and tsunamis. The *Oregon HazVu: Statewide Geohazard Viewer* was reviewed on 22 July 2022 to investigate mapped geological hazards. This review indicates that the 100-year floodplain is just outside the mapped area by FEMA." The requirement to provide information on an analysis of beach monitoring data is met.

b. Analysis of human activities affecting shoreline erosion.

Finding: The Report does not give an analysis of human activities affecting shoreline erosion. The Check Sheet states that the "project is a deck 100ft away and 20ft higher than the beach N/A/." Staff will accept this statement as the analysis of human activities affecting shoreline erosion, even though it's not technically an analysis of full activities on the site affecting erosion.

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

Finding: Page 5 of the Report states: "The *SLIDO* does not show any mapped slides at or near the site. Most of the marine terrace upon which Lincoln City is constructed, is free of the massive landslides that are pervasive along the Oregon Coast and in the Oregon Coast Range. Minor slides and slumps are

extraordinarily commonly (sic) along the bluffs of bluff-backed beaches. The *Oregon HazVu* suggests that the bluff due west of the site consists of landslide deposits. The debris piles at the base of the bluff are the product of slope failures." 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: Staff could not find notations of calculations of wave runup beyond mean water elevation that might result in erosion of the sea cliff. The Report does detail historic conditions regarding the role waves played in the formation of coastal headlands and landmasses. The Check Sheet states "see above, N/A." Staff cannot find any mention "above" on the Check Sheet that calculates or addresses wave run up. This requirement to calculate wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune has not 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 5 of the Report briefly discusses the history of landslides along the bluff in Lincoln City. It states: "Most of the marine terrace upon which Lincoln City is constructed, is free of the massive landslides that are pervasive along the Oregon Coast and in the Oregon Coast Range. Minor slides and slumps are extraordinarily commonly (sic) along the bluffs of bluff-backed beaches. The *Oregon HazVu* suggests that the bluff due west of the site consists of landslide deposits. The debris piles at the base of the bluff are the product of slope failures." Although the Report does discuss past erosion events, no discussion of future potential is included in the Report. The Check Sheet states "see above, N/A." Staff cannot find any evaluation of the frequency of erosion related processes on the Check Sheet. The requirement to provide information on the evaluation of frequency of erosion-inducing processes is not 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: The Report provides some historical context of past erosion events and slope failures, but no specific potential amount of erosion is calculated for the site. The requirement to provide information on potential distance of property erosion is not 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 past conditions of sea level rise on page 4, but only in a historical context. No mention of future sea level rise was discussed. The Check Sheet states "see above. Already answered N/A" No discussion is provided on the Check Sheet that discusses future sea level rise, either "above" or in another answer. The requirement to provide information on potential for sea level rise is not met.

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

Finding: Staff could not find an estimated annual erosion rate included in the Report. The Check Sheet states "See above, NA." The annual erosion rate, however, is not provided "above" or anywhere else in either the Report or the Check Sheet. Staff notes that the annual erosion rate is a fundamental component of the geologic hazard report review and is used for calculating the required setback from the bluff edge. The requirement to provide an estimate of the annual erosion rate at the site is not 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: The Report does not provide an assessment of legal restrictions for shoreline protective structures. The only mention of shoreline protective structures was on page 2 stating: "The bluff is dominated by low-to-medium story vegetation with protective boulders along its base." The Check Sheet "N/A project is a deck installing posts no impacts to the bluff or building foundation." The requirement to provide information regarding a determination of legal restrictions of shoreline protective structures has not been 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: The Report does not specifically assess potential reactions to erosion events. A brief description of historical slides was provided on page 5 stating: "The *SLIDO* does not show any mapped slides at or near the site. Most of the marine terrace upon which Lincoln City is constructed, is free of the massive landslides that are pervasive along the Oregon Coast and in the Oregon Coast Range. Minor slides and slumps are extraordinarily commonly (sic) along the bluffs of bluff-backed beaches. The *Oregon HazVu* suggests that the bluff due west of the site consists of landslide deposits. The debris piles at the base of the bluff are the product of slope failures." The Report also gives a brief description of some erosion control measures on page 7 stating: "Continued removal of ivy and planting native plants and ground covers will assist with erosion protection as well as slope stability as native plants and ground covers root systems grow in the slope assisting with stabilization." The requirement to provide information regarding assessment of potential reactions to erosion events is met.

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c. An annual erosion rate for the property.

Finding: The Report does not provide an annual erosion rate for the property. The requirement to provide an annual erosion rate is not met.

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. On page 5, the Report recommends placing deck foundations two feet into the ground. The analysis on this page and in the conclusions section of the Report references building code setbacks and regulations, but does not include the required erosion-rate based setback from the unaltered bluff edge and gives only a brief description of the bluff edge, which is not labeled on the survey map. Although the building code requirements may be stated as met, the building code requirements are completely separate from the land use requirements of LCMC Chapter 17.47. Without the annual erosion rate for the property, the required bluff edge setback cannot be determined. Both the annual erosion rate and the bluff edge setback are key required components of the geologic hazard report. The Check Sheet states that the "project is located 25ft from the slope. There is no erosion as we are 100ft from the beach as stated in the report and in this reply."

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

Finding: Page 7 of the Report provides a brief discussion regarding vegetation preservation by stating: "Continued removal of ivy and planting native plants and ground covers will assist with erosion protection as well as slope stability. As native plants and ground covers root systems grow in the slope assisting with stabilization." 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 3 of the Report provides a brief description of the natural drainage stating: "No standing or flowing water is present on the subject site. No standing or flowing water is mapped or was historically mapped at the subject site." The Check Sheet states: "There is no water runoff to the ocean. Project is a deck." The licensed and registered professional engineer, then, has concluded that no methods to control and direct water drainage away from the ocean are necessary because there will be no water runoff to the ocean from the deck project.

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,

Rapid Soil Solutions 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 S & F Land Services. The Report does not provide the required average annual erosion rate that is needed to calculate the required bluff setback. The Report states: "The sea bluff directly west of the property is roughly 15-20 ft tall. The bluff trends towards the beach to slopes of about 20-30 percent. The residence is positioned approx. 20-25 ft from the edge of the bluff. On site observations indicate that the new deck is sufficiently setback from the western slope break as per the building code clearance for slope." Staff has determined that the bluff edge is located at the slope break where the bluff changes from the southern-facing slope to the western-facing slope that leads to the beach. This is located parallel to 10 feet east of the west property line. Staff notes that the required setback cannot be calculated because the average annual erosion rate was not given in the Report or the Check Sheet. LCMC 17.47.020(D) states: "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**. Staff is unable to find in either the Report or the Check Sheet the average annual erosion rate. Without the average annual erosion rate, it is impossible to calculate the required bluff setback. This requirement has not been met.

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 and required report information, the Director concludes that all required report information has not been provided in the Report or Check Sheet, and thus **DENIES** the geologic hazard report review request.

To obtain approval of the geologic hazard report review request, all the information required by LCMC 17.46 must be provided including but not limited to the annual average erosion rate.

Prepared by: Weston Fritz, Associate Planner

Approved by:

Anne Marie Skinner

Digitally signed by Anne Marie Skinner
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Date: 2023.03.14 11:17:49-07'00'

Anne Marie Skinner, Director — Date
Planning and Community Development