Geologic Hazard Report Review
Staff Review, Decision, Conditions of Approval
Case File GEO 2024-01

Date:	March 25, 2024
Case File:	GEO 2024-01 Kennedy
Property Owners:	Mitch and Jennifer Kennedy
Situs Address:	6673 NW Logan Rd
Location:	Intersection of NW Logan Road and NE 67th Street
Tax Map and Lot:	06-11-34-AA-01500-00
Comprehensive Plan Designation:	Single-Unit Residential, Roads End (R-1-RE) Zone
Zoning District:	Single-Unit Residential, Roads End (R-1-RE) Zone
Site Size:	Approx. 22,587 square feet
Proposal:	Request to review a geotechnical report
Surrounding Land Uses and Zones:	North: Houses; R-1-RE South: Houses; R-1-RE East: Houses; R-1-RE 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 February 12, 2024. The application was deemed complete on March 8, 2024. On March 11, 2024, 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 17.17 Single-Unit Residential, Roads End (R-1-RE) 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 6673 NW Logan Rd and is in the R-1-RE zone. The tax lot number is 06-11-34-AA-01500-00 and the assessed site size is 22,587 square feet. The property owners seek to construct an addition on the east side of the existing dwelling. The site is currently developed with a single-unit dwelling. The request for the geologic hazard report review includes basic information regarding the location of the proposed addition.

Lincoln City's GIS mapping shows the site contains bluff erosion hazards. The site does not contain aesthetic resources, trails, floodways, or natural resource overlays. The Flood Zone is present at the base of the bluff at the site.

COMMENTS

ANALYSIS

Chapter 17.17 Single-Unit Residential, Roads End (R-1-RE) Zone
17.17.020 Permitted uses

Finding: The property owners would like to construct an addition on the site that is already developed with a single-unit dwelling. Single-unit dwellings are listed as a permitted use per LCMC 17.16.020.A.1.

17.17.050 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.

17.17.060 Maximum building height
The maximum building height shall be 35 feet, except as provided in LCMC 17.52.190 and 17.52.200.

Finding: This request is for an addition. The height of the proposed addition will be confirmed at the time of the Building Permit Review.

17.16.070 Lot requirements

Finding: The geologic hazard report review does not include any building or structural permit applications or requests to review any building or structural plans. At the time a building or structural permit application is submitted, the accompanying site plan shall be reviewed for compliance with the minimum setbacks requirements and maximum coverage requirements. The lot is an existing legal lot, minimum lot width, and minimum lot depth are not applicable.

17.16.075 Landscaping
17.16.080 Signs
17.16.090 Off-street parking and loading
17.16.100 Other required conditions

Finding: This request for a geologic hazard report review does not include any permit applications or requests to review any building plans. At the time a permit application is submitted, the accompanying plans shall be reviewed for compliance with LCMC Chapter 17.16.

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 owners have sought the professional advice of Adam Reese, of Earth Engineers, INC, a registered engineering geologist in the state of 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 owners are seeking to alter the natural environment through the 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 a geotechnical engineer registered and licensed to practice in Oregon, completes a review of the project site. This requirement has been met by the property owners retaining the services of Adam Reese, of Earth Engineers, INC, a registered engineering geologist in the state of Oregon. The engineer who conducted a geologic hazards and geotechnical investigation of the site and prepared a written report. The written report submitted with this application is dated February 10, 2024, hereinafter referred to as the Report. The Report has been prepared and submitted prior to construction of the proposed addition, 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 on page 6 stating: "The majority of the parcel generally consists of flat topography, with the eastern half of the parcel upslope of the existing SPS being generally flat. Elevations provided by DOGAMI LiDAR (https://pubs.oregon.gov/dogami/ldq/LDQ-45124A1.zip) of the site range between 8 to 44 feet (NAVD 88). The beach portion of the property ranges between 8 and 18 feet in elevation. The SPS and bluff ranges from 18 to 38 feet in elevation, and the developed portion of the property ranges from 38 to 44 feet in elevation. The developed portion of the lot slopes gradually towards the ocean at 5 to 7 percent grade." The required information is provided.

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

Finding: Pages 6 of the Report states: "The steepest portion of the lot slopes seaward (west), and consists of a SPS (rip-rap revetment) down to beach elevation. The SPS is approximately 20 feet high, 20 to 30 feet wide, and slopes at approximately 45 degrees towards the beach. The SPS runs the entire beachfront length of the

property (approximately 100 feet). The SPS (where not covered in vegetation) appeared to be in good condition and functioning properly, and continues southward abutting the adjacent property to the south (Photo 1). The SPS for the lot to the north was observed to be composed of a concrete block wall. We did not observe any active seeps, streams, or springs at the time of our site reconnaissance. Three drift logs were observed on the beach near the base of the SPS." The requirement to provide the information on topography, including elevations and slopes on the property, is met.

c. Vegetation cover.

Finding: Page 6 of the Report talks about the vegetation cover, noting the following: "The SPS (where not covered in vegetation) appeared to be in good condition and functioning properly, and continues southward abutting the adjacent property to the south (Photo 1). AS review of Photo 1 shows most of the bluff covered in thick vegetation. The requirement to provide information on the site's vegetation cover is met.

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

Finding: Page 5 of the Report states: "In general, materials encountered at shallow depths in the area of the proposed retaining wall were loose to medium-dense sand overlain with approximately 6 to 8 inches of loose fill soil. We also observed that concrete remained in the excavated area, which appeared to be remnants of the previous retaining wall footing." 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: Sections 1 and 2 on page 6 detail the seaward front of the property. 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: Page 6 of the Report states: "Three drift logs were observed on the beach near the base of the SPS." Staff concludes this required information is provided.

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

Finding: Page 6 of the Report states: "We did not observe any active seeps, streams, or springs at the time of our site reconnaissance" 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: No mention of headlands was provided in the report. Page 7 of the report states " Note that all of the Site Description items (1.a. through 1.k.) have been previously addressed in the report text, or (if not previously addressed) are not applicable or pertinent to this property or review. Items 2 through 5 are discussed below." It is assumed that this information was not applicable or pertinent to the site and report. 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: Page 6 of the Report states: "The SPS is approximately 20 feet high, 20 to 30 feet wide, and slopes at approximately 45 degrees towards the beach. The SPS runs the entire beachfront length of the property (approximately 100 feet). The SPS (where not covered in vegetation) appeared to be in good condition and functioning properly, and continues southward abutting the adjacent property to the south (Photo 1)." 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: Page 2 of the Report states: "The site has an existing shoreline protection structure (SPS; rip-rap revetment) at beach elevation and access to the beach is by an existing wooden staircase near the southern property line (Photo 1)." 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 7 of the Report states: "Because of this, we do not expect the redevelopment activities will affect the existing site vegetation, the stability of existing slopes, site erosion, or geologic hazards to surrounding properties. The existing SPS provides substantial protection for the upland portion of this property to coastal erosion, and increases the resistance of the property to wave attack." 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: Pages 7 of the Report states: "Based on aerial photos between 1985 and 2019 provided on Google Earth, the beach adjacent the subject property site varies in width from approximately 275 to 630 feet wide in the summer, and approximately 480 to 590 feet wide in the winter." The requirement to provide width information has been met.

b. Median grain size of beach sediment.

Finding: Page 7 of the Report states that "The median beach sediment grain size is fine- to medium-grained sand. As previously stated, Peterson and Kingen (2021) indicate a mean grain size of 0.183-mm for the Road's End area." The requirement to provide information about the median grain size is met.

c. Average beach slopes during the summer and winter.

Finding: Page 7 of the Report states that "The typical beach slopes at this location vary from approximately 2 to 3 degrees westward based on elevations (NAV 88) derived from DOGAMI LiDAR. As typical of the Oregon Coast, the conditions are dynamic and can change substantially is a relatively short period of time, particularly during El Nino and La Nina events." 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 8 of the Report states: "Elevations provided by DOGAMI LiDAR show the contact between the beach and SPS between 17 and 18 feet elevation (NAVD 88)." 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 8 states: "Rip currents are common on this part of the Oregon Coast, and rip embayments regularly set up and form in the Lincoln City area. The effects of rip embayments have been particularly severe in areas south of Lincoln City, with historical impacts of property and structural loss the Salishan Spit. Based on our review of available GoogleEarth satellite imagery (period ranging from 1985 and 2019), we did not observe a prevalence of rip embayments in the vicinity of the subject site on the images from this period." With the provided information, staff finds that the intent of this requirement has been met.

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

Finding: Page 8 of the report states "No rock outcrops or sea stacks were observed offshore and within the beach zone" This requirement has been met.

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

Finding: Pages 8 of the Report states: "Bedrock was not observed at the time our visual reconnaissance. Based on our experience in the vicinity of the subject property, it is anticipated that depth to bedrock could be from approximately 5 to 12 feet below observed beach level." This requirement has been met.

3. Analysis of Erosion and Flooding Potential.

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

Finding: Page 8 of the Report states the following: "We reviewed available DOGAMI beach monitoring data (Allan and Hart, 2005) pertinent to this location. In the vicinity of the subject property, there was relative consistency in beach elevation for the years monitored (1997, 1998, and 2002)." The requirement to provide information on analysis of human activities is met.

b. Analysis of human activities affecting shoreline erosion.

Finding: Page 8 of the Report states the following: "The installation of rip-rap revetment has decreased shoreline erosion of the bluff by wave action to essentially zero, provided the SPS is maintained and repaired as necessary." 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 8 states: "As previously discussed in this report, the site is not mapped on a known landslide and the site is not oversteepened and is essentially flat." 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: Page 8 of the Report states: "The installation of rip-rap revetment has decreased shoreline erosion of the bluff by wave action to essentially zero, provided the SPS is maintained and repaired as necessary. Furthermore, a wave runup beyond mean water elevation should only lead to minor erosion (that can be

address on the upland portion of the property with limited, infrequent maintenance), provided the runup events are not continuous in nature." The requirement to provide information on the calculation of wave runup beyond mean water elevation that might result in erosion has been addressed satisfactorily for the purposes of this report.

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 9 of the Report notes: "The average erosion rate is for Lincoln City ranges between 0.30 and 0.31 feet/year with uncertainties between 0.19 and 0.37 feet/year (Priest, 2004). With the installation of rip-rap revetment on the bluff, the erosion rate has essentially been reduced to zero." The requirement to provide information on the evaluation of the frequency of erosion-inducing processes is satisfactorily 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: Page 9 states: "The installation of rip-rap revetment has essentially decreased shoreline erosion of the upland subject property area by wave action to essentially zero, provided the SPS is maintained and repaired as necessary" This requirement 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: Page 9 states: "A review of NOAA data for South Beach and Garibaldi monitoring stations in Oregon (https://tidesandcurrents.noaa.gov/) show sea-level rise between 1.71 and 2.44 mm per year for data collected between 1967 through 2022. This rise translates to 0.56 to 0.8 feet of sea level rise per 100 years." This requirement is met.

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

Finding: Page 8 of the Report notes: "Because the bluff is protected by existing SPS, the estimated annual **erosion rate is essentially zero**, provided the revetment is maintained and repaired as needed. Erosion rates previously discussed above." This requirement is met.

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 9 states: "As described above the subject property is protected by a SPS (rip-rap revetment). According to the online Oregon Coast Atlas, the subject property is Goal 18 eligible (i.e. the property was developed before January 1, 1977). Therefore, subject to permit rules of the municipality and the Oregon Parks and Recreation Department (OPRD) Ocean Shores program, the existing SPS can be maintained or replaced in the future as needed." 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 9 of the Report states: "Based on the geologic hazard conditions at the subject property, potential reactions to erosion events and future erosion control may include vegetation maintenance/management, and maintenance, enhancement, or replacement of the existing SPS. Additional measures could include retrofit of the existing foundations with deep foundation elements, and/or construction of retaining walls or a seawall." The requirement to provide information on the assessment of potential reaction to erosion events, etc. is met.

c. An annual erosion rate for the property.

Finding: Page 10 states: "As previously noted, the average erosion rate is for Lincoln City ranges between 0.30 and 0.31 feet/year with uncertainties between 0.19 and 0.37 feet/year (Priest, 2004). With the installation of rip-rap revetment on the bluff, the erosion **rate has been essentially lowered to zero."** The requirement to provide the annual erosion rate is 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: Page 10 states: "In general, based on our reconnaissance, review of geologic hazard conditions associated with the subject property, and our understanding of the project, we recommend that the proposed project can be performed at an acceptable level of safety and in compliance with local requirements. As noted previously, the proposed project does not include a reduction in the existing setback of structures, and the property is protected from coastal erosion by an existing SPS." 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 10 of the Report states: "We understand that the project includes no changes to the existing grade on or adjacent the subject site, and that vegetation will not be impacted (and further, will be preserved and protected during project implementation)." 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 10 states: "We understand that the project includes the addition of impermeable surface area (roofline), as shown on Figure 1. In addition, we understand that the project will include modifications to existing foundations/footings. We recommend that surface water is collected from the roofline area and diverted from building foundations and walls, to approved disposal points on the eastern portion of the property, or discharged to a municipal storm sewer (if present). Regardless, the water should be diverted in such a way so as to not cause erosion or visual impacts. For new perimeter footings, subsurface drainage of the building perimeter using footing drains is recommended and the water should be discharged in the same manner as the surface water described above.". 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 any required footing inspections, Earth Engineers, 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 included a survey map stamped by Shaun Fidler, a licensed land surveyor in the state of Oregon with CMT surveying and Consulting. The topographical data clearly show bluff

elevations west of the site and the bluff edge. Staff agrees with the location of the bluff edge on the submitted Topographic map. The Bluff Edge runs from North to South along the 38ft contour, crossing over to the 37 ft and 36 ft contour line along the southern portion of the property. The Report uses an average annual erosion rate of 0 due to the existing Rip Rap onsite. Using the annual erosion rate of 0 and multiplying by 60, then adding LCMC's required additional 5 feet, the result is a minimum setback of 5 feet from the unaltered bluff edge. This requirement has 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, 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 5-foot bluff setback line, the bluff edge (as shown on the submitted Topographical Survey), and the footprint of the proposed construction must be clearly depicted on the site plan and submitted as part of the building permit application, prior to review, approval, or issuance of the building permit.
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 5-foot bluff setback line, said 5-foot setback line as measured from the unaltered bluff edge as shown on the submitted Topographical Survey. The site plan for any structural permit shall clearly depict the unaltered bluff edge, the 5-foot bluff setback line, and the footprint in compliance with the 5-foot bluff setback line.
4. Any horizontal addition requiring at least one footing in ocean bluff areas must be to the east of the 5-foot bluff setback line as measured from the unaltered bluff edge in the submitted Topographical Survey. Any site plan for any structural permit shall clearly show and label the unaltered bluff edge and the 5-foot bluff setback line, with clear depiction of any horizontal addition in compliance with the 5-foot bluff setback.
5. The 5-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 5-foot bluff setback line.
6. A representative of Earth Engineers, Inc., Inc. shall observe and approve footing and slab excavations prior to placing fill, or forming or pouring concrete, as Earth Engineers, Inc.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, Earth Engineers, 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 March 26, 2025.
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:

Richard Townsend March 26, 2024

Richard Townsend, Interim Director Date
Planning and Community Development