

PLANNING COMMISSION REGULAR SESSION AGENDA Monday, March 24, 2025 - 7:00 PM City Hall, Council Chambers, 169 SW Coast Hwy, Newport, OR 97365

All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to the City Recorder at 541.574.0613, or cityrecorder@newportoregon.gov.

All meetings are live-streamed at https://newportoregon.gov, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to publiccomment@newportoregon.gov. Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

1. Call to Order and Roll Call

Commission Members: Bill Branigan, Bob Berman, Jim Hanselman, Gary East, Braulio Escobar, John Updike, and Robert Bare.

2. Approval of Minutes

2.A Approval of the Planning Commission Work Session Meeting Minutes of January 13, 2025.

Draft PC Work Session Minutes 01-13-2025 01-13-25 PC Work Session Meeting Video Link

2.B Approval of the Planning Commission Regular Session Meeting Minutes of January 13, 2025.

Draft PC Reg Session Minutes 01-13-2025 01-13-25 PC Regular Session Meeting Video Link 2.C Approval of the Planning Commission Work Session Meeting Minutes of January 27, 2025.

Draft PC Work Session Minutes 01-27-2025 01-27-25 PC Work Session Meeting Video Link

2.D Approval of the Joint City Council and Planning Commission Work Session Meeting Minutes of March 10, 2025. Draft Joint CC and PC Work Session Minutes 03-10-2025 03-10-25 Joint CC and PC Work Session Meeting Video Link

3. Citizens/Public Comment

A Public Comment form is available immediately inside the Council Chambers. Anyone who would like to address the Planning Commission on any matter not on the agenda will be given the opportunity after submitting a form. Each speaker should limit comments to three minutes. The normal disposition of these items will be at the next scheduled Planning Commission meeting.

4. Public Hearings

4.A File No. 1-CP-25/1-Z-25: Comprehensive Plan and Zone Change for 1.48 acres at 840 NE ller Street.

Planning Staff Report Attachment A - Application Form Attachment B - Applicant Narrative Attachment C - Zoning Map Attachment D - Utility Map Attachment E - Zoning Ordinance Table A Standards Attachment F - Permitted Use List for Residential Zone Districts Attachment G - OAR 660-012-0060 Attachment H - Notice of Public Hearing

5. Director Comments

5.A Lincoln County Goal 18 Exception Application and Report. Lincoln County Goal Exception Application Lincoln County Goal 18 Exception Application, Sample Findings, and Background Report

6. Adjournment

City of Newport Draft Planning Commission Work Session Minutes January 13, 2025

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT Time Start: 6:00 P.M. Time End: 6:57 P.M.

ATTENDANCE LOG/ROLLCALL		
COMMISSIONER/ ADVISORY MEMBER	STAFF	
Chair Bill Branigan	Derrick Tokos, Community Development Director	
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.	
Commissioner Jim Hanselman (by video)	John Fuller, Communication Specialist	
Commissioner Gary East		
Commissioner Braulio Escobar (by video)		
Commissioner John Updike		
Commissioner Robert Bare		
Citizen Advisory Member Dustin Capri (absent, excused)		
Citizen Advisory Member Greg Sutton (absent)		
AGENDA ITEM	ACTIONS	
WORK SESSION MEETING		
CALL TO ORDER AND ROLL CALL a. Roll Call	None.	
UPDATE ON CITY PLANS TO MODERNIZE ITS WEBSITE (JOHN FULLER).	Mr. Fuller gave an overview of the redevelopment of the city's website, and the timeline for when it will be live.The Commissioners gave their thoughts on updates and design on the website, and questioned if document management studies and outreach had been done for the updates.	
DISCUSS LAND USE RELATED LEGISLATIVE CONCEPTS FOR 2025 SESSION.	Mr. Tokos reviewed a number of legislative concepts that were being developed and vetted through the League of Oregon Cities (LOC) and other stakeholder groups before they would be introduced as bills. The Commission asked questions concerning the legislative concept and how it addresses affordable housing; if there were city requirements for additional affordable housing units to allow duplexes, triplexes, and fourplexes requirements for cottage clusters; eliminating the option for cities to use traffic impact analyses; ADU development without restrictions; evaluating health and safety impacts before approving certain industrial projects; and modernizing Statewide Planning Goal 1 related to public participation in land	

	use matters and whether or not DLCD has the bandwidth to take this on at this time.
PLANNING COMMISSION WORK PROGRAM UPDATE.	None.

Submitted by:

Sherri Marineau, Executive Assistant

01-13-2025 - Planning Commission Work Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1382?view_id=2&redirect=true

City of Newport Draft Planning Commission Regular Session Minutes January 13, 2025

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT Time Start: 7:00 P.M. Time End: 7:33 P.M.

ATTENDANCE LOG/ROLLCALL	
COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman (by video)	
Commissioner Gary East	PUBLIC
Commissioner Braulio Escobar (by video)	Carole Reddick (by video)
Commissioner John Updike	Luke Frechette
Commissioner Robert Bare	Tim Gross

AGENDA ITEM	ACTIONS
REGULAR MEETING	
CALL TO ORDER AND ROLL CALL a. Roll Call	None.
APPROVAL OF THE MINUTES a. Meeting minutes of Regular Session Meeting on December 9, 2024	Motion by Berman, seconded by East, to approve the regular session meeting minutes of December 9, 2024 as written. MOTION carried unanimously with Branigan, Berman, East, Escobar, Updike, and Bare all voting in favor.
CITIZEN/PUBLIC COMMENT	None.
ACTION ITEMS	
a. Annual Organizational Meeting.	Motion by Berman, seconded by Bare, to nominate Bill Branigan as the Planning Commission Chair. MOTION carried unanimously with Branigan, Berman, Hanselman, East, Escobar, Updike, and Bare all voting in favor. Motion by Branigan, seconded by Bare, to nominate Bob Berman as the Planning Commission Vice Chair. MOTION carried unanimously with Branigan, Berman, East, Escobar, Updike, and Bare all voting in favor.

PUBLIC HEARINGS	
File 1-AX-24 / 4-Z-24: South Beach Church Property Annexation and Zoning Map Designation.	
a. PUBLIC HEARING OPEN	7:07 p.m.
	Hanselman joined the meeting at 7:09 p.m.
b. STAFF REPORT - DERRICK TOKOS	Mr. Tokos reviewed the staff report.
	The Commission asked questions concerning if the parcel was included in the urban annexation project; if there would be any incentives for annexation and if it was included in the rebate program; why the applicant was trying to annex into the city now; and the authority the city would have to address the large boat being stored on the property.
c. PUBLIC COMMENT	Applicant, Luke Frechette with the South Beach Church shared their plans and motivation to do the annexation.
d. PUBLIC HEARING CLOSED	7:32 p.m.
e. COMMISSION DECISION	Bare was in favor. Hanselman and Escobar had no issues with the application. Berman, East and Updike were in favor. Branigan had no concerns.
	forward a favorable recommendation to the City Council for File 1-AX-24 / 4-Z-24. MOTION carried unanimously with Branigan, Berman, Hanselman, East, Escobar, Updike, and Bare all voting in favor.
DIRECTORS COMMENTS	None.

Submitted by:

Sherri Marineau, Executive Assistant

01-13-2025 - Planning Commission Regular Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1383?view_id=2&redirect=true

City of Newport Draft Planning Commission Work Session Minutes January 27, 2025

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT Time Start: 6:00 P.M. Time End: 6:57 P.M.

ATTENDANCE LOG/ROLLCALL	
COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East	
Commissioner Braulio Escobar (absent)	PUBLIC
Commissioner John Updike	Brett Shipton, Columbia West Engineering
Commissioner Robert Bare	
Citizen Advisory Member Dustin Capri	
Citizen Advisory Member Greg Sutton (absent)	

AGENDA ITEM	ACTIONS
WORK SESSION MEETING	
CALL TO ORDER AND ROLL CALL a. Roll Call	None.
REQUEST BY COLUMBIA WEST ENGINEERING THAT THE CITY AMEND IT GEOLOGIC HAZARDS CODE TO ALLOW GEOLOGIC REPORT TO BE PREPARED BY GEOTECHNICAL ENGINEERS.	Mr. Tokos introduced Brett Shipton, with Columbia West Engineering, who initiated the request for the City of Newport to amend its geologic hazards code to allow geotechnical engineers to prepare geologic reports. He explained the difference between certified engineering geologists (CEGs) and geotechnical engineers (GEs).
	Berman questioned why they didn't allow this when they did the original geologic hazards code. Tokos responded that at that time CEGs were positioned to best prepare the reports, and there had also been a question on if the mentoring program was in place at that time.
	Mr. Shipton explained his reasoning for the request for an allowance. Capri reported he had worked with both types of engineers, and explained the differences between each of their strategies for development.
	The Commission asked questions concerning the liability of GEs if something went wrong and who would be responsible. Shipton reported everyone was liable for what they signed off on.

	Capri expressed concerns about qualifying GEs because most firms had many GEs and a few CEGs. Tokos would reach out to the State Board of Geologist to get a list of GE's who were vetted as mentors so the city wouldn't have to determine if a GE was qualified to do a report.
	Updike asked if there would be an option for self- certification if there wasn't a readily available list. Tokos thought there potentially could be. Shipton thought they could add a regiment to their report to say a GE was licensed, when they were licensed, and add their resumes for their experience.
	The Commission was in general agreement to have a package put together for the Commission to review. A formal process would be initiated once they saw a draft of the code amendments.
	Hanselman was interested in hearing back on mentoring to find out the length of time, the thoroughness of it, and who would be doing it. He also wanted to identify what the best expertise and qualifications would be to do these reports.
SCOPE OF THE ZONING ORDINANCE HOUSEKEEPING AMENDMENT PACKAGE.	Tokos reviewed the sections of the Zoning Ordinance that were identified as potential candidates for inclusion in the housekeeping package of amendments.
	The Commission was in general agreement that it was reasonable to bring forward a draft to review.
	Hanselman requested they review code that addressed cutting trees on slopes in the amendments.
REVIEW DRAFT NUISANCE/PROPERTY MAINTENANCE CODE CHANGES (COUNCIL GOAL).	Tokos gave an updated on the proposed draft changes to the nuisance/property maintenance code that the City Council would potentially adopt.
	The Commission discussed questions on if the rules would apply to commercial properties; exterior lighting standards; difference between murals and graffiti; the code for inoperable motor vehicles; inputs on the edits to the draft code; and lighting for exterior stairs.
PLANNING COMMISSION WORK PROGRAM UPDATE.	None.

Submitted by:

Sherri Marineau, Executive Assistant

01-27-2025 - Planning Commission Work Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1393?view_id=2&redirect=true

City of Newport Draft Joint City Council and Planning Commission Work Session Minutes March 10, 2025

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT Time Start: 6:00 P.M. Time End: 7:46 P.M.

ATTENDANCE LOG/ROLLCALL	
COUNCIL/BOARD MEMBER	COMMISSIONER/ ADVISORY MEMBER
Mayor Kaplan	Chair Bill Branigan
Councilor Hall (by video)	Commissioner Bob Berman (by video)
Councilor Parker (absent, excused)	Commissioner Jim Hanselman (absent)
Councilor Jacobi	Commissioner Gary East
Councilor Emond	Commissioner Braulio Escobar (absent, excused)
Councilor Roumagoux (absent)	Commissioner John Updike
Councilor Hickman	Commissioner Robert Bare
	Citizen Advisory Member Dustin Capri
STAFF	Citizen Advisory Member Greg Sutton (absent)
Nina Vetter, City Manager	
Nina Vetter, City Manager Derrick Tokos, Community Development Director	
Nina Vetter, City Manager Derrick Tokos, Community Development Director Sherri Marineau, Community Development	
Nina Vetter, City ManagerDerrick Tokos, Community Development DirectorSherri Marineau, Community DevelopmentAllie Anderson, City Recorder	
Nina Vetter, City Manager Derrick Tokos, Community Development Director Sherri Marineau, Community Development Allie Anderson, City Recorder David Hencke, David Evans and Associates	
Nina Vetter, City Manager Derrick Tokos, Community Development Director Sherri Marineau, Community Development Allie Anderson, City Recorder David Hencke, David Evans and Associates Brandy Steffen, JLZ (by video)	
Nina Vetter, City ManagerDerrick Tokos, Community Development DirectorSherri Marineau, Community DevelopmentAllie Anderson, City RecorderDavid Hencke, David Evans and AssociatesBrandy Steffen, JLZ (by video)David Helton, ODOT (by video)	
Nina Vetter, City ManagerDerrick Tokos, Community Development DirectorSherri Marineau, Community DevelopmentAllie Anderson, City RecorderDavid Hencke, David Evans and AssociatesBrandy Steffen, JLZ (by video)David Helton, ODOT (by video)John Fuller, Communication Specialist	

AGENDA ITEM	ACTIONS
WORK SESSION MEETING	
CALL TO ORDER AND ROLL CALL a. Roll Call	None.
PURPOSE / SCHEDULE	Mr. Hencke reviewed the project vision, project goals, schedule heading into the public outreach round 2.
PROPOSED CITY CENTER PLAN	Hencke reviewed the proposed City Center Plan diagrams with the group.
QUESTIONS	Emond liked the green spaces idea but was concerned about how maintenance would work. Capri requested the diagrams show different alternatives for green spaces. Branigan wanted to know when the funding for rehabilitating buildings would be considered.

	Jacobi thought messaging should focus on the five project goals.
	East questioned if there would be guidelines for developers on what the plan designs would be.
	Hickman asked if there was statistical traffic flow data that showed if the 2-way traffic or a couplet was better.
	Kaplan was concerned that there wasn't enough space for parking on both sides of US 101. He also thought they should look at the plan being more than just about the highway, is was a neighborhood.
	Hall suggested they lean toward adding trees in the greenways instead of coastal grass. She thought they should be mindful of signage, and questioned if Alder and Lee Streets could be closed permanently. Hall noted there was some confusion on if the ultimate decision to doing a couplet would be the Council's decision. She also asked if the weight load of 9th Street for large trucks have been considered.
	Branigan asked if there would be a space for a food truck lot, and thought they should consider adding a dog park. Updike thought that the infrastructure for food trucks need to be considered.
	Updike thought they should widen the parking on US 101 by taking some of the space for the pedestrian walkway. He questioned if there would be data for vehicular performance that shows before and after the implementation on US 101 and Hwy 20.
	Capri thought they should relay to the public that the parking benefit was the reason they were going forward with the couplet. He also thought they needed to revisit the rebranding of the "Deco District."
POLICY, PLAN, AND DEVELOPMENT CODE CONCEPT	Mr. Hencke covered the policy, plan and development code concept.
COMMENTS / QUESTIONS	Jacobi expressed concerns about push back on the Nye Beach design review from years past, and questioned how they could put more teeth into doing a design review for the City Center. Emond suggested having a tight box on the design standards to begin with, then loosen them over time. Kaplan felt they needed a promise that the design standards would make things better for the livability for the area, and that the standards wouldn't change over time. Capri pointed out they were discussing the general thoughts

	for the infrastructure of the plan first, and the implementation would happen later. Updike thought they needed to consider how the US 101 and Hwy 20 corridors were two different areas and separate from each other. Kaplan agreed that Hwy 20 felt more commercial and didn't think people would build cottages there. He questioned if they would want to mix some of the commercial into the US 101 area. Hall thought they should include how many potential housing units there could be with the plan. Jacobi thought that "maker places" should be considered for the Hwy 20 area.
	Kaplan thought it was important to consider how the US 101 and Hwy 20 districts tied into the Nye Beach and Bayfront districts.
PUBLIC INVESTMENTS / INCENTIVES / PARTNERSHIPS	Mr. Hencke reviewed the public investments, incentives and partnerships.
DISCUSSION	Kaplan thought it would be helpful to show an overview of how they are approaching implementation that included public investments, incentives and partnerships.
	Updike thought they should also include the cost for work in the right-of-way and how it would take a while to get the funding. Capri thought there would be a desire to see the funding sources explained.
	Hall wanted clarification on how the couplet would affect parking by the Farmer's Market and city hall.
	Kaplan thought they needed to talk about how the concept encouraged people to walk and use the streets. He also thought they should review the concept of adding a shuttle bus to get around the area.
	Jacobi noted that in the 1980's the city had a "Peninsula Plan" that recommended a couplet that used 9th Street, but it was never implemented. She questioned what they needed to do to make sure this plan happened.
	Updike thought they needed to find a way to get buy in and help foster interest from the private sector side to help push the plan.

Submitted by:

Sherri Marineau, Executive Assistant

03-10-2025 - Joint City Council and Planning Commission Work Session Meeting Video Link:

https://thecityofnewport.granicus.com/player/clip/1409?view_id=1&redirect=true

PLANNING STAFF REPORT

- 1. **<u>APPLICANT</u>**: Michael and Patricia Joling (Loren Joling, authorized representative).
- 2. <u>**REQUEST:**</u> Proposal to amend the Newport Comprehensive Plan Map from Low Density Residential to High Density Residential and the Newport Zoning Map from R-1/"Low Density Single-Family Residential" and R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential" in order to facilitate the construction of multifamily housing.
- 3. **LOCATION:** 840 NE Iler Street, identified as Tax Lots 00500 and 00501 on Tax Map 11-11-05-DA and Tax Lot 01700 on Tax Map 11-11-04-CC.
- 4. **LOT SIZE:** Approximately 1.48 acres.

5. STAFF REPORT

A. **<u>REPORT OF FACTS</u>**

- i. **Plan Designation:** Low Density Residential to High Density Residential.
- ii. <u>Zone Designation:</u> R-1/"Low Density Single-Family Residential" and R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential"
- iii. <u>Surrounding Land Uses:</u> A middle school and low density residential to the east, medium density residential to the west, high school and fairgrounds to the southwest, County facilities to the south, and forest park natural area to the north.
- iv. **Topography and Vegetation:** Moderate to steeply sloped with a mix of residential landscaping and forest canopy.
- v. **Existing Structures:** Single family residence.
- vi. <u>Utilities:</u> Water, sewer, and storm drainage infrastructure are in place to serve the property along NE 7th Street and NE Iler Street.
- vii. **Development Constraints:** High voltage power lines near the south property line.
- viii. Past Land Use Actions: None known.
- ix. <u>Notice:</u> Public notice of the application and public hearing was mailed to surrounding property owners within 300 feet of the subject property and public entities and agencies on February 24, 2025. Notice of the public hearing was also published in the Lincoln County Leader on March 12, 2025 (Attachment "H"). The required 35-day notice of the first public hearing was also provided to the Department of Land Conservation and Development.

x. Planning Staff Report Attachments:

Attachment "A" – Application Form

Attachment "B" – Application Narrative

Attachment "C" - Zoning Map

Attachment "D" – Utility Map

Attachment "E" – Zoning Ordinance "Table A" Standards

Attachment "F" – Permitted Use List for Residential Zone Districts

Attachment "G" – OAR 660-012-0060

Attachment "H" - Notice of Public Hearing

B. <u>Explanation of the Request:</u> The applicant, Michael and Patricia Joling, are planning to construct an unspecified number of additional dwellings on their property, including a fourplex or other form of multi-family housing. The property is currently developed with a single family residence, but is large enough to accommodate additional housing. Given the terrain and cost of utility extensions, it is reasonable to expect that the applicant will need the housing density typical of multi-family zoning to pencil out the project.

C. Evaluation of the Request:

- i. <u>Comments:</u> No comments were received in response to the public notice.
- ii. <u>Applicable Criteria:</u> Minor amendments to the Newport Comprehensive Plan (ref: pg. 419) must address the following criteria (1) A change in one or more goal or policy; and (2) a demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; and (3) the orderly and economic provision of key public facilities; and (4) the ability to serve the subject property(s) with city services without an undue burden on the general population; and (5) the compatibility of the proposed change with the surrounding neighborhood and the community.

Revisions to the Newport Zoning Map must satisfy the provisions of NMC 14.36.010, which requires that the change furthers a public necessity and promotes the general welfare of the community.

OAR 660-012-0060 requires that a determination be made as to whether or not a significant effect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation.

iii. Compliance with Newport Comprehensive Plan Map Amendment Criteria:

This application seeks to amend the Newport Comprehensive Plan Map from "Low Density Residential" to "High Density Residential" with respect to the three tax lots at issue. Those tax lots, totaling 1.48 acres in size, represent a relatively small

8

amount of the City's unconstrained residential buildable land supply. That said, Newport's 2022 Housing Capacity Analysis identified 1,444 acres of unconstrained, residential buildable land, 155 of which is designated for high density residential development and 691 for low density residential development. The balance of the unconstrained buildable land is within destination resort or commercial areas. Shifting an acre and a half from low to high density will add a modest amount of capacity for high density residential development, and it is appropriate to view this request as a minor amendment given its limited impact on the City's residential land base.

With respect to the approval criteria for a minor map amendment, compatibility of the proposed change with the surrounding neighborhood is the most pertinent. The subject tax lots are immediately adjacent to a 47 acre block of land designated for high density residential development that extends west to NE Avery Street and south to NE 3rd Street (excluding the high school). It is under the same R-3 zoning that the applicant is requesting and is substantially built out at mixed densities, consistent with the range of housing types permitted under this zoning and comprehensive plan map designation.

The other minor amendment criteria are not relevant to this request. That is, there has not been a change in one or more goal or policy that would necessitate this amendment; it is not needed to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; it is not required for the orderly and economic provision of key public facilities; and the amendment has no bearing on the ability of the City to provide services to the subject tax lots.

Considering the above, it is reasonable for the Planning Commission to conclude that sufficient evidence exists to justify the proposed Comprehensive Plan Map minor amendment.

iv.

Compliance with NMC 14.36.010, Revisions to Newport Zoning Map:

This application seeks to rezone 1.48 acres of land from R-1/"Low Density Single-Family Residential" and R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential." Tax Lot 00500 of Assessor's Map 11-11-05-DA and Tax Lot 01700 of Assessors Map 11-11-04-CC are currently zoned R-1, and Tax Lot 00501 of Assessor's Map 11-11-05-DA is currently zoned R-2 as shown on the enclosed zoning map (Attachment "C").

In their narrative (Attachment "B"), the applicant asserts that allowing a multidwelling project on the property furthers a public necessity because it will add much needed housing to the City of Newport. Additionally, the applicant argues that the proposed multi-dwelling project will benefit the well-being of our community as a whole by adding much needed housing to the City's inventory, benefitting the tax base. The City's 2022 Housing Capacity Analysis and 2023 Housing Production Strategy document the challenges in getting new housing on the ground in Newport. The subject property contains steep sloped areas that will require a substantial amount of earth work to prepare homesites and extend utilities. Therefore, it is reasonable to expect that they will need to be able to construct housing at multifamily densities in order for the project to pencil out. Multi-family is one of a range of housing types allowed on R-3 zoned land that the subject tax lots border, so compatibility isn't an issue. City services in this area have been sized to accommodate mixed residential densities, so service capacity isn't an issue.

Considering the above, it is reasonable for the Planning Commission to conclude that the requested zoning map change furthers a public necessity and promotes the general welfare of the community.

v. <u>Compliance with OAR 660-012-0060, Transportation Planning Rule:</u>

OAR 660-012-0060 requires that a determination be made as to whether or not a significant effect on the transportation system would result from a proposed amendment to the Newport Comprehensive Plan or to a land use regulation. This includes zoning map amendments.

The analysis is intended to be macro scale, with a plan or land use regulation amendment significantly affecting a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility;

(b) Change standards implementing a functional classification system; or

(c) Result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; degrades the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or; degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

While NE Iler Street will need to be extended by the applicant to serve the proposed development, it is a dead-end local road that only serves the applicant's property. The impacted transportation facility, for the purpose of this analysis, is NE 7th Street, which is classified as a neighborhood collector. Iler Street intersects with NE 7th Street, a street designed to handle a robust level of vehicle traffic from neighboring residential and public zoned areas. This zone change will result in a 3% increase in R-3 zoned acreage in the vicinity of the roadway, a small change that will not require the functional classification of the road to be modified, nor will it impact standards implementing the functional classification system. Further the City of Newport obtained funding from the State of Oregon Safe Routes to Schools Program to update the pedestrian and bicycle facilities in the area, including the intersection of NE 7th Street and NE Iler Street. That project is fully funded and will go under construction in 2026. The scope of those improvements will more then off-set any impact applicant's project might have on the pedestrian and cycling facilities.

20

Considering the above, it is reasonable for the Planning Commission to conclude that the map changes will not significantly affect transportation facilities.

- D. <u>Conclusion:</u> If the Planning Commission finds that the applicant meets the criteria for amending the Newport Comprehensive Plan Map and Newport Zoning Map then the Commission should forward a favorable recommendation to the City Council. The Commission may suggest reasonable conditions of approval, which it believes are necessary to satisfy the approval criteria. Conditions of approval must relate to the proposal and applicable criteria (i.e. there is a rational nexus) and need to be roughly proportional to the impact created by the development in order to be constitutionally permissible as conditions of approval. The burden on demonstrating that conditions of approval have both a rational nexus and are roughly proportional is on the government, not the applicant. If, on the other hand, the Commission finds that the request does not comply with the criteria and cannot be made to comply through reasonable conditions of approval, then it should recommend the City Council deny the request.
- 6. <u>STAFF RECOMMENDATION:</u> On balance, the applicant has demonstrated that the approval criteria have, or can be, satisfied. Staff recommends the Planning Commission take public testimony and ask questions of the public, staff and applicant. Once this has occurred, the Commission can close the hearing to new testimony, deliberate, and provide a recommendation to the City Council. An ordinance with the requisite findings will be prepared for the City Council hearing, which would occur no earlier than April 21, 2025. Such ordinance would be based upon the information contained in this staff report as informed by the recommendation provided by the Planning Commission.

Derrick I. Tokos, AICP Community Development Director City of Newport March 18, 2025

Attachment "A" File #1-CP-25/1-Z-25

Print Form

City of Newport Land Use Application

PLEASE PRINT OR TYPE . COMPLETE ALL BOXES . USE ADDITIONAL PAPER IF NEEDED

Applicant Name(s): Michael & Patricia Joling	Property Owner Name(s): If other than applicant Michael & Patricia Joling
Applicant Mailing Address: P.O. Box 7 - Newport, OR 9736	5 Property Owner Mailing Address: If other than applicant P.O. Box 7 - Newport, OR 97365
Applicant Telephone No.: 541-272-1990	Property Owner Telephone No.: If other than applicant
Authorized Representative(s): Person authorized to Loren M. Joling	o submit and act on this application on applicants behalf
Authorized Representative Mailing Address: P.O. Box 7 - Newport, OR 97	365
Authorized Representative Telephone No.: 541-272-1967	E-Mall: loren@drellc.us

Project Information

Property Location: Street name if addree 840 N.E. Iler Street, Ne	us # not assigned wport, OR 97365	THE PART OF PARAME			
Tax Assessor's Map No.: R187153	R189505.R313054 Tax Lot(s): 500, 50	01 & 1700			
Zone Designation: R-2 & R-1 Legal Comp Plan Designation: 11 11 11	Description: Add additional sheets if necessary -11-05-DA TL 500 840 NE ller St. -11-05-DA TL 501 Vacant Land -11-04-CC TL 1700 Vacant Land	namengie we anne anné en déployadaes e			
Brief Description of Land Use Request(s):				
Examples: 1. Move north Property line 5 feet south. or 2. Vanance of 2 feet from the required 15 feet	ge to R-3 for all three tax lots listed a	above. Plan on building			
Existing Structures: Residential	House on TL 500 - 840 N.E. Iler Stre	eet, Newport, OR 97365			
Topography and Vegetation: Tax Lo	ots 500 & 501 Flat Tax Lot 1700 Ti	reed with slopes			
	APPLICATION TYPE (please check all the	at apply)			
Annexation	Interpretation	UGB Amendment			
Appeal	Minor Replat	Vacation			
Comp Pian/Map Amendment	Partition	Variance/Adjustment			
Conditional Use Permit	Planned Development	PC PC			
□ PC	Property Line Adjustment	Staff			
Staff	Shoreland Impact	Zone Ord/Map Amendment			
	Design Review Subdivision Other				
	Temporary Use Permit				
	FOR OFFICE USE ONLY				
	File No. Assigned: 1-CP-25/1-2-	25			
Date Received: 2/10/2025	Fee Amount 3188	Date Accepted as Complete:			
Received By:	Receipt No.: \$108515680	Accepted By:			
1025-25-00006	-PLNG				

(SEE REVERSE SIDE)

Community Development & Planning Department* 169 SW Coast Hwy, Newport, OR 97365* Derrick I. Tokos, AICP, Director

I understand that I am responsible for addressing the legal criteria relevant to my application and that the burden of proof justifying an approval of my application is with me. I also understand that this responsibility is independent of any opinions expressed in the Community Development & Planning Department Staff Report concerning the applicable criteria.

I certify that, to the best of my knowledge, all information provided in this application is accurate.

Michael R. Joling Applicant Signature(s) Patricia Patrick-Joling Property Owner Signature(s) (It other than applicant)

Loren Joling Authorized Representative Signature(s) (If other than applicant)

10, February 2025 **Date Signed** 10 February 2025 **Date Signed** 10, February 2025 Date Signed

Please note application will not be accepted without all applicable signatures.

Please ask staff for a list of application submittal requirements for your specific type of request.

Community Development & Planning Department- 169 SW Coast Hwy, Newport, OR 97365- Derrick I. Tokos, AICP, Director

Land Use Application Submittal Requirements

3. (a) The change furthers a public necessity.

The multi-dwelling project will add much needed housing to the City of Newport.

3. (b) The change promotes the general welfare.

The proposed multi-dwelling project will benefit the well-being of our community as a whole and add much needed housing to the City's inventory and will benefit the tax base.

4. The current zoning of the three tax lots (R-1 & R-2) do not allow us to build or develop multidwelling units. The City of Newport Community Development has advised us that we need to petition for an R-3 zoning to move forward with our project. We have met with City of Newport Planner and City Engineer and discussed our preliminary plans.

Attachment "C" - File #1-CP-25/1-Z-25





City of Newport Community Development Department 198 SW Coast Highway Newport, OK 97365 Fax:1541.574.0629

This map is for informational use only and has not been prepared for, nor is it autable for legal, engineering, or surveying purposes, it includes data from multiple sources. The CBy of Newport assumes no responsibility for its compliation or use and users of this information are cutolinovid to writy all information with the CBy of Newport Community Development Department.

840 NE ller Street Zoning Map

image Taken July 2024 4-inch, 4-band Digital Orthophotos GeoTerra, Inc. Eugene, OR



N 26

Attachment D - File #1-CP-25/1-Z-25





City of Newport Community Development Department 199 SW Ceast Highway Newport, CR 97385 Fax:1.541.574.0844

This map is for informational use only and has not been prepared for, not is it autitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The CBy of Newport assumes no responsibility for its compliation or use and users of this information are calculored to verify all informations with the CBy of Newport Commany, Development Department, 840 NE ller Street Utilities (blue (water), green (sewer), orange (storm))

Image Taken July 2018 4-inch, 4-band Digital Orthophotos Quantum Spatial, Inc. Corvallis, OR Feet 0 100 200 400 27

Attachment "E" File #1-CP-25/1-Z-25

50-ft 6

50-ft 6

50-ft 6

40-ft⁶

35-ft 6

40-ft 6

50-ft

35-ft

30-ft

n/a

n/a

n/a

n/a

n/a

n/a

n/a

n/a

n/a

85-90% 6

85-90% 6

85-90% 6

85-90% 6

85-90% 6

100%

100%

100%

100%

		NIVIC	14.13.0)20			
		Та	ble "A"				
	Min. Width	Required Setbacks 3, 7			Lot	Max.	Density (Land
Min. Lot Area (sf)		Front/2 nd Front ¹	Side	Rear	Coverage (%)	Building Height	Area Required Per Unit (sf))
7,500 sf	65-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft & 8-ft	15-ft	54 %	30-ft	SFD - 7,500 sf ² Duplex - 3,750 sf ²
5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	57%	30-ft	SFD - 5,000 sf ² Duplex - 2,500 sf ² Townhouse - 2,500 sf ³
5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	60%	35-ft or 40- ft ⁹	1,250 sf ³
5,000 sf ³	50-ft	15-ft / 15-ft or 20-ft / 10-ft	5-ft	10-ft	64%	35-ft or 40- ft ⁹	1,250 sf ^{3, 5}
5,000 sf	0	0 or 15-ft from US 101 ⁸	0	0	85-90% 6	50-ft ⁶	n/a
5,000 sf	0	0 or 15-ft from US 101 ⁸	0	0	85-90% 6	50-ft 6	n/a
5.000 sf	0	0 or 15-ft from	0	0	85-90% 6	50-ft 6	n/a

0

0

0

0

0

0

0

0

0

¹ Front and second front yards shall equal a combined total of 30-feet. Garages and carports shall be setback at least 20-feet from the access street for all residential structures.

0

0

0

0

0

0

0

0

0

US 101 8

101

101

101

0

0

0

0

0

0

15-ft from US

15-ft from US

15-ft from US

² Density limitations apply where there is construction of more than one single-family dwelling (SFD) or duplex on a lot or parcel.

³ Density limitations for townhouses and cottage clusters is the minimum area required per townhouse or cottage cluster unit; whereas, minimum lot area, minimum lot width, and setbacks, apply to the perimeter of the lot, parcel, or tract dedicated to the townhouse or cottage cluster project.

⁴ Special Zoning Standards apply to R-4 and C-2 zoned property within the Historic Nye Beach design Review District as outlined in NMC 14.30.100.

Zone

R-1

R-2

R-3

R-4 4

C-1

C-2⁴

C-3

I-1

1-2

1-3

W-1

W-2

E-C,

P-2

P-3

E-D and E-N P-1

5,000 sf

20,000 sf

5 acres

0

0

0

0

0

0

0

0

0

0

0

0

0

0

0

District

⁵ Density of hotels, motels, and non-residential units shall be one unit for every 750 sf of land area.

⁶ Height limitations, setbacks, and lot coverage requirements for property adjacent to residential zones are subject to the height and yard buffer requirements of NMC Section 14.18.
⁷ Front and 2nd front setbacks for a townhouse project or cottage cluster project shall be 10-feet except that garages and carports shall be setback a distance of 20-feet.

⁸ The 15-foot setback from US 101 applies only to land situated south of the Yaquina Bay Bridge. ^{9.} The 40-ft height allowance is limited to multi-family uses with pitched roof construction, where the predominate roof pitch is 4:12 or steeper, and where no adjustments are being sought under the provisions of NMC Chapter 14.51.

NMC 14.03.050 Residential Uses.

The following list sets forth the uses allowed within the residential land use classification. Uses not identified herein are not allowed. Short-term rentals are permitted uses in the City of Newport's R-1, R-2, R-3 and R-4 zone districts subject to requirements of Section 14.25.

- "P"= Permitted uses.
- "C"= Conditional uses; allowed only after the issuance of a conditional use permit.
- "X"= Not allowed.

Α.	Residential	R-1	R-2	R-3	R-4			
	1. Single-Family	Р	Р	Р	Р			
	2. Two-family	Р	Р	Р	Р			
	3. Townhouse	X	Р	Р	Р			
	4. Single Room Occupancy ⁴	Р	Р	P	Р			
	5. Cottage Cluster	X	X	Р	Р			
	6. Multi-family	X	X	Р	Р			
	7. Manufactured Homes ¹	Р	Р	Р	Ρ			
12ha	8. Manufactured Dwelling Park	X	P	Р	Р			
В.	Accessory Dwelling Units	Р	Р	Р	Р			
	(B. was added on the adoption of Ordinance No 2055 on June 17, 2013; and subsequent sections relettered accordingly. Effective July 17, 2013.)							
С.	Accessory Uses	P	P	P	P			
D.	Home Occupations	Р	Р	Р	Р			
Ε.	Community Services							
	1. Parks	Р	P	Р	Р			
	2. Publicly Owned Recreation Facilities	С	С	C	С			
	3. Libraries	С	С	С	С			
210	4.Utility Substations	С	C	С	C			
	5.Public or Private Schools	С	С	С	Р			
	6. Family Child Care Home	Р	Р	Р	Р			
	7. Child Care Center	С	С	С	С			
	8. Religious Institutions/Places of Worship	С	С	С	С			
	9. Emergency Shelter ⁵	Р	Р	Р	Ρ			
F.	Residential Care Homes	Р	Р	Р	Р			
G.	Nursing Homes	X	X	С	Р			
Н.	Motels and Hotels ^{3.}	X	X	X	С			
Ι.	Professional Offices	X	X	X	С			
J.	Rooming and Boarding Houses	X	X	С	Р			
К.	Beauty and Barber Shops	X	X	X	С			

L.	Colleges and Universities	С	С	С	С
М.	Hospitals	X	X	X	Р
N.	Membership Organizations	X	X	X	р
0.	Museums	X	Х	X	P
Ρ.	Condominiums ²	X	Р	Р	Р
Q.	Hostels	X	X	X	С
R.	Golf Courses	С	С	С	X
S.	Recreational Vehicle Parks	X	X	X	С
Т.	Necessary Public Utilities and Public	С	С	С	С
	Service Uses or Structures				
U.	Residential Facility*	X	X	Р	Р
V.	Movies Theaters**	X	Х	X	С
W.	Assisted Living Facilities***	X	С	P	Р
Χ.	Bicycle Shop****	X	X	X	С
Υ.	Short-Term Rentals (subject to	Р	Р	Р	P
	requirements of Chapter 14.25)				
Ζ.	Transportation Facilities	P	P	Р	Р

¹ Manufactured homes may be located on lots, parcels or tracts outside of a manufactured dwelling park subject to the provisions listed in NMC 14.06.020.

 2 Condominiums are a form of ownership allowed in all zones within dwelling types otherwise permitted pursuant to subsection (A).

³ Hotels/motels units may be converted to affordable housing provided they are outside of the Tsunami Hazard Overlay Zone.

⁴ A building with four to six units on a lot or parcel in an R-1 or R-2 zone district, or a combination of buildings of at least four units each subject to the density limitations of an R-3 or R-4 zone district.

^{5.} Subject to a public hearing before the Newport City Council to establish compliance with the requirements of ORS 197.782.

Zoning Districts:

R-1/"Low Density Residential" R-2/"Medium Density Single-Family Residential" R-3/"Medium Density Multi-Family Residential" R-4/"High Density Multi-Family Residential"

Attachment "G" File No. 1-CP-25/1-Z-25

Home

Business Voting

Elections

State Archives Audits

Land Conservation and Development

Department

Chapter 660

Division 12 TRANSPORTATION PLANNING

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the performance standards of the facility measured or projected at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in subsections (a) through (e) below, unless the amendment meets the balancing test in subsection (e) or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses consistent with the requirements of this division. Such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

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FAQ

Rules Coordinator / Rules Writer Login (c) Amending the TSP to modify the performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without ensuring that the allowed land uses are consistent with the performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements, and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements, and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements, or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements, or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement, or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in paragraphs (b)(A)–(C) are considered planned facilities, improvements, and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205, and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement, or service is a planned transportation facility, improvement, or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements, and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional, or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) If a local government is determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2) using a performance standard based on projected levels of motor vehicle traffic, then the local government shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d);

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10 percent fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10 percent reduction allowed for by this subsection shall be available only if uses that rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrianfriendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10 percent reduction required in subsection (a);

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b), it shall ensure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with OAR 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that ensure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments that accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to subsection (a). The commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances that provide for the calculation

or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations that meet all of the criteria listed in subsections (a)–(c) shall include an amendment to the comprehensive plan, transportation system plan, the adoption of a local street plan, access management plan, future street plan, or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan that complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 1, Section 3.08.110 of the Regional Transportation Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center, or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit-oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space that is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local

government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan, or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay, or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, "multimodal mixed-use area" or "MMA" means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay, or travel time.
(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling, or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment, and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within 45 days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

Statutory/Other Authority: ORS 197.040 Statutes/Other Implemented: ORS 195.025, ORS 197.230, ORS 197.245, ORS 197.610 – 197.625, ORS 197.628 – 197.646, ORS 197.712, ORS 197.717, ORS 197.732 & ORS 197.798 History: LCDD 3-2022, amend filed 08/17/2022, effective 08/17/2022 LCDD 2-2022, temporary amend filed 06/01/2022, effective 06/01/2022 through 11/27/2022 LCDD 7-2016, f. 7-29-16, cert. ef. 8-1-16 LCDD 11-2011, f. 12-30-11, cert. ef. 1-1-12 LCDD 3-2005, f. & cert. ef. 4-11-05 LCDD 6-1999, f. & cert. ef. 8-6-99 LCDD 6-1998, f. & cert. ef. 10-30-98 LCDC 1-1991, f. & cert. ef. 5-8-91

Please use this link to bookmark or link to this rule.

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Derrick Tokos

From: Sent: To: Subject: DLCD Plan Amendments <plan.amendments@dlcd.oregon.gov> Tuesday, February 18, 2025 4:28 PM Derrick Tokos Confirmation of PAPA Online submittal to DLCD

Newport

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development. Local File #: 1-CP-25/1-Z-25

1

DLCD File #: 001-25 Proposal Received: 2/18/2025 First Evidentiary Hearing: 3/24/2025 Final Hearing Date: 4/21/2025 Submitted by: dtokos

If you have any questions about this notice, please reply or send an email to plan.amendments@dlcd.oregon.gov.

CITY OF NEWPORT NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Newport Planning Commission will hold a public hearing on Monday, March 24, 2025, to review and make a recommendation to the Newport City Council for the following request.

File No.: 1-CP-25 / 1-Z-25.

Applicant & Owners: Michael and Patricia Joling.

Request: (1) An amendment to the City of Newport's Comprehensive Plan Map to change the designation of Tax Lots 500 and 501 of Tax Map 11-11-05-DA, and Tax Lot 1700 of Tax Map 11-11-04-CC from Low Density Residential to High Density Residential.

(2) An amendment to the Zoning Map to change the zoning of Tax Lot 500 of Tax Map 11-11-05-DA, and Tax Lot 1700 of Tax Map 11-11-04-CC from R-1/"Low Density Single Family Residential" to R-3/"Medium Density Multi-Family Residential"; and Tax Lot 501 of Tax Map 11-11-05-DA from R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential".

Location: Lincoln County Tax Map 11-11-05-DA, Tax Lot 500 (840 NE Iler Street); Tax Map 11-11-05-DA, Tax Lot 501; and Tax Map 11-11-04-CC, Tax Lot 1700.

Applicable Criteria: For the proposed minor amendment to the Comprehensive Plan/Map Amendments (page 419 of the Comprehensive Plan) the applicable criteria are identified as follows: (1) A change in one or more goal or policy; and (2) a demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; and (3) the orderly and economic provision of key public facilities; and (4) the ability to serve the subject property(s) with city services without an undue burden on the general population; and (5) the compatibility of the proposed change with the surrounding neighborhood and the community. For the proposed amendment to the Zoning Map of the City of Newport, the applicable criteria identified in the Newport Zoning Ordinance (NZO) 14.36.010 are as follows: (1) The change furthers a public necessity; and (2) The change promotes the general welfare.

<u>Testimony</u>: Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department (address under "Reports/Materials") must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application.

<u>Reports/Materials</u>: Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department, City Hall, 169 S.W. Coast Hwy, Newport, Oregon, 97365. Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address.

<u>Contact</u>: Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address: d.tokos@newportoregon.gov (address above in "Reports/Materials").

<u>Time/Place of Hearing</u>: Monday, March 24, 2025; 7:00 p.m.; City Hall Council Chambers (address above in "Reports/Materials").

MAILED:February 24, 2025.PUBLISHED:Wednesday, March 12, 2025/Lincoln County Leader.

¹ This notice is being sent to affected property owners within 300 feet of the subject property (according to Lincoln County tax records), affected public utilities and agencies, and affected city departments.



CENTRAL LINCOLN PUD PO BOX 1126 NEWPORT, OR 97365

CITY OF NEWPORT CITY MANAGER 169 SW COAST HWY NEWPORT, OR 97365

HOMEFRONT ENTERPRISES LLC 6910 CHAKARUN LN SE SALEM, OR 97306

HOPPE SUSAN 856 NE GRANT ST NEWPORT, OR 97365 JOLING MICHAEL R & PATRICK JOLING PATRICIA PO BOX 7 NEWPORT, OR 97365

LINCOLN COUNTY 880 NE 7TH ST NEWPORT, OR 97365

LINCOLN COUNTY SCHOOL DIST PO BOX 1110 NEWPORT, OR 97365

MARTINEZ MARIA C FLORES & MARTINEZ JESSICA FLORES 836 NE GRANT ST NEWPORT, OR 97365

TAMAYO ASENCION ESCOBEDO & TAMAYO KENDRA M ESCOBEDO 725 NE 8TH ST NEWPORT, OR 97365

File 1-CP-25 / 1-Z-25

Adjacent Property Owners Within 300 Ft

NW Natural ATTN: Dave Sanders 2815 NE 36th Dr Lincoln City, OR 97367

Lincoln County Assessor Lincoln County Courthouse 225 W Olive St Newport OR 97365

Lincoln County Clerk Lincoln County Courthouse 225 W Olive St Newport OR 97365

Lincoln County School District ATTN: Superintendent PO Box 1110 Newport OR 97365

> US Post Office ATTN: Postmaster 310 SW 2nd St Newport OR 97365

Lincoln County Planning Dept 210 SW 2nd St Newport OR 97365

Newport Rural Fire Protection District PO Box 923 Newport OR 97365 Email: Bret Estes DLCD Coastal Services Center brett.estes@dlcd.oregon.gov

Lincoln County Surveyor 880 NE 7th St Newport OR 97365

Central Lincoln PUD ATTN: Ty Hillebrand PO Box 1126 Newport OR 97365

Lincoln County Commissioners Lincoln County Courthouse 225 W Olive St Newport OR 97365

OR Parks & Recreation Dept. ATTN: Steve Williams 5580 S Coast Hwy South Beach OR 97366

ODOT ATTN: PLANNER STATE HWY DIV DISTRICT 4 3700 PHILOMATH BLVD CORVALLIS OR 97333-1194

WaveDivision VII, LLC dba Astound Broadband 4120 Citrus Ave Rocklin, CA 95677 CenturyLink ATTN: Corky Fallin 740 State St Salem OR 97301

911 Dispatch ATTN: Lynn Iverson 815 SW Lee St Newport OR 97365

Charter Communications ATTN: Steve Manning Construction Coordinator 1400 Newmark Ave Coos Bay, OR 97420

Secretary of State 136 State St Capitol Salem OR 97310

Seal Rock Water District 1037 NW Grebe St Seal Rock OR 97365

WaveDivision VII, LLC dba Astound Broadband 650 College Rd. East, Suite 3100 Princeton, NJ 08540

> Laura Kimberly Library

Michael Cavanaugh Parks and Rec

> Robert Moser Public Works

Chris Beatty Engineering

Steve Baugher Finance

Derrick Tokos Community Development

Rob Murphy Lance Vanderbeck Fire Chief Airport

> Jason Malloy Police Chief

Joseph Lease Building Official

Beth Young Associate Planner Nina Vetter City Manager

Ron Welsh Engineering

EXHIBIT 'A' (Affected Agencies)

Sherri Marineau

From:Sherri MarineauSent:Monday, February 24, 2025 8:13 AMTo:'odotr2planmgr@odot.state.or.us'; Brett EstesSubject:Comprehensive Plan Map and Zoning Map Update - File No. 1-CP-25 / 1-Z-25Attachments:File #1-CP-25--1-Z-25 Notice - PC.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must receive comments prior to the last day of the comment period in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Sherri Marineau

Executive Assistant City of Newport Community Development Department 169 SW Coast Highway Newport, OR 97365 ph: 541.819.7239 fax: 541.574.0644 <u>s.marineau@newportoregon.gov</u>

CITY HALL HOURS: Monday – Thursday 8:00am-6:00pm, CLOSED on FRIDAYS



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

Sherri Marineau

From:	Sherri Marineau
Sent:	Monday, February 24, 2025 8:13 AM
To:	Derrick Tokos; Robert Murphy; Joseph Lease; Jason Malloy; Laura Kimberly; Michael
	Cavanaugh; Beth Young; Lance Vanderbeck; Steve Baugher; Chris Beatty; Robert Moser;
	Ron Welsh; Nina Vetter; Todd Drage
Cc:	Sherri Ingles
Subject:	Comprehensive Plan Map and Zoning Map Update - File No. 1-CP-25 / 1-Z-25
Attachments:	File #1-CP-251-Z-25 Notice - PC.pdf

Attached is a notice concerning a land use request. The notice contains an explanation of the request, a property description and map, and a date for the public hearing. Please review this information to see if you would like to make any comments. We must have your comments at least 10 days prior to the hearing period in order for them to be considered. **Should no response be received, a "no comment" will be assumed**.

Thank you,

Sherri Marineau

Executive Assistant City of Newport Community Development Department 169 SW Coast Highway Newport, OR 97365 ph: 541.819.7239 fax: 541.574.0644 <u>s.marineau@newportoregon.gov</u>

CITY HALL HOURS: Monday - Thursday 8:00am-6:00pm, CLOSED on FRIDAYS



PUBLIC RECORDS LAW DISCLOSURE. This e-mail is a public record of the City of Newport, and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Records Retention Schedule for Cities.

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NOTICE OF A PUBLIC HEARING.

The City of Newport Planning Commission will hold a public hearing on Monday, March 24, 2025, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on a Comprehensive Plan Map amendment (File No. 1-CP-25) and a Zoning Map amendment (File 1-Z-25). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be provided. Michael and Patricia Joling have requested an amendment to the City of Newport's Comprehensive Plan Map and Zoning Map for property located at Lincoln County Tax Map 11-11-05-DA, Tax Lot 500 (840 NE ller Street); Tax Map 11-11-05-DA, Tax Lot 501; and Tax Map 11-11-04-CC, Tax Lot 1700. The amendment to the City of Newport's Comprehensive Plan Map changes the designation of Tax Lots 500 and 501 of Tax Map 11-11-05-DA, and Tax Lot 1700 of Tax Map 11-11-04-CC from Low Density Residential to High Density Residential. The amendment to the Zoning Map changes the zoning of Tax Lot 500 of Tax Map 11-11-05-DA, and Tax Lot 1700 of Tax Map 11-11-04-CC from R-1/"Low Density Single Family Residential" to R-3/"Medium Density Multi-Family Residential"; and Tax Lot 501 of Tax Map 11-11-05-DA from R-2/"Medium Density Single-Family Residential" to R-3/"Medium Density Multi-Family Residential". For the proposed minor amendment to the Comprehensive Plan/Map Amendments (page 419 of the Comprehensive Plan) the applicable criteria are identified as follows: (1) A change in one or more goal or policy; and (2) a demonstrated need to accommodate unpredicted population trends, housing needs, employment needs or changes in community attitudes; and (3) the orderly and economic provision of key public facilities; and (4) the ability to serve the subject property(s) with city services without an undue burden on the general population; and (5) the compatibility of the proposed change with the surrounding neighborhood and the community. For the proposed amendment to the Zoning Map of the City of Newport, the applicable criteria identified in the Newport Zoning Ordinance (NZO) 14.36.010 are as follows: (1) The change furthers a public necessity; and (2) The change promotes the general welfare. Testimony and evidence must be directed toward the request above or other criteria, including criteria within the Comprehensive Plan and its implementing ordinances, which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal, including to the Land Use Board of Appeals, based on that issue. Testimony may be submitted in written or oral form. Oral testimony and written testimony will be taken during the course of the public hearing. The hearing may include a report by staff, testimony from the applicant and proponents, testimony from opponents, rebuttal by the applicant, and questions and deliberation by the Planning Commission. Written testimony sent to the Community Development (Planning) Department, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hearing to be included as part of the hearing or must be personally presented during testimony at the public hearing. Pursuant to ORS 197.797 (6), any person prior to the conclusion of the initial public hearing may request a continuance of the public hearing or that the record be left open for at least seven days to present additional evidence, arguments, or testimony regarding the application. Material related to the proposed amendment may be reviewed or a copy purchased at the Newport Community Development (Planning) Department (address above). Please note that this is a legislative public hearing process and changes to the proposed amendment may be recommended and made through the public hearing process and those changes may also be inspected at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, AICP, Newport Community Development Director, (541) 574-0626, email address: d.tokos@newportoregon.gov (mailing address above).

(For Publication Once on Wednesday, March 12, 2025)



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104 LANDSCAPING

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EMPLOYMENT CENTRAL LINCOLN **PUD SEEKS INSPECTOR /** Limited Duration

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> 500 EMPLOYMENT

1989 F-150 Lariat 4x4 5.8L surface rust but \$4,200 OBO clean

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DOLPHIN REAL **ESTATE, LLC**

Licensed in the State of Oregon RBN-425 E 200906015 Olive St Newport, OR 97365 (800) 365-6638 (541) 265-6638 WEBSITE www. drelic us RENTAL & Residential, SALES Commercial & Multi Family Office Hours: Open by appointment only. Available via phone and email Monday-Friday 10AM to 4PM. loren@drellc. us Closed weekends Equal Housing Opportunity

999 **PUBLIC NOTICES** LCL25-0063 NOTICE OF A PUBLIC

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EMPLOYMENT

HEARING. The City of Newport Planning Commission will hold a public hearing on Monday, March 24, 2025, at 7:00 p.m. in the City Hall Council Cham-bers to review and make bers to review and make a recommendation to the Newport City Council on a Comprehensive Plan Map amendment (File No. 1-CP 25) and a Zon-ing Map amendment (File 1-Z 25). A public hearing before the City Council will be held at a later date, and notice of that hearing will also be prowill be held at a later date, and notice of that hearing will also be pro-vided. Michael and Patri-cla Joling have request-ed an amendment to the City of Newport's Com-prehensive Plan Map and Zoning Map for property located at Lincoln Coun-ty Tax Map 11-11-05-DA, Tax Lot 500 (840 NE ller Street): Tax Map 11-11-05-DA, Tax Lot 501; and Tax Map 11-11-04-CC, Tax Lot 1700. The amendment to the City of Newport's Comprehen-sive Plan Map changes the designation of Tax Map 11-11-05-DA, and Tax Lot 1700 of Tax Map 11-11-04-CC from Low Density Residential to 11-11-04-CC from Low Density Residential to High Density Residential. The amendment to the Zoning Map changes the zoning of Tax Lot 500 of Tax Map 11-11-05-DA, and Tax Lot 1700 of Tax Map 11-11-04-CC from P. 1/71 our Density Cha from Sin-

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PUBLIC NOTICES

HEARING

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PUBLIC NOTICES

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PUBLIC NOTICES

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PUBLIC NOTICES

REGULAR MEETING OF THE BOARD OF DIRECTORS OF CENTRAL LINCOLN PUD

PUD will be held at 9:00 a.m. on Wednesday March 19, 2025 at 2129 N. Coast Hwy. Newport, Oregon. In addition to regular business, an Executive Session will be held in





Lincoln County Department of Planning & Development 210 SW 2nd Street, Newport, OR 97365 Phone (541) 265-4192 Fax (541) 265-6945

LAND USE APPLICATION

TO BE COMPLETED BY STAFF									
	Conditional Use		Variance	_	Date Received:	Staff Initials:			
	Non-Conforming Use		Zone Change	Fee:	Case File Number:	······································			
	Partition		Plan Change	Receipt #:	Action: Administrative	Planning Commission	<u>.</u>		
	Subdivision		Exception		Assigned Staff Member:		_		
	Replat (Partition/Subdivision)		Current Zoning:	Comp. Plan:					
	Planned Development				Violation:	Prev. Action:			
	Property Line Adjustment Number of Lots Involve			Involved:					
	Any new lo			Any new lot	s created:	Existing lot sizes:			
				Lot size required	by Zone:	Proposed lot sizes:			

TO BE COMPLETED BY APPLICANT

What is proposed:Goal 18 exception	on to repair US101 within	the Beverly Beach littor	al.					
Name of Development, if applicable: Mai	ntenance of US101 by O	DOT Region 2						
Name of Applicant: Bernard	Mark	ŧ	A Middle					
Mailing Address: 455 Airport Roa	d SE, Bldg B	city: <u>Salem</u>						
Applicant is: Legal Owner [Contract Buyer O	Option Buyer X Agent						
Name of Contact Person (if other than applic Mailing Address of contact: 455 Airpo	Zwerdling ^{cant): Last} ort Road SE, Bldg B, Sale	Naomi First m. OR	Middle 21P97301					
Phone Numbers of: Applicant: WK <u>541.294.3347 HM</u> Contact Person: WK <u>503.302.0083</u> HM								
Site Address: An approximate 2.6 mile segment of US101 abutting Beverly Beach Total Land Area:~31.5 acres								
Directions to Property:The southerly extent of the proposed project area is one half mile north of the Newport city limits, proceeding 2.6 miles north along US101 just beyond the Spencer Creek bridge.								
Legal Description: T 10 B 11 Section 05, 08 & 17 Tax Lot(s) N/A (Road Designation)								
Adjacent Properties Under Same Ownership: T 10 R 11 Section 08 (AB) Tax Lot(s) 4800								
Present Use of Property: All America	n Road							
Existing/Proposed Source of Water: N	I/A Existing/Pro	posed Method of Sewage Dispos	al:N/A					
Anticipated Date of Development: When repair funding becomes available and an Ocean Shores permit is secured.								
I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge.								
Owner's Signature (Rec	quired)	Applic	ant's Signature					
Date		Date						

48

Lincoln County Goal 18 Exception Application Sample Findings and Background Report US 101 MP 133.2 to MP 135.8 Slides



Source: SPR843, Page 20

February 2024 Oregon Department of Transportation Mark Bernard, Principal Planner

LINCOLN COUNTY GOAL EXCEPTION TO OREGON STATEWIDE PLANNING GOAL 18: BEACHES AND DUNES

Lincoln County may adopt exceptions to the Statewide Planning Goals when the four standards of Goal 2 Part II(c) are met. ODOT is requesting a specific reasons exception, using OAR 660-04-022(12)(a-d), which sets forth criteria for an exception to Statewide Planning Goal 18, implementation requirement number five, which is related to the use of beachfront protective structures for the primary purpose of protecting and stabilizing ocean-fronting public roads and highways that were developed on January 1, 1977.

The following reasons exception argument is informed by an appendix constituting a background report that characterizes the environmental pressures on US101 along the Beverly Beach littoral. The background report is intended to be more narrative than responses to goal exception decision making criteria while attempting to explain the complexity of road asset maintenance in protected coastal areas.

660-004-0022:

An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or for a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule.

660-004-0020(1): If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception. As provided in OAR 660-004-0000(1), rules in other divisions may also apply.

<u>OAR 660-04-022 (12)</u> Goal 18 – Beachfront Protective Structures: An exception may be taken to the requirements of Goal 18, implementation requirement 5 to permit beachfront protective structures for the primary purpose of protecting and stabilizing ocean-fronting public roads and highways that were developed on January 1, 1977. As used in this section, "public roads and highways" mean roadways that are owned, operated, maintained, or any combination thereof by federal, tribal, state, county, or city government or a special district as defined in ORS 197.015(19). Roads that dead end at the ocean shore as defined in ORS 390.605(2) or otherwise generally run perpendicular to the ocean shore are not eligible for this exception. Uses such as parking lots, waysides, and campgrounds are not roads and are not eligible for this exception. Only a public body

that owns, operates, or maintains the public roadway may apply for an exception under this section.

Response

ODOT is requesting a goal exception to Statewide Planning Goal 18: Beaches and Dunes to allow for beachfront protective structures between Mile Posts 133.2 to 135.8 on US101. ODOT is a public body (state agency) that owns, operates, and maintains the subject highway, which is an ocean-fronting public roadway built before 1977 as defined under this reasons exception. Therefore, ODOT is eligible to apply for this reasons exception. The exception is necessary to keep US101 from failing and sliding onto the ocean shore. The primary factors supporting the need for this project are imminent failure of US101, ongoing maintenance costs, and level of importance of this highway, infeasibility of Bioengineered approaches for shoreline stabilization and the exorbitant cost to relocate the highway further inland.

A vital economic and emergency lifeline, US101 connects coastal communities and provides access to numerous coastal destinations for Oregonians and tourists. Much of US101 runs along high cliffs, beaches, and State Park lands, including pristine natural resource areas. Many sections of this highway are highly susceptible to coastal hazards such as erosion, land sliding, wave action, storm surge, flooding, and rising sea levels. Limited space between the roadway and the shoreline reduces the maintainability of the roadway and restricts repair or protection options.

US101 is part of the National Highway System and Strategic Highway Network; is designated a Lifeline Route, Oregon Scenic Byway and Oregon Coast Bike Route per the Oregon Highway Plan; and is designated an All-American Road.

National Highway System: The NHS designates the nation's principal routes which are important to population centers, international border crossings, ports, airports, public transportation facilities, national defense, and that serve interstate and inter-regional travel. US 101 is one of the Oregon highways designated as a part of the NHS. Strategic Highway Network (STRAHNET): This is a network of highways which are important to the United States' strategic defense policy, and which provide defense access, continuity, and emergency capabilities for defense purposes.

Oregon Highway Plan: The OHP classifies the state highway system into four Levels of Importance: interstate, statewide, regional, and district. US101 is a statewide highway, second only to interstate highways in importance. The management objective for statewide highways is to provide safe and efficient, high-speed, continuous-flow operation in rural areas.

Oregon Highway Plan Lifeline Route: The 1999 Oregon Highway Plan (OHP) Policy 1E designates lifeline routes as part of a secure lifeline network of streets, highways, and bridges to facilitate emergency service response and to support rapid economic

recovery after a disaster. Keeping lifeline routes open is vital to the safety and economy of Oregon.

Oregon Scenic Byway: The OHP Policy 1D: Scenic Byways states "It is the policy of the State of Oregon to preserve and enhance designated Scenic Byways and to consider aesthetic and design elements along with safety and performance considerations on designated Byways."

All-American Road: The National Scenic Byways Program is part of the U.S. Department of Transportation's Federal Highway Administration. The program is a grass-roots collaborative effort established to help recognize, preserve, and enhance selected roads throughout the United States. The U.S. Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities. All-American Roads like US101 must meet two of the qualities. The designation means they have features that do not exist elsewhere in the United States and are unique and important enough to be tourist destinations unto themselves.

Oregon Coast Bike Route: US101 is one of the most popular and heavily used bicycle routes in the state. The Oregon Coast Bike Route is primarily used for long distance recreational biking; commuter biking is not common in this area.

The Oregon Coast Trail runs along the entire Oregon Coast and is at times located on US101. The Oregon Coast Trail is run by a non-profit foundation dedicated to improving and maintaining the physical aspects and infrastructure of the Trail as wells as connecting trails and provide marketing. The Trail is located on US 101 at the subject slide location (Exhibit D).

Response

Given the importance of US101 both economically and recreationally, the need to fix slides of varying severity along the Beverly Beach littoral with measures that will prolong its life is crucial to the state. The goal exception is not for the benefit of a single property or user, it is for the benefit of everyone living and visiting Oregon. Without the highway in its current alignment, access to many areas on the Oregon coast would be difficult. Until other measures are developed to stop coastal erosion that do not require the use of rock and concrete structures, few alternatives are available to stabilize failing coastal roadbeds.

Finding

Failure of the highway could result in closure of US101, which is part of the National Highway System, STRAHNET, Oregon Scenic Byway, All-American Road, Oregon Coast Bike Route and part of the Oregon Coast Trail. Maintaining operation of this principal route is vital to federal and state highway objectives, and users of roadway. ODOT will do their due diligence in justifying a goal exception that balances public needs with the important assets and ecosystem services of the public beach and Beverly Beach State Park. **OAR 660-04-022(12) (a-d)** sets forth <u>specific</u> reasons to justify an exception to place a protective structure on the beachfront.

(a) Justification that the beachfront protective structure will provide a significant public benefit by protecting and stabilizing the ocean-fronting public road or highway.

Response

The segment of US101 fronting Beverly Beach is a critical link between the second and third largest cities on the Oregon Coast, Newport and Lincoln City respectively. It connects housing and jobs and provides critical commercial and cultural links. It also is the only access to Beverly Beach State Park, a recreational asset that draws visitors from across the country (SPR843, Page 189). Additionally, the subject segment of the highway is part of the Oregon Coast Bike Route. This route cannot be easily detoured because the only alternative for road bikes, Siletz Highway, has segments with lane widths of 11 feet and virtually no shoulder (<u>TransGIS</u>). There is no way to safely traverse the constricted segments of the highway on a bicycle. Further justification for protecting US101 along Beverly Beach can be found under the discussion of need in the attached Background Report, beginning on Page 53.

The shear key and buttress constructed from concrete and rock material (Exhibit C) provides the most cost-effective method for mitigating bluff erosion along the Beverly Beach littoral while having the least impact with respect to the beach environment, recreational amenity access and ocean vistas. Once constructed, this feature will support the roadway into the future with minimal maintenance requirements or disruption of local commerce.

The Oregon Coast has fewer alternative routes compared to other parts of Oregon due to physical barriers created by the Oregon Coast Range. Closures have the potential to require considerable out of direction travel to reach planned destinations. Several studies have looked at detours as potential mitigation for documented slide areas along Beverly Beach, including SPR843, SPR807 and the Spencer Creek Bridge Reconnaissance Report. These studies contemplate a detour just inland of the current alignment of US101 at Beverly Beach. Construction cost for the approximately 3.3-mile rerouted section is estimated to be \$91 million. The \$27,528,000 cost per mile for a general reroute is based on the Pioneer Mountain - Eddyville US20 route change, which consisted of seven separate projects (SPR843 Pg 84). The US20 route change was completed over a decade ago and road constructions costs have more than doubled since that time.

Stormwater management, road subsidence and existing development issues related to a realignment directly inland cause environmental externalities that are difficult to

effectively manage. Specifically, an inland route would have to contend with the following:

- Several major steep drainages requiring major structures to traverse and extensive modification of the existing topography;
- Extensive modification of the existing topography to avoid Beverly Beach State Park;
- Impact to multiple rural residential properties;
- Encountering virtually the same unstable geology that exists at Beverly Beach; and, Potential conflicts with other Statewide Planning Goals, particularly those protecting resource zoned lands that require a local discretionary land use permit to be in compliance with Statewide Planning Goal 4.

While rerouting US 101 away from the ocean beach shore would avoid the potential need for beachfront protective structures on Beverly Beach, any inland route would also likely encounter slide areas depicted on the relevant DOGAMI State Landslide Inventory and Database for Oregon (SLIDO) map (see Exhibit J). Access to coastal recreational opportunities and scenic ocean views could also be reduced by moving the highway inland, thereby affecting a local economic driver.

Siting the studied inland detour route would be inconsistent with forest land policies articulated in Lincoln County Code (LCC) because its construction would remove timber lands from active management, would introduce incompatible uses that interfere with wildfire suppression and would fragment forest holdings. Partitioning existing large timber land parcels for the purposes of acquiring new right-of-way would not be allowed unless all parcels created in the partition meet the minimum parcel size for the T-C zone. Potential land use conflicts associated with new roads in the T-C zone could be vetted through a conditional use permit application process consistent with LCC 1.1375(2)(v).

Additional permits would need to be secured to ensure protection of local riparian habitat. Evaluation of riparian vegetation protection measures is conducted pursuant to criteria set forth in LCC 1.1935(3)(b)(B).

In February of 2022, ODOT's Transportation Planning Analysis Unit (TPAU) completed an analysis to provide an estimate of the user costs associated with the closure of known landslides on US 101 along the subject littoral (Beverly Beach Technical Request Memo, Page 2). The TPAU analysis is a reasonable assessment of what the economic impact would be for a highway closure along the 2.6 mile subject segment of US101 because the detour route is substantially the same as the one studied as part of the Spencer Creek Bridge Reconnaissance Report (see the Background Report, Page 63).

Finding

As stated above, US101 is considered critical infrastructure necessary for the operations of the economy at a national, state and local level. US101 has existed since the 1930's and the area is dependent upon the highway remaining functional. The need to fix the reparable slides on US101 at Beverly Beach is imperative to the socio-economic health of local coastal communities given the importance of US 101 economically and recreationally. Consideration was made regarding which areas to treat along Beverly Beach to minimize impacts to the ocean shore while maintaining cultural, recreational and commercial accessibility to the traveling public. The subject highway is part of the National Highway System and Strategic Highway Network; is designated a Lifeline Route, Oregon Scenic Byway and Oregon Coast Bike Route per the Oregon Highway Plan; is an All-American Road; and is part of the Oregon Coast Trail and constitutes a vital economic and emergency lifeline that connects coastal communities and provides access to numerous coastal destinations for Oregonians and tourists. Much of US101 runs along high cliffs, beaches, and State Park lands, including pristine natural resource areas. Many sections of the highway are susceptible to coastal hazards such as erosion, land sliding, wave action, storm surge, flooding, and rising sea levels. Limited space between the roadway and the shoreline hinders maintenance and limits repair or protection options. Consequently, there are few detour options for the subject highway are available due to challenging terrain and unacceptable out of direction travel costs. A potential detour route along Siletz Hwy is susceptible to rockslides, inundation and downed trees and is too narrow and twisty to accommodate bicycles and freight vehicles. These environmental pressures have necessitated the expenditure of over two million dollars for maintenance of Siletz Hwy over the past five years (see Exhibit E).

(b) Feasibility Assessment: Evaluation of alternatives to a beachfront protective structure that would not require an exception and that shows there are no reasonable alternatives to the proposed activity or project modifications that would better protect public rights, reduce or eliminate the detrimental effects on the ocean shore, or avoid long-term costs to the public. This feasibility assessment shall describe why alternatives are not achievable, or if tried, why they were not successful. Relevant factors may include topographic limitations, environmental constraints, limits of area for relocation, or cost. If, and only if, the feasibility assessment does not identify a viable option that would not require an exception, then the assessment shall also include a description and justification of the preferred erosion mitigation technique that does require an exception. This feasibility assessment shall evaluate, at a minimum, the following alternatives:

(A) Hazard avoidance options, including removing, moving, or relocating the road or highway;

Response

Relocation of US101 has been considered at Beverly Beach and various other locations to avoid landslide problems. In every evaluation, the cost for relocation is prohibitive and comes with adverse environmental trade-offs. While the cost and impact of repairing landslides in place would be high, the costs and environmental impacts of relocating US101 inland would be significantly higher (SPR843, Pg 84). Such relocation of the highway could result in more landslides than would otherwise occur if US101 were maintained in its current alignment. Moreover, investing in the large cut and fill features necessary to relocate US101 inland could lead to greater environmental impacts than mitigation measures for bluff erosion would (Exhibit G).

Rerouting US 101 inland would require approximately 3.3 miles of new road. Use of historic routing for US 101 (Figure 7 on Page 63 of the Background Report) is impractical due to the establishment of Beverly Beach State Park and rural residential development since construction of the rerouted highway in 1948. Historically, the Miner Creek-Agate Beach segment of US 101 was realigned to remove a number of curves and avoid recurring landslides. The 4.3-mile realigned section shortened travel in the subject segment by half a mile while removing a section of the old highway "that was notorious for its monotony of curves, steep grades and uninteresting scenery", according to ODOT's eighth annual report (see Exhibit E).

Rerouting of the highway immediately inland of the Beverly Beach landslide slide areas has been studied extensively. Stormwater management, road subsidence and existing development issues related to an inland realignment cause environmental externalities that are difficult to effectively manage. Specifically, an inland route would have to contend with several major steep drainages that would require major structures to traverse and extensive modification of the existing topography. An inland route would also need to avoid Beverly Beach State Park and multiple rural residential properties and would encounter virtually the same unstable geology that exists at Beverly Beach. Such a realignment would also potentially conflict with other Statewide Planning Goals, particularly those protecting resource zoned lands that require a local discretionary land use approval to be consistent with Statewide Planning Goal 4 (see Exhibit A-2).

The studied inland detour routes would also cause impacts to industrial forest lands and inventoried natural resource areas. Most of the area that would be impacted is zoned Timber Conservation (T-C) with several parcels in the R-2 residential zone affected at the southern end of the studied detour route. The studied 3.3-mile detour route would need to traverse two drainages (Johnson and Spencer Creeks) and would likely impact a third (Wade Creek). Riparian vegetation and fish bearing streams, resources protected by the Statewide Planning Goal 5, and would also be impacted.

Large timber holdings controlled by Hamton Timber LLC (1,090 acres) and Systems Global Timberlands LLC (879 acres) would be split in two by the studied inland detour route, disrupting their management in a manner inconsistent with the purpose and intent of the T-C zone. Rerouting US101 through industrial timber lands could also create non-conforming parcels since ODOT owns the land under State Highways and the minimum parcel size in the T-C zone is 80 acres (per Lincoln County Code 1.1375(4)(a)).

While rerouting US 101 away from the ocean beach shore would avoid the potential need for beachfront protective structures on Beverly Beach, the relevant DOGAMI SLIDO map, and other related data, demonstrate that any inland route would also likely encounter inventoried slide areas (Exhibit J). Access to coastal recreational opportunities and scenic ocean views could also be limited by moving the highway inland, affecting a local economic driver. Impacts to the shoreline would simply be traded for significant environmental and commercial disruption in riparian zones, and on productive timber land, immediately inland.

Construction cost for the approximately 3.3-mile rerouted section is estimated to be \$91 million. The \$27,528,000 cost per mile for a general reroute is based on the Pioneer Mountain - Eddyville Hwy 20 route change, which consisted of seven separate projects (SPR843, Pg 84).

In February of 2022, ODOT's Transportation Planning Analysis Unit (TPAU) provided an estimate of the user costs associated with the closure of known landslides on US 101 (Technical Request Memo, Page 2). One of these slide locations is proximate to the subject slide, known as the Spencer Creek Bridge and Bluff slide at M.P. 134. This analysis is a reasonable comparison of what the direct economic impact related to transportation would be for a road closure at the subject slide (See Table 2A in the Background Report). The description below demonstrates the cost of three detour routes based on values taken from the TPAU Technical Memorandum and shows the estimated cost of a one-day closure of US 101 occurring close to the Beverly Beach slide location.

These estimates are based on detour routes located just inland of the current alignment of the highway, which are a half mile longer, approximately, than the current alignment of the highway. Separate analysis of the economic impact of using Siletz Hwy as a passenger vehicle traffic detour and use of the OR 18, OR 22, OR 99W and US 20 as a freight detour route has also been conducted.

Community impacts of the highway closing, measured by detour travel time, are significant. Closing US 101 at Beverly Beach would increase travel time a minimum of one hour if Siletz Highway is used. An alternate freight route taking OR 18, OR 22, OR 99W and US 20 is also evaluated and affirms that there are no viable options for moving

Page 9 | 92

coastal freight other than retaining the current alignment of Hwy 101 adjacent to Beverly Beach.

The distance of the detours is measured from where they intersect with US 101. This assumes through traffic on US 101 and to the Beverly Beach area would know that the highway was closed. The Siletz Hwy detour time and distance would therefore be calculated using the length of OR 229 and the segment of US 20 between Toledo and Newport. Using Google Maps, a total detour distance of 39.4 miles and travel time of an hour were used to calculate the per day cost of a US 101 closure to auto traffic at Beverly Beach.

To qualify as a detour, a route must be useable by the general public and freight and must be able to support its regular traffic plus diverted slide traffic. This means they must be paved and meet ODOT safety standards. Siletz Hwy has no freight designations because turning radii on the road are too tight to accommodate large dimensional vehicles and, therefore, cannot meet ODOT standards for detours on the State Highway System. Consequently, large dimensional freight traffic would need to take an alternate detour route utilizing OR 18, OR 22, OR 99W and US 20. Since Siletz Hwy is not designated a freight route, the detour user cost estimates set forth in Table 2 below assume this is the only north/south detour route available to freight traffic, which is 135 miles longer than using Siletz Hwy and would increase travel times by 2.5 hours, assuming ideal conditions.

Local Detour: The local 3.3-mile detour calculation assumes a minute of additional travel time and half a mile of additional travel distance applied to an average of 9,708 autos and 722 trucks per day traveling the subject segment of US101. These averages were determined using the ODOT TransGIS application's 2022 Annualized Average Daily Traffic (AADT) data for mile posts 132.4 and 136.5. Calculations for failure of US 101 at Spencer Creek suggests a single day closure with this detour route would likely lead to an additional 4,854 miles driven and 162 hours of driving time for autos and 361 miles and 12 hours for trucks.

Auto Detour: The Siletz Hwy detour calculation assumes only auto use because it has tight turns and there is no freight route designation for it. Moreover, the highway is prone to rockslides and road inundation events, resulting in over \$2 million in maintenance costs over the past five years (see Exhibit E). The average AADT established for autos of 9,708 was therefore used to determine time and operating costs for this detour. The average auto AADT was applied to an hour travel time and a travel distance of 39.4 miles determined through Google Maps with final figures established by referencing the values in Table 2B below. Calculations for failure of US 101 at Spencer Creek suggests a single day closure with this auto detour route would likely lead to an additional 382,495 miles driven and 9,708 hours of driving time. Closure at the subject

segment is projected to cause significant (27 to 50 percent) reductions in use of US 101 in and around Newport. Siletz Highway, the most likely auto detour route, would see commensurate increases in traffic volume (SPR843, Page 183).

Freight Detour: The ORs 18/22/99W/20 detour assumes only freight use because Siletz Hwy cannot accommodate freight traffic for the reasons cited above. The average AADT established for freight on the local detour route (722) was used to determine time and operating costs for this detour. The average freight AADT was applied to a 2 hour and 20 minute travel time and a 109.8 mile travel distance determined through Google Maps with final figures established by referencing the values in Table 2B below. Calculations for failure of US 101 at Spencer Creek suggests a single day closure with this truck detour route would likely lead to an additional 79,276 miles driven and 1,682 hours of driving time.

SWIM Model Output: The Transportation and Policy Analysis Unit (TPAU) maintains the SWIM transportation activity model for ODOT. The SWIM model predicts interactions between the State's transportation infrastructure and commerce (e.g., shipping, traveling) that using that infrastructure. It is a dynamic model that integrates many components, including demographics, population, personal and commercial travel to simulate how changes to the system may impact Oregon's economy and communities. For this exercise, ODOT used SWIM to simulate long-term economic impacts (GDP, traffic volumes, population, and employment) of a roadway failure near MP 134 on US101, and at four other sites. The impacts of two simplified scenarios, an unimpeded roadway and a complete road closure, were considered for a ten (10) year period. The comparison allows for the establishment of baseline data to begin to describe the possible impacts to local and regional economies of any road closure. It is important to note that under current conditions, a major roadway failure would likely be repaired by ODOT within 3 months. Therefore, this modeling exercise is designed to provide context about the relative importance of maintaining US101 in terms of economic output, traffic volumes, employment, and population. Reported impacts focus on the difference between average percent changes with and without roadway failures over a hypothetical ten-year period based on SWIM scenario forecasts (SPR843, Page 175).

Returning a slide-impacted roadway to safe and stable driving conditions can be time consuming and expensive. The SWIM model assumes that any closure to US101 generates the following: monetary costs in added fuel, depreciation of the vehicle due to extra mileage, and added time to an individual's trip; social costs of additional greenhouse gas emissions due to the additional miles driven from detours; recreational costs in sites not operating or unable to access; economic costs effecting the gross domestic product (GDP); and employment costs from not being able to reach their place of work; and disrupts tourism.

Page 11 | 92

These factors are analyzed on Page 188 of SPR843 substantially as follows:

To operationalize estimation of site-specific benefits and costs for Spencer Creek, we start with the estimated daily traffic flows at the site. Currently, ODOT estimates that 4,139 autos and 361 trucks use US 101 at Spencer Creek in each direction (8,278 autos and 722 trucks total) each day. SWIM model output suggests a single day closure at this site would generate a detour likely to add an additional 206,340 miles driven and 4,386 hours of driving time for autos and 40,086 miles and 443 hours for trucks. Using these estimates and our assumed values for lost time and vehicle operation costs (Table 8.3 in SPR843) we calculate the individual costs associated with a Spencer Creek closure to be approximately \$253,000 per day. The added social costs from the additional emissions are around \$7,400 per day. Estimates are presented for a single day closure and a 3-month closure (worst-case scenario) in panel A of Table 2C. GDP estimates for a 1-day and 3-month closure are calculated from SWIM model estimates described in Section 8.2.1 and are presented in panel B.

Spencer Creek is unique in this analysis because it is adjacent to a popular state park. Beverly Beach State Park's (BBSP) campground is one of the state's largest managed parks with over 280+ sites available for recreational travelers. BBSP includes access to a day-use area with miles of ocean beach, extending from Yaquina Head to Otter Rock, and is centrally located to whale watching viewpoints, tidepools, the Oregon Coast Aquarium, and shops and restaurants in Newport. Any disruption to US 101 at this location is likely to have significant impacts on beach recreation opportunities. Here, we estimate a single-site recreation demand model using administrative data collected by OPRD to estimate the value of camping trips to BBSP. Given this effort was conducted for this report specifically, we provide details below of the data, modeling framework and results before providing the monetized impacts for the CBA.

Using these estimates and our assumed values for lost time and vehicle operation costs (Table 2C) we calculate the individual costs associated with a Spencer Creek closure to be approximately \$241,000 per day. The added social costs from the additional emissions are around \$7,200 per day. Estimates are presented for a single day closure and a 3- month closure (worst-case scenario) in panel A of Table 2C. GDP estimates for a 1-day and 3- month closure are calculated from SWIM model estimates described in Section 8.2.1 of SPR843 and are presented in panel B. To address future closures of US101 along its ocean fronting segments, ODOT has actively been researching effective alternatives to beachfront protective structures on several high-risk sites and preparing conceptual designs for a range of coastal protection options in an effort to comply with Goal 18. The challenge is that even with the sites identified as "highly vulnerable" areas of concern for erosion and wave action along the coastal highway, new sites continually emerge. Oregon is known to have one of the most active and dynamic coastal landscapes in North America. US101 is particularly vulnerable to rising sea-levels, increasing storm frequency and intensity, storm surge, and wave scour that cause coastal bluff erosion and trigger slides. Wave intensity has increased on the Oregon coast and impacts from storm surge, bluff and dune erosion, and coastal flooding has become more frequent and severe. Sea levels are rising globally and that rise is projected to continue through this century. Funding to study erosion along the entire Oregon coast is limited and results in piecemeal remediation.

Finding

Improvements to US101 are limited due to environmental considerations, topography, and the risk of creating new landslides or accelerating existing landslides. Rising seas and extreme coastal weather events pose significant risks for the safety, reliability and effectiveness of ODOT infrastructure and operations along the Oregon Coast. Coastal erosion is particularly sensitive to the effects and variability of climate drivers, including storm frequency and intensity, wave runup and scour, current and future projections of precipitation and sea level rise.

Consideration has been given to rerouting US101 away from the ocean shore at Beverly Beach on several occasions over the past two plus decades to avoid potential beachfront protective structure placement there. However, as demonstrated in the 2022 ODOT Region 2 scoping exercise, the Spencer Creek Reconnaissance Report and the DOGAMI SLIDO map (Exhibit J), any inland route will encounter slide areas (See Figure 2 in the Background Report) along with rural residential and resource zoned lands that require a discretionary local land use permit for new roads to ensure consistency with Statewide Planning 4 and address any forest impacts. Rerouting the highway inland from the beach would mean constructing a highway through protected riparian habitat and through steep terrain as geologically unstable as the areas adjacent to the ocean (Exhibit H). In addition, the economic costs of relocating the highway, including loss of tourism and coastal commerce would be prohibitive. Construction cost to reroute the highway inland is estimated to cost \$91 million and the daily direct cost of studied detours would be \$565,780 per route analysis and would range between \$262,100 and \$320,300 based on SWIM model results assessing direct impacts of a highway closure (See Tables 2A and 2C, respectively, of the Background Report).

(B) Non-structural stabilization methods (e.g., foredune enhancement, beach nourishment, vegetation plantings, cobble berms)

Response

The standard ODOT design procedure for all projects includes an evaluation of potential solutions with emphasis on their safety, cost, feasibility, effectiveness, and environmental impacts. Potential solutions evaluated range from "Do Nothing" to the highest level of service. Every conceptual measure considered receives an evaluation with respect to these criteria in combination with an analysis of constructability, service life, and lifecycle cost.

"Environmental Stabilization" measures such as beach nourishment, foredune enhancement and cobble berms (dynamic revetments) are always considered first when evaluating measures to mitigate land movement along the coastline. These are generally low-cost, low-impact solutions when they can be applied, however, they are not considered practical or effective mitigation measures for coastal erosion at Beverly Beach. No foredune exists at this location so there is no feature to enhance, and the rocky beach area is largely starved of sand already. Any nourishment, enhancement or dynamic revetment would be eroded before any benefit from it could be realized. Cobble berms were considered a slightly more beneficial remedy than beach nourishment as they would stay in place longer. The cobbles would ultimately deteriorate and the potential benefit to bluff stability along Beverly Beach, relative to cost, would be minimal (Exhibit E).

Construction of less intrusive environmental stabilization measures would be challenging as a remedy for ocean bluff erosion in the yellow segments shown in the site plan provided by the applicant (Exhibit A-1). The necessary vehicle access to the beach needed to construct potential environmental remedies would be difficult and could necessitate the construction of a new access point from US101 at the top of the bluff. Such construction would be equally impactful as the existing landslide as a considerable amount of earthwork would take place in the largely unstable bluff area. Active equipment on the beach to place less intrusive beach protective features introduces additional risk for environmental degradation from ground disturbance or spills. Whether an access point is used to move material into place or material is end-dumped from the highway shoulder, some equipment on the beach would be necessary to install the subject beach stabilization measures.

Use of vegetative and bioengineered coastal protection measures were evaluated as long and short-term mitigations for the site. Vegetation, even when coupled with more robust natural fiber features would not provide enough support to reduce slide movement or improve overall stability on Beverly Beach. This evaluation considered ideal conditions for plant establishment and growth. However, the conditions at this site are unlikely to support the type of deep-rooted vegetation necessary for shallow slope stabilization. The soil forming the slopes in this area is comprised of chemically weathered material derived from the decomposed sediments and sheared bedrock material. Soils are along Beverly Beach have been mostly depleted of nutrients and therefore do not support plant growth without substantial soil amendments, which are impractical on the steep slopes.

Erosion rates in the Beverly Beach littoral vary based on the underlying parent material. The most acute slides within it (Johnson Creek, Carmel Knoll and Moolack Creek) are the product of large units of metamorphosed and weathered sediments associated with the Astoria Formation (Figure 3 on Page 56 of the Background Report) These slides are slowly moving towards the ocean and cannot be feasibly mitigated with engineering solutions. Consequently, those areas will have to be managed through periodic maintenance of the roadbed and surface. Erosion of exposed marine bench material around MP 134, shown in yellow on Figure 3, is mostly attributable to wave and tidal action and cannot be addressed with environmental stabilization and/or natural fiber remedies. Given projections of sea level rise and increased pacific storm intensity due to climate change, the yellow coded road segments would likely be addressed with some kind of rock and concrete engineering structure when funding becomes available. Areas shown in green in Figure 3 represent road segments experiencing lower erosion rates that, depending on the timing of funding, could be stabilized using vegetative and/or Bioengineered methods.

Finding

The segments depicted in yellow on Figure 3 on Page 56 of the Background Report mostly represent bluffs abutting Beverly Beach that will continue to be eroded by wave and tidal action. When coastal erosion reaches this state, significant structural repair of US101 would be necessary to prevent road failure. Natural fiber or environmental stabilization measures intended to slow erosion would have little effect on slope stability on these bluffs, particularly in its current advanced state. Coastal erosion along Beverly Beach has already progressed to the point that failure of US101 is imminent and incrementally reducing the rate of bluff erosion would have a negligible effect on overall stability at this point.

(C) Site modifications for the control of erosion such as vegetation management, drainage controls, lope regrading, and structure reinforcements; and

Response

Alteration of the site with respect to slope geometry, erosion control, drainage control and enhancement, vegetation applications, and structural reinforcement have been part of ongoing design considerations for US101 at Beverly Beach. Vegetation and surficial drainage measures have historically been part of ordinary maintenance along US101

Page 15 | 92

where the roadbed has been historically threatened by coastal erosion. Erosion control measures to prevent soil loss in the form of straw bales and wattles, in conjunction with seeding and mulching of the exposed soils to the degree practicable, have had negligible effect on Beverly Beach. Surface water control has been enhanced by directing channeling runoff away from the open landslide scarps and traditional natural fiber and environmental stabilization erosion control measures cannot arrest the effects of acute wave and tidal erosion manifest on Beverly Beach.

The geology of the area consists primarily of siltstone and sandstone from the Astoria Formation, which dips around 20 degrees to the east. This is overlain by interbedded estuary deposits consisting of layers of loose silt and sand interbedded with soft clayey silt and organics. The estuary deposits vary from around 90 feet thick around Spencer Creek to 10 feet thick on the lateral edges of the subject littoral (SPR843, Page 156). The unconsolidated underlying geology contributes to road failure as groundwater exploits the contact zones between geologic units. The resulting subsurface flows act as a lubricating agent that, with the assistance of gravity, facilitates land movement. When the larger slides move, it accelerates bluff erosion at the margins and exposes the roadbed to increased tidal and wave action.

Multiple studies have shown the use of bioengineered stabilization and natural fiber solutions to be insufficient when attempting to blunt the effects of bluff erosion along Beverly Beach. Limitations on these softer remedies are attributable to high local scour rates and the reasonable likelihood that sea level rise and climate change will accelerate erosion rates. Some studies that have shown the subject littoral to be sand starved (Green Infrastructure Techniques for Resilience of the Oregon Coast Highway, Page 2 (Exhibit E)). Its high rates of scour and low levels of sand replenishment from coastal erosion processes leave Beverly Beach more exposed to ocean forces than other locations along the Oregon Coast and render bioengineered and natural fiber solutions impractical. A review of online Natural Resource Conservation Service (NRCS) soil maps was conducted for the beaches and dunes area of Beverly Beach to study local sand replenishment potential.

Soil constituency data was accessed through the <u>Soil Web</u> online portal to understand the share of sand within each soil unit. Areas shown in yellow on the site plan provided by the applicant are mostly associated with Bandon fine sandy loam, which is designated 3E by the NRCS. This soil is composed of roughly 45% sand, 45% loam and 10% clay and does not significantly contribute to sand replenishment on Beverly Beach as a result of wave erosion. Just inland of the Bandon soils are Nelscott predominant soils (42C), Tolovana/Reedsport complex soils (56G) and Lint soils (35E). The subject area also has two soils related to local drainages like Johnson, Spencer and Moolack Creeks. Coquille complex soils (12A) are present near the creek mouths and are associated with tidal marsh and estuarine landscapes and Nestucca predominant soils (46A) are associated

Page 16 | 92

with floodplains. All of the soils immediately inland of the marine bench shown in yellow on the site plan provided by the applicant have a sand constituent of under half, with the Lint soils the poorest potential contributors at around a 10% sand share (See Figure 4 in the Background Report). Consequently, they are insignificant sources of sand replenishment for Beverly Beach.

These geomorphological conditions leave segments of US101 along Beverly Beach, the roadbed for which resides on a bluff overlooking the Pacific Ocean, prone to failure and sea-cliff collapse resulting from acute coastal erosion. Technical factors contributing to this circumstance include ancient geologic faulting, igneous intrusions into the host rock which itself is composed of weakly-indurated Eocene-aged marine sediment, structural daylighting of primary bedding, unconsolidated Pleistocene age marine terraces, high groundwater, and very active wave erosion along the base of the sea-cliff below the roadway. Local soils, as described above, are also not reliable sources of sand replenishment on Beverly Beach as they weather.

Structural reinforcement via soil nailing, Gabion-Basket walls, Solider-Pile walls or cantilevered and gravity walls were evaluated and considered insufficient to stabilize US101 along the Beverly Beach littoral. Reasons that these solutions were not recommended for implementation include the following. Soil-Nails are not a good option because of complex design and construction processes and risk associated with installation in structurally daylighted bedrock conditions. While Gabion-Basket walls are low cost, but they can be significantly less durable than other wall options and vinyl wrapping of them is prone to damage and vandalism. Cantilevered or Concrete Gravity and Solider-pile walls are reinforced concrete walls that while generally safe, are too costly. Therefore, the recommended mitigation design elements include a costal revetment, a stone embankment material (SEM) fill slope, an MSE retaining wall structure and temporary solider-pile shoring (2022 Region 2 Geotechnical Scoping Memo).

Finding

Alteration of the site has been considered and incorporated into preliminary designs. The site plan provided by the applicant depicting the subject 2.6 mile segment of US101 differentiates between the moderate slides (in yellow) that will likely require engineered structures and the green sections that may be stabilized using environmental stabilization and/or natural fiber solutions (see Figure 3 on Page 56 of the Background Report). Over the 75-year useful life of the highway, the green segments could require structurally engineered remedies if funding cannot be identified for mitigation measures involving lower impact methods and/or wave and tidal action intensifies.

(D) Bio-engineered structures (e.g., clay burritos and vegetated terraces).

Response

These features were evaluated by themselves and in conjunction with other environmental stabilization methods in SPR843 and the Green Infrastructure Techniques for Resilience of the Oregon Coast Highway report. Common bioengineered methods such as vegetated terraces were reviewed. These methods generally have the same drawbacks as the structural solutions and are less effective at blunting coastal erosion. Also, significant grading would be needed which would in turn, require full, lengthy highway closure. These methods also place workers at higher risk due to the amount of direct labor necessary for construction. Sourcing the materials is also an impediment for some of these techniques because sources of specific species for vegetated walls are difficult.

Most of the material placement for this type of construction is "by hand" which triggers trenching and shoring requirements. Workers cannot proceed with any excavation unless wall stability is mitigated. In this case the back slope angles would need more width at highway grade as the vegetated/bioengineered structure is built. If a vegetated terrace, or similar structure were used, then much more mass would be required to contain the landslide, which would require a larger structure jutting from the bluffs along Beverly Beach.

Finding

Bioengineered methods generally have the same drawbacks as the structural solutions but don't provide adequate stability for US101 along Beverly Beach and are therefore unsuitable as a solution for the yellow highway segments depicted on the site plan provided by the applicant.

If, and only if, the feasibility assessment does not identify a viable option that would not require an exception, then the assessment shall also include a description and justification of the preferred erosion mitigation technique that does require an exception.

Response

Relocating US 101 would not require a goal exception. In every evaluation, the cost for relocation the highway would be high and would entail unacceptable environmental trade-offs. Although the cost and impact for repairing the large US101 slides along Beverly Beach considered in this application (depicted in yellow on the site plan provided by the applicant) is high, the costs and impacts for relocating a highway to some new alignment inland is several orders of magnitude higher (Exhibit G). Impacts to the shoreline would be traded for significant social and environmental disruption at a new location on timber resource and rural residential zoned lands. A new alignment

would also be subject to the same landslide problems as the current locations near the shoreline but would not require an exception to Goal 18. US101 is a vital economic and emergency lifeline that connects coastal communities and provides access to numerous coastal destinations for Oregonians and tourists. The economic costs of relocating the highway, including detour travel costs and diminished access to natural amenities, would be prohibitively expensive.

Finding

Although relocating US 101 immediately inland from its current alignment adjacent to Beverly Beach would not require a goal exception, it would have detrimental economic, recreational and social effects for the local community and the entire Oregon Coast. Closing any portion of US 101 has a direct impact to all users of the highway whether it be recreationally or economically (see Exhibits G and H). For coastal communities it is akin to cutting off their lifeline.

(c) Demonstration that the proposed beachfront protective structure will: (A) Minimize visual impacts;

Response

The subject highway is an All-American Road and part of the Oregon Coast Trail and Bike Route. It also serves as access to Beverly Beach State Park, which draws visitors from across the country. Without the highway in its current alignment, coastal areas between Lincoln City and Newport would be very difficult to access. Balancing the need to protect the roadway, with its inherent scenic benefit, and the need to minimize visual impacts for beach goers that would otherwise not be able to access the beach without the road is delicate. Millions of dollars of road funding is used to maintain US101 to ensure access for commercial, recreational and academic pursuits.

Finding

Visual impacts of the rock and concrete engineered structure will be determined in the design part of the permitting process.

(B) Maintain access to and along the ocean shore, including access to the Oregon Coast Trail;

Response

Primary access to Beverly Beach is via a trail originating at Beverly Beach State Park and passing under the south pillar of the Spencer Creek Bridge. That bridge was replaced in 2001 and has a useful life of 120 years. Consequently, no disruption of access to Beverly Beach would occur as part of coastal bluff erosion mitigation measures in the foreseeable future. This section of the Oregon Coast Bike Route is located on the

highway (Exhibit D). The Beverly Beach area has many amenities, including a number of state parks, ocean vistas and significant landmarks.

Finding

Access to Beverly Beach is via a trail originating at Beverly Beach State Park and passing under the south pillar of the Spencer Creek Bridge. That bridge was replaced in 2001 and has a useful life of 120 years. Consequently, no disruption of access to Beverly Beach would occur as part of coastal bluff erosion mitigation measures.

(C) Minimize negative impacts on adjacent property;

Response

It is in the best interest of the state to not negatively impact adjacent property as US101 runs the entire length of the Oregon Coast. Minimal property impacts are anticipated since the installation of engineered structures would be mostly below road grade between the highway and the beach on land controlled by OPRD. An Ocean Shores permit from OPRD would is required prior to the placement of any ocean fronting protective structure, ensuring compliance with this criterion.

Finding

It is in the best interest of the state to not negatively impact adjacent property as US 101 runs the entire length of the Oregon Coast. An Ocean Shores permit from OPRD would is required prior to the placement of any ocean fronting protective structure, ensuring compliance with this criterion.

(D) Minimize adverse impacts on water currents, erosion, and accretion patterns;

Response

Rising seas and extreme coastal weather events pose significant risks for the safety, reliability, and effectiveness of ODOT infrastructure and operations along the coast. ODOT has actively been researching effective alternatives to beachfront protective structures on several high-risk sites and preparing conceptual designs for a range of coastal protection options in an effort to comply with Goal 18. The challenge is that even with the sites identified as "highly vulnerable" areas of concern for erosion and wave scour along US101, new sites are continuously emerging.

Oregon is known to have one of the most active and dynamic coastal landscapes in North America and the Beverly Beach littoral is in the thick of it. High rates of scour and low levels of sand replenishment from coastal erosion processes leave Beverly Beach more exposed to ocean forces than other locations along the Oregon Coast and render bioengineered and natural fiber solutions impractical. The subject highway is particularly vulnerable to rising sea-levels, increasing storm frequency and intensity, storm surge, and wave scour that cause coastal bluff erosion and trigger slides. Wave intensity has increased on the Oregon coast and impacts from storm surge, bluff and dune erosion, and coastal flooding has become more frequent and severe. Sea levels are rising globally and are projected to rise through this century.

Data at the continental scale over 27 years shows variability in sea level rise influenced seemingly by ENSO cycles (see Figure 9 on Page 71 of the Background Report). Data at the regional scale projecting sea level rise for the period 2030 to 2050 demonstrates variability between global and regional scales with sea levels for the contiguous United State predicted to rise at a significantly greater rate than the world over the study period (see Figure 10 on Page 72 of the Background Report). Similarly, sea level rise for the Newport area sea level rise is predicted to increase at a notably higher rate than the rest of the Oregon coast, particularly in the lower estimates for the next 75 years. Given this variability in sea level rise estimates at the continental, regional and local scales, it seems reasonable to accept that the Newport area is predicted to experience greater impacts from sea level rise than most coastal areas around the world. Higher impacts from sea level rise are evident in the model results manifested in Figure 8 on Page 70 of the Background Report, which predicts the surf line at Beverly Beach will be lapping the toe of the bluff on which US101 resides by 2100.

Finding

Coastal erosion will not stop along the Beverly Beach littoral and the highway is threatened. Its high rates of scour and low levels of sand replenishment from coastal erosion processes leave Beverly Beach more exposed to ocean forces than other locations along the Oregon Coast and render environmental stabilization and natural fiber solutions impractical. Newport area sea level rise is predicted to increase at a notably higher rate than the rest of the Oregon coast, particularly in the lower estimates for the next 75 years. Given this variability in sea level rise estimates at the continental, regional and local scales, it seems reasonable to accept that the Newport area is predicted to experience greater impacts from sea level rise than most coastal areas around the world. Rock and concrete engineered structures are the only way to fix the receding bluff at Beverly Beach. The proposed rock and concrete engineered structures for the yellow segments of US101 depicted on the site map provided by the applicant may be treated using bioengineered beach stabilization methods.

(E) Account for the impacts of local sea level rise and climate change for the design life of the structure; and

Response

Engineered rock and concrete erosion control structures provide good protection from intense wave and tidal action. They are efficient at absorbing wave energy and can be designed with funds identified in the Federal Highway Administration PROTECT grant

Page 21 | 92

program. Some of the oldest coastal structures in the world are rock and rubble breakwaters. They have the inherent ability to survive wave energy that exceeds design specifications. This ability to continue to provide some function even after experiencing severe storms is valuable in a coastal environment where design and construction costs eliminate more robust structures designed for peak storm events.

The severity of predicted sea level rise in area around Newport favors the placement of rock and concrete engineered structures that better ensure protection of ocean facing highways. This is because high rates of scour and low levels of sand replenishment from coastal erosion processes leave Beverly Beach more exposed to ocean forces than other locations along the Oregon Coast and render bioengineered and natural fiber solutions impractical. Also, data at the continental scale over 27 years shows variability in sea level rise influenced seemingly by ENSO cycles (see Figure 9 on Page 71 of the Background Report). Data at the regional scale projecting sea level rise for the period 2030 to 2050 demonstrates variability between global and regional scales with sea levels for the contiguous United State predicted to rise at a significantly greater rate than the world over the twenty year study period (see Figure 10 on Page 72 of the Background Report). Similarly, sea level rise for the Newport area is predicted to increase at a notably higher rate than the rest of the Oregon coast, particularly in the lower estimates for the next 75 years. Given this variability in sea level rise estimates at the continental, regional and local scales, it seems reasonable to accept that the Newport area is predicted to experience greater impacts from sea level rise than most coastal areas around the world. Higher impacts from sea level rise are evident in the model results manifested in Figure 8 on Page 70 of the Background Report, which predicts the surf line at Beverly Beach will be lapping at the toe of the bluff on which US101 resides by 2100.

Finding

It is in the best interest of the state to select an option that most assures protection of US101 along the Beverly Beach littoral. A rock and concrete engineered structure would best provide for road stability where sea level rise and increased storm severity associated with climate change will likely claim the sand starved beach by 2100.

(F) Avoid or mitigate long-term and recurring costs to the public. As used in this subsection, "mitigate" means the reduction of adverse effects of a proposed beachfront protective structure on beach habitats and beach access by evaluating, in the following order:

(i) Avoiding the effect altogether by not taking a certain action or parts of an action;

(ii) Minimizing the effect by limiting the degree or magnitude of the action and its implementation;

(iii) Rectifying the effect by repairing, rehabilitating, or restoring the affected ocean shore area;

(iv) Reducing or eliminating the effect over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate corrective measures;

(v) Compensating for the effect by creating, restoring, enhancing, or preserving beach habitat, beach access to and along the ocean shore, or both, and within the same general vicinity of the proposed beachfront protective structure. Compensation should consider the Oregon Parks and Recreation Department's Ocean Shore Management Strategy.

Response

The proposed remedy for bluff erosion at Beverly Beach to retain the current alignment of US101 is locationally dependent. Rerouting the highway is not feasible for economic, social and recreational access reasons. Using environmental stabilization and/or natural fiber erosion control methods, or forfeiting design elements to lower the impact of studied remedies, would not be effective due to the geologic, topographic and habitat considerations at this location (see Background Report Pages 54 to 58). Adverse effects of the proposed rock and concrete engineered structure will be determined in the design part of the permitting process.

Access to Beverly Beach is via a trail originating at Beverly Beach State Park and passing under the south pillar of the Spencer Creek Bridge. That bridge was replaced in 2001 and has a useful life of 120 years. Consequently, no disruption of the primary access to Beverly Beach would occur as part of coastal bluff erosion mitigation contemplated herein.

The Oregon Coast Trail is on Beverly Beach at this location (Exhibit D). A well-designed rock and concrete engineered structure can provide protection from intense waves. They are efficient at absorbing wave energy and can be designed with financial assistance from a potential PROTECT grant award.

Finding

Coastal erosion along the Beverly Beach littoral will not stop and the adjacent highway is threatened. A rock and concrete engineered structure is the only fix at this particular location. Preserving access to local recreational, visual and social amenities would best suit State and local interests. That means selecting an option that will best meet the needs of both the beach and the highway. The proposed rock and concrete shore protection feature should provide adequate stability for the road while minimizing impacts to the ocean shore. Access to Beverly Beach would be preserved via an existing trail originating at Beverly Beach State Park and passing under the south pillar of the Spencer Creek Bridge. That bridge was replaced in 2001 and has a useful life of 120

Page 23 | 92

US101 MP 133.2 to MP 135.8 Goal 18 Exception, Lincoln Co.

years. Consequently, no disruption of the primary access to Beverly Beach would occur in connection with proposed coastal bluff erosion mitigation.

OAR 660-04-022(12) (a-d)

(d) Assessment of how the exception requirements of OAR 660-004-0020 are met. See analysis below for OAR 660-004-0020(2)(a-d)

660-004-0020(2)(a)"Reasons justify why the state policy embodied in the applicable goals should not apply." The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land; See analysis above for OAR 660-004-0022(12).

GOAL 2 PART II (c)(2); OAR 660-04-020 (2)(b)

(b) "Areas which do not require a new exception cannot reasonably accommodate the use."

- (A) The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use that do not require a new exception. The area for which the exception is taken shall be identified;
- (B) To show why the particular site is justified, it is necessary to discuss why other areas that do not require a new exception cannot reasonably accommodate the proposed use. Economic factors may be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under this test the following questions shall be addressed:
 - (i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?
 - (ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses not allowed by the applicable Goal, including resource land in existing unincorporated communities, or by increasing the density of uses on committed lands? If not, why not?
 - (iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?
 - (iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?
(C) The "alternative areas" standard in paragraph B may be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception unless another party to the local proceeding describes specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described, with facts to support the assertion that the sites are more reasonable, by another party during the local exceptions proceeding.

Response

Because the proposed exception is necessary for the protection of critical highway infrastructure along Beverly Beach, the proposed beachfront protective structures can only be placed where there is active bluff erosion (see Background Report, Pages 54 to 58). Locating shore protection features elsewhere would not protect US101 from failing at this site. There are no immediate areas to relocate the highway that do not require a local discretionary land use approval with notice and opportunity to comment. Moreover, local economic losses from longer auto and freight detour routes would be hundreds of thousands of dollars a day and could continue for months (see Background Report, Pages 64 to 86). Therefore, there are no practical, reasonable, factual, or evidentiary reason to further evaluate additional alternative sites for the protective structure or to otherwise address "the location of possible alternative areas considered for the use that do not require a new exception" standard. The requirement to evaluate areas that can "reasonably accommodate" the proposed use, necessarily means that the alternative locations must be capable of reasonably providing the requested protection. In conclusion, there are no feasible locations to reroute the highway inland.

The standard says that alternative sites need only be considered that can "reasonably accommodate the proposed use". The purpose of the proposed rock and concrete engineered structures within the Beverly Beach littoral is to prevent closure of a critical piece of transportation infrastructure and to prevent future threats of erosion at the studied locations. The relevant criteria specifically deal with alternative sites not alternative methods and those alternatives have been extensively studies and ruled out.

As stated above, the "economic" ramifications of a US101 closure south of the Spencer Creek Bridge would have implications nationally and would be catastrophic at the Oregon Coast and local scale. US101 is invaluable to national, state, and regional interests as it contains scenic, recreational, economic, emergency and disaster response, and national defense attributes. US101 is part of the National Highway System and Strategic Highway Network; is designated a Lifeline Route, Oregon Scenic Byway and Oregon Coast Bike Route per the Oregon Highway Plan; and is designated an All-

Page 25 | 92

American Road. Users have come to depended on the Oregon Coast Highway over the nearly hundred years since its opening.

(B)(i) – (iii): Referencing "Purpose and Need" US101 is universally recognized as critical infrastructure necessary for a functioning economy at the local and coastal scale. The subject highway has existed since the 1930's and coastal communities and amenity seekers have depended on it since then. A realignment of the highway inland would have impacts to rural residential and resource zoned lands.

An inland route would have to contend with the following:

- Several major steep drainages that would require major structures to traverse;
- Extensive modification of the existing topography to avoid Beverly Beach State Park;
- Impact to multiple rural residential properties;
- Equally unstable geology to that which exists adjacent to Beverly Beach (see Exhibit H); and,
- Potential conflicts with other Statewide Planning Goals, particularly those protecting resource zoned lands that require extensive analysis of, and a local discretionary land use process involving public hearing notice and the opportunity to comment, to be consistent with Statewide Planning Goal 4.

While rerouting US 101 away from the ocean shore would avoid the potential need for beachfront protective structures on Beverly Beach, according to the relevant DOGAMI SLIDO map, any inland route would also likely encounter mapped slide areas (see Exhibit J). Access to coastal recreational opportunities and scenic ocean views could also be reduced by moving the highway inland, affecting a local economic driver.

Siting the studied inland detour route would be inconsistent with forest land policies articulated in LCC because its construction would remove timber lands from active management, would introduce incompatible uses that interfere with wildfire suppression and fragment forest holdings. Partitioning existing large timber land parcels for the purposes of acquiring new right-of-way would not be allowed unless all parcels created in the partition were able to meet the minimum parcel size for the T-C zone. Potential land use conflicts associated with new roads in the T-C zone can be vetted through a conditional use permit application process consistent with LCC 1.1375(2)(v).

Additional permits would need to be secured to ensure protection of local riparian habitat. Evaluation of riparian vegetation protection measures is conducted pursuant to criteria set forth in LCC 1.1935(3)(b)(B).

It is worth noting that the highway existed long before any land use classifications were implemented, and many local land uses rely on the highway for access. In any event, the

studied inland detour route cannot "be reasonably accommodated on non-resource land that would not require an exception." The highway cannot be reasonably relocated, and ongoing bluff erosion along the Beverly Beach littoral threatens the entire US101 corridor as the only coastal surface transportation link in Oregon.

(B)(iv): The stabilization of 101 is providing a public service by protecting a threatened public road. Therefore (B)(iv) is not applicable.

With regard to (C) the "alternative analysis" standard to broadly demonstrate that there are not alternative locations for the proposed stone embankment by undertaking "a broad review of similar types of areas rather than a review of specific alternative sites" is not functionally possible, given the linear nature of the highway and site-specific protections that are necessary and only are afforded by the ocean shore embankment at these locations. Consequently, more detailed studies were conducted to vet locationally dependent alternative routes for US101 in the event of a closure. Those studies are discussed in Subsection B above.

The Oregon Coast Highway (US101) is a 363-mile highway located along the Oregon Coast from California to Washington. Built in the 1920's and 1930's, the highway is invaluable to national, state, and regional interests as it contains scenic, recreational, economic, emergency, and national defense attributes. It is part of the National Highway System and Strategic Highway Network; is designated a Lifeline Route, Oregon Scenic Byway and Oregon Coast Bike Route per the Oregon Highway Plan; and, is designated as an All-American Road. US101 is of statewide economic importance as the main coastal route for tourism and commerce; it is the main north-south transportation facility in coastal Oregon and serves a public need as stated in responses to the above criteria.

Finding

Public need has been demonstrated through the direct, statewide economic and recreational projected cost of relocating US101 (see Table 2C in the Background Report) Given the importance of US 101 economically, socially and recreationally, the need to mitigate for bluff erosion along the Beverly Beach littoral with measures that effectively preserve its current alignment is crucial to the state. This goal exception does not benefit a single property owner or road user, it benefits the whole of Oregon and its visitors. Economic impacts of closing US 101 would be felt at the local, state and national level. The expense of rerouting the highway around Beverly Beach would be costly in commercial, recreational and environmental terms and would occur at great public expense. Without the highway, the economy of the state would suffer and access to Beverly Beach State Park would be more difficult. Until other measures are developed that do not have the environmental impacts associated with rock and concrete engineered structures, the only option consistent with safe and efficient operation of the State Highways and reliable

Page 27 | 92

access to important recreational, residential and visual amenities would be to maintain US101 in its current alignment adjacent to Beverly Beach.

Failure of the highway would result in closure of US 101 south of the Spencer Creek Bridge near MP 134. Maintaining operation of this route is vital to federal and state highway objectives, and for the convenience and economy of its users. ODOT will do its due diligence in justifying a goal exception that balances public needs with the important assets and ecosystem services of the public beach.

The applicant considers the purpose of the proposed exception to be the protection of an ocean-fronting highway along the Beverly Beach littoral. Consequently, the proposed rock and concrete engineered structure (i.e., beachfront protective structure) can only be placed on the beach fronting the road. The applicant has also demonstrated in the Background Report and these findings that no alternative sites are feasible to place a beachfront protective structure that does not impact Beverly Beach visually. The exception area is illustrated by the typical cross section shown in Figure 14 on Page 77 of the Background Report.

Therefore, no practical, reasonable, factual, or evidentiary reasons compel the evaluation of additional alternative sites for the protective structure or to address "the location of possible alternative areas considered for the use that do not require a new exception" standard any further.

GOAL 2 PART II (c)(3); OAR 660-04-020 (2)(c)

(c) "The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site." The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic US101 MP 133.2 to MP 135.8 Goal 18 Exception, Lincoln Co.

impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

Response

A goal exception would be required for any section of US101 that is subject to regulation by Statewide Planning Goal 18 if it needs structural shoreline armoring. In the Beverly Beach circumstance, the major slide areas identified in yellow on the site plan provided by the applicant require relief from Goal 18 because mitigation measures for those slide areas are being proposed because they can be feasibly addressed with engineering solutions. Consequently, the identified slide areas are proposed for near-term remediation with rock and concrete engineered structures. While each individual segment of the subject highway has unique, site-specific, characteristics along the Lincoln County coast, the same general environmental impacts would be experienced in each location requiring a goal exception.

The Oregon Coast Highway (US101) is a 363-mile highway located along the Oregon Coast from California to Washington. Given its economic and recreational importance, the need to address bluff erosion along the Beverly Beach littoral with mitigation measures that will effectively prolong its life is crucial to the State. The highway has become a vital economic and emergency lifeline that connects coastal communities and provides access to numerous coastal destinations for Oregonians and tourists. Many sections of this highway are highly susceptible to coastal hazards such as erosion, landslides, wave action, storm surge, flooding and rising sea levels. Structural mitigation of these susceptible areas is subject to the local goal exceptions process.

Rerouting US101 immediately inland of Beverly Beach is an unsuitable alternative to the current alignment of the highway due to disruption of ongoing timber production, disruption of existing rural residential uses, loss of scenic amenity values and adverse environmental impacts. Specifically, an inland route would have to contend with the following:

- Several major steep drainages that would require major structures to traverse;
- Extensive modification of the existing topography to avoid Beverly Beach State Park Avoidance of multiple rural residential properties;
- Encountering virtually the same unstable geology that exists adjacent to Beverly Beach, and;
- Potentially conflict with other Statewide Planning Goals, particularly those protecting resource zoned lands that require extensive analysis of, and a possible exception to, Statewide Planning Goal 4.

While rerouting US 101 away from the ocean shore would avoid the potential need for beachfront protective structures on Beverly Beach, any inland route would also likely encounter mapped slide areas according to the relevant DOGAMI SLIDO map (See Exhibit J). Access to coastal recreational opportunities and scenic ocean views could also be reduced by moving the highway inland, affecting a local economic driver.

Construction of the studied inland detour route would be inconsistent with forest land policies articulated in LCC because its construction would remove timber lands from active management, would introduce incompatible uses that interfere with wildfire suppression and fragment forest holdings. Partitioning existing large timber land parcels for the purposes of acquiring new right-of-way would not be allowed unless all parcels created in the partition were able to meet the minimum parcel size for the T-C zone. Potential land use conflicts associated with new roads in the T-C zone can be vetted through a conditional use permit application process consistent with LCC 1.1375(2)(v).

Additional permits would need to be secured to ensure protection of local riparian habitat. Evaluation of riparian vegetation protection measures is conducted pursuant to criteria set forth in LCC 1.1935(3)(b)(B).

The age and coastal location of US 101 presents various factors that can accelerate deterioration of the highway, including, but not limited to:

<u>Construction Standards</u>: Highways, such as US 101, that were constructed during the 1930s to 1950s used fill material that now makes them more susceptible to failure. <u>Geology</u>: The geology of the area consists primarily of siltstone and sandstone from the Astoria Formation, which dips around 20° to the east. This is overlain by interbedded estuary deposits consisting of layers of loose silt and sand interbedded with soft clayey silt and organics. The estuary deposits vary from around 90 feet thick (around Spencer Creek) down to 10 feet thick on the lateral edges of the site (SPR843, Page 156). The unconsolidated underlying geology contributes to road failure as groundwater exploits the contact zones between geologic units. The resulting subsurface flows act as a lubricating agent that, with the assistance of gravity, facilitates land movement, accelerating bluff erosion at the margins and further exposing the roadbed to tidal and wave action.

<u>Subduction Zone:</u> According to the National Research Council, the Oregon coast is experiencing slight vertical uplift or sea level fall, with the northern coast of Oregon near Astoria experiencing greater tectonic uplift than Newport, for example (Analysis of Shoreline Armoring and Erosion Policies Along the Oregon Coast, Page 4); <u>Climate</u>: Data at the continental scale over 27 years shows variability in sea level rise influenced seemingly by ENSO cycles (see Figure 9 in the Background Report). Data at the regional scale projecting sea level rise for the period 2030 to 2050 demonstrates variability between global and regional scales with sea levels for the contiguous United State predicted to rise at a significantly greater rate than the world over the twenty year study period (see Figure 10 in the Background Report). Similarly, sea level rise for the Newport area is predicted to increase at a notably higher rate than the rest of the Oregon coast, particularly in the lower estimates for the next 75 years. Given this variability in sea level rise estimates at the continental, regional and local scales, it seems reasonable to accept that the Newport area is predicted to experience greater impacts from sea level rise than most coastal areas around the world. Higher impacts from sea level rise are evident in the model results manifested in Figure 8 in the Background Report, which predicts the surf line at Beverly Beach will be lapping the toe of the bluff on which US101 resides by 2100.

<u>Maintenance & Repair</u>: Disruptions due to detours and major construction operations have been costly to the regional and local economies. In Region 2, Area 4, an estimated \$2 million a year is spent maintaining US 101; however, when an emergency slide occurs, this cost can escalate to millions, depending on the nature of the slide (SPR843, Page 21).

<u>Environmental:</u> Emergency repairs can also result in more extensive environmental damage than 'preventive' structures at the same location. Emergency repairs often result in a larger footprint for the repair, and work performed in an emergency situation is often conducted under adverse climatic weather conditions, which entails greater risk to workers, and reduces the effective use of environmental controls to contain adverse residual effects on surrounding areas. A contemplative approach for preventative slide repair, with coordination among permitting agencies, will help minimize the need for costly emergency repairs.

<u>Economic</u>: The SWIM model output generated by TPAU indicates a single day closure at this site would generate a detour likely to add an additional 206,340 miles driven and 4,386 hours of driving time for autos and 40,086 miles and 443 hours for trucks. Assumed values for lost time and vehicle operation costs (Table 2.3 in the Background Report) estimate a closure of US101 in the vicinity of MP 134 would be approximately \$253,000 per day. The added social costs from the additional emissions are around \$7,400 per day (SPR843, Page 188).

<u>User Impacts:</u> Emergency slide repair and ongoing maintenance activities can delay travel for users, including emergency services, tourists, and local residents.

Finding

The bluff erosion adjacent to Beverly Beach depicted in yellow on the site plan provided by the applicant cannot be avoided given the current alignment of US101. The age and coastal location of US101 presents various factors that contribute to accelerated weathering that deteriorates the highway. The bluff erosion that is currently eating the paved surface of US101 (see Figure 12 on Page 75 of the Background Report) is undermining the stability of the roadbed. Either the highway fails and is closed to all users resulting in highway debris on Beverly Beach along with environmental, social and recreational impacts attributable to road building, disruption of existing rural residences and limiting access Beverly Beach State Park.

Page 31 | 92

Rerouting US101 immediately inland of Beverly Beach is an unsuitable alternative to the current alignment of the highway due to disruption of ongoing timber production, disruption of existing rural residential uses, loss of scenic amenity values and adverse environmental impacts. Specifically, an inland route would have to contend with the following:

- Several major steep drainages that would require major structures to traverse;
- Extensive modification of the existing topography to avoid Beverly Beach State Park Avoidance of multiple rural residential properties;
- Encountering virtually the same unstable geology that exists adjacent to Beverly Beach, and;
- Potentially conflict with other Statewide Planning Goals, particularly those protecting resource zoned lands that require extensive analysis of, and a possible exception to, Statewide Planning Goal 4.

Additional considerations related to Beverly Beach State Park access, riparian habitat protection and lost economic opportunity further support maintaining the current alignment of US101 along Beverly Beach. If retention of the current alignment is not supported, the highway would be permanently closed and its asphalt would spill onto Beverly Beach.

Unlike most site-specific quasi-judicial land use matters entertained by cities and counties in Oregon, this goal exception application is not for the benefit of a single property or user; it benefits everyone living in and visiting Oregon. Without the highway, personal vehicle access to Beverly Beach State Park, and its amenities, would be much more challenging. Until effective erosion control remedies with less visual impact than rock and concrete beachfront protective structures are developed, there are few options other than an exception to Goal 18 to effectively protect the current US101 alignment adjacent to Beverly Beach.

GOAL 2 PART II (c)(4); OAR 660-04-020 (2)(d)

(d) "The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Response

US 101 (The Oregon Coast Highway) is a 363-mile highway located along the Oregon Coast from California to Washington. The surrounding area relies on US101 to provide access to, and along, the Oregon Coast. Built in the 1920's and 1930's, the Oregon Coast Highway is invaluable to national, state, and regional interests because it has unique and intrinsic scenic, recreational, commercial, cultural, emergency, and national defense attributes. US101 is part of the National Highway System and Strategic Highway Network; is designated a Lifeline Route, Oregon Scenic Byway and Oregon Coast Bike Route per the Oregon Highway Plan; and is designated an All-American Road.

Failure of US101 along Beverly Beach would likely result in its closure. A rock and concrete engineered structure to blunt bluff erosion adjacent to Beverly beach is currently the most feasible option to preserve and keep the highway functioning. Studied alternative beachfront protective structures would result in a partial fix with wave and tidal action continuing to deteriorate the roadbed. The typical cross section showing a potential shoreland protection remedy (see Figure 1 in the Background Report) is the only immediate solution for this type of erosion.

Maintaining operation of this principal coastal transportation asset is vital to national and state strategic objectives and benefits local and occasional users of the highway. The applicant will complete its due diligence justifying a goal exception that balances public needs with the important assets and ecosystem services of the public beach by incorporating measures to mitigate visual impacts of the stone embankment.

Finding

Given the importance of US101 both economically and recreationally, the need for a solution to remedy coastal bluff erosion with measures that prolong its life is crucial to state and national interests. The goal exception is not for a single property; it benefits everyone living and visiting Oregon. Without the highway, access to Beverly Beach State Park, and other recreational and scenic coastal amenities, by personal vehicle would be extremely difficult. Until alternative designs are created that reduce the visual impacts of rock and concrete engineered structures, there are few alternatives available to protect the current alignment of US101 adjacent to Beverly Beach from continued coastal erosion.

OAR 660-004-0020(3) If the exception involves more than one area for which the reasons and circumstances are the same, the areas may be considered as a group. Each of the areas shall be identified on a map, or their location otherwise described, and keyed to the appropriate findings.

Finding

This criterion is not applicable as this application concerns a single location.

STATEWIDE PLANNING GOALS FINDINGS

Goal 1 - Citizen Involvement

Response: The US101 Beverly Beach slide repairs were the subject of a pre-application public meeting at Beverly Beach State Park held on June ____, 2024 and will undergo the local land use process as a quasi-judicial application requiring public hearings before the Lincoln County Planning Commission and the Lincoln County Commissioners.

Public comments from similar public outreach conducted in 2001 to evaluate inland route alternatives as part of the Spencer Creek Bridge Replacement project can be found below. The Spencer Creek Bridge Reconnaissance Study Report documents the outreach on Page B-1.

- Why is there such a range of cost? The higher range includes construction and maintenance costs for the more expensive shoreline erosion protection options (i.e. 1mm beach nourishment), which are much more expensive than the lower cost shoreline erosion protection options (i.e. rock revetment), which is what is included in the lower end of the cost range for each alternative.
- Reevaluate the project's purpose and need statement. It does not consider all possible alternatives or adequately address a long-term solution to the shoreline erosion problem.
- Look at additional inland alternatives.
- Consider a longer bypass alternative from Newport to Depoe Bay.

Finding: The pre-application public meeting, along with the Notice and participation requirements of Goal 1, have been met by the applicant and Lincoln County.

Goal 2 - Land Use Planning

Response: Goal 2 defines a "minor change" in the comprehensive plan as one which does not "... have a significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established." By following local quasi-judicial plan amendment procedure, and considering substantial evidence in the record, Lincoln County has established an "implementation measure" as that term is defined by Statewide Planning Goal 2.

Finding: Lincoln County has established an acknowledged land use planning process and policy framework under which the applicant's proposal has been reviewed. That process and framework assures an adequate evidentiary foundation for the decision. The request for exceptions will properly follow the Goal 2 exception process. The proposal is therefore consistent with Goal 2.

Goal 3 - Agricultural Lands

Response: There are no agricultural lands (as defined by Goal 3) within the proposed project area.

Finding: Goal 3 is not applicable.

Goal 4 - Forest Lands

Response: A studied inland reroute of US101 would have to contend with the following:

- Traversing several named creeks;
- Extensive modification of the existing topography to avoid Beverly Beach State Park;
- Impact multiple rural residential properties;
- Encountering virtually the same unstable geology that exists adjacent to Beverly Beach; and,
- Potential conflicts with other Statewide Planning Goals, particularly those protecting resource zoned lands protected by Goal 4 that require extensive analysis and a local discretionary land use decision process involving public hearing notice and the opportunity to comment.

The nature of timber resource land ownership also factors into Goal 4 policy analysis. Large timber holdings controlled by Hamton Timber LLC (1,090 acres) and Systems Global Timberlands LLC (879 acres) would be split by the studied inland detour route, disrupting their management in a manner inconsistent with the purpose and intent of the T-C zone and, by extension, Goal 4. Rerouting US101 through industrial timber lands could also create non-conforming parcels since ODOT owns the land under State Highways and the minimum parcel size in the T-C zone is 80 acres (see Lincoln County Code 1.1375(4)(a)).

Finding: The studied inland US101 reroute alternative would be cost prohibitive and could be found inconsistent with Statewide Planning Goal in a local land use process.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

Response: Goal 5 requires the County to identify, inventory and provide protective measures in its land use code, if appropriate, for specific resources. The 2.6 mile segment of US101 abutting Beverly Beach is identified Special Flood Hazard maps maintained by Lincoln County. An appropriate Flood Development Permit will need to be secured from Lincoln County prior to the placement of any shore protection improvements contemplated herein. Additionally, disturbing protected upland riparian habitat associated with drainages crossing the highway requires a permit from Lincoln County. Such permitting would only be required if the inland reroute alternative were built.

Finding: The applicant's proposal will be consistent with Goal 5 when the relevant Floodplain Development Permit is approved by Lincoln County.

Goal 6 - Air, Water, and Land Resources Quality

Response: Goal 6 requires the maintenance and improvement of the quality of the air, water, and land resources of the state. The integrity of the water and land resources at the site will be maintained by employing erosion control measures, consistent with the requirements of a 1200C permit secured from DEQ prior to any land disturbance associated with this proposal, that will protect the public's investment in the highway. Consequently, there are no anticipated change in air quality as a result of this project.

Finding: The quality of air, water, and land resources of the project site will be ensured by a required DEQ 1200C permitting process. The applicant's proposal is therefore consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards

Response: Goal 7 requires the protection of life and property from natural disasters and hazards. The slide is a natural hazard that could potentially cause harm to the traveling public on US101 as well as to the ocean shore if the pavement collapses. The applicant's proposal will better stabilize the US101 roadbed in a natural disaster than studied alternatives presented in the record of these proceedings.

Finding: Requirements of protecting life and property from natural disasters and hazards will be achieved by placing the proposed shoreland protection measures to stabilize the bluff adjacent to Beverly Beach.

Goal 8 - Recreational Needs

Response: "To satisfy the recreational needs of the state and visitors." Beverly Beach State Park (BBSP) is one of the highly visited in Oregon. The campground is one of the state's largest managed parks with over 280+ sites available for recreational travelers. BBSP includes access to a day-use area with miles of ocean beach, extending from Yaquina Head to Otter Rock, and is centrally located to whale watching viewpoints, tidepools, the Oregon Coast Aquarium, and shops and restaurants in Newport. Any disruption to US101 at this location is likely to have significant impacts on beach recreation opportunities. Visitation data for BBSP provided by Kevin Herkamp of OPRD for the past few years show a 12.8% reduction in visitors (163,965 in 2022 vs 142,938 in 2023). Those BBSP visitation numbers include both day use and overnight stays.

The SWIM model maintained by TPAU estimated the value of day trips to BBSP and found the estimated value benefit transfer in 2022 dollars to be \$47.83. From 2010 - 2019, BBSP averaged around 17,500 visits each month, or 210,000 per year. Using these values, the SWIM model estimated the annual economic value of daytrips to BBSP at \$10 million per year. Combining the value for camping trips and day trips at BBSP suggests the annual economic value of recreation at the site is approximately \$14.7 million dollars. To bring this

to a time scale more relevant to potential closures of US101, the aggregate economic value per day is approximately \$40,300. The worst-case scenario for a closure near MP 134 would be 3 months, suggesting the upper bound on recreation impacts could be around \$3.7 million (SPR843, Page 191) See Table 2C in the Background Report for more information.

The current alignment of US101 also supports the Oregon Coast Bike Route, the most heavily traveled bicycle route in the state. Retaining the current alignment of US101 by allowing beachfront protective structures adjacent to Beverly Beach and making available to all recreational road users is consistent with the purpose and intent of Goal 8.

Finding: US101 provides access to Beverly Beach State Park and supports the Oregon Coast Bike Route. In order to preserve this access in its entirety, the existing alignment of US101 along Beverly Beach must be retained. The applicant's proposal is therefore consistent with Goal 8.

Goal 9 - Economic Development

Response: "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's cities." This goal addresses the supply of land for industrial and commercial land uses. It is not specific, nor applicable to a public works project such as the stone embankment. However, substantial economic impacts that would result in a US101 closure at Beverly Beach have been projected by the SWIM model maintained by TPAU. Those results are presented graphically at the top of Page 182 of SPR843 and indicate that the Oregon Coast's GDP would contract by five percent in the event of a ten year closure of US 101 at Beverly Beach.

Finding: Goal 9 is not directly applicable, although economic impacts are projected to reasonably occur if the existing alignment of US101 along Beverly Beach is not retained.

Goal 10 - Housing

Response: "To provide for the housing needs of citizens of the state." The rock embankment will not affect the housing resources, or the housing needs of the state.

Finding: Goal 10 is not applicable.

Goal 11 - Public Facilities

Response: "To plan and develop timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." Although transportation is addressed under Goal 12, the installation of the proposed rock and concrete engineered structure would be to preserve a public facility (US101).

US101 MP 133.2 to MP 135.8 Goal 18 Exception, Lincoln Co.

Finding: The proposed shoreland protection measures would be improvements to US101, a public facility, halting bluff erosion and poténtial damage to the highway adjacent to Beverly Beach. Absent US101 in its current alignment along Beverly Beach, surface transportation access to the central Oregon Coast would be severely impacted. Consequently, the applicant's proposal is consistent with Goal 11.

Goal 12 - Transportation

Response: Rules implementing Goal 12 come into play when an amendment to a comprehensive plan would "significantly affect" an existing or planned transportation facility. OAR 660-012-0060(1). A "significant affect" is triggered when a proposal will change the functional classification of a transportation facility, changes the standards that implement a functional classification system, or allows types of levels of traffic or access inconsistent with the functional classification of a transportation facility, or will degrade the performance of a transportation facility below mobility targets identified in the TSP or even further if the facility is projected to fall below established TSP mobility targets, per OAR 660-012-0060(1). This project proposes to preserve the function of the Oregon Coast Highway along Beverly Beach and to meet existing and future transportation needs for statewide, regional, and local users while respecting, incorporating, and enhancing the unique characteristics on the Oregon Coast.

The purpose and intent of Goal 12 is manifested in all the monikers US101 has accumulated over the last century. Retention of the existing alignment of US101 along Beverly Beach preserves the integrity of the following designations.

- Strategic Highway Network (STRAHNET): This is a network of highways which are important to the United States' strategic defense policy, and which provide defense access, continuity, and emergency capabilities for defense purposes.
- Oregon Highway Plan Lifeline Route: The 1999 Oregon Highway Plan (OHP) Policy 1E designates lifeline routes as part of a secure lifeline network of streets, highways, and bridges to facilitate emergency service response and to support rapid economic recovery after a disaster. Keeping lifeline routes open is vital to the safety and economy of Oregon.
- Oregon Scenic Byway: The OHP Policy 1D: Scenic Byways states "It is the policy of the State of Oregon to preserve and enhance designated Scenic Byways and to consider aesthetic and design elements along with safety and performance considerations on designated Byways."
- All-American Road: The National Scenic Byways Program is part of the U.S. Department of Transportation's Federal Highway Administration. The program is a grass-roots collaborative effort established to help recognize, preserve, and enhance selected roads throughout the United States. The U.S. Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities.

• Oregon Coast Bike Route: US 101 is one of the most popular and heavily used bicycle routes in the state. The Oregon Coast Bike Route is primarily used for long distance recreational biking; commuter biking is not common in this area.

Finding: Consistency with Goal 12 will be achieved through placement of the proposed shoreland protection measures to stabilize the coastal bluff adjacent to Beverly Beach. Surface transportation access to the central Oregon Coast would be severely limited without US101 in its existing alignment along Beverly Beach. Not supporting the proposed beachfront protective measures would also "significantly affect" the existing highway. The applicant's proposal is therefore consistent with Goal 12.

Goal 13 - Energy Conservation

Response: "To conserve energy." Goal 13 is a directive to local government to use methods of analysis and implementation measures to assure achievement of maximum efficiency in energy utilization. Goal 13 is not directly implicated by the proposed use.

Finding: Goal 13 is not applicable to this proposal.

Goal 14 - Urbanization

Response: Urbanization - "To provide for orderly and efficient transition from rural to urban land use." The proposed project does not have a Goal 14 impact.

Finding: Goal 14 is not applicable to this proposal.

Goal 15 - Willamette River Greenway

Response: "To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities..." Goal 15 applies to property along the Willamette River, which is not in the vicinity of Beverly Beach.

Finding: Goal 15 is not applicable to this proposal.

Goal 16 - Estuarine Resources

Response: "To recognize and protect the unique environmental, economic and social values of... ". The applicant's proposal does not involve estuarine resources.

Finding: Goal 16 is not applicable to this proposal.

<u>Goal 17 - Coastal Shorelands</u>

Response: "To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water dependent uses, economic resources and recreation and aesthetics. The management of these

Page 39 | 92

shore land areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shore lands." Goal 17 directs local governments to identify coastal shorelands and to adopt comprehensive plan and zoning provisions consistent with the Goal. Lincoln County has completed this. US101 was built in the 1920's and 1930's, which was well before the establishment of statewide planning system laws and rules in Oregon. The Oregon Coast Highway is invaluable to national, state, and regional interests as it contains scenic, economic, emergency, and national defense attributes. US101 is part of the National Highway System and Strategic Highway Network; is designated a Lifeline Route, Oregon Scenic Byway, and Oregon Coast Bike Route per the Oregon Highway Plan; and is designated a National Scenic Byway. The highway provides a public benefit of access to coastal shorelands. It makes sense to retain the highway in its current location for social, commercial and recreational reasons while keeping attempting to minimize impacts to Beverly Beach.

Several drainages that cross the 2.6 mile segment of US101 have been addressed by the applicant. A review of the relevant Goal 17 inventory maps has been conducted and, as stated to Lincoln County Planning and Development Department in a pre-application meeting, any riparian areas protected by the Goal will avoided, primarily due to runoff that could undermine the integrity of proposed shoreland protective measures.

Finding: Goal 17 is not applicable because the inventoried areas along Beverly Beach will be avoided by the applicant.

Goal 18 – Beaches and Dunes

Response: "To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas." This proposal is requesting an exception to the recently amended Goal 18 rule that pertains to the protective structures to stabilize ocean-fronting public roads and highways. Under the amended Goal 18 rule, US101 is eligible for consideration of this exception.

Finding: The applicant has addressed relevant reasons exception criteria; OAR 660-022(12) (a-d) lists the criteria to be addressed for this goal exception. The information provided in the findings above, its appendix and attached exhibits satisfy this requirement.

Goal 19 – Ocean Resources

Response: " To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future

US101 MP 133.2 to MP 135.8 Goal 18 Exception, Lincoln Co.

generations." This proposal is requesting an exception to the recently amended Goal 18 rule that pertains to the protective structures to stabilize ocean-fronting public roads and highways. Any future construction related shoreland protection along Beverly Beach shall comply with relevant 1200C permitting requirements administered by DEQ, thereby protecting ocean resources.

Finding: Any future construction of related shoreland protection along Beverly Beach shall comply with relevant 1200C permitting requirements administered by DEQ, thereby protecting ocean resources. The application is therefore consistent with this Goal.

Lincoln County Comprehensive Plan

Goal 18 - Beaches and Dunes GOALS

(1) To protect, conserve and, where appropriate, restore, the beaches and dunes of Lincoln County.

(2) To ensure that development will be designed to minimize adverse environmental effects.

(3) To ensure that development will be adequately protected from any geological have hazards, wind erosion, undercutting, ocean flooding and storm waves.

POLICIES

(1) Lincoln County shall base land use decisions in beach and dune areas, other than older stabilized dunes, on specific findings which shall include the following:

(a) The type of use proposed and the adverse effects it might have on the site and adjacent areas;

(b) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;

(c) Methods for protecting the surrounding area from any adverse effects of the development; and

(d) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

This policy has been substantially addressed in the goal exception findings above.

(2) Lincoln County shall recognize the authority of the Division of State Lands and the Oregon Department of Transportation to regulate the placement of beach front protective structures, such as bulkheads, sea walls, rip-rap and similar protective

Page 41 | 92

structures. The above agencies' findings for such permits shall address and comply with Lincoln County Beach and Dune Policies 3 and 4 below, and shall address the following:

(a) Hazards, as well as benefits, to life, public and private property, and the natural

environment which may be caused by the proposed use; and (b) Temporary and permanent sand stabilization programs and the planned maintenance of new and existing vegetation; and (c) Methods and techniques designed to minimize adverse impacts on the site

and surrounding area; and

(d) The necessity for beach front protective structures.

<u>Response</u>: The applicant is seeking an exception to Statewide Planning Goal 18. The exception process addresses the nature, timing and potential hazards of beach front protective structure placement. Moreover, the applicant will need to secure an Ocean Shores permit from OPRD should a Goal 18 exception be granted by Lincoln County and acknowledged by DLCD. Finally, a Floodplain Development Permit, which will independently assess impacts from structures placed in designated flood hazard areas, will need to be secured from Lincoln County prior to the commencement of construction activities.

(3) Beachfront protective structures will be designed to minimize impacts on the beach on either side of the beach zone line and on beach erosion and accretion patterns.

Response: The above Goal 18 exception findings address this policy.

(4) Beachfront protective structures may be permitted only where development existed on January 1, 1977, unless an exception to Statewide Planning Goal 18, implementation requirement 5, has been adopted as part of the comprehensive plan.

<u>Response</u>: This policy is consistent with new Goal 18 exception administrative rule requirements governing ocean-fronting public roads.

(5) Lincoln County shall rely on the State Parks and Recreation Division to regulate beach sand removal.

<u>Response</u>: This policy is not applicable to the applicant's request as no sand removal is being proposed.

(6) Lincoln County may allow sand removal from the dune system upon a finding that the resulting natural processes of the dune form will not adversely affect property on or off the site.

<u>Response</u>: This policy is not applicable to the applicant's request as no sand removal is being proposed.

(7) Lincoln County shall cooperate with the State Parks and Recreation Division to ensure that construction of access to beach areas observes sound conservation practices and to protect existing public easements through beach and dune areas.

<u>Response</u>: The applicant will need to secure an Ocean Shores permit from OPRD should a Goal 18 exception be granted by Lincoln County and acknowledged by DLCD. That permitting process ensures adherence to this policy.

(8) Lincoln County shall cooperate with the State Parks and Recreation to provide adequate parking, disposal and sanitary facilities at heavily used beach access points.

Response: This policy is not applicable to the applicant's request.

(9) Lincoln County shall seek local, state and federal funds to study the availability of ground water resources in dune areas. Lincoln County shall review study recommendations and establish management standards that recognize the ground water resource potential.

Response: This policy is not applicable to the applicant's request.

(10) Lincoln County shall allow construction on or alteration of dune forms only as follows:

(a) On built and committed sand dune areas identified in the Inventory, including the Siletz and Alsea sand spits. Such development shall be designed to minimize adverse environmental effects with adequate protection from geologic hazards, wind erosion, undercutting or ocean flooding and storm waves.

(b) On older stabilized and conditionally stabilized dunes not subject to under cutting or ocean wave overtopping.

(c) On active dune forms, deflation plains and inter dune areas not subject to ocean flooding.

(d) On other inter dune areas not identified above if alteration of the dune forms will not adversely affect property on or off the site.

<u>Response</u>: The Goal 18 exception process addresses the viability of dune form alteration and, ultimately, protection along Beverly Beach. The applicant's proposal is therefore consistent with this policy.

(11) Lincoln County shall encourage the stabilization of those active dunes that pose threat to public or private property.

Page 43 | 92

Response: The applicant is seeking a Goal 18 exception, consistent with this policy.

(12) Lincoln County shall cooperate with the Oregon State Department of Fish and Wildlife to protect significant wildlife habitat in beach and dune areas as identified in the Lincoln County Plan Inventory and designated on Plan and Zone maps.

<u>Response</u>: The applicant has not consulted with ODFW in connection with the subject Goal 18 exception request. However, the applicant has reviewed the relevant Goal 17 inventory maps and have indicated to Lincoln County Planning and Development Department that potentially responsive drainages crossing the 2.6 mile segment of US101 will be avoided since they would experience runoff that could undermine the integrity of the proposed shoreland protective measures.

(13) Prior to development, Lincoln County shall require an approved revegetation and sand stabilization plan that is to be followed during and after development.

<u>Response</u>: The applicant will be required to secure a 1200C permit from DEQ prior to breaking ground to place such measures, which requires restoration of any vegetation disturbed during construction. Consequently, the applicant's proposal will be consistent with this policy.

(14) Except for beach front protective structures regulated by state permitting agencies, Lincoln County shall establish development standards consistent with the recommendations of the RNKI Environmental Hazard Inventory and Department of Geology and Mineral Industries Bulletin 81.

<u>Response</u>: Compliance with this policy will be pursued when required construction plans are evaluated as part of a future Floodplain Development Permit application.

(15) Lincoln County shall work with the State Parks and Recreation Division to prohibit vehicles from Lincoln County's identified sensitive dune areas.

Response: This policy is not applicable to the applicant's request.

(16) Lincoln County shall work with the State Parks and Recreation Division to regulate removal of driftwood.

<u>Response</u>: This policy is not applicable to the applicant's request.

(17) Lincoln County shall maintain maps of known geological hazards which shall be available to the public.

Response: This policy is not applicable to the applicant's request.

(18) Lincoln County shall work with the Oregon State Parks and Recreation Division to allow foredunes to be breached only to replenish sand supply in inter dune areas, or on a temporary basis in an emergency action such as fire control, cleaning up oil spills, draining farm lands, or alleviating flood hazards, and only if the breaching and restoration is consistent with sound principles of conservation.

Response: This policy is not applicable to the applicant's request.

(19) Lincoln County shall work with the Department of Environmental Quality and Water Resource Department to regulate ground water quality and to ensure ground water draw down does not lead to loss of stabilizing vegetation on dune forms or intrusion of salt water into water supplies.

Response: This policy is not applicable to the applicant's request.

(20) Lincoln County shall review all proposed actions which may result in the alteration of any beach or any active or conditionally stable dune form in the following manner:

(a) Ocean front lots: Site specific geotechnical analysis by qualified registered professional geologist or engineering geologist except when the only known or suspected hazard is coastal recession and minor slope sloughing which can be compensated for with adequate setbacks as set out in Environmental Hazard Inventory, RNKR, 1977.

(b) Sand areas: Except for beach front protective structures which are regulated by state permitting agencies, a detailed geotechnical analysis shall be required for active or conditionally stable dune forms and for areas of high ground water.

<u>Response</u>: Materials used in this application, including the site plan, were created by licensed engineers employed in ODOT Region 2's Technical Center; they conducted a thorough geotechnical analysis when designing potential bluff erosion engineered solutions for Beverly Beach, resulting in the recommended design. Any construction plans for the future placement of shoreland protection measures, should the applicant's Goal 18 exception request be approved by Lincoln County and acknowledged by DLCD, will be stamped by a qualified registered professional or engineering geologist. The applicant's proposal will therefore be consistent with this policy.

(21) Construction and alteration in beach and dune areas shall be designed and located so as to minimize vegetation removal and exposure of stable and conditionally stable areas to erosion. [1988 0.274 §1]

<u>Response</u>: The applicant is required to secure a 1200C permit from DEQ prior to breaking ground to place such measures, which requires restoration of any vegetation disturbed during construction. Accordingly, the applicant's proposal will be consistent with this policy.

Relevant Lincoln County Code (LCC)

The LCC Section 3.1930 Beaches and Dunes Development Standards

The following development guidelines are applicable in beach and dune area identified in the Beaches and Dunes of the Oregon Coast, CC & DC, 1975, and further identified in Environmental Hazard Inventory, Coastal Lincoln County, RNKR Associates, 1977, or by other means:

(1) Purpose: Sand areas may be subject to wind erosion, wave undercutting, ocean flooding and storm waves. The following development guidelines have been prepared in order that sand area characteristics will be recognized and the development appropriate.

(2) Areas of Concern: Areas designated in the Lincoln County Comprehensive Plan Inventory as sand areas.

(3) Standards: The following standards shall be applied in the review of land use actions in all identified sand areas.

(a) Except for the Alsea and Siletz sand spits uses on active foredunes, conditionally stable dunes subject to ocean undercutting or wave overtopping and interdune areas (deflection plains) subject to ocean flooding shall be limited to hiking trails, platforms for wildlife viewing and similar low intensity educational, recreational or open space uses.
(b) A revegetation plan is required prior to development. Building construction shall be designed and located to minimize vegetation removal, dune form alteration and exposure to erosion. The plan shall consider the following:

(A) The type of use proposed and the adverse effects it might have on the site and adjacent areas;

(B) Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation;

(C) Methods for protecting the surrounding area from any adverse effects of the development; and

(D) Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

c) Foredunes: Foredunes shall be breached only to replenish sand supply in interdune areas, or on a temporary basis in an emergency, such as fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards, and only if the breaching and restoration after breaching is accomplished under the supervision of a qualified sand expert. (d) Groundwater Areas:

> (A) Prior to approval of uses proposed in areas identified in the Comprehensive Plan Inventory as potentially having potable ground water in quantities capable of augmenting local domestic water supplies, the applicant shall provide a report by the Oregon Department of Environmental Quality (DEQ) or other acceptable authority that the use shall not degrade water quality below DEQ's standards.

(B) Prior to approval of development using ground water sources, a technical report shall be provided by the applicant which demonstrates that the use will not draw down ground water to levels which would lead to loss of stabilizing vegetation or intrusion of saltwater into water supplies.

<u>Response</u>: The applicant is required to secure a 1200C permit from DEQ prior to breaking ground to place such measures, which requires restoration of any vegetation disturbed during construction. Accordingly, the applicant's proposal will be consistent with the above dune form development criteria.

1.1395 Flood Hazard Overlay Zone

(1) Purposes: The purposes of the Flood Hazard Zone are to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas, all in accordance with LCDC Statewide Planning Goal 7 and Lincoln County Comprehensive Plan Natural Hazard Policies. The regulation of uses within this zone is intended to:

(a) Protect human life and health;

(b) Protect property and structures;

(c) Minimize public costs for flood control projects;

(d) Minimize public costs of rescue and relief efforts associated with flooding;

(e) Minimize business interruptions due to flooding;

(f) Minimize damage to public facilities and utilities including water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;

(g) Maintain a stable tax base by providing for appropriate use and development of areas of flood hazard;

(h) Make the designation of property subject to flood hazards a matter of public record; and

(i) Qualify Lincoln County for participation in the National Flood Insurance Program.

Page 47 | 92

(2) Area Affected: The provisions of this section shall apply to all areas of special flood hazard [as] identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lincoln County and Incorporated Areas" dated December 18, 2009, with accompanying Flood Insurance Rate Maps (FIRM). "The Flood Insurance Study for Lincoln County and Incorporated Areas" and the accompanying FIRM dated December 18, 2009 are hereby adopted by reference and made a part of this section.

(3) Uses: In areas subject to the provisions of this section, all uses permitted under the provisions of the underlying zone may be permitted, subject to the additional requirements and limitations of this section. Notwithstanding the provisions of the underlying zone, the nonpermanent placement of a recreational vehicle on an individual lot between April 15 and October 15, subject to the provisions of subsection (13) of this section, shall be permitted as an outright use in areas subject to the provisions of this section.

(4) Permits:

(a) No structure or manufactured dwelling shall he erected, located, altered, improved or enlarged, and no other new development, including but not limited to grading, mining, excavation and filling, shall occur on lands within any area of special flood hazard unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Lincoln County.

(b) Application, review and appeals for Floodplain Development Permits shall be initiated and conducted in the manner provided for in LCC 1.1210, and shall also include evaluation to determine that all necessary permits have been obtained from all federal, state, and local governmental agencies from which prior approval is required.

(5) County Records:

(a) The Director shall obtain and maintain on file the actual elevation (in relation to NAVD 88) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this section. In zones V and V1-30 the actual elevation of the lowest horizontal structural member, excluding pilings or columns, shall be obtained and maintained on file.
(b) For all new or substantially improved floodproofed structures in areas subject to the provisions of this section, the Director shall obtain and maintain on file the actual elevation[,] (in relation to NAVD 88)[,] of the flood proofing, and shall also maintain the flood proofing certifications required pursuant to subparagraph (C) of paragraph (c) of subsection (6) of this section.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, there shall be no requirement to obtain and maintain on file the actual elevation of the lowest floor, or of flood proofing measures, for new or substantially improved structures in areas where specific base flood elevations are not known.

(6) Development Standards for FIRM Zones A, AE and A-0:

The following standards shall apply to all new construction, substantial improvement or

other development in areas within FIRM Zones A, A1-30 and A-0:

(a) All new construction and substantial improvement, including manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement of the structure, and shall be constructed with flood resistant materials, utilizing methods and practices to minimize flood damage.

(b) All new and substantially improved residential structures shall have the lowest floor, including the basement, elevated to at least one foot above the base flood elevation. All new and substantially improved manufactured dwellings shall have the lowest floor, including the basement, elevated to at least eighteen (18) inches above the base flood elevation. In FIRM Zone A-0, the base flood elevation shall be defined as 12 inches above the highest adjacent grade. Except as otherwise provided in paragraph (c) of subsection (5) of this section, elevation of the lowest floor shall be documented with a survey certified by a State of Oregon Registered Professional Engineer or Professional Land Surveyor. For purposes of this section, an unfinished garage used solely for parking or storage, either attached or detached, may be considered a nonresidential structure.

(c) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the base flood elevation, with proper documentation as set forth in paragraph (b) of this subsection or, together with attendant utility and sanitary facilities, shall:

(A) The structure and uses therein shall be of types which have a low flood damage potential, such as unfinished garages and pole buildings used solely for parking and storage, and unfinished storage buildings;
(B) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths pressures, velocities and other factors associated with thebase flood; and
(C) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

(d) Notwithstanding the provisions of paragraph (c) of this subsection, nonresidential structures utilizing flood proofing methods which permit the entry of floodwaters may be authorized, provided the following requirements are met:

(A) The structure and uses therein shall be of types which have a low flood damage potential, such as pole buildings used for parking and storage, and unfinished storage buildings;

(B) The contents and interior finish materials of the structure shall be of types which are neither hazardous nor vulnerable to loss under conditions of flooding;

(C) The structure shall have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood;

Page 49 | 92

(D) The structure shall be designed to allow for the automatic entry and exit of floodwaters in accordance with paragraph (g) of this subsection; and

(E) The owner shall be provided notice by the Planning Division that placement of a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 per \$100.00 of insurance coverage.

(e) All manufactured dwellings shall be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs and anchoring as specified in the Oregon Manufactured Dwelling and Park Specialty Code.

(f) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed or located so as to prevent water from entering or accumulating within components during conditions of flooding. (a) For all new construction and substantial improvements that are elevated, fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall he no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Fully enclosed areas below the lowest floor of elevated buildings are usable solely for the parking of vehicles, building access, or storage in an area other than a basement.

(h) For structures on slopes within FIRM Zone A-0, adequate drainage paths around the structures to guide floodwaters around and away from proposed structures are required.

(i) All subdivision proposals shall be designed to minimize flood damage, shall provide adequate drainage, and shall have public utilities and facilities constructed to minimize flood damage.

(j) New construction or substantial improvement may be exempted from the requirements of this subsection upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Professional Land Surveyor, which demonstrates that the lowest grade adjacent to the proposed structure is above the base flood level.

(7) Development Standards for FIRM Zones V and VE - The following standards shall apply to all new construction, substantial improvement, and other development in areas within FIRM zones V and VE:

(a) All buildings or structures shall be located landward of the mean high tide line.

(b) All new or substantially improved structures shall be elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor, excluding pilings or columns, is elevated to at least one foot above the base flood level. Elevation of the lowest horizontal member shall be certified by a registered professional engineer or professional land surveyor.

(c) Pile or column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

(d) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (b) and (c) of this subsection.

(e) All space below the lowest floor shall be either free of obstruction to the free flow of water or constructed with nonsupporting breakaway walls, open wood lattice work or insert screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For purposes of this section, breakaway walls shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot may be permitted only if a registered engineer or architect certifies that the designs proposed meet the following conditions:

(A) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

(B) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components, both structural and nonstructural. Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100 year mean recurrence interval).

(f) All space below the lowest floor shall be usable solely for parking of vehicles, building access or storage.

(g) No fill shall be used for structural support.

(h) Sand dunes shall not be altered so as to increase potential flood damage.

US101 MP 133.2 to MP 135.8 Goal 18 Exception, Lincoln Co.

<u>Response</u>: The Goal 18 criterion evaluated herein contemplate the placement of proposed engineered rock and concrete structure(s) to stop bluff erosion along Beverly Beach. Such structures will require an approved Floodplain Development Permit from Lincoln County prior to breaking ground. Consequently, the applicant's proposal will be consistent with the criteria for the VE special flood hazard area management.

APPENDIX A Background Report

Overview

The Department of Land Conservation and Development (DLCD) recently revised the exception rules for Goal 18 to add a new reasons exception to the local goal exception process specific to public, ocean-fronting roads to allow these routes to continue to exist in their current location using structural shoreline armoring. The proposed new language to the land use goal exception process is targeted for public roadways, creating the opportunity to protect them through shoreline armoring (AKA beachfront protective structures).

Statewide Planning Goal 18 focuses on conserving and protecting Oregon's beach and dune resources, and on recognizing and reducing exposure to hazards in this dynamic, sometimes quickly changing environment.

Oregon Administrative Rule (OAR) 660-022(12) (a-d) lists the criteria to be addressed for a goal exception. The information provided in this report and attached exhibits satisfy this requirement. The exhibits included in this report are as follows:

- Exhibit A: Location and Zone Maps
- Exhibit B: Assessor Parcel Map
- Exhibit C: Engineered Structure Sample Drawings
- Exhibit D: Oregon Coast Trail and Bike Maps
- Exhibit E: Substantial Evidence
- Exhibit F: Coastal Atlas Images
- Exhibit G: Mile Post 134 Closure Detours Maps
- Exhibit H: Geologic Map
- Exhibit I: Soils Maps
- Exhibit J: DOGAMI SLIDO Map

Request

The Oregon Department of Transportation (ODOT) is requesting an exception to the Statewide Planning Goal 18: Beaches and Dunes. The requested exception is necessary to allow ODOT to place a rock and concrete engineered structure to stabilize an eroding bluff adjacent to Beverly Beach in order to retain the current highway alignment.

The proposed 2.6 mile project area contains a variety of slope failure circumstances, from significant wave erosion to fractured bluffs that abut large, slow slides extending to the beach. These varied responses to erosional factors necessitate segmentation of the project extent with commensurate phasing of planned shorelands protection measures. Phasing of the project will provide an opportunity to implement different treatments for shoreland protection based on road risk factors assessed by ODOT's

Page 53 | 92

geotechnical engineers. Earlier phases will address the greatest need for highway preservation and require the most beach armoring.

Given the urgency of this situation to keep portions of the highway from collapsing onto the beach and negatively impacting the users of US 101, as well as the natural environment of the ocean shore, a durable structural repair is the only feasible solution for mitigating acute bluff erosion, shown in yellow on the site plan provided by the applicant, immediately south of Spencer Creek Bridge. The red segments include three slide areas (the Johnson Creek, Carmel Knoll and Moolack Creek slides) that are too large to be stabilized with an engineered solution. Other areas represented in yellow on the site plan provided by the applicant could be repaired in a manner similar to the area south of the Spencer Creek Bridge.

This project is consistent with the Lincoln County Transportation Plan (2007), the Transportation Planning Rule, OAR 660-012-0065, the Oregon Transportation Plan, and the Oregon Highway Plan.

Location and Map Numbers: US101: M.P. 133.2 to M.P. 135.8, Assessor Map Numbers: T9S, R11W, Section 32; T10S, R11W, Section 5; T10S, R11W, Section 8; T10S, R11W, Section 17 as to Public Right of Way and a parcel west of the highway at the southern end of the project area (owned by O'Halloran LLC - T10S, R11W, Section 17 Tax Lot 100).

Zones: The subject properties are zoned for Rural Residential (RR-2 and R-1) and Public Facilities (P-F) uses and are subject to the Special Flood Hazard Area (VE) Overlay Zone as identified on the Lincoln County Mapping Application available online.

Project Description

The marine terrace on which US101 resides between M.P. 133.2 and MP 135.8 has been eroding at different rates for decades. Three of the top ten areas on the Oregon Coast experiencing highest rates of coastal erosion are in the subject segment of the highway (No. 1 is the slide south of Spencer Creek Bridge, No. 6 is Moolack and No. 7 is Carmel Knoll). The three studied slides have been deemed too massive to address with engineered solutions. The depth and size of these slides (noted in red on the site map provided) make them irreparable according to an ODOT Region 2 scoping exercise led by Tony Robinson, and Engineering Geologist. Consequently, only the yellow and green areas depicted in the site plan provided by the applicant are proposed for mitigation with shoreland protection measures and are addressed in these Goal 18 exception application documents.

The current situation (as of July 2023) has the guardrail posts at this location that are mere feet from the leading edge of the failing shore bank with cracking pavement

US101 MP 133.2 to MP 135.8 Goal 18 Exception, Lincoln Co.

towards the centerline striping. The situation is dynamic with accelerated erosion occurring periodically.

The proposed repair will use a variety of materials including riprap at the toe, SEM fill from the toe to a MSE wall and backfill between the MSE wall and pilings used to support the roadway while it is being repaired (conforming substantially to the design found in Figure 1 below). The combined embankment will be placed along a 190-foot section of slope, starting at the toe (edge of the ocean shore) and then built up to the roadway, resulting in the 1.7 horizontal: 1.0 vertical slope depicted in Figure 1.



Need

The scope of the subject road repair project is a 2.6 mile section of US101 extending from MP 133.2 to MP 135.8 that have unique beach dynamics and geologic conditions. Geology is the main source of shore bank failure along the Beverly Beach segment of US 101. The geology of the area consists primarily of siltstone and sandstone from the Astoria Formation, which dips around 20° to the east. This is overlain by interbedded estuary deposits consisting of layers of loose silt and sand interbedded with soft clayey silt and organics. The estuary deposits vary from around 90 feet thick (around Spencer Creek) down to 10 feet thick on the lateral edges of the site (SPR843, Page 156). The unconsolidated underlying geology contributes to road failure as runoff weakens the contact zones between geologic units. The resulting subsurface flows act as a lubricating agent that, with the assistance of gravity, facilitates land movement. These geologic conditions have caused the highway to subside in the vicinity of Johnson Creek, Carmel Knoll and Moolack Creek. Conversely, nearby bluff erosion actively threatening the roadbed of US101 is mostly attributable to tidal and wave action.

These geomorphological conditions have caused segments of US101 along Beverly Beach to be at high risk for roadbed failure and sea-cliff collapse resulting from coastal erosion. Technical factors include ancient geologic faulting, igneous intrusions into the host rock which itself is composed of weakly-indurated Eocene-aged marine sediment, structural daylighting of primary bedding, unconsolidated Pleistocene age marine terraces, high groundwater, and very active wave erosion along the base of the sea-cliff below the roadway. These conditions within this studied segment of US101 have led to the development of several massive landslides that move episodically adjacent to eroding bluffs stretches of sea-cliff, extending to the surf line, that are subject to collapse. These interconnected landslides, along with wave scour at the toe of the aforementioned bluffs, continually compromise the structural integrity of the roadbed supporting US101, contributing to its failure (ODOT Region 2 Geotechnical Memo).

Figure 2



Source: 2023 ODOT Region 2 Geotechnical Scoping Exercise

Rates of sea-cliff retreat within the most critical section of the highway (i.e. MP 133.94 to MP 134.28) average approximately one half of a foot per year, with a maximum rate in some locations that exceeds one foot per year (see Figure 13 below). However, research by the U.S. Army Corp of Engineers has demonstrated that such averages, while meaningful in a qualitative way, are not representative of the true nature of this manner of erosion. Specifically, sea-cliff retreat has been shown to occur episodically and is strongly correlated to the severity of local winter storm activity. Based on the estimated

Page 56 | 92

US101 MP 133.2 to MP 135.8 Goal 18 Exception, Lincoln Co.

rates of coastal sea-cliff retreat, the highway will likely begin to lose travel lanes within approximately the next three to seven years.

Erosion rates in the subject littoral vary based on the underlying parent material. The most acute slides along Beverly Beach (Johnson Creek, Carmel Knoll and Moolack Creek) are the product of large units of weathered igneous clays associated with the Astoria Formation. These slides (shown in red on the site plan provided by the applicant) are slowly moving towards the ocean and cannot be feasibly mitigated with engineering solutions. Consequently, those areas will have to be managed through periodic maintenance of the roadbed and surface. Erosion of exposed marine bench material around MP 134 (shown in yellow on the site plan provided by the applicant) is mostly attributable to wave and tidal action and will be the highest priority for structural mitigation, provided a Goal 18 exception is acknowledged and an Ocean Shores permit is approved. Given projections of sea level rise and pacific storm intensity due to climate change, other yellow coded road segments would likely be addressed with some kind of engineering solution as funding becomes available. Areas shown in green on the site plan provided by the applicant are lower priority areas that can be addressed with less intrusive means.

Figure 3



Source: 2023 ODOT Region Geotechnical Scoping Exercise

The complex geology along the Beverly Beach littoral informs its soils. Analysis of Natural Resource Conservation Service (NRCS) soil mapping information available at US Soil Web site shows numerous irregular soil units roughly conforming to linear beach features, local drainages and weathered geologic parent material. Four main upland soil units are

105

Page 57 | 92

intermingled from west to east in the immediate shorelands area along the subject littoral.

Areas shown in yellow on the site plan provided by the applicant are mostly associated with Bandon fine sandy loam, which is designated 3E by the NRCS. This soil is composed of roughly 45% sand, 45% loam and 10% clay and does not significantly contribute to sand replenishment on Beverly Beach as a result of wave erosion. Just inland of the Bandon soils are Nelscott predominant soils (42C), Tolovana/Reedsport complex soils (56G) and Lint soils (35E). The subject area also has two soils related to local drainages like Johnson, Spencer and Moolack Creeks. Coquille complex soils (12A) are present near the creek mouths and are associated with tidal marsh and estuarine landscapes and Nestucca predominant soils (46A) are associated with floodplains. All of the soils immediately inland of the marine bench shown in yellow on the site plan provided by the applicant have a sand constituent under half with the Lint soils having around 10% sand constituent. Consequently, they also are not good sources of sand replenishment for Beverly Beach.

Figure 4



Source: US Soil Web

Page 58 | 92

Overview

US 101 (The Oregon Coast Highway) is a 363-mile highway located along the Oregon Coast from California to Washington. Built in the 1920's and 1930's, US 101 is invaluable to national, state, and regional interests for its scenic, economic, emergency, and national defense attributes. Landslides and road failures on US 101 have been an ongoing problem for decades. These events result in full or partial closures of travel lanes and require days or even weeks of maintenance work to be able to fully reopen to passenger car and heavy vehicle travel. As a result, these landslide and road movement incidents have a significant cost to ODOT and the state, disrupt the local and regional economies, strain emergency services, and reduce the mobility of communities to reach critical services.

US 101 is part of the National Highway System and Strategic Highway Network that connects multiple states on the US West Coast; it is designated a Lifeline Route, a Freight Reduction Review Route, Oregon Scenic Byway and Oregon Coast Bike Route per the Oregon Highway Plan; and is designated a National Scenic Byway. The Oregon Coast Trail runs along the entire Oregon Coast and is at times located on US 101. The Oregon Coast Trail is run by a non-profit foundation dedicated to improving and maintaining the physical aspects and infrastructure of the Trail as wells as connecting trails and provide marketing. The Oregon Coast Trail is located on Beverly Beach at the subject slide location (Exhibit D).

National Highway System: Federally designated highways in rural and urban areas that provide access between an arterial and a major port, airport, public transportation facility, or other intermodal transportation facility.

Strategic Highway Network (STRAHNET): This is a network of highways which are important to the United States' strategic defense policy, and which provide defense access, continuity, and emergency capabilities for defense purposes.

Freight Reduction Review Route: Reduction Review Routes are State Highways that require review of during planning, project development, development review, and maintenance to determine "hole in the air" capacity in conformance with ORS 366.215. Hole in the air capacity is the area needed to accommodate legal freight loads and annual permitted over-dimension freight loads.

Oregon Highway Plan Lifeline Route: The 1999 Oregon Highway Plan (OHP) Policy 1E designates lifeline routes as part of a secure lifeline network of streets, highways, and bridges to facilitate emergency service response and to support rapid economic recovery after a disaster. Keeping lifeline routes open is vital to the safety and economy of Oregon.

Oregon Scenic Byway: The OHP Policy 1D: Scenic Byways states "It is the policy of the State of Oregon to preserve and enhance designated Scenic Byways and to consider aesthetic and design elements along with safety and performance considerations on designated Byways." *All-American Road:* The National Scenic Byways Program is part of the U.S. Department of Transportation's Federal Highway Administration. The program is a grass-roots collaborative effort established to help recognize, preserve, and enhance selected roads throughout the United States. The U.S. Secretary of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities. *Oregon Coast Bike Route:* US 101 is one of the most popular and heavily used bicycle routes in the state. The Oregon Coast Bike Route is primarily used for long distance recreational biking; commuter biking is not common in this area. *Oregon Coast Trail:* Managed by the Oregon Parks and Recreation Department (OPRD), the Oregon Coast Trail (OCT) traverses the entire coastline of the State. The trail travels along roads, paths and the beach, with gaps identified on relevant OPRD maps where it is unsafe to travel during storm seasons. The OCT follows the beach through the subject segment of US101.

The Oregon Coast has few alternative routes compared to other parts of Oregon due to physical barriers created by the Coast Range. Closures have the potential to require considerable out of direction travel to reach planned destinations. The most acute slide area studied in SPR843 and recent ODOT Region 2 scoping exercises (near MP 134) is just south of the entrance to Beverly Beach State Park. The nearest alternative coastal route to the subject slide is the Siletz Hwy (OR229) is also subject to landslides, particularly between the communities of Siletz and Kernville and is in the Tsunami Inundation Zone for several miles north its intersection with US20.

Community impacts of the highway closing, measured by detour travel time, are significant. Closing US101 at Beverly Beach would increase travel time from add a minimum of one hour if Siletz Highway is used. An alternate freight route taking OR18, OR22, OR99W and US20 is also evaluated and affirms that there are no viable options for moving coastal freight other than retaining the current alignment of US101 adjacent to Beverly Beach (represented by the red dot in Figure 5).

The distance of the aforementioned detours are measured from where they intersect with US 101. This assumes through traffic on US 101 and to the Beverly Beach area would be aware of a highway closure at MP 134. The Siletz detour time and distance would therefore be calculated using the distance of OR 229 and the segment of US 20 between Toledo and Newport. Using Google Maps, a total detour distance of 39.4 miles and travel time of an hour were used to calculate the per day cost of a US 101 closure to auto traffic at Beverly Beach.




Source: ODOT TransGIS (state.or.us)

To qualify as a detour, a route must be useable by the general public and freight and must be able to support its regular traffic *plus* diverted slide traffic. This means they must be paved and meet ODOT safety standards. Siletz Hwy has no freight designations because turning radii on the road are too tight to accommodate large dimensional vehicles and, therefore, cannot meet ODOT standards for detours on the State Highway System. Consequently, large dimensional freight traffic would need to take an alternate detour route utilizing OR 18, OR 22, OR 99W and US 20. Since OR 229 is not designated a freight route, the detour user cost estimates set forth in Table 2 below are predicated on the north/south access via the aforementioned detour route (it is 135 miles longer than using Siletz Hwy and would increase travel times by 2.5 hours, assuming ideal conditions).

Realignment of the highway along a route immediately inland of the Beverly Beach landslide slide areas have been studied extensively and deemed infeasible. Stormwater management, road subsidence and existing development issues related to a realignment directly inland cause environmental externalities that are difficult to effectively manage. Specifically, an inland route would have to contend with several major steep drainages that would require major cut and fill and culvert structures to traverse the existing topography, would need to avoid Beverly Beach State Park, would impact multiple rural residential properties and would encounter virtually the same unstable geology that exists adjacent to Beverly Beach. Such a realignment would also potentially conflict with other Statewide Planning Goals, particularly those protecting resource zoned lands that

require extensive analysis of, and a discretionary land use permit from Lincoln County, to be consistent with Statewide Planning Goal 4 (Exhibit A-2).

While rerouting US 101 away from the ocean beach shore would avoid the potential need for beachfront protective structures on Beverly Beach, according to the relevant DOGAMI State Landslide Inventory and Database for Oregon (SLIDO) map, any inland route would also likely encounter inventoried slide areas. Access to coastal recreational opportunities and scenic ocean views could also be reduced by moving the highway inland, affecting a local economic driver (see Figure 6 below).

Rerouting US 101 inland would require approximately 3.3 miles of new road. Use of historic routing for US 101 (depicted on Figure 7) is impractical due to the establishment of Beverly Beach State Park and rural residential development since construction of the rerouted highway in 1948. Historically, the Miner Creek-Agate Beach segment of US 101 was realigned in 1948 to remove a number of curves and avoid recurring landslides. The 4.27-mile realigned section shortened travel in the subject segment by half a mile while removing a section of the old highway "that was notorious for its monotony of curves, steep grades and uninteresting scenery", according to ODOT's eighth annual report.

Construction cost for the approximately 3.3-mile rerouted section is estimated to be \$91 million. The \$27,528,000 cost per mile for a general reroute is based on the Pioneer Mountain - Eddyville Hwy 20 route change, which consisted of seven separate projects (SPR843 Pg 84).



Figure 6

Source: SPR 843 Final Report, Page 104

Page 62 | 92

The studied inland detour routes would also cause impacts to industrial forest lands and inventoried natural resource areas. Most of the area that would be impacted is zoned Timber Conservation (T-C) with several parcels in the R-2 residential zone affected at the southern end of the studied detour route. The studied 3.3 mile detour route would need to traverse two drainages (Johnson and Spencer Creeks) and would impact a third (Wade Creek). Riparian vegetation and fish bearing streams are resources protected by the Statewide Planning Goals and would be impacted as well.

Large timber holdings controlled by Hamton Timber LLC (1,090 acres) and Systems Global Timberlands LLC (879 acres) would be bifurcated by the studied inland detour route, disrupting their management in a manner inconsistent with the purpose and intent of the T-C zone. Rerouting US101 through industrial timber lands could also create non-conforming parcels since ODOT owns the land under State Highways and the minimum parcel size in the T-C zone is 80 acres (per Lincoln County Code 1.1375(4)(a)).

Guidance about timber land management is found in LCC Chapter 1 as follows:

The primary use of the majority of these forest lands is commercial wood fiber production. Secondary uses include wildlife production, outdoor recreation, domestic watersheds and livestock grazing. Existing ownership patterns, historical use trends, and past and current management practices for private non-industrial forest lands indicates that parcels of 40 to 50 acres comprise the large majority of ownerships and that parcels in this size range are compatible with the conservation of forest lands for forest uses.

Forest land policies are articulated in LCC Section 1.0065 with the following policies applicable to development in forest lands:

- Forest land shall be retained for the production of wood fiber and other forest uses;
- Lincoln County shall provide for compatible uses on forest lands;
- Lincoln County shall protect existing forest uses from encroachment of incompatible forest uses; and,
- Lincoln County will recognize the need for ownership consolidation in maximizing the forest objectives of individual forest land owners and will encourage and cooperate in the process of land exchanges between the various owners.

Siting the studied inland detour route would be inconsistent with the above forest land policies because its construction would remove timber lands from active management, would introduce incompatible uses that interfere with wildfire suppression and would fragment forest holdings. Partitioning existing large timber land parcels for the purposes of acquiring new right-of-way would not be allowed unless all parcels created in the

partition meet the minimum parcel size for the T-C zone. Potential land use conflicts associated with new roads in the T-C zone could be vetted through a local conditional use permit application process consistent with LCC 1.1375(2)(v).

Additional permits would need to be secured to ensure protection of local riparian habitat. Evaluation of riparian vegetation protection measures is conducted pursuant to criteria set forth in LCC 1.1935(3)(b)(B).



In February of 2022, ODOT's Transportation Planning Analysis Unit (TPAU) completed an analysis to provide an estimate of the user costs associated with the closure of known landslides on US101 (Region 2 Technical Request Memo dated February 12, 2024). One of these slide locations is proximate to the subject slide, known as the Spencer Creek Bridge and Bluff slide at MP 134. The TPAU analysis is a reasonable comparison of what the economic impact related to transportation would be for a highway closure just south of the entrance to Beverly Beach State Park. The tables below show the transportation related cost of using three analyzed detour routes based on per mile and per hour cost estimates sourced from the TPAU Technical Request and shows the estimated cost of a one-day closure of US 101 occurring close to the Beverly Beach slide location.

Figure 7

Detour Travel Cost Calculation

Detour Route	Additional Time Costs	Additional Operating Costs	Total Use Costs
Local Detour	\$6,462	\$1,252	\$7,714
Siletz Hwy	\$388,559	\$98,631	\$487,190
ORs 18/22/99W/20	\$53,868	\$61,163	\$115,031

Table 2A. Travel Cost Calculation of a One Day Closure

The local 3.3 mile detour calculation assumes a minute of additional travel time and half a mile of additional travel distance applied to an average of 10,884 autos and 633 trucks per day traveling the subject segment of US 101. These averages were determined using the ODOT TransGIS application's 2023 Annualized Average Daily Travel (AADT) data for mile posts 132.4 and 136.5. Calculations for failure of US 101 at Spencer Creek suggests a single day closure with this 3.3 mile detour route would likely lead to an additional 5,442 miles driven and 181 hours of driving time for autos and 317 miles and 11 hours for trucks.

The Siletz Hwy detour calculation assumes only auto use because it has tight turns; consequently, there is no freight route designation for it. Moreover, the highway is prone to rockslides and road inundation events, resulting in over \$2 million in maintenance costs over the past five years (Siletz Maintenance Costs Spreadsheet). The average AADT established for autos of 10,884 was therefore used to determine time and operating costs for this detour. The average auto AADT was applied to an hour travel time and a travel distance of 39.4 miles determined through Google Maps with final figures established by referencing the values in Table 2B below. Calculations for failure of US 101 at Spencer Creek suggests a single day closure with this auto detour route would likely lead to an additional 428,830 miles driven and 10,884 hours of driving time. A potential closure there is projected to cause large (27% to 50%) reductions in use of US 101 in and around Newport. Siletz Highway, the most likely auto detour route, would see major increases in traffic volume (SPR843, Page 183).

The ORs 18/22/99W/20 detour assumes only freight use because Siletz Hwy cannot accommodate freight traffic for the reasons cited above. The average AADT established for freight on the local detour route (633) was used to determine time and operating costs for this detour. The average freight AADT was applied to a 2 hour and 20 minute travel time and a 109.8 mile travel distance determined through Google Maps with final figures established by referencing the values in Table 2B below. Calculations for failure of US 101 at Spencer Creek suggests a single day closure with this truck detour route would likely lead to an additional 69,503 miles driven and 1,456 hours of driving time.

Parameter	Auto	Truck	Source
Value of Time/Hour	\$35.70	\$37.00	DAS OEA (1)
Vehicle Operation Costs/Mile	\$0.23	\$0.88	Driving costs for autos and trucks (2)(3)

Table 2B. Estimated Values (2023) for Traveler Costs due to Detours (per 2/12/24 TPAU Memo)

Data Sources: 1) Auto and truck value of time: The Value of Travel Time, 2019, Appendix Table 1, 2017 values adjusted for inflation using Employment and Wages by Industry, QCEW Annual Summary Report 2017 and 2022, and DAS OEA

2) Auto Operating Cost: AAA Your Driving Costs, 2023, medium sedan

3) Truck Operating Cost: An Analysis of the Operational Costs of Trucking, 2023 Update, ATRI Table 8 Average Marginal Cost per Mile by Region, (West: fuel, repair & maintenance, tires)

SWIM Model Travel Cost Estimation of a Closure at Mile Post 134

ODOT's SWIM model (Donnelly, 2017) represents the interactions between Oregon's transportation infrastructure and the economic behavior (e.g., shipping, traveling) that uses that infrastructure. SWIM is a dynamic model that integrates many components, including demographics, population, personal and commercial travel to simulate how changes to the system may impact Oregon's economy and communities. For this exercise, ODOT used SWIM to simulate long-term economic impacts (GDP, traffic volumes, population, and employment) of a roadway failure at each of our five sites. The impacts of two simplified scenarios, an unimpeded roadway and a complete road closure, were considered for a ten (10) year period. The comparison allows for the establishment of baseline data to begin to describe the possible impacts to local and regional economies of any road closure. It is important to note that under current conditions, a major roadway failure at any of the five sites would likely be repaired by ODOT within three months. Therefore, this modeling exercise is designed to provide context about the relative importance of maintaining US101 at these five locations in terms of economic output, traffic volumes, employment, and population. Reported impacts focus on the difference between average percent changes with and without roadway failures over a hypothetical ten-year period based on SWIM scenario forecasts.

Cost Benefit Analysis Background

Since 1981 with Presidential Executive Order 12291 (Exec. Order No. 1229, 1981), costbenefit analysis (CBA) has been a key component of federal regulatory impact analysis and social decision-making. CBA is a comprehensive assessment method that quantifies the social benefits and costs of a policy change or investment in monetary terms. This process aids in understanding the economic tradeoffs across policy or investment options as well as providing a metric (net benefits = social benefits – social costs) to inform allocation of resources. Often, investments have clearly defined costs in dollars and the challenge is to understand the monetary benefits that would be provided to society. This has required the development of economic methods to quantify the monetary value of potential changes in both market and nonmarket goods and services that result from economic activity and policies. Such a need was further validated in an

Page 66 | 92

October 2015 Memorandum for Executive Departments and Agencies that explicitly directed federal agencies to "develop and institutionalize policies to promote consideration of ecosystem services, where appropriate and practicable, in planning, investments, and regulatory contexts" (SPR843, Page 175).

The Office of Management and Budget (OMB) issued an update to Circular A-4 (OMB, Circular A-4 2023) on November 9th, 2023. This document updates guidance about the use of discount rates in economic analyses of proposed projects and policies. Under prior guidance, the recommendation was the use of a 7% discount rate for capital projects and a 3% discount for projects that impact consumption. The new federal guidance establishes a single default rate of 2% for measuring all impacts from now through 2053, and this recommended rate will be updated every three years moving forward. Analyses presented in this report follow this new federal guidance and use a 2% discount rate (SPR843, Page 175). These CBA parameters have been adapted for the US101 context to inform the SWIM model results presented in Table 2C.

	1- Day Closure	3-month Closure	
Panel A. Detour Impacts	an a	n nan janah harri -	
Individual	\$252,880	\$23,012,080	
Social	\$7,380	\$671,580	
Panel B. GDP (SWIM mode	el estimates)		
Statewide	\$6,027,397	\$550,000,000	
Coastal	\$993,998	\$90,702,300	
Panel C. Recreation Impac	ts		
Camping	\$12,773	\$1,165,500	
Day Use	\$27,519	\$2,511,075	

Table 2C. Estimated Cost of a One Da	and a Three Month Closure	(see SPR843, Page 188)
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Returning a slide-impacted roadway to safe and stable driving conditions can be time consuming and expensive. Any closure to US 101 generates the following: monetary costs in added fuel, depreciation of the vehicle due to extra mileage, and added time to an individual's trip; social costs of additional greenhouse gas emissions due to the additional miles driven from detours; recreational costs in sites not operating or unable to access; economic costs effecting the gross domestic product (GDP); and employment costs from not being able to reach their place of work; and disrupts tourism.

These factors are analyzed on Page 188 of SPR843 substantially as follows:

To operationalize estimation of site-specific benefits and costs for Spencer Creek, we start with the estimated daily traffic flows at the site. Currently, ODOT estimates that 4,139 autos and 361 trucks use US 101 at Spencer Creek in each direction (8,278 autos and 722 trucks total) each 115

Page 67 | 92

day. SWIM model output suggests a single day closure at this site would generate a detour likely to add an additional 206,340 miles driven and 4,386 hours of driving time for autos and 40,086 miles and 443 hours for trucks. Using these estimates and our assumed values for lost time and vehicle operation costs (Table 8.3) we calculate the individual costs associated with a Spencer Creek closure to be approximately \$253,000 per day. The added social costs from the additional emissions are around \$7,400 per day. Estimates are presented for a single day closure and a 3month closure (worst-case scenario) in panel A of Table 2C. GDP estimates for a 1-day and 3-month closure are calculated from SWIM model estimates described in Section 8.2.1 and are presented in panel B.

Spencer Creek is unique in this analysis because it is adjacent to a popular state park. Beverly Beach State Park's (BBSP) campground is one of the state's largest managed parks with over 280+ sites available for recreational travelers. BBSP includes access to a day-use area with miles of ocean beach, extending from Yaquina Head to Otter Rock, and is centrally located to whale watching viewpoints, tidepools, the Oregon Coast Aquarium, and shops and restaurants in Newport. Any disruption to US 101 at this location is likely to have significant impacts on beach recreation opportunities. Here, we estimate a single-site recreation demand model using administrative data collected by OPRD to estimate the value of camping trips to BBSP. Given this effort was conducted for this report specifically, we provide details below of the data, modeling framework and results before providing the monetized impacts for the CBA.

These estimates of economic impacts of a US101 closure at Beverly Beach utilize 2022 data and assume a detour route located just inland of the current alignment, the use of Siletz Hwy as a passenger vehicle traffic detour and the use of the OR 18, OR 22, OR 99W and US 20 as a freight detour route.

Using these estimates and our assumed values for lost time and vehicle operation costs (Table 2C) we calculate the individual costs associated with a Spencer Creek closure to be approximately \$241,000 per day. The added social costs from the additional emissions are around \$7,200 per day. Estimates are presented for a single day closure and a 3- month closure (worst-case scenario) in panel A of Table 2C. GDP estimates for a 1-day and 3- month closure are calculated from SWIM model estimates described in Section 8.2.1 of SPR843 and are presented in panel B.

Site Characteristics

For more than 20 years, ODOT has studied both the technical and financial feasibility of major construction projects to reduce slides along US101. These studies have concluded that the costs and risks of a major project far outweighed its benefits. For example, repairing the Spencer Creek, Carmel Knoll and Moolack Creek slides would be cost prohibitive and would result in unacceptable environmental impacts because they have been deemed too large to mitigate with engineered solutions. The Spencer Creek slide, for example, would require excavation 80 feet under the abutting beach, extending into the surf zone, to be fully remedied. Vibration during construction of a large shore protection feature could also contribute to other slides affecting US 101 along Beverly Beach. Consequently, the available engineering solutions to cure the Spencer Creek, Carmel Knoll and Moolack Creek slides cannot be justified because they are clearly out of synch with the geographic setting of the subject littoral.

Rising seas and extreme coastal weather events pose significant risks for the safety, reliability and effectiveness of ODOT infrastructure and operations along the coast. Coastal erosion is particularly sensitive to the effects and variability of climate drivers, including storm frequency and intensity, wave runup and scour, current and future projections of precipitation, as well as sea level rise. Accordingly, coastal erosion manifests climate change effects in a number of locations along the Oregon coast and will continually threaten ODOT's coastal highway infrastructure into the future. Highway maintenance has been particularly challenging for US101, with costs steadily increasing over the last few decades and nearly doubling since the pandemic. For the highway segment from Port Orford to the California border, ODOT Region 3 spends over \$2 million annually in basic maintenance for pavement and guardrails damaged by sea cliff collapse, coastal landslides and other types of erosion requiring emergency repairs. A February 2019 failure at Hooskanaden resulted in several hundred thousand dollars in emergency repairs, for instance. The resulting closures of US101 hurt both ODOT's maintenance budget, and the economic vitality of the Oregon Coast (SPR843, Page 2).

Sea level rise for Beverly Beach over the next 75 years has been modeled by the Department of Geology and Mineral Industries (DOGAMI). Referencing Figure 8 below, the DOGAMI model results indicate steady annual increases in the highest high water mark with the waterline nearly abutting the bluff on which US101 currently resides by year 2100. Beverly Beach is particularly susceptible to sea level rise for two main reasons. The first is a history of high local scour rates; the second is a higher predicted rate of sea level rise for the Newport area.

Figure 8



Source: SPR 843 Final Report, Page 59

It is important to note that sea level rise is variable at continental, regional and state scales (evidenced by following Figures 9, 10 and 11).

Figure 9: Global Sea Level Rise Scenarios (1993 – 2020)



Figure 2.1: Regional sea level linear rates of rise (mm/year) from satellite altimetry over three different time periods: (a) 1993–2006, (b) 2007–2020, and (c) 1993–2020. Linear rates of change of relative sea level (ocean and land height changes) from tide gauges over the same time period are also shown (circles). Source: **Global and Regional Sea Level Rise Scenarios for the United States Pg 8**

Page 71 | 92

Figure 10: Global and Regional Sea Level Rise Projections Through 2050

Table 2.1: Observation-based extrapolations and five scenarios, in meters, for global mean sea level and relative sea level for the contiguous United States from 2020 to 2050 relative to a baseline of 2000. Median [likely ranges] are shown.

		Global Mean Sea Level		
	2020	2030	2040	2050
Obs. Extrapolation	0.07 [0.06, 0.08]	0.12 [0.11, 0.13]	0.18 [0.16, 0.19]	0.24 [0.19, 0.29]
Low	0.06 [0.05, 0.07]	0.09 [0.08, 0.10]	0.12 [0.11, 0.13]	0.15 [0.14, 0.17]
Intermediate-Low	0.07 [0.06, 0.07]	0.11 [0.09, 0.12]	0.15 [0.13, 0.17]	0.20 [0.18, 0.23]
Intermediate	0.07 [0.07, 0.09]	0.13 [0.11, 0.15]	0.19 [0.16, 0.23]	0.28 [0.22, 0.32]
Intermediate- High	0.08 [0.07, 0.10]	0.14 [0.11, 0.20]	0.23 [0.18, 0.32]	0.37 [0.27, 0.46]
High	0.08 [0.07, 0.10]	0.15 [0.11, 0.22]	0.27 [0.18, 0.39]	0.43 [0.31, 0.57]
		Contiguous United States		
	2020	2030	2040	2050
Obs. Extrapolation	0.11 [0.09, 0.13]	0.19 [0.16, 0.21]	0.28 [0.23, 0.32]	0.38 [0.32, 0.45]
Low	0.12 [0.09, 0.15]	0.18 [0.14, 0.23]	0.25 [0.19, 0.31]	0.31 [0.24, 0.39]
Intermediate-Low	0.13 [0.10, 0.16]	0.20 [0.15, 0.25]	0.28 [0.22, 0.34]	0.36 [0.28, 0.44]
Intermediate	0.13 [0.10, 0.16]	0.21 [0.16, 0.26]	0.30 [0.23, 0.37]	0.40 [0.31, 0.49]
Intermediate- High	0.13 [0.10, 0.16]	0.22 [0.16, 0.28]	0.33 [0.24, 0.43]	0.46 [0.35, 0.61]
High	0.13 [0.10, 0.16]	0.22 [0.17, 0.29]	0.35 [0.26, 0.47]	0.52 [0.39, 0.68]

Source: Global and Regional Sea Level Rise Scenarios for the United States Pg 15

Data at the continental scale over 27 years shows variability in sea level rise influenced seemingly by ENSO cycles (see Figure 9 above). Data at the regional scale projecting sea level rise for the period 2030 to 2050 demonstrates variability between continental and regional scales with sea levels for the contiguous United State predicted to rise at a significantly greater rate than the world over the twenty year study period (see Figure 10 above). Similarly, sea level rise for the Oregon coast, particularly in the lower estimates for the next 75 years (see Figure 11 below). Given this variability in sea level rise estimates at the continental, regional and local scales, it seems reasonable to accept that the Newport area is predicted to experience greater impacts from sea level rise than most coastal areas around the world.

	Year									
	2040			2070			2100			
City	Low	Intermediate	High	Low	Intermediate	High	Low	Intermediate	High	
Port Orford	6	11	16	11	32	78	16	79	182	
Charleston	7	11	17	13	33	78	18	81	183	
Newport	9	14	19	17	37	82	25	87	187	
Astoria	3	7	12	6	25	68	9	69	167	

Figure 11: Proje	ected Sea Level	Rise for Coasta	l Oregon Through	<u>12100</u>

Table 1. Projected sea-level rise (cm) over time at four cities in Oregon given scenarios of low (0.3 m [1 ft]), intermediate (1.0 m [3.3 ft]), and high (2.0 m [6.6 ft]) global sea-level rise (Sweet et al. 2022).



Figure 1. Observed and projected regional sea-level rise (Sweet et al. 2022) from 2000 through 2100 at two tide gauges in Oregon. Local tectonic and hydrodynamic processes affect differences among local projections.

Source: OCCI Oregon Coast Assessment 6, Coastal Chapter (Page 124)

The construction history and local coastal geography of the Beverly Beach segment of US101 has contributed to the current circumstance of the highway, including:

Construction Standards: Highways, such as US-101, that were constructed before the 1950s used steeper fill slopes, making them more susceptible to failure. **Settlement:** Fill settlement over 50-70 years has caused pipe constrictions and separation, adversely affecting highway sections.

Geology: Previous highway construction with materials from highway cut slopes contained weathered sedimentary or volcanic rock that have degraded to clay materials in the marine environment.

Subduction Zones: According to the National Research Council, the Oregon coast is experiencing slight vertical uplift or sea level fall, with the northern and southern coastal extremes in Oregon experiencing greater tectonic uplift than other areas of

the coast; an example would be a major Cascadia subduction zone earthquake suddenly raising the local sea level 1-2 meters (Analysis of Shoreline Armoring and Erosion Policies Along the Oregon Coast, Page 4).

Climate: The rate of sea-level rise will be greater in the future as a result of global climate change, with coastal areas in the Newport area experiencing the highest predicted rate of increase on earth. With the expected accelerated rates of sea level rise, the entire coast will, at some point in the next 75 years, experience significantly greater erosion and flooding impacts due to climate change. Another climate change consideration is increasing storm intensity generating greater wave strength and accelerating beach erosion (Oregon Climate Change, Page 226).

Fiscal, Environmental, and User Costs

Negative fiscal, environmental, and user impacts from emergency repairs can occur by not having time to thoroughly access variables and other repair options, often resulting in conservative designs. Such costs include:

Maintenance & Repair: Disruptions due to detours and highway construction cost regional and local economies. In Region 2, Area 4, an estimated \$2 million a year is spent maintaining US 101; however, when an emergency slide occurs, this cost can escalate to millions, depending on the nature of the slide (SPR843, Page 21). Environmental: Emergency repairs can also result in more extensive environmental damage than 'preventive' structures at the same location. Emergency repairs often result in a larger footprint for the repair, and work that is performed in an emergency situation is often conducted under adverse climatic weather conditions, which entails greater risk to workers and reduces the effective use of environmental controls to contain adverse residual effects on surrounding areas. A well thought out approach for preventative slide repair, along with continuing coordination with permitting agencies, will help minimize the need for these costly emergency repairs.

User Impacts: Emergency slide repair and ongoing maintenance activities can delay travel for users, including emergency services, tourists and local residents.

Erosion Hazard Mitigation Strategies

Evaluation of potential mitigation strategies for shoreland protection is considered by SPR843, beginning on Page 176. Best practices suggest using as few alternatives as is reasonable to limit the cognitive burden on decision makers who will have to make informed choices across the alternatives after conducting a CBA. For US 101 adaptation options include: 1) estimating site vulnerability and then choosing several locations at high risk of future road failures; and 2) establishing different adaptation options for mitigating the hazard risk at each location. Table 3 below summarizes the set of options for US 101 at Spencer Creek, omitting the "do nothing" option, which can be evaluated as the current condition at each site. The Spencer Creek mitigation strategies are relevant to the entire littoral containing Beverly Beach.

Location	Alternative 1	Alternative 2	Alternative 3	Alternative 4
Spencer Creek	Rip-rap Revetments	Cobble Beach (Dynamic Revetment)	Drainage Blanket & Wall	Highway Reroute

Table 3.1 US 101 Set of Project Alternatives (SPR843, Page 176)

The alternatives articulated in Table 3 correlate to the colored segments shown on the site plan provided by the applicant. That graphic depicts all the slides in the 2.6 mile segment of US101 fronting Beverly Beach, with very large slides in red (these will not be mitigated because they are too large), moderate slides in yellow that will likely require rock and concrete engineered structures to fully remedy and the green sections that may be stabilized using Bioengineered methods. Over the 75 year useful life of the highway, the green segments would only be armored if near term funding cannot be identified for lower impact mitigation measures and/or wave and tidal action intensifies as a result of ongoing climate change.



Source: Green Infrastructure Report, Page 16

Two of the proposed mitigation strategies for the yellow segments in Figure 3, a rock and concrete engineered structure with a fronting cobble beach, would permanently compromise approximately 30 feet of beach within its proposed footprint. A third approach, a drainage blanket wall feature, would potentially result in 15 feet of 123

Page 75 | 92

permanent beach loss. Any loss of beach width will result in impacts to recreational access and users of Beverly Beach. Given the prospect of sea-level rise, beach width (and the recreational value of the beach) is projected to decline over the next 75 years even without the proposed shore armoring. It is also reasonable to assume that shore armoring structures placed on Beverly Beach would adversely impact visitor experience.



Source: SPR 843 Final Report, Page 42 Example of airborne lidar change detection analysis for Spencer Creek (2009 to 2016) showing example of cropped data. Red color denotes large change (erosion) while blue colors indicate accretion.

The estimated construction costs and annual maintenance costs for the five alternative adaptation strategies proposed for Spencer Creek, and by extension Beverly Beach, are presented in Table 3.2 below. Option 1 is to "do nothing" and continue with increasing annual maintenance costs. Options 2 through 4 propose alternatives that would alter the shoreline through various engineering, including: rip-rap revetments (Option 2), cobble beach (Option 3) or a drainage blanket wall feature (Option 4) to protect US 101. Each has an estimated construction cost, cost associated with annual maintenance, along with estimates of lost beach width from construction activities. The final option (#5) is for a complete re-routing of US101 around Spencer Creek to avoid the erosion hazards and maintain traffic flow on the highway. For Option 5, only the estimated construction costs are presented (SPR843, Pages 192 and 193).

Alternative	Design Life	Estimated Construction Cost (Total)	Annual Maintenance Cost (Current)	Annual Maintenance Cost in 2052 ^a
1: Do Nothing	0	\$0	\$16,481	\$172,338
2: Jetty rock, riprap, drainage blanket, MSE slope with planted terraces or architectural face, & piles	50	\$41,000,000	\$1,402	\$7,354
3: Cobble beach with sheet pile wall behind face of slope.	30	\$12,600,000	\$97,175	\$391,983
4: Drainage blanket, wall feature with natural-looking shotcrete facing on upper slope, tiebacks	50	\$60,170,000	\$956	\$5,013
5: Highway Re-rerouting	75	\$93,500,000	Assumed Minimal	Assumed Minimal

Table 3.2: Estimated Costs for Adaptation Strategies at Spencer Creek

*Annual maintenance costs in the future are adjusted assuming 2.5% annual inflation.

Previous shore protection research conducted by ODOT and FHWA considered a range of potential shore erosion mitigation measures for the Beverly Beach littoral (see Table 3.3 below) and their effectiveness (see Table 3.4). These measures are more exhaustive than those recommended in SPR843 and are offered to broaden the dialog around appropriate responses to shore erosion along Beverly Beach.





Source: Green Infrastructure Techniques for Resilience of the Oregon Coast Highway, Page 26

Features Considered	Purpose	Priorities & Advantages
Sand Replenishment	Wave energy dissipation	Beneficial, not essential; utilizes material that would otherwise be wasted
Cobble Beach	Wave energy dissipation	Beneficial, not essential; supplements toe protection and hides jetty rock
Jetty Rock	Erosion protection at toe of the slope	Essential; provides primary toe protection, alternative to dolos
Dolos	Erosion protection at toe of the slope	Essential; provides primary toe protection, alternative to jetty rock
Piles	Aids retention of jetty rock	Beneficial, maybe essential; allows for use of smaller jetty rock or dolos
Sand Tubes	Foundation for MSE slope and backing for jetty rock	Essential; alternative to riprap
Riprap	Foundation for MSE slope and backing for jetty rock	Essential; alternative to sand tubes
MSE Slope	Mid and upper slope protection	Essential; provides support for vegetation or architectural face
Drainage Blanket	Controls seepage and runoff	Essential; provides for MSE slope stability

Table 3.3: Potential Shore	Erosion Mitigation	Measures at Beve	rly Beach
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Source: Green Infrastructure Techniques for Resilience of the Oregon Coast Highway, Page 23

Table 3.4: Effectiveness of Those Shore Erosion Mitigation Measures

Features Included	Protection	Maintenance
Sand replenishment, cobble beach, jetty rock or dolos, piles, riprap or sand tubes, MSE slope, drainage blanket (all features)	High	Medium
Sand replenishment, cobble beach, jetty rock or dolos, riprap or sand tubes, MSE slope, drainage blanket (minus piles)	High	Medium
Sand replenishment or cobble beach, jetty rock or dolos, riprap or sand tubes, MSE slope, drainage blanket (minus piles and either sand replenishment or cobble beach)	Medium	Medium to High
Jetty rock or dolos, riprap or sand tubes, MSE slope, drainage blanket (minus piles, sand replenishment, and cobble beach)	Medium	High
Cobble beach, sand tubes, MSE slope, drainage blanket (minus piles, sand replenishment, and jetty rock or dolos; riprap no longer an alternative to sand tubes)	Low	High to Very High

Source: Green Infrastructure Techniques for Resilience of the Oregon Coast Highway, Page 24

Supporting Studies

ODOT is being proactive and has been working towards a more resilient coastal roadway system that improves slope stability and promotes safer and faster recovery efforts. The research effort described below is ODOT's most recent effort to address the ongoing landslides that threaten the highway.

ODOT/OSU Research Project "<u>SPR843</u>: US Highway 101 Coastal Hazard Vulnerability and Risk Assessment for Mitigation Prioritization" was funded to proactively position ODOT to effectively manage risk and support Goal 18 updates. This research developed a highway hazard prioritization matrix that includes vulnerability and risk assessment to prioritize sites along US 101. Every section of the coastal highway was considered and problem sites were identified based on a combination of factors including: 1) known failures/closures that have impacted the highway over the past several decades, 2) susceptibility to flooding from storm waves and/or extreme tides and river levels, 3) proximity to coastal wave runup effects and sea cliff/dune erosion potential, 4) knowledge of the local geology including erosion potential and landslide susceptibility, 5) coastal geologic observation and experience, and 6) review of reports compiled by DOGAMI, ODOT, OSU, and others.

Applicable Provisions

- A. Goal Exception
 - a. Oregon Statewide Planning Goal 18: Beaches and Dunes
 - b. ORS 197.732
 - c. Oregon Administrative Rules
 - i. OAR 660-004-0020: Goal 2, Part II(c), Exception Requirements
 - ii. OAR 660-004-0022: Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

B. Comprehensive Plan Amendment

- a. Statewide Planning Goals
- b. Applicable Local Goals and Policies
- c. Applicable Case Law

C. Lincoln County Code (LCC)

- a. LCC, Section 1.1930 Beaches and Dunes Development Standards
- b. LCC, Section 1.1395, Flood Hazard Overlay Zone

Exhibit A-1 Site Map



Exhibit A-2 Zoning Map

Beverly Beach Area Zoning



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Exhibit B Assessor Parcel Map

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Source: Green Infrastructure Techniques for Resilience of the Oregon Coast Highway, Page 26

131

Exhibit D-1 Oregon Coast Trail Map



Exhibit D-2

Washington 100 NO. 120 0 Mandamila 0 Plantand ADDITION! can City 3 cherri Pacara heque 101 CENTER Olegan Eugene Laboration and Astronomy headaat Lines Ballet 2 Bar, Routourg 35 at Celora 101 Gala Briagn Circuity Patra distriction it a ang

Oregon Coast Bike Map

OREGON COAST BIKE ROUTE

The Oregon Coast Bike Route covers 370 scenic miles primarily on Highway 101 from Astoria to Brookings, connecting state parks, coastal communities and ponoramic viewpoints.

Exhibit E Substantial Evidence

Exhibit F Coastal Atlas Images

Coastal Erosion Evident in View of Johnson Creek Area in 2022



Coastal Erosion Evident on Both Sides of Spencer Creek Bridge in 2022



Page 87 | 92

Coastal Erosion Evident South of Spencer Creek Bridge in 2022



Coastal Erosion Evident in View Towards Wade Creek in 2022



Source: Oregon ShoreZone Images (Oregon ShoreZone Images)

Exhibit G Beverly Beach Closure Detours Maps

Established Detour Routes (Auto via OR229 and Freight via OR99W)



Source: ODOT GIS Portal

Inland Detour Route



Source: SPR 843 Final Report, Page 104

Exhibit H Geologic Map



Source: ODOT 2022 Scoping Document

14

> Exhibit I Soils Maps



Source: SoilWEB (SoilWeb: An Online Soil Survey Browser | California Soil Resource Lab (ucdavis.edu))

Exhibit J

Page 91 | 92



Beverly Beach SLIDO Map