

PLANNING COMMISSION REGULAR SESSION AGENDA Monday, June 9, 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 May 27, 2025.

Draft PC Work Session Minutes 05-27-2025 05-27-25 PC Work Session Meeting Video Link

2.B Approval of the Planning Commission Regular Session Meeting Minutes of May 27, 2025.

Draft PC Reg Session Minutes 05-27-2025 05-27-25 PC Regular 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 #2-Z-25: Changes to Geologic Hazards Code Regarding Parties Qualified to Prepare Reports.

Memorandum

Attachment A - Draft of NMC Chapter 14.21 amendments Attachment B - Letter from Brett Shipton, PE, GE, dated 1/20/25 Attachment C - Minutes from the 1/27/25, and 4/28/25 Planning Commission work sessions Attachment D - Email from Christine Valentine, OSBGE, dated 4/23/25 Attachment E - Email from Jason Barbee, OSBEELS, dated 4/29/25 Attachment F - Email from Meg Reed, DLCD, dated 5/9/25 with linked attachments Attachment G - DLCD Landslide Hazards Land Use Guide (2019) Attachment H - Sample geologic hazards codes Attachment I - Email confirmation of 35-day DLCD PAPA notice Attachment J - Published public hearing notice Attachment K - Ordinance No. 2169 David K. Rankin Public Comments Jonathan Allan Public Comments

5. Director Comments

6. Adjournment

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

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT Time Start: 6:00 P.M. Time End: 7:52 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 (absent)		
Commissioner Gary East		
Commissioner Braulio Escobar	PUBLIC	
Commissioner John Updike	Jim Hencke, David Evans and Associates	
Commissioner Robert Bare	Jim Patrick	
Citizen Advisory Member Dustin Capri (absent,		
excused)		
AGENDA ITEM	ACTIONS	
WORK SESSION MEETING		
CALL TO ORDER AND ROLL CALL		
a. Roll Call	None.	
CITY CENTER REVITALIZATION PLAN	Jim Hencke from David Evans and Associates	

presented a slideshow outlining the refined versions UPDATES. of Memo #9, Memo #7, and Memo #6 of the City Center Revitalization Plan updates, focusing on Comprehensive Plan and Zoning Code concepts. Branigan entered the meeting at 6:39 p.m. The Commission discussed outreach efforts for surveys, the transition of US 101's width from north to south within the couplet, and the rationale behind the couplet directions. Additionally, they covered potential pedestrian lane adjustments to help widen streets, a suggestion to map the locations of existing businesses, considerations for permitting ground-floor residential units, the possibility of increasing maximum residential density above commercial properties, and depth requirements for ground-floor frontage types in retail and shared common spaces. At 7:00 p.m., the meeting was temporarily adjourned for the regular session before reconvening at 7:05 p.m.

	The Commission continued deliberations on maximum vertical separation requirements, potential mandates prohibiting building indentations to prevent unsafe spaces, bike traffic patterns on the north end of the couplet, and how the couplet's north end would impact City Hall and the 60+ Center. Additional discussions addressed the Farmers Market's potential effects on couplet traffic, along with a request for a diagram to visualize possible changes. Branigan and Escobar exited the meeting at 7:43 p.m. The Commission reviewed funding sources and grant opportunities, considered minor edits to the documents, and discussed whether a formal business district would be established.
PLANNING COMMISSION WORK PROGRAM UPDATE.	None.
Submitted by:	

Sherri Marineau, Executive Assistant

05-27-2025 - Planning Commission Work Session Meeting Video Link:

Video Part 1: https://thecityofnewport.granicus.com/player/clip/1449?view_id=2&redirect=true

Video Part 2: <u>https://thecityofnewport.granicus.com/player/clip/1451?view_id=2&redirect=true</u>

City of Newport Draft Planning Commission Regular Session Minutes May 27, 2025

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT Time Start: 7:00 P.M. Time End: 7:04 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 (absent)		
Commissioner Gary East	PUBLIC	
Commissioner Braulio Escobar		
Commissioner John Updike		
Commissioner Robert Bare		

AGENDA ITEM	ACTIONS
REGULAR MEETING	
CALL TO ORDER AND ROLL CALL	
a. Roll Call	None.
APPROVAL OF THE MINUTES	
a. Meeting minutes of Work Session Meeting on May 12, 2025.	Motion by Bare, seconded by Berman, to approve the work session meeting minutes of May 12, 2025 as written. MOTION carried unanimously with Branigan, Berman, Escobar, East, Updike, and Bare all voting in favor.
 Meeting minutes of Regular Session Meeting on May 12, 2025. 	Motion by Bare, seconded by Berman, to approve the regular session meeting minutes of May 12, 2025 as written. MOTION carried unanimously with Branigan, Berman, Escobar, East, Updike, and Bare all voting in favor.
CITIZEN/PUBLIC COMMENT	None.
ACTION ITEMS File No. 1-CUP-25: Final Order for the Conditional Use of the Foursquare Church as a Private Junior & Senior High School.	Motion was made by Berman, seconded by East, to approve the Final Order and Findings of Fact for File 1- CUP-25 with conditions. MOTION carried unanimously with Branigan, Berman, Escobar, East, Updike, and Bare all voting in favor.

DIRECTORS COMMENTS	None.	

Sherri Marineau, Executive Assistant



05-27-2025 - Planning Commission Regular Session Meeting Video Link:

https://thecityofnewport.granicus.com/MediaPlayer.php?view_id=2&clip_id=1450

Case File: 2-Z-25 Hearing Date: June 9, 2025/Planning Commission

PLANNING STAFF MEMORANDUM File No. 2-Z-25

- I. Applicant: Initiated by motion of the Newport Planning Commission on 4/28/25.
- II. <u>Request:</u> Amendments to Chapter 14.21, Geologic Hazards, relating to the required qualifications for preparing geologic reports.
- III. <u>Findings Required:</u> This is a legislative action whereby the City Council, after considering a recommendation by the Newport Planning Commission, must determine that the changes to the Newport Municipal Code (NMC) are necessary and further the general welfare of the community (NMC 14.36.010).

IV. Planning Staff Memorandum Attachments:

Attachment "A" - Draft of NMC Chapter 14.21 amendments

Attachment "B" – Letter from Brett Shipton, PE, GE, dated 1/20/25

- Attachment "C" Minutes from the 1/27/25, and 4/28/25 Planning Commission work sessions
- Attachment "D" Email from Christine Valentine, OSBGE, dated 4/23/25

Attachment "E" - Email from Jason Barbee, OSBEELS, dated 4/29/25

Attachment "F" – Email from Meg Reed, DLCD, dated 5/9/25 with linked attachments

Attachment "G" - DLCD Landslide Hazards Land Use Guide (2019)

Attachment "H" - Sample geologic hazards codes

- Attachment "I" Email confirmation of 35-day DLCD PAPA notice
- Attachment "J" Published public hearing notice

Attachment "K" – Ordinance No. 2169

- V. <u>Notification</u>: The Department of Land Conservation & Development was provided notice of the proposed legislative amendment on 4/30/25 (Attachment "I"). Notice of the June 9, 2025 Planning Commission hearing was published in the Lincoln County Leader on 5/28/25 (Attachment "J").
- VI. Comments: No comments have been received regarding the proposed amendments.
- VII. <u>Discussion of Request:</u> This public hearing has been scheduled for the Planning Commission to consider draft amendments to Newport Municipal Code (NMC) Chapter 14.21, Geologic Hazards that allow geotechnical engineers to prepare geologic reports (Attachment "A"). The City's code currently requires that certified engineering geologists prepare such reports, with geotechnical engineers getting involved only in cases where an engineered solution is needed (e.g. designing a retaining wall). Additionally, the amendments provide an exemption for projects that are under Oregon Parks and Recreation's exclusive jurisdiction (e.g. a riprap project entirely below the vegetation line), adds a requirement that reports address the City's storm drainage standards; updates the storm drainage standards to comply with current Comprehensive plan policies; and makes technical corrections to code citations.

The catalyst for the amendments was a letter from Brett Shipton, PE, GE, with Columbia West Engineering, in which he argued that geotechnical engineers were qualified to prepare geologic

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reports citing an Oregon Administrative Rule that allows geotechnical engineers to mentor certified engineering geologist candidates in certain circumstances (Attachment "B"). The Commission considered Mr. Shipton's letter and comments at a 1/27/25 work session, and felt that his arguments were compelling enough that it requested that staff prepare a draft set of amendments for its consideration at a future work session.

On 4/28/25, the Planning Commission met in work session to review a draft set of amendments. The Oregon State Board of Geologist Examiners (OSBGE) noted that the mentoring provision cited by Mr. Shipley was added as an option in 2021, which is roughly 10-years after the City adopted its current geologic hazards code (Attachment "D"). OSBGE also pointed out that their organization views certified engineering geologists and geotechnical engineers as distinctly different disciplines. Following the work session, the Planning Commission elected to initiate the formal process to amend the City's geologic hazards code. This was done, by motion, at the Commission's 4/28/25 regular meeting, consistent with NMC 14.36.020.

After the 4/28/25 work session, staff received a response from the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS), which oversees geotechnical engineering practices (Attachment "E"). The tenor of their letter was similar to the correspondence the City received from OSBGE, where they addressed the qualifications of geotechnical engineers and note that they are a different engineering discipline from certified engineering geologists, with each profession being subject to their own oversight board.

The Oregon Department of Land Conservation and Development (DLCD) has taken the stance that certified engineering geologists and geotechnical engineers are generally the appropriate professionals to involve in landslide hazard analysis related to proposed development. This is stated explicitly in Figure 2.9 of their 2019 Landslide Hazards Land Use Guide (Attachment "G"). At its April work session, the Commission had a chance to review sample geologic hazards codes, with older versions typically being similar to Newport's, where the authority to author a geologic report is limited to certified engineering geologists, with newer versions authorizing a wider range of licensed professionals to author such reports (Attachment "H"). Staff had an opportunity to discuss the matter with Meg Reed, Coastal Policy Specialist, with DLCD, who shared feedback she received from OSBGE and OSBEELS when Tillamook County updated its geologic hazards code in 2022 (Attachment "F"). As part of that process, OSBEELS confirmed that a professional engineer can lawfully author a geologic hazard report, as long as the work is within the area of their competence.

The Tillamook County ordinance, linked to Ms. Reed's email and included with the sample ordinances, has language that allows a report preparer to use "other published best practice guidelines for engineering geologic and geotechnical engineering reports, consistent with current scientific and engineering principals" in lieu of following OSBGE guidelines. Such reports must reference the published guidelines upon which they are based. Additionally, report preparers must include in the report a description of their qualifications, and statement that they have the appropriate qualifications to have completed the report. In the aggregate, this type of language opens the door to geotechnical engineers, like Mr. Shipley, who believe they are qualified to prepare geologic reports. Staff has updated the draft NMC Chapter 14.21 amendments to include verbiage akin to what is in the Tillamook County code, since it appears to align with the purpose of these amendments. Additionally, the changes have the added benefit of having been acknowledged by DLCD as compliant with Statewide Planning Goals 7 and 18 through Oregon's Post Acknowledgement Plan Amendment (PAPA) process. The specific revisions are listed under section 14.21.060.

The addition of the Oregon Parks and Recreation Department exemption came about following a meeting with OPRD staff regarding geologic hazards review requirements. OPRD has standards in place that they apply to shoreland alterations that fall under their jurisdiction, like embankment armoring (e.g. rip-rap). Tillamook included such an exemption, and the Commission should consider it as well to avoid duplicating efforts.

Lastly, regarding the storm drainage management requirements contained in section 14.21.100 of the geologic hazards code, the existing language is not consistent with policy language the City added to its Comprehensive Plan in 2018 to provide guidance for how run-off from development is to be managed citywide (Attachment "K"). The proposed amendments are intended to ensure that the geologic hazards code is consistent with the more recently adopted drainage policy.

VIII. <u>Conclusion and Recommendation</u>: The Planning Commission should review the proposed amendments and make a recommendation to the City Council as to whether or not they are necessary and further the general welfare of the community (ref: NMC 14.36.010). This would be done by motion and vote of the Commission members present. In making a motion the Commission should specifically reference the policy options or any other revisions they wish to see incorporated as part of their recommendation. If the Commission is not prepared to make a recommendation, or desires additional information or code revisions before it does so, then it may continue the hearing to a date certain. The Commission's next regular meeting hearing date/time would be June 23, 2025 at 7pm.

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

June 4, 2025

(Unless otherwise specified, new language is shown in <u>double underline</u>, and text to be removed is depicted with <u>strikethrough</u>. Staff comments, in *italics*, are for context and are not a part of the revisions.)

CHAPTER 14.21 GEOLOGIC HAZARDS OVERLAY

14.21.010 Purpose

The purpose of this <u>section chapter</u> is to promote the public health, safety, and general welfare by minimizing public and private losses due to earth movement hazards and limiting erosion and related environmental damage, consistent with Statewide Planning Goals 7 and 18, and the Natural Features Section of the Newport Comprehensive Plan.

Staff: The text change clarifies that the purpose language applies to the entire chapter.

14.21.020 Applicability of Geologic Hazards Regulations

- A. The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of <u>Section 14.21</u>Chapter 14.21:
 - Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report O-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.
 - 2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report O-04-09.
 - 3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.

A "documented geologic hazard area" means a unit of land that is shown by reasonable written evidence to contain geological characteristics/conditions which are hazardous or potentially hazardous for the improvement thereof.

B. The DOGAMI Open File Report O-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI

Open File Report O-04-09 to identify when a Geologic Report is needed on property prior to development. A Geologic Report that applies to a specific property and that identifies a proposed development on the property as being in a different hazard zone than that identified in DOGAMI Open File Report O-04-09, shall control over DOGAMI Open File Report O-04-09 and shall establish the bluff or dune-backed shoreline hazard zone or landslide risk area that applies to that specific property. The time restriction set forth in <u>subsection 14.21.030</u> shall not apply to such determinations.

- C. In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline hazard zone or landslide risk areas, as defined above, no further review is required under this <u>Section 14.21</u>Chapter 14.21.
- D. If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report O-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit.

Staff: Text clarifications have been made to chapter and section references. No substantive changes have been made to this section.

14.21.030 Geologic Permit Required

All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in <u>section 14.21.010</u> <u>14.21.020</u> shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the city.

Unless otherwise provided by city ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect.

Staff: The edit corrects a bad cross-reference.

14.21.040 Exemptions

The following activities are exempt from the provisions of this chapter:

- A. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation;
- B. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
- C. Fill which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
- D. Exploratory excavations under the direction and oversight of a certified engineering geologist or geotechnical engineer. A letter from the certified engineering geologist or geotechnical engineer outlining the scope of work shall be submitted before earthwork is commenced;
- E. Construction of structures for which a building permit is not required;
- F. Removal of trees smaller than 8-inches dbh (diameter breast height);
- G. Removal of trees larger than 8-inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one year period is less than twenty-five percent of the lot or parcel area;
- H. Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry;
- Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the area previously disturbed;
- J. Installation of utility lines not including electric substations; and

- K. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard.
- L. Shoreline alterations, including beachfront protective structures, subject only to regulation by the Oregon Parks and Recreation Department under OAR Chapter 736.

Staff: Adds an exemption for projects that are under the Oregon Parks and Recreation Department's exclusive permitting jurisdiction. This is directed at alterations that occur entirely below the vegetation line. Oregon Park's permitting process includes a geologic review, so this change is intended to avoid duplication. The proposed language aligns with Tillamook County's more recently amended code.

14.21.050 Application Submittal Requirements

In addition to a land use application form with the information required in <u>Section 14.52.020section 14.52.040</u>, an application for a Geologic Permit shall include the following:

- A. A site plan that illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least 8-inches dbh (diameter breast height) proposed for removal; and
- B. An estimate of depths and the extent of all proposed excavation and fill work; and
- C. Identification of the bluff or dune-backed hazard zone or landslide hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist or geotechnical engineer shall identify the hazard zone(s) within which development is proposed; and
- D. A Geologic Report prepared by a certified engineering geologist<u>or geotechnical engineer</u>, establishing that the site is suitable for the proposed development; and
- E. <u>If engineering remediation is needed to make the site</u> suitable for the proposed development, then the Geologic

<u>Report shall include specifications for how the engineered</u> <u>solution is to be constructed</u>. An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.

Staff: This section has been amended to allow geotechnical engineers to prepare Geologic Reports. The language has also been clarified to note that engineering solutions to make a site suitable for development do not have to be contained in a separate report. Rather, the author can incorporate the analysis into the Geologic Report (which may result in it being dual authored and stamped). Applicants found the existing language, which referred to geologic and engineering reports as separate documents, to be confusing. The revisions also correct a bad cross-reference.

14.21.060 Geologic Report Guidelines

- A. Geologic Reports shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles and shall, at a minimum, contain the itemsthe applicable provisions outlined in the most recent edition of the Oregon State Board of Geologist Examiners "Guidelines for Preparing Engineering Geologic Reports in Oregon-" or other published best practice guidelines for engineering geologic or geotechnical engineering reports, consistent with current scientific and engineering principles. Reports shall reference the published guidelines upon which they are based. Such reports shall address subsections 14.21.070 to 14.21.090, as applicable.
- B. For oceanfront property <u>(lots or parcels abutting the ocean</u> <u>shore)</u>, <u>Geologic Reports</u> shall also address the "Geological Report Guidelines for New Development on Oceanfront Properties," prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section.
- <u>C. Geologic Reports shall address sections 14.21.070 to 14.21.100, as applicable.</u>

- D. Geologic Reports required by this section shall include the following from the preparer(s) of the report:
 - <u>1. A statement that all the applicable content</u> requirements of this section have been addressed or are not applicable to the review. An explanation shall be accompanied with any requirement identified as not applicable;
 - 2. A description of the qualifications of the individual that prepared the report. If multiple individuals contributed to the report, than each shall sign and stamp their own work products; and
 - <u>3. A statement by the preparer(s) that they have the appropriate qualifications to have completed the report and all its contents.</u>
- E. All Geologic Reports are valid as prima facie evidence of the information therein contained for a period of five (5) years. They are only valid for the development plan addressed in the report. The city assumes no responsibility for the quality or accuracy of such reports.

Staff: This section has been amended to allow geotechnical engineers to prepare reports in addition to certified engineering geologists. It provides more flexibility in terms of the best practices guidelines for preparing reports. The current language requires reports be prepared to guidelines sanctioned by the Oregon State Board of Geologist Examiners, which oversees certified engineering geologists (but not geotechnical engineers). The code has been further amended to require reports address section 14.21.100 related to stormwater management. Overall scope of changes is similar to language in the Tillamook County ordinance adopted in May of 2022.

14.21.070 Construction Limitations within Geologic Hazard Areas

- A. New construction shall be limited to the recommendations, if any, contained in the Geologic Report; and
- **1**<u>B</u>. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and

2C. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.

Staff: Items (B) and (C) are concepts distinct from (A) and; therefore, should not have been listed as a subcategory of (A).

14.21.080 Prohibited Development on Beaches and Foredunes

Construction of residential, commercial, or industrial buildings is prohibited on beaches, active foredunes, other foredunes that are conditionally stable and subject to ocean undercutting or wave overtopping, and interdune areas (deflation plains) that are subject to ocean flooding. Other development in these areas shall be permitted only if a certified engineering geologist <u>or geotechnical engineer</u> determines that the development is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves and is designed to minimize adverse environmental effects. Such a determination shall consider:

- 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 that may be caused by the proposed use.

Staff: Section has been revised to reflect that geotechnical engineers, like certified engineering geologists, can provide recommendations on planned development in beach and foredune areas.

14.21.090 Erosion Control Measures

A certified engineering geologist, geotechnical engineer, or qualified civil engineer shall address the following standards.

A. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion,

stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

- B. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;
- C. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
- D. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;
- E. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
- F. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
- G. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure.
- H. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
- Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

- 1. Energy absorbing devices to reduce runoff water velocity;
- 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
- 3. Dispersal of water runoff from developed areas over large undisturbed areas;
- J. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and
- K. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.

14.21.100 Storm water Retention Facilities Management Required

For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the volume and velocity release rate and sedimentation of storm water attributed to a 25-year, 24-hour storm event shall be controlled by the use of retention facilities when specified by the City Engineer. The retention facilities shall be designed<u>managed</u> on-site, or directed to a downstream conveyance system with sufficient capacity for storms having a 25-year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property.

Staff: Section is being amended to align with Policy 1, Goal 2, of the storm water drainage element of the Newport Comprehensive Plan, which was amended with Ordinance No. 2169.

14.21.110 Approval Authority

An application shall be processed and authorized using a Type I decision making procedure.

14.21.120 Peer Review within Active Landslide Zones

Upon receipt of an application for development within an active landslide zone, City shall refer the Geologic Report to a certified engineering geologist <u>or geotechnical engineer</u> to perform a peer review during the 30-day period within which the application is reviewed for completeness. The peer reviewer shall conduct a site visit and confirm, in writing, that the Geologic Report was prepared in accordance with the requirements set forth in this Chapter.

In the event the peer reviewer identifies the need for additional analysis or clarification, those comments shall be provided to the applicant so that they can be addressed by the Report's author.

In circumstances where <u>engineering remediation is needed to</u> <u>make the site suitable for the proposed development, then the</u> <u>Geologic Report shall include specifications outlining how the</u> <u>engineered solution is to be constructed.</u> a Geologic Report is accompanied by an engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), that report <u>Such specifications</u> shall be subject to peer review by an individual with equivalent qualifications in the same manner as described above.

City may require that a fee deposit be paid by the applicant to off-set the cost of the peer review, with the amount of the deposit being set by City Council resolution.

Staff: This section has been edited to allow the city to refer a Geologic Report that requires peer review to a certified engineering geologist or a geotechnical engineer. It also removes language requiring engineering remediation be contained in a separate report.

14.21.130 Appeals of Geologic Permits

Any appeal from the issuance or denial of a Geologic Permit shall be filed within 15 calendar days of the date the city issues a final order as provided by <u>section 14.52.050</u>. Appellants challenging substantive elements of a Geologic Report shall submit their own analysis prepared by a certified engineering geologist<u>or geotechnical engineer</u>. Such report shall be

provided within 30 days of the date the appeal is filed. A failure to submit a report within this timeframe is grounds for dismissal of the appeal.

Staff: This section has been revised to allow geotechnical engineers to prepare reports for an appellant that is refuting evidence in an applicant's report. Currently, an appellant must hire a certified engineering geologist to assist them in challenging an applicant's analysis.

14.21.140 Certification of Compliance

No development requiring a Geologic Report shall receive final approval (e.g. certificate of occupancy, final inspection, etc.) until the city receives a written statement by a certified engineering geologist <u>or geotechnical engineer</u> indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer.

Staff: This section has been amended to allow geotechnical engineers to author certificates of compliance on projects. If geotechnical engineers are authoring reports then they must be able to certify that the actual construction was undertaken consistent with their recommendations.

14.21.150 Removal of Sedimentation

Whenever sedimentation is caused by stripping vegetation, grading, or other development, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems and to return the affected areas to their original or equal condition prior to final approval of the project.

14.21.160 Applicability of Nonconforming Use Provisions

A. A building or structure that is nonconforming under <u>Section</u> <u>14.32Chapter 14.32</u> of the Zoning Ordinance that is destroyed by fire, other casualty or natural disaster shall be subject to the casualty loss provisions contained in <u>Section 14.32Chapter 14.32</u> of the Zoning Ordinance. Application of the provisions of this section to a property shall not have the effect of rendering it nonconforming.

B. A building or structure that conforms to the Zoning Ordinance that is destroyed by fire, other casualty or natural disaster may be replaced with a building or structure of up to the same size provided a Geologic Report is prepared by a certified engineering geologist or geotechnical engineer. A Geologic Report prepared pursuant to this subsection shall adhere to the Geologic Report Guidelines outlined in <u>subsection 14.21.030section</u> <u>14.21.030</u>. All recommendations contained in the report shall be followed, however the report need not establish that the site is suitable for development as required in <u>subsection 14.21.050(D)</u>. An application filed under this <u>sub</u>section shall be processed and authorized as a ministerial action by the Community Development Department.

Staff: This section provides an expedited process for the replacement of buildings or structures destroyed by a natural disaster. Like the other changes, this amendment authorized geotechnical engineers to prepare the geologic reports, in addition to certified engineering geologists. Chapter and section references have also been corrected.

Attachment "B" File No. 2-Z-25

January 20, 2025

City of Newport 169 SW Coast Highway Newport, OR 97365

Attn: Planning Commission

Re: Proposed Amendment City of Newport Zoning Ordinance No. 1308 Geologic Hazard Areas Provisions

The City of Newport Zoning Ordinance (No. 1308, as amended) requires that persons interested in developing property within geologically hazardous areas retain a certified engineering geologist (CEG) to evaluate the site and building plans prior to City review and approval of a proposed development. This letter requests a change to this requirement to include persons licensed as a geotechnical engineer (GE) to evaluate property in geologic hazard areas.

As justification for our request, we refer you to the requirement that allows a CEG candidate to qualify under OAR 809-030-0020(1)(b)(D), which states that work experience gained under the direct supervision of non-CEG supervisors approved by the Oregon State Board of Geologist Examiners (OSBGE) under OAR 809-030-0022 can be used to qualify for CEG licensure. This includes work experience under the direct supervision of a GE. Simply stated, under OAR 809-030-0020(1)(b)(D), a GE is permitted to mentor a CEG candidate but is not permitted to conduct work that that CEG will be permitted upon licensure per City of Newport Ordinance No. 1308. A copy of OAR 809-030-0020 is attached for your reference.

OSBGE refers to OAR 809-030-0022, which provides the following standards for approval of nonengineering geologist supervisors as follows:

- (a) The supervisor must have at least 5 years of geotechnical engineering practice focused on Oregon, California, or Washington geologic sites and settings, where that practice occurred within the past 10 years
- (b) The supervisor must hold an active registration to practice as a professional engineer and that registration must be held in good standing
- (c) The supervisor must demonstrate expertise in geotechnical engineering either by holding an active geotechnical engineer (GE) specialty certification or otherwise demonstrating this expertise through a geotechnical engineering projects list

A copy of OAR 809-030-0022 is attached for your reference.

We respectfully request an amendment to the City of Newport Zoning Ordinance (No. 1308, as amended) to allow persons licensed as a GE that meet the standards outlined above to evaluate properties within geologically hazardous areas on the following basis:

- The State of Oregon and OSBGE allow GEs that meet the requirements above to mentor CEG candidates who will later be permitted to evaluate properties in geologic hazardous areas. Under the current regulations, the mentor is not permitted to conduct such studies in the City of Newport, but the mentee is.
- Persons licensed as a GE meet the academic course requirements listed in OAR 809-030-0020(1)(b)(D).
- Other permitting jurisdictions allow persons licensed as a GE to evaluate properties in geologic hazardous areas

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Thank you for your consideration. Please do not hesitate to contact us if you have questions or require additional information.

Sincerely,

Brett A. Shipton, PE, GE Principal Engineer

BAS:kat Attachment Document ID: Newport Planning Commission CEG GE 012025.docx

OAR 809-030-0020

Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist

- (1) To qualify to take the engineering geologist examination, the candidate must:
 - (a) Be registered as a geologist with the Board, and;.
 - (b) Meet one of the following work experience requirements:
 - (A) Standard Supervision Pathway: Completed a minimum of 3 years of relevant work experience under the direct supervision of Oregon, California, or Washington Certified Engineering Geologists (CEGs) or engineering geologists who, in the determination of the Board, were providing substantially equivalent supervision in responsible charge.
 - (B) Responsible Charge Pathway: Completed a minimum of 5 years of relevant work experience in responsible charge of engineering geological projects while working as an engineering geologist in a jurisdiction other than in Oregon in compliance with the laws of that jurisdiction or working as an engineering geologist in Oregon in a manner exempt from Board certification under <u>ORS 672.535 (Exemptions from ORS 672.505 to 672.705)</u>(1) or (2).
 - (C) Combined Experience Pathway: Completed a minimum of 5 years of relevant work experience from any combination of work experience under (A) and (B) of this subsection.
 - (D) Alternative Experience and Education Pathway: Completed a minimum of 5 years of relevant work experience plus education in engineering geology as follows:

(i) Work experience was gained under the direct supervision of non-CEG supervisors approved by the Board under <u>OAR 809-030-0022 (Supervisor</u> Approval for Alternative Work Experience in Engineering Geology); or

(ii) Work experience was gained under a combination of experience as described in (i) and under the direct supervision of CEG or other engineering geologist supervisors meeting the requirements under the Standard Supervision Pathway described in (1)(b)(A) of this rule. For a combination of work experience, the Board will credit work experience using the following formula: 1 year under a CEG or other engineering geologist supervisor multiplied by 1.67 equals 1 year under a non-CEG supervisor approved by the Board. This formula is based on 3 years of work experience under a CEG or other engineering geologist supervisor being equivalent to 5 years of work experience under a non-CEG supervisor approved by the Board.

(iii) Education required is a minimum of 12 quarter hours (8 semester hours) of qualifying coursework in engineering geology topics as presented in the candidate's official transcript and accepted by the Board. Qualifying coursework in engineering geology topics that was used to qualify for geologist registration with the Board may be used to meet this education requirement. Qualifying coursework in engineering geology must have been

in a topic from the following list or other engineering geology coursework substitutions approved by the Board:¶

- (I) Applied Remote Sensing;
- (II) Earthquake Engineering;¶
- (III) Engineering Geology;
- (IV) Engineering Geology Thesis;
- (V) Foundation Engineering;¶
- (VI) Geomorphology;¶
- (VII) Geophysics;¶
- (VIII) Geotechnical Engineering;
- (IX) Geotechnics;
- (X) Mechanics of Materials;
- (XI) Site Investigation;
- (XII) Slope Stability/Landslides¶
- (XIII) Soil Mechanics;
- (XIV) Statics;¶

(iv) The Board delegates to the Board application review coordinator the authority to approve engineering geology coursework substitutions under (1)(b)(D)(iii) of this rule.

- (c) For all work experience pathways described in (1)(b) of this rule, the candidate may use engineering geology work experience used to qualify for geologist registration with the Board to meet the work experience requirements.
- (2) To qualify for certification as an engineering geologist, an applicant must meet the following requirements:
 - (a) Be actively registrated as geologist and in good standing with the Board
 - (b) Passed a certification examination in engineering geology approved by the Board as per OAR 809-040-0008 (Scope of Engineering Geologist Examination)
 - (c) Completed the work experience required under one of the pathways described in subsection (1)(b) of this rule
 - (d) Submitted a complete application on forms provided by the Board; and
 - (e) Submitted applicable fees as per OAR 809-010-0001 (Fees)

Source: Rule 809-030-0020 — Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist, <u>https://secure.sos.state.or.us/oard/view.action?ruleNumber=809-030-0020</u>

OAR 809-030-0022

Supervisor Approval for Alternative Work Experience in Engineering Geology

- (1) A candidate for the engineering geologist examination who intends to qualify based on the pathway described in OAR 809-030-0020 (Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist)(1)(b)(D) must obtain Board approval for any supervisor that is not a Certified Engineering Geologist (CEG) or an engineering geologist who, in the determination of the Board, can provide substantially equivalent supervision in responsible charge. Without Board approval of a non-engineering geologist supervisor, work experience gained under that supervisor's direct supervision will not be recognized by the Board as qualifying work experience for purposes of meeting OAR 809-030-0020 (Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist)(1)(b)(D).
- (2) Board standards for approval of non-engineering geologist supervisors for purposes of OAR 809-030-0020 (Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist)(1)(b)(D) are as follows:
 - (a) The supervisor must have at least 5 years of geotechnical engineering practice focused on Oregon, California, or Washington geologic sites and settings, where that practice occurred within the past 10 years;
 - (b) The supervisor must hold an active registration to practice as a professional engineer and that registration must be held in good standing;
 - (c) The supervisor must demonstrate expertise in geotechnical engineering either by holding an active geotechnical engineer (GE) specialty certification or otherwise demonstrating this expertise through a geotechnical engineering projects list.
- (3) An application for supervisor approval must contain at least the following information:
 - (a) A professional resume from the supervisor detailing at least 5 years of geotechnical engineering practice focused on Oregon, California, or Washington geologic sites and settings, where that practice occurred within the last 10 years;¶
 - (b) Official verification acceptable to the Board of the issuance date and active in good standing status of the professional engineer (PE) registration held by the supervisor;¶
 - (c) Documentation of geotechnical engineering expertise as follows:
 - (A) Official verification acceptable to the Board of whether the supervisor holds a GE specialty certification and if so, the issuance date and active in good standing status of that certification.
 - (B) For a supervisor holding a PE registration but not a GE specialty certification, the Board also requires a projects list detailing the supervisor's specific experience in geotechnical engineering. The Board may prescribe the required format for the projects list.
 - (d) Any additional information from the candidate and the proposed supervisor of the candidate requested by the Board to complete review of the application for supervisor approval.
- (4) An applicant for certification as an engineering geologist under OAR 809-030-0020 (Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist)(2) who already

passed a certification examination in engineering geology accepted by the Board pursuant to OAR 809-040-0008 (Scope of Engineering Geologist Examination) but administered by a jurisdiction other than the Board can request supervisor approval under this rule if requesting to qualify under the pathway described in OAR 809-030-0020 (Qualifications for Engineering Geologist Examination and Certification as an Engineering Geologist)(1)(b)(D).

Source: Rule 809-030-0022 — Supervisor Approval for Alternative Work Experience in Engineering Geology, https://secure.sos.state.or.us/oard/view.action?ruleNumber=809-030-0022.

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City of Newport 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.

ATTENDANCI	E 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.

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	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: <u>Sherri Marineau</u>, Executive Assistant

City of Newport Planning Commission Regular Session Minutes April 28, 2025

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL 169 SW COAST HIGHWAY NEWPORT Time Start: 7:00 P.M. Time End: 7:05 P.M.

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

AGENDA ITEM	ACTIONS
REGULAR MEETING	
CALL TO ORDER AND ROLL CALL	
a. Roll Call	None.
APPROVAL OF THE MINUTES	
 a. Meeting minutes of Work Session Meeting on April 14, 2025. b. Meeting minutes of Decular Session 	Motion by Branigan, seconded by Bare, to approve the work session meeting minutes of April 14, 2025 as written. MOTION carried unanimously with Branigan, Berman, Hanselman, Escobar, East, Updike, and Bare all voting in favor.
Meeting on April 14, 2025.	Motion by Branigan, seconded by Bare, to approve the regular session meeting minutes of April 14, 2025 as written. MOTION carried unanimously with Branigan, Berman, Hanselman, Escobar, East, Updike, and Bare all voting in favor.
CITIZEN/PUBLIC COMMENT	None.
ACTION ITEMS Initiate Amendments to Geologic Hazards Code Regarding Parties Qualified to Prepare Reports.	Motion was made by East, seconded by Bare, to initiate the amendments to the Geologic Hazards Code regarding parties qualified to prepare reports. MOTION carried with Branigan, Berman, Hanselman, East, Updike, and Bare all voting in favor. Escobar was a nay.
DIRECTORS COMMENTS	

City of Newport Planning Commission Work Session Minutes April 28, 2025

LOCATION: CITY COUNCIL CHAMBERS, NEWPORT CITY HALL, 169 SW COAST HIGHWAY, NEWPORT Time Start: 6:00 P.M. Time End: 6:55 P.M.

COMMISSIONER/ ADVISORY MEMBER	STAFF
Chair Bill Branigan (by video)	Derrick Tokos, Community Development Director
Commissioner Bob Berman	Sherri Marineau, Community Development Dept.
Commissioner Jim Hanselman	
Commissioner Gary East	
Commissioner Braulio Escobar	PUBLIC
Commissioner John Updike	
Commissioner Robert Bare	
Citizen Advisory Member Dustin Capri	

AGENDA ITEM	ACTIONS
WORK SESSION MEETING	
CALL TO ORDER AND ROLL CALL a. Roll Call	None.
FEEDBACK ON MUNICODE REVIEW PROOF.	Mr. Tokos gave an update on the proof of the Municipal Code received from Municode.
POTENTIAL PARTNERSHIP WITH UO SUSTAINABLE CITY PROGRAM.	 Tokos discussed the potential partnership with the University of Oregon on their Sustainable Cities Year Program, and how it might align with the City Center Revitalization Program. The Commission gave their thoughts which included the UO's role as a contractor and how they align their student's courses with the projects they take on; how the city would match funds for the program; what the city would get out of the program; who at the city would oversee the program; time commitment from the city; past experience the Commissioners had with the Program; and the value of the program for students. Capri offered to volunteer for reviews as a part of the program. The Commission requested that Megan Banks, Director of the Sustainable Cities Year Program to share information on the program.

Derrick Tokos

From:	OSBGE Info * OSBGE < OSBGE.Info@bgelab.oregon.gov>
Sent:	Wednesday, April 23, 2025 3:50 PM
То:	Derrick Tokos
Cc:	BARBEE Jason * OSBEELS; MORRIS Melissa * OSBGE
Subject:	RE: Question Regarding Alternative Experience and Education Pathway for CEG Candidates

Hello Derrick,

First, thank you for reaching out to our office with your questions. I recognize that licensure-related questions involving the practice of geotechnical engineers and engineering geologists can be confusing given that there is some practice overlap between these professions. By practice overlap, I mean that each profession has certain work that falls within its scope of practice and then there is some overlap in those scopes of practice while still being some work than only a geotechnical engineer or only an engineering geologist can undertake. It sounds like your city code is set up to recognize the relationship between these two types of professionals by have engineering geologists prepare geologic reports in mapped geologic hazard areas and geotechnical engineers required when an engineering solution is needed to make a site suitable for development.

OSBGE's position is that only a Registered Geologist (RG) can prepare a geology report and only a Registered Geologist (RG) who is also a Certified Engineering Geologist (CEG) can prepare an engineering geology report. A CEG is a geologist who applies geologic data, principles, and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction, and maintenance of civil engineering works are properly recognized and utilized. An RG without the CEG cannot practice engineering geology in Oregon. An RG, even if working with a PE with expertise in geotechnical engineering, cannot practice engineering geology in Oregon.

OSBGE does not regulate Professional Engineers (PE), which of course include those PEs with skills and experience to work in geotechnical engineering. Neither a RG nor CEG can prepare a geotechnical engineering report. The Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) regulates engineering practice in Oregon. What falls within the scope of practice of geotechnical engineering is ultimately determined via OSBEELS. I've copied my colleague from OSBEELS with this email response so that you have contact information for OSBEELS should you have questions specific to engineering practice.

A challenge that comes up is that engineering geology reports and geotechnical engineering reports sometimes both get loosely called geotechnical reports. And in some cases, you may see a PE and CEG working together on a dual stamped report; this is probably most common for larger projects. This all can make things very confusing for the public and those like yourself working in planning and permitting. OSBGE's position generally has been that any content of a professional report – whatever the report might get called - that is assessment of geology in relation to a civil engineering work (either existing or proposed) is geologic work and requires a CEG.

When issues arise about practice overlap, OSBGE and OSBEELS strive to work cooperatively to sort those out. There is a joint compliance committee that is used to tackle practice overlap issues that arise in complaint investigations.

You specifically asked about OSBGE rules 809-030-0020 and 809-030-0022 and essentially whether these rules allow for a PE to practice engineering geology or somehow equate PE practice to CEG practice. These rules do NOT change anything regarding who can practice engineering geology. In 2021, OSBGE created a new pathway to qualify for the engineering geologist examination and ultimately the CEG where the pathway allows, in certain circumstances, for an applicant to use work experience gained under a PE with expertise in geotechnical engineering. This was done by OSBGE in recognition of there being some practice overlap and, in relation to that overlap, some potential value in the mentorship an aspiring CEG can gain from work done under the supervision of a geotechnical engineer. However, OSBGE did not view this experience as equivalent to work experience gained under a CEG. This is why the rule credits work experience gained under a CEG and PE differently and why OSBGE added specific coursework in engineering geology that an applicant using this pathway must complete. It is the only CEG pathway that has the extra coursework required. Furthermore, the PE supervisor is practicing geotechnical engineering as the PE cannot be in responsible charge of engineering geologic work.

You also asked about PE supervisors approved by OSBGE via 809-030-0022. When OSBGE approves a PE supervisor under this rule, again it is ONLY for purposes of allowing the applicant to get some credit for work mentored by a PE. It is not a determination by OSBGE that the PE can practice engineering geology. OSBGE does not put these PEs on any kind of special list. Know also that this new pathway has been used very little. Since 2021, OSBGE has seen only 2 applicants apply under this pathway.

I hope this response proves helpful. But if there is anything you find confusing in this response or if it otherwise spurs new questions, please let me know.

Sincerely, Christine

Christine Valentine, Board Administrator Oregon State Board of Geologist Examiners (OSBGE), 503-566-2837 Oregon State Landscape Architect Board (OSLAB), 503-589-0093 1500 Liberty St. SE, Suite 210, Salem, OR 97302 christine.valentine@bgelab.oregon.gov

From: Derrick Tokos <D.Tokos@NewportOregon.gov>
Sent: Wednesday, April 23, 2025 2:20 PM
To: OSBGE Info * OSBGE <osbge.info@bgelab.oregon.gov>
Subject: Question Regarding Alternative Experience and Education Pathway for CEG Candidates

You don't often get email from <u>d.tokos@newportoregon.gov</u>. Learn why this is important

Good afternoon,

We have been approached by a Geotechnical Engineering firm that would like the City to amend its geologic hazards code to allow a geotechnical engineer to prepare geologic reports in mapped geologic hazard areas. Currently, our code only authorizes certified engineering geologists to prepare such reports, with geotechnical engineers being engaged only when an engineering solution is needed to make a site suitable for development.

In support of their request, the Geotechnical Engineering firm points to OAR 809-030-0020(1)(b)(D), which states that work experience gained by a CEG candidate under the direct supervision of non-CEG supervisors approved by the Oregon State Board of Geologist Examiners (OSBGE) under OAR 809-030-0022 can be used to qualify an individual to take the CEG exam.

Their argument is that geotechnical engineers that OSBGE approves to mentor candidates for the CEG exam are just as qualified as licensed CEGs are to prepare City required geologic reports.

Does the OSBGE maintain a list of non-CEG supervisors it has approved to mentor CEG exam candidates, or is that handled on a case-by-case basis?

Thank you for your time and consideration.

Derrick I. Tokos, AICP

Community Development Director City of Newport 169 SW Coast Highway Newport, OR 97365 ph: 541.574.0626 fax: 541.574.0644 d.tokos@newportoregon.gov

From:	BARBEE Jason * OSBEELS
То:	Derrick Tokos
Cc:	MORRIS Melissa * OSBGE; OSBGE Info * OSBGE; GILBERT Jenn * OSBEELS
Subject:	RE: Question Regarding Alternative Experience and Education Pathway for CEG Candidates
Date:	Tuesday, April 29, 2025 11:36:17 AM
Attachments:	image001.png

Hi, Derrick. Thank you for your patience on this matter.

In Oregon, geotechnical engineering is defined in OAR 820-040-0040. That rule states that Geotechnical engineering is defined as the investigation and the evaluation of the physical and engineering properties of earth materials, such as soil and rock, including impacts of ground water and earthquakes, and their application to the design and construction of civil engineering works, such as foundations, earth dams, retaining walls, and similar, using soil and rock mechanics and earthquake engineering principles and related engineering laws, formula, and procedures. Further, the practice involves the application of soil and rock mechanics and related engineering laws and procedures to an evaluation of the performance of constructed civil engineering works as influenced by earth materials, groundwater, and earthquakes and to an evaluation of the performance, including stability, of natural and man-made slopes, including man-made fills and embankments, and for the design of mitigation measures to reduce risk and/or hazards as disclosed by the evaluation.

Our rules permit geotechnical engineering work to be performed either by a licensed Geotechnical Engineer or by a licensed Professional Engineer (PE) who is competent in geotechnical engineering. This means that a licensed civil engineer, for example, may perform geotechnical engineering work, provided they possess the necessary expertise, even if they do not hold the specific "Geotechnical Engineer" branch designation.

While OSBEELS sets the minimum standards for the professional practice of engineering, municipalities may have further requirements that are not less than, or in conflict with, OSBEELS laws and rules.

OSBEELS does not provide legal advice. The city may want to clearly define the specific requirements for geologic hazard reports and then determine whether those requirements fall within the professional scope of a licensed engineering geologist or a licensed geotechnical engineer.

Thank you



Jason Barbee

Agency Director/Board Administrator Board of Examiners for Engineering & Land Surveying

503-559-2378 jason.barbee@osbeels.oregon.gov

Register today for MyOSBEELS

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from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

From: BARBEE Jason * OSBEELS <Jason.BARBEE@osbeels.oregon.gov>
Sent: Friday, April 25, 2025 2:08 PM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>
Cc: MORRIS Melissa * OSBGE <Melissa.Morris@bgelab.oregon.gov>; OSBGE Info * OSBGE
<OSBGE.Info@bgelab.oregon.gov>
Subject: RE: Question Regarding Alternative Experience and Education Pathway for CEG Candidates

Hi Derrick,

Thanks for reaching out. I don't have time this week to look into this, but I will work to get you some additional information by the middle of next week at the latest.

Thank you and have a great weekend



Jason Barbee

Agency Director/Board Administrator Board of Examiners for Engineering & Land Surveying 503-559-2378 jason.barbee@osbeels.oregon.gov

Register today for MyOSBEELS

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From: Derrick Tokos <<u>D.Tokos@NewportOregon.gov</u>>
Sent: Wednesday, April 23, 2025 6:05 PM
To: BARBEE Jason * OSBEELS <<u>Jason.BARBEE@osbeels.oregon.gov</u>>
Cc: MORRIS Melissa * OSBGE <<u>Melissa.Morris@bgelab.oregon.gov</u>>; OSBGE Info * OSBGE
<<u>OSBGE.Info@bgelab.oregon.gov</u>>

Subject: RE: Question Regarding Alternative Experience and Education Pathway for CEG Candidates

You don't often get email from d.tokos@newportoregon.gov. Learn why this is important

Hi Jason,

The City of Newport has mapped areas of known geologic hazards and requires a permit and report be prepared for development proposed in these areas. Specifically, the City requires that geologic reports be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles that, at a minimum, contain the items outlined in the most recent edition of the Oregon State Board of Geologist Examiners "Guidelines for Preparing Engineering Geologic Reports in Oregon." We also ask that the party preparing the report address erosion control requirements and, if the subject property is oceanfront, the "Geological Report Guidelines for New Development on Oceanfront Properties," prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development.

Up to this point, the City has required that these reports be prepared by certified engineering geologists. Geotechnical engineers would be involved only if engineering remediation is needed to make a site suitable for development. It is not always easy for a property owner to find a firm with a certified engineering geologist on staff that can prepare a report. Folks often reach out to geotechnical engineers, and recently we had a Geotechnical Engineering firm ask the city to amend its code to allow them to prepare geologic reports. Our policymakers are open to it provided geotechnical engineers are qualified to perform this type of work.

Is it the view of the Oregon State Board of Examiners for Engineering and Land Surveying that a licensed geotechnical engineer has the requisite skills to prepare reports of this nature?

I would appreciate any clarity you can provide on this matter.

Thank you,

Derrick I. Tokos, AICP

Community Development Director City of Newport 169 SW Coast Highway Newport, OR 97365 ph: 541.574.0626 fax: 541.574.0644 <u>d.tokos@newportoregon.gov</u>

From: OSBGE Info * OSBGE <<u>OSBGE.Info@bgelab.oregon.gov</u>>
Sent: Wednesday, April 23, 2025 3:50 PM
To: Derrick Tokos <<u>D.Tokos@NewportOregon.gov</u>>
Cc: BARBEE Jason * OSBEELS <<u>Jason.BARBEE@osbeels.oregon.gov</u>>; MORRIS Melissa * OSBGE
<<u>Melissa.Morris@bgelab.oregon.gov</u>>
Subject: RE: Ouestion Regarding Alternative Experience and Education Bathway for CEC Candidat

Subject: RE: Question Regarding Alternative Experience and Education Pathway for CEG Candidates

Hello Derrick,

First, thank you for reaching out to our office with your questions. I recognize that licensurerelated questions involving the practice of geotechnical engineers and engineering geologists can be confusing given that there is some practice overlap between these professions. By practice overlap, I mean that each profession has certain work that falls within its scope of practice and then there is some overlap in those scopes of practice while still being some work than only a geotechnical engineer or only an engineering geologist can undertake. It sounds like your city code is set up to recognize the relationship between these two types of professionals by have engineering geologists prepare geologic reports in mapped geologic hazard areas and geotechnical engineers required when an engineering solution is needed to make a site suitable for development.

OSBGE's position is that only a Registered Geologist (RG) can prepare a geology report and only a Registered Geologist (RG) who is also a Certified Engineering Geologist (CEG) can prepare an engineering geology report. A CEG is a geologist who applies geologic data, principles, and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction, and maintenance of civil engineering works are properly recognized and utilized. An RG without the CEG cannot practice engineering geology in Oregon. An RG, even if working with a PE with expertise in geotechnical engineering, cannot practice engineering geology in Oregon.

OSBGE does not regulate Professional Engineers (PE), which of course include those PEs with skills and experience to work in geotechnical engineering. Neither a RG nor CEG can prepare a geotechnical engineering report. The Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) regulates engineering practice in Oregon. What falls within the scope of practice of geotechnical engineering is ultimately determined via OSBEELS. I've copied my colleague from OSBEELS with this email response so that you have contact information for OSBEELS should you have questions specific to engineering practice.

A challenge that comes up is that engineering geology reports and geotechnical engineering reports sometimes both get loosely called geotechnical reports. And in some cases, you may see a PE and CEG working together on a dual stamped report; this is probably most common for larger projects. This all can make things very confusing for the public and those like yourself working in planning and permitting. OSBGE's position generally has been that any content of a professional report – whatever the report might get called - that is assessment of geology in relation to a civil engineering work (either existing or proposed) is geologic work and requires a CEG.

When issues arise about practice overlap, OSBGE and OSBEELS strive to work cooperatively to sort those out. There is a joint compliance committee that is used to tackle practice overlap issues that arise in complaint investigations.

You specifically asked about OSBGE rules 809-030-0020 and 809-030-0022 and essentially whether these rules allow for a PE to practice engineering geology or somehow equate PE practice to CEG practice. These rules do NOT change anything regarding who can practice engineering geology. In 2021, OSBGE created a new pathway to qualify for the engineering geologist examination and ultimately the CEG where the pathway allows, in certain circumstances, for an applicant to use work experience gained under a PE with expertise in geotechnical engineering. This was done by OSBGE in recognition of there

being some practice overlap and, in relation to that overlap, some potential value in the mentorship an aspiring CEG can gain from work done under the supervision of a geotechnical engineer. However, OSBGE did not view this experience as equivalent to work experience gained under a CEG. This is why the rule credits work experience gained under a CEG and PE differently and why OSBGE added specific coursework in engineering geology that an applicant using this pathway must complete. It is the only CEG pathway that has the extra coursework required. Furthermore, the PE supervisor is practicing geotechnical engineering as the PE cannot be in responsible charge of engineering geologic work.

You also asked about PE supervisors approved by OSBGE via 809-030-0022. When OSBGE approves a PE supervisor under this rule, again it is ONLY for purposes of allowing the applicant to get some credit for work mentored by a PE. It is not a determination by OSBGE that the PE can practice engineering geology. OSBGE does not put these PEs on any kind of special list. Know also that this new pathway has been used very little. Since 2021, OSBGE has seen only 2 applicants apply under this pathway.

I hope this response proves helpful. But if there is anything you find confusing in this response or if it otherwise spurs new questions, please let me know.

Sincerely, Christine

Christine Valentine, Board Administrator Oregon State Board of Geologist Examiners (OSBGE), 503-566-2837 Oregon State Landscape Architect Board (OSLAB), 503-589-0093 1500 Liberty St. SE, Suite 210, Salem, OR 97302 christine.valentine@bgelab.oregon.gov

From: Derrick Tokos <<u>D.Tokos@NewportOregon.gov</u>>
Sent: Wednesday, April 23, 2025 2:20 PM
To: OSBGE Info * OSBGE <<u>osbge.info@bgelab.oregon.gov</u>>
Subject: Question Regarding Alternative Experience and Education Pathway for CEG Candidates

You don't often get email from d.tokos@newportoregon.gov. Learn why this is important

Good afternoon,

We have been approached by a Geotechnical Engineering firm that would like the City to amend its geologic hazards code to allow a geotechnical engineer to prepare geologic reports in mapped geologic hazard areas. Currently, our code only authorizes certified engineering geologists to prepare such reports, with geotechnical engineers being engaged only when an engineering solution is needed to make a site suitable for development.

In support of their request, the Geotechnical Engineering firm points to OAR 809-030-0020(1)(b)(D), which states that work experience gained by a CEG candidate under the direct supervision of non-CEG supervisors approved by the Oregon State Board of Geologist Examiners (OSBGE) under OAR 809-030-0022 can be used to qualify an individual to take the CEG exam.

Their argument is that geotechnical engineers that OSBGE approves to mentor candidates for the CEG exam are just as qualified as licensed CEGs are to prepare City required geologic reports.

Does the OSBGE maintain a list of non-CEG supervisors it has approved to mentor CEG exam candidates, or is that handled on a case-by-case basis?

Thank you for your time and consideration.

Derrick I. Tokos, AICP

Community Development Director City of Newport 169 SW Coast Highway Newport, OR 97365 ph: 541.574.0626 fax: 541.574.0644 d.tokos@newportoregon.gov

From:	REED Meg * DLCD
То:	Derrick Tokos
Subject:	Information on geoprofessionals
Date:	Friday, May 9, 2025 3:44:48 PM
Attachments:	image001.jpg
	image002.jpg
	2022.04.08 OSBGE-email-response-to-DLCD-Questions.pdf
	Licensing Requirements For Geologists.pdf
	2022 05 11 ExhibitD TillCo GeologicHazardDevelopmentCode ndf

Hi Derrick,

I wanted to share with you some materials I have gathered over this question about geoprofessionals and the differences between a certified engineering geologist and a geotechnical engineer. I have spoken with both professional boards on these kinds of questions: OBEELS and OSBGE. Their answers are somewhat conflicting, and I am still confused by the issue. However, I wanted to share what I have in my files in case they are useful for you.

I also included somewhat recent updates that Tillamook County did for their geologic hazards zone. They decided to allow both professionals to submit geohazard reports, as long as the preparers of the reports acknowledge they are qualified to author those reports. The OSBGE response is attached, which is much more thorough. I asked the same questions of OSBEELS and this is what they said:

"On Friday, June 10, 2022, the PPC discussed your presented materials and questions on geoprofessional work. The PPC determined that a Professional Engineer can lawfully author a geologic hazard report, as long as the work is within the area of their competence. However, our Board cannot make statements on what work a Certified Engineering Geologist can lawfully do because it is outside of OSBEELS' jurisdiction. Also, permitting jurisdictions may have further requirements, such as requiring work from a CEG on a project, as long as they do not conflict with our laws and rules."

Another available resource is DLCD's Landslide Land Use Guide:

https://www.oregon.gov/lcd/Publications/Landslide_Hazards_Land_Use_Guide_2019.pdf.

There is more discussion around this topic in the guide, though there are still gray areas around this question in my opinion.

I hope this helps a little. If you have further questions or would like additional assistance/support on this question, let me know.

Thanks,

Meg

Meg Reed

Coastal Policy Specialist | Oregon Coastal Management Program Pronouns: She/Her

Oregon Department of Land Conservation and Development 635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540 Cell: 541-514-0091 | Main: 503-373-0050 meg.reed@dlcd.oregon.gov | www.oregon.gov/LCD

D. SITE-SPECIFIC GEOTECHNICAL ENGINEERING AND ENGINEERING GEOLOGIC REPORTS

D.1. HOW DO I DECIDE IF A SITE-SPECIFIC REPORT IS NEEDED?

In this *Guide*, the general term *geoprofessional* refers to a Registered Geologist (RG), Certified Engineering Geologist (CEG), Professional Engineer (PE), and Geotechnical Engineer (GE). Also in this *Guide*, the general term *geologic report* refers to the engineering geologic report⁴⁵ and the geotechnical engineering report.

Engineering geologic reports and geotechnical engineering reports refer to different but related services performed by geoprofessionals with different professional certifications. Engineering geologic reports focus on how the earth (e.g., landforms, water table, soil, and bedrock) and earth processes (e.g., landslides and earthquakes) impact structures or potential structures and describe the degree of risk, while geotechnical engineering reports focus on the design of building products (e.g., structures, retaining walls, pavements) that can withstand or mitigate for subsurface and geologic conditions. Depending on local conditions and ordinances, both kinds of reports may be required for a site.

Sections **D.4**, **What goes into engineering geologic reports?** and **D.5**, **What goes into geotechnical engineering reports?** of this chapter describe the general content of the two kinds of reports.

Each jurisdiction has its own criteria for triggering its geologic report (engineering geologic report or geotechnical engineering report) requirement on a site by site basis. For example, some communities adopt landslide hazard maps produced by DOGAMI and use these maps to determine if a site is in a hazard zone. If a site is in a hazard zone, generally a report is required. Communities may also use criteria such as percent slope or soil type to trigger a report requirement.

When a community has no adopted map or criteria, a situation falls outside the norm, a land use review is not required, or there is another reason to believe that a report is necessary, consult the building official or other appropriate staff at the jurisdiction to determine whether an engineering geologic report and/or a geotechnical engineering report can and should be required.

⁴⁵ This report may also be known as an engineering geology report.

D.2. WHICH TYPE OF GEOLOGY PROFESSIONAL CAN DO THE JOB?

Local ordinances typically identify which type of geoprofessional is allowed to perform site-specific reports for that community. Although the exact requirement varies between communities, it is common to require that the report be performed by either a *Registered Geologist (RG), Certified Engineering Geologist (CEG)*, or *Geotechnical Engineer (GE)*. Because the State of Oregon has strict laws and regulations about the work that can be performed by each type of professional, it is important that local governments determine the right professional is hired for the type of study needed.

Geoprofessionals

The applicable professionals can be summarized as follows:

- Registered Geologists (RG) provide geologic maps and documents and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).
- Certified Engineering Geologists (CEG) provide <u>engineering geologic reports</u> and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).
- A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE). GEs provide <u>geotechnical engineering reports</u> and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS).

According to Oregon state law, a *Registered Geologist (RG)* is someone registered by the State of Oregon as a geologist after having met education, examination, and experience requirements as determined by the Oregon State Board of Geologist Examiners (OSBGE). An RG is thereby legally allowed to provide, prepare, and officially stamp or seal geologic maps, plans, reports, or documents. An RG can work in any geology discipline or area of specialty where qualified by experience and training, except for in engineering geology.

A *Certified Engineering Geologist (CEG)* is someone who has fulfilled all of the requirements for, and has all the rights of, a Registered Geologist and has met additional examination and experience requirements to obtain a certification in the specialty of engineering geology. A CEG "applies geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized" (ORS 672.505.3⁴⁶).

Types of Geoprofessionals

- Registered Geologist (RG)
- Certified Engineering
- Geologist (CEG)
- Geotechnical Engineer (GE)
- Professional Engineer (PE)

⁴⁶ <u>https://www.oregonlaws.org/ors/672.505</u>

The State of Oregon does not allow RGs to practice engineering geology. If geologic work is being completed to provide recommendations for the siting, design, modification, or construction of a structure (e.g., building roads, dams, retaining walls, etc.), this is engineering geology work and requires a CEG. An RG can only identify relative hazards and cannot imply or provide recommendations for the siting, design, modification, or construction of structures. For example, a CEG would be the appropriate type of geologist to map and interpret geologic hazards for land use planning purposes or to assess coastal hazards including landslides, erosion, and accretion.

Geotechnical engineers also commonly participate in site evaluations, detailed project design, and development planning. *Professional Engineers (PEs)* must be licensed by the State of Oregon, similar to geologists (ORS 672.098⁴⁷). A *Geotechnical Engineer (GE)* is a registered Professional Engineer who has specific training, expertise, and experience in this engineering specialty. The Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS) sets the education, examination, and experience requirements for PEs. OSBEELS offers a GE specialty endorsement that a PE can pursue as a way to readily show to the public the expertise in geotechnical engineering. However, unlike geologists, a PE is not required to hold the GE specialty endorsement to practice geotechnical engineering.

The practice of Geotechnical Engineering is defined by OSBEELS in Oregon Administrative Rules (OAR 820-040-004⁴⁸) as:

the investigation and the evaluation of the physical and engineering properties of earth materials, such as soil and rock, including impacts of ground water and earthquakes, and their application to the design and construction of civil engineering works, such as foundations, earth dams, retaining walls, and similar, using soil and rock mechanics and earthquake engineering principles and related engineering laws, formula, and procedures. (§ 820-040-0040)

Geotechnical engineers specialize in reviewing and creating development plans, including those for site grading, construction of foundations and support structures, ensuring structures will be stable against earthquakes, floods, and landslides, ensuring that development will not have an adverse effect on site erosion or slope stability, and developing mitigation plans for potential slope instability.

Although the work performed by RGs, CEGs, and GEs, can overlap, a local government more often than not will need to require that site-specific reports in landslide hazard areas be completed by either a CEG or a CEG working with a PE who has experience and expertise in geotechnical engineering. A CEG can generally evaluate the site and make recommendations about site development. A CEG may

Code Reminder

It is very important that local governments make sure their codes require the appropriate geoprofessional(s) for each report.

⁴⁷ https://www.oregonlaws.org/ors/672.098

⁴⁸ <u>https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=201381</u>

also recommend that a PE with geotechnical knowledge be engaged to design the development, such as retaining walls or foundations.

Both engineering geologists and geotechnical engineers practice in "geotechnics," which refers to applied scientific work involving soil and rock mechanics, geology, geophysics, hydrology, and related sciences as applied to the solution of civil works problems. The prediction, prevention, and monitoring of landslides are examples of geotechnics work. Generally, the appropriate professional person to have involved in landslide hazard analysis related to proposed development is a specialist such as a CEG and a PE.

Licensed professionals are generally required to stamp and sign their work products to identify for the public responsibility for the work. OSBGE and OSBEELS have requirements for stamp design and use. For geology work products, stamping requirements are as follows:

- When one geologist prepares all the geology work products in a report, that geologist must stamp and sign the final report.
- When multiple licensed professionals contribute work products to a report (for example, an RG or PE/GE contributing work products to a final report signed and stamped by a CEG), each professional must individually sign and stamp their own work products.

An example of a project and the type of geology professional needed would be the evaluation and design of a retaining wall for shallow slope stability mitigation. An RG could be involved for regional evaluation of the geology. A CEG could complete a regional evaluation as well as site specific analysis and design recommendations. The CEG and/or the PE with geotechnical expertise would evaluate the site conditions and make recommendations for drainage control, bearing capacity, and global slope stability. Finally, the GE or PE would design the retaining wall including the dimensions and the structural components such as the rebar inside the concrete or the building foundation (**Figure 2-9**).

Legal Note

In the jurisdiction's codes be sure to identify the geoprofessional needed for the requirement and to understand the distinctions of each to practice within their area of expertise. These professionals are obligated to work within their area of expertise.

Figure 2-9. Relationships and Areas of Professional Practice: RGs, CEGs, GEs, and PEs

AREAS OF PROFESSIONAL PRACTICE

related to landslide hazards

PRACTICE OF GEOLOGY

RGs and CEGs are licensed and regulated by the Oregon State Board of Geologist Examiners www.oregon.gov/osbge/

Specialists

CEGs and GEs are generally the appropriate professionals to involve in landslide hazard analysis related to proposed development

PRACTICE OF ENGINEERING

GEs and PEs are licensed and regulated by the Oregon State Board of Examiners for Engineering and Land Surveying www.oregon.gov/OSBEELS/

Science

Registered Geologist (RG) describes and evaluates geologic resources; locates, maps, and interprets data on geological hazards such as landslides and advises on next steps

Hazards

Certified Engineering Geologist (CEG) provides geologic and geotechnical analysis, design and recommendations for civil engineering projects; for example, prediction, prevention, or mitigation of hazards such as landslides, and the application of soil, rock, and

example, prediction, prevention, or mitigation of hazards such as landslides, and the application of soil, rock, and groundwater mechanics to the design of earthen or other man-made structures.

Mitigation

Geotechnical Engineer (GE)

analyzes slope stability, and plans and designs foundations for buildings, roads, embankments, canals, and other construction projects

Engineering

Professional Engineer (PE)

designs structures, e.g., retaining walls, including the dimensions and the structural components such as the rebar inside the concrete

D.3. HOW CAN I FIND A GEOLOGIST OR ENGINEER TO HIRE?

Geologists (RG and CEG) and geotechnical engineers (PE and GE), are required to have specific education, expertise, and experience to be properly licensed.

Geologists for hire can usually be located through property development firms (that often require geological services and may keep lists of geologists they regularly use), from the OSBGE website⁴⁹, where there is an online license lookup tool to obtain a list of all geologists licensed by the OSBGE and through online searches for consulting companies that offer geologic services. Commonly, geologists work all over the state, so it may not be necessary to hire one based on the site location.

Engineers for hire can be located in property development firms, architecture firms, and consulting companies. The OSBEELS website has an online license look up tool to find the professionals they license.

When looking for a geologist or an engineer to hire in the state of Oregon, there are a few things to keep in mind to **ensure a reputable professional** who is current with developments in the science is hired.

• Most importantly, a geologist needs to be registered by OSBGE. Registration is required by law to publicly practice geology in Oregon. Look for whether the geologist uses designatory letters *RG* (Registered Geologist) or *CEG* (Certified Engineering Geologist) after his or her name. Verify the registration and license through the OSBGE website or by contacting the OSBGE office. Also, check that the registered professional has liability insurance.

Geotechnical engineers should likewise be certified or registered. This will be done by the OSBEELS, and PE (Professional Engineer) or GE (Geotechnical Engineer) will follow a licensed geotechnical engineer's name.

- It is generally a good idea to inquire about the prospective geoprofessional's resume of experience as well as professional organizations. Inquire about their background. Check if the geoprofessional is familiar with the area and its geology and landslides. Find out if they have done similar geologic reports previously. Check for references or referrals from previous clients with similar projects. It may be useful to read the Consumer Guide⁵⁰ available on the OSBGE website and review the information on OSBEELS website⁵¹.
- Ensure that a contract is prepared and agreed upon before any work is done. The contract should outline a clear purpose and scope of work, so that both parties are fully aware of the extent, requirements, and limitations of the

Hiring Tips

- 1. Registered? Certified?
- 2. Liability insurance?
- 3. Professional memberships?
- 4. Familiar with the local area?
- 5. Familiar with the local code?
- 6. Similar work done?
- 7. References? Referrals?
- 8. Written contract?

⁴⁹ <u>https://www.oregon.gov/osbge/Pages/default.aspx</u>

⁵⁰ <u>https://www.oregon.gov/osbge/Resources/Pages/ConsumerGuide.aspx</u>

⁵¹ <u>https://www.oregon.gov/osbeels/Pages/default.aspx</u>

report. The contract should also state that the report is intended to provide the information necessary to fulfill permitting questions and requirements.

D.4. WHAT GOES INTO ENGINEERING GEOLOGIC REPORTS?

While there are no specific laws regarding what information should be included in an engineering geologic report, the OSBGE, which is responsible for setting standards regarding the practice of geology in Oregon, has published a guideline for preparing these reports. OSBGE's *Guideline for Preparing Engineering Geologic Reports*⁵² recommends content, suggests formats, and identifies the topics that should be addressed in most reports.

The exact content of an engineering geologic report can vary based on the requirements of the local jurisdiction for the report. Generally speaking, however, reports should minimally have the following:

Introduction

- The client who commissioned the report
- The names of the geologists who did the mapping and investigating
- Statement disclosing any potential conflicts of interest of the geologist producing the report
- Dates when the work was done
- Purpose and scope of the study
- Proposed use of the site

Site Description

- Location and size of the study area
- Geologic setting of the study area
- Topography and drainage of the study area
- Nature, abundance, and distribution of earth materials within the study area

Site Investigation

- All related subsurface information and geologic maps with sources
- Disclosure of known or suspected geologic hazards within the area
- Structural performance of existing facilities in the immediate vicinity
- Locations of excavations, drilling, or sample collection sites
- All data interpreted to reach conclusions
- Identification of sources used for the report with proper citations

Assessment

- All field and laboratory methods and results
- Interpretations of data and results

⁵² <u>https://www.oregon.gov/osbge/Documents/engineeringgeologicreports</u> 5.2014.pdf

• Discussion of regulatory framework and any locally adopted landslide hazard map used to trigger the requirement for the Engineering Geologic Report

Conclusions

- Clearly stated assumptions, interpretations, and professional judgements
- Limitations and potential risks associated with the proposed development
- Potential onsite and offsite impacts currently and with changing future conditions

Recommendations

- Whether any additional study is necessary before drawing firm conclusions or recommendations, and if so what and why
- Whether construction plans and documents should be reviewed by the geology professional before the permit is issued
- Whether monitoring during construction is recommended and if so, continuously or at what points and for what purpose(s)
- Mitigation measures for addressing the potential risks and limitations

Signature and Seal

• Signature and seal of the certified engineering geologist conducting the study.

D.5. WHAT GOES INTO GEOTECHNICAL ENGINEERING REPORTS?

A Geotechnical Engineer is a Professional Engineer with a specific training, expertise, and experience in this engineering specialty. Unlike a geologist, a PE is not required to hold the GE specialty endorsement to practice geotechnical engineering, although that endorsement would be beneficial. These professionals are the ones providing geotechnical reports.

The geotechnical report is the tool used to communicate the site conditions and design and construction recommendations to the roadway design, bridge design, and construction personnel. Site investigations for transportation projects have the objective of providing specific information on subsurface soil, rock, and water conditions. Interpretation of the site investigation information, by a geotechnical engineer, results in design and construction recommendations that should be presented in a project geotechnical report. The importance of preparing an adequate geotechnical report cannot be overstressed. The information contained in this report is referred to often during the design period, construction period, and frequently after completion of the project (resolving claims). Therefore, the report should be as clear, concise, and accurate. Both an adequate site investigation and a comprehensive geotechnical report are necessary to

Design Life

The geotechnical engineering report and/or the engineering geologic report could have a design life timeline on the proposal, the recommendations, and the mitigation. construct a safe, cost-effective project. Engineers need these reports to conduct an adequate review of geotechnical related features, e.g., earthwork and foundations. (U.S. Department of Transportation, 1988/2003⁵³)

For background, the following is from the 2014 *Oregon Structural Specialty Code*, Chapter 18⁵⁴:

SECTION 1803

GEOTECHNICAL INVESTIGATIONS

1803.1 General. Geotechnical investigations shall be conducted in accordance with Section 1803.2 and reported in accordance with Section 1803.6. Where required by the *building official* or where geotechnical investigations involve in-situ testing, laboratory testing or engineering calculations, such investigations shall be conducted by a *registered design professional*.

[...]

1803.6 Reporting. Where geotechnical investigations are required, a written report of the investigations shall be submitted to the *building official* by the owner or authorized agent at the time of *permit* application. This geotechnical report shall include, but need not be limited to, the following information:

- 1. A plot showing the location of the soil investigations.
- 2. A complete record of the soil boring and penetration test logs and soil samples.
- 3. A record of the soil profile.
- 4. Elevation of the water table, if encountered.
- Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; mitigation of the effects of liquefaction, differential settlement and varying soil strength; and the effects of adjacent loads.
- 6. Expected total and differential settlement.
- 7. Deep foundation information in accordance with Section 1803.5.5.
- 8. Special design and construction provisions for foundations of structures founded on expansive soils, as necessary.

⁵³ https://www.fhwa.dot.gov/engineering/geotech/pubs/reviewguide/checklist.pdf

⁵⁴ <u>http://ecodes.biz/ecodes_support/free_resources/Oregon/14_Structural/PDFs/</u> <u>Chapter%2018%20-%20Soils%20and%20Foundations.pdf</u>

- 9. Compacted fill material properties and testing in accordance with Section 1803.5.8.
- 10. Controlled low-strength material properties and testing in accordance with Section 1803.5.9.

D.6. HOW DO I READ AND UNDERSTAND AN ENGINEERING GEOLOGIC REPORT AND A GEOTECHNICAL ENGINEERING REPORT?

Although OSBGE's *Guideline for Preparing Engineering Geologic Reports* ⁵⁵ should not be used as a checklist for a specific report, it can be used to help understand the information that should be contained in each section of the report being reviewed. Make sure the report is complete and logical, and contains the information needed to process the application. To determine how complete the report is, compare the sections of the submitted report to OSBGE's guideline and to the list of minimally included items noted above as: Introduction, Site Description, Site Investigation, Assessment, Conclusions, Recommendations, and the Signature and Seal.

The first thing to check is that the report covers the right property and surrounding area, and then that the report's stated purpose and scope are appropriate for the project proposal. Do an initial check for the following: the permitting questions and requirements that initially triggered the report are addressed; the report contains a description of the site and its geologic characteristics; the methodology is described and results presented; results are evaluated and interpreted; conclusions are drawn and recommendations made; the report is stamped and signed by all contributors.

Now go back to the beginning and read the report carefully.

Double-check that the report covers the subject property and surrounding area and that the purpose and scope of the report reflect the proposed project and need for the report, including permitting questions and requirements.

While reading the site description or characterization, look for the features described on any maps included in the report and submitted with the permit application. Note any discrepancies.

The site investigation and assessment sections may be highly technical and hard to understand. Relate them to the need for the report and the site description as much as possible. List questions.

Focus on the results and assessment. Does the report differentiate between facts, interpretations, and professional judgments? Does it discuss the results and interpret them fully? Is there an assessment of the results in the context of the regulatory framework and any locally adopted landslide hazard map? Note any needed clarifications and any permitting questions that still need to be addressed.

⁵⁵ <u>https://www.oregon.gov/osbge/Documents/engineeringgeologicreports</u> 5.2014.pdf

Now review the conclusions. Do the conclusions follow logically from the results and assessment? Are facts, interpretations, and professional judgments stated clearly? What are the limitations and potential risks associated with project development? Does the report evaluate the project's immediate onsite and offsite impacts as well as potential future impacts considering changing conditions? Would development of this project create restrictions for development existing on adjacent or nearby properties or future development of those properties? Would mitigating strategies be necessary for reducing risk onsite or off? Note any clarifications or additional information needed and any remaining questions pertinent for processing the application.

Turning to the recommendation section: Do the recommendations follow logically from and address the conclusions? Are mitigation measures needed to reduce risk to life and property identified? How much mitigation would be necessary and how effectively would it reduce the risk described in the conclusion section? Is the anticipated final risk level within the jurisdiction's risk tolerance? Are recommendations made to mitigate the other impacts described in the conclusions?

And, finally, have all the geoprofessionals who contributed geology products stamped and signed their products? Has the geoprofessional with overall responsibility for the report signed and stamped it?

The last step is to review and organize a list of questions and the additional information needed to be able to fully understand the report (especially its conclusions and recommendations) and process the application. Contact the geoprofessional with overall responsibility for the report and make an appointment to discuss the questions and information requests. If the geoprofessional cannot or is unwilling to answer the questions or provide additional information that addresses the questions and satisfies the reviewer, consider obtaining a second professional opinion.

D.7. HOW DO I KNOW WHEN I NEED TO GET A SECOND PROFESSIONAL OPINION?

Ideally, all pre-development geologic and geotechnical engineering reports would be reviewed by an independent geologist or geotechnical engineer hired by the jurisdiction to ensure the information contained within the report is complete, that the report conforms to standards, and that the conclusion and recommendations are reasonable. While some communities may include such a stipulation in their codes, fiscally constrained communities can require the property owner or applicant to bear the cost of an independent professional review.

It is generally suggested that a professional review and second opinion be sought for the following reasons: 1) if there is concern that there may be a conflict of interest in the geoprofessional's work; 2) if the results of the geoprofessional report differ greatly from previous reports or known conditions at the site; 3) if the data within the report do not appear to support the conclusions; 4) if the field work or report appears to be incomplete; or 5) if the reviewer cannot obtain satisfactory answers to the questions or additional information needed for processing the application from the geoprofessional is not provided.

- If it is suspected that a geoprofessional has violated Oregon laws or rules regarding the <u>practice of geology</u> in Oregon, or has committed fraud, negligence, incompetence, or some other misconduct, the concerned party should notify the Oregon State Board of Geologist Examiners (OSBGE) in writing. OSBGE is tasked with protecting the public by investigating complaints against geologists and enforcing the rules set forth in Oregon state statutes regarding geology. Information on how to file a complaint with OSBGE can be found on the OSBGE website⁵⁶.
- If it is suspected that a geoprofessional has violated Oregon laws or rules regarding the <u>practice of engineering</u> in Oregon, or has committed fraud, negligence, incompetence, or some other misconduct, the concerned party should contact the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). Information on how to file a complaint with OSBEELS can be found on the OSBEELS website⁵⁷.

⁵⁶ https://www.oregon.gov/osbge/Resources/Pages/ConsumerGuide.aspx

⁵⁷ https://www.oregon.gov/osbeels/rulesstatutes/Pages/Rule-and-Statute-Enforcement.aspx#file

D.8. HOW DO I APPLY AN ENGINEERING GEOLOGIC REPORT AND/OR THE GEOTECHNICAL ENGINEERING REPORT TO A PROJECT APPLICATION?

The engineering geologic report and/or the geotechnical engineering report will likely contain a great deal of data and research about the proposed development site, along with conclusions and recommendations based on this information. Typically, jurisdictions more commonly receive geotechnical engineering reports unless they specifically require an engineering geologic report.

The information in the report, particularly the conclusions and recommendations, will help determine whether the project is within the community's risk tolerance level. If it is, use what has been learned from reading the report and discussing it with the geologist or engineer to determine whether and how the project, by following the report recommendations, meets permitting requirements.

All local government staff with regulatory interest in the project (planning, zoning, public works, engineering, building, transportation, etc.) should be provided a copy of the report as early in the planning process as possible to ensure that the project is appropriately conditioned. This can be done easily as part of the pre-application process in communities that have one. If the jurisdiction does not have a pre-application process, ask all staff with regulatory interest to review the report and provide any necessary conditions. Department staff can be asked for assurance (such as initialing a statement) that they have read and understand the report and that any project conditions related to the landslide hazard are based upon the report's conclusions and recommendations.

Also be sure that the applicant provides the report and all other conditions to the developer as soon as possible to maximize compliance. The developer will need to address the recommendations and conditions in construction documents and during development.

Further, staff may ask the geologist or engineer to review construction documents and monitor construction to ensure the report recommendations and project conditions are being followed. The cost of the professional's review and monitoring could be borne by the property owner or applicant. Some jurisdictions require a final statement to be submitted from the professional that states the project is in compliance with requirements, once the project is done. acceptable designated floodplain, flood way and approximate method floodplain, torrential flood hazard area identified by the Department of Geology and Mineral Industries, and other areas both within or outside of FEMA mapped areas which are either known to be flood prone or where flood hazard conditions may be more extreme than indicated by FEMA and development would jeopardize life or property.

"Flood proofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood way" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor area" means the area included within the surrounding walls of a building or portion thereof, exclusive of vent shafts and courts.

"Floor area ratio (FAR)" means the gross floor area of all buildings or structures on a lot divided by the total lot area.

"Foredune" means the dune closest to the high tide line that extends parallel to the beach. The foredune can be divided into three sections: the frontal area (closest to water); the top surface; and the lee or reverse slope (backside).

"Free Standing Sign": a sign which is attached to or a part of a completely self- supporting structure. The supporting structure will be set firmly in or below the ground surface and will not be attached to any building or any other structure whether portable or stationary.

"Frontage" means the dimension of a property line abutting a public or private street.

"Frontage street or road" means a minor street which parallels an arterial street in order to provide access to abutting properties and minimize direct access onto the arterial.

"Functional classification" means the classification given to streets in the transportation system plan, includes arterials, collectors, and local streets.

"Garage, private" means an accessory building or portion of a main building used for noncommercial parking or storage of vehicles.

"Garage, public" means a building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale.

"Geoprofessional" refers to a Registered Geologist (RG), Certified Engineering Geologist (CEG), Professional Engineer (PE), and Geotechnical Engineer (GE).

- Registered Geologists (RG) provide geologic maps and documents and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).
- Certified Engineering Geologists (CEG) provide engineering geologic reports and are licensed by the Oregon State Board of Geologist Examiners (OSBGE). They apply geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized. As defined under ORS 672 and OAR 809.
- A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE).

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GEs provide geotechnical engineering reports and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS).

"Grade" means the elevation of the ground level.

"Ground cover" means a plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground.

"Hammerhead turnaround" means a "T" or "V" shaped dead-end street that allows for vehicles to turn around.

"Handbill" A solicitation printed on loose paper or cardboard designed for advertisement or identification of a sale, business, location, object, person, institution, organization, product, service or event.

"Hardscape" means non-plant landscape materials, including pathways, decorative payers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas and similar amenities.

"Hearing, legislative" means a hearing concerning the creation of law or policy, as in a hearing on a new or amended ordinance, plan, plan policy or map.

"Hearing, quasi-judicial" means a hearing concerning the application of law or policy to a specific individual or property, as in a hearing on an application for a conditional use, variance or rezone of a single property.

"Height of building or structure" means the vertical distance from the native grade to the highest point of the roof. On slopes, the height of the structure shall be determined by taking the height of each side of the building measured from grade at the center of the wall to the highest point of the roof and divided by the number of measured sides. For any area within a special flood hazard zone, height shall be measured from the Base Flood Elevation.

"Home occupation" means an occupation commonly carried on within a dwelling by members of the family occupying the dwelling, without outside employees, provided that the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor outwardly manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupation of their homes. A home occupation does not involve the retail sale of a product on the premises, nor the use of any accessory building, nor does it occupy more than thirty (30) percent of the floor area of the dwelling. A home occupation is an accessory use.

"Medical Center (public)" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

"Hotel" means a building in which lodging is provided to guests for compensation and in which no provisions are made for cooking in the lodging rooms.

"Human-scale design/development" means site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtown and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

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Chapter 17.78

HAZARD OVERLAY ZONE (HO)

Sections

17.78.010	Pu	rpo	se	
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- 17.78.020 Applicability
- 17.78.030 Geologic Assessment Review
- 17.78.040 Geologic Report Standards
- 17.78.050 Decisions of Geologic Assessment Reviews
- 17.78.060 Development Standards for Uses Subject to Review

Ordinance History: No. 1636

17.78.010 Purpose

The purpose of the Hazard Overlay Zone is to protect people, lands and development in areas that have been identified as being subject to geologic hazards and to apply review standards to all proposed development activity within the areas subject to geologic hazards by:

- A. Identifying areas subject to natural hazards (Landslide, Coastal Erosion, and Liquefaction);
- B. Assessing the risks to life and property posed by new development in areas of known natural hazard susceptibility; and
- C. Applying standards to the siting and design of new development on lands subject to natural hazards that will reduce the risk to life and property from these hazards.

17.78.020 Applicability

The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of this section:

- A. All lands partially or completely within "high" or "very high" landslide susceptibility areas as mapped in DOGAMI Open File Report 0-16-02, "Landslide susceptibility overview map of Oregon".
- B. All lands partially or completely within "high" or "very high" liquefaction susceptibility as mapped in DOGAMI OPEN-FILE REPORT O-13-06, "Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes."
- C. All lands along the oceanfront.

17.78.030 Geologic Assessment Review

- A. Except for activities identified in Subsection 2 of this section as exempt, any new development or substantial improvement, as defined in Title 15, in an area subject to the provisions of this section shall require a Geologic Assessment Review.
- B. The following development activities are exempt from the requirement for a Geologic Assessment Review:
 - 1. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Title 15.
 - 2. Exploratory excavations under the direction of a certified engineering geologist or

registered geotechnical engineer;

- 3. Construction of structures for which a building permit is not required;
- 4. Yard area vegetation maintenance and other vegetation removal on slopes less than 25%;
- 5. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside of the previously disturbed area;
- 6. Maintenance and repair of utility lines, and the installation of individual utility service connections;
- 7. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard;
- 8. Construction/erection of beachfront protective structures subject to regulation by the Oregon Parks and Recreation Department under OAR 736, Division 20; and
- 9. Any development or activity to be conducted on a site for which a certified engineering geologist has determined that there are no high or very high geologic hazards present. The City of Bandon is not liable for any type of certification that a geologic hazard is not present on site.
- C. Application, review and appeals for a Geologic Assessment Review shall be in accordance with the requirements for plan review as set forth in BMC 16.04. Applications for a Geologic Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Geologic Assessment Review shall be completed prior to any ground disturbance.
- D. All applications for Geologic Assessment Review shall be accompanied by a Geologic Report prepared by a qualified geoprofessional (as defined in Title 17) that meets the content requirements of section 17.78.040, at the applicant's expense.

<u>17.78.040</u> Geologic Report (Engineering Geologic Report and Geotechnical Engineering Report) Standards

- A. The Geologic Report shall include the required elements of this section and one of the following:
 - 1. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;
 - 2. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or
 - 3. A certification that there are no high or very high geological hazards present on site. If such is certified by a licensed professional, then a Geologic Hazard Review application is not required. The City of Bandon is not liable for any type of certification that a geologic hazard is not present on site.

- B. Geologic Reports required pursuant to this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles, and shall at a minimum contain the applicable provisions of "Guideline for Preparing Engineering Geologic Reports," 2nd Edition, 5/30/2014, published by the Oregon Board of Geologist Examiners.
- C. For oceanfront property, reports shall also address the "Geological Report Guidelines for New Development on Oceanfront Properties," prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section.
- D. Geologic Reports required by this section shall include a statement from the preparer of the report that all of the applicable content requirements of this subsection have been addressed or are not applicable to the review. The report shall also include a description of the qualification of the licensed professional or professionals that prepared the report.
- E. For the purposes of Section 17.78.040, a Geologic Report refers to both engineering geologic reports and geotechnical engineering reports.
- F. Geologic Reports required by this section shall be valid for a period of five years from the date of preparation of such report. No extensions to this timeline shall be granted. The city assumes no responsibility for the quality or accuracy of such reports.

17.78.050 Decisions of Geological Assessment Reviews

A decision on a Geologic Assessment Review shall be based on the following standards:

- A. The Geologic Report shall meet the content standards set forth in Section 17.78.040.
- B. In approving a Geologic Assessment Review, the decision maker may impose any conditions which are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the City of Bandon Land Use and Development Code.
- C. In the event the decision maker determines that additional review of the Geologic Report by an appropriately licensed and/or certified professional is necessary to determine compliance with this section, the City of Bandon may retain the services of such a professional for this purpose. The applicant shall be responsible for all costs associated with the additional review. The results of that evaluation shall be considered in making a decision on the Geologic Assessment Review.

17.78.060. Development Standards for Uses Subject to Review

In addition to the conditions, requirements and limitations imposed by a required Geologic Report, all uses subject to a Geologic Assessment Review shall conform to the following requirements:

A. Historical, Cultural, and Archaeological Resources: All activities and uses subject to Geologic Assessment Reviews proposed for areas of historical, cultural, or archaeologically sensitive areas, as identified in the City of Bandon Comprehensive Plan, shall require consultation with the appropriate Tribe prior to the commencement of any and all ground disturbing activity. Proof of this consultation shall be provided as a part of application submission.

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- B. Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Assessment Review shall provide a Hazard Disclosure Statement signed by the property owner that acknowledges:
 - 1. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 - 2. The property owner has commissioned an engineering geologic report for the subject property, a copy of which is on file with City of Bandon Planning Department, and that the property owner has reviewed the Geologic Report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;
 - 3. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.
- C. Mitigation measures: If on-site structural mitigation measures are required as a condition of approval, the applicant shall, prior to the issuance of zoning compliance, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of the property owners to refrain from interfering with such measures or improvements and to maintain them.
- D. Safest site requirement: All new construction shall be limited to the recommendations, if any, contained in the Geologic Report; and
 - 1. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and
 - 2. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.
- E. Minimum Oceanfront Setbacks: In areas subject to the provisions of this section, the building footprint of all new development or substantial improvement subject to a Geologic Assessment Review shall be set back from the ocean shore a minimum twenty-five (25) feet from the top of the bank or greater if recommended by the Geologic Report.
- F. Erosion Control Measures: A certified engineering geologist, geotechnical engineer, or qualified civil engineer shall address the following standards:
 - 1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;
 - Development plans shall minimize cut or fill operations so as to prevent off-site impacts;
 - 3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
 - 4. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

- 5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
- 6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
- 7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;
- 8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
- 9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 - a. Energy absorbing devices to reduce runoff water velocity;
 - b. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 - c. Dispersal of water runoff from developed areas over large undisturbed areas;
- 10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and
- 11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.
- G. Certification of compliance: Permitted development shall comply with the recommendations in the required Geologic Report.

No development requiring a Geologic Report shall receive final approval (e.g. certificate of occupancy, final inspection, etc.) until the planning director receives a written statement by an appropriately licensed and/or certified professional indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the City of Bandon must also receive an additional written statement of compliance by the design engineer.

- H. Restoration and replacement of existing structures:
 - 1. A building or structure that is nonconforming under Section 17.108 that is destroyed by fire, other casualty or natural disaster shall be subject to the casualty loss provisions contained in Section 17.108. Application of the provisions of this section to a property shall not have the effect of rendering it nonconforming.
 - 2. A building or structure that conforms to the Municipal Code that is destroyed by fire, other casualty or natural disaster may be replaced with a building or structure of up to the same size provided a Geologic Report is prepared by a qualified geoprofessional. A Geologic Report prepared pursuant to this subsection shall adhere to the Geologic Report Standards outlined in this section. All recommendations contained in the report shall be followed.

SECTION 4.040 GEOLOGIC HAZARDS OVERLAY DISTRICT (/GHO)

Section 4.041 Purpose

The intent of the geologic hazards overlay is to minimize building hazards and threats to life and property that may be created by landslides, ocean flooding and erosion, weak foundation soils, and other hazards as identified and mapped by the County. This purpose is achieved by basing County decisions on accurate geologic and soils information prepared by qualified professionals.

Section 4.042 Applicability

This section applies to all development in the following potentially hazardous areas:

- (1) Areas subject to mass wasting including:
 - (A) Active landslides, inactive landslides, landslide topography and mass movement topography identified in the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletins 74 and 79;
 - (B) Faults including definite, indefinite, inferred and concealed in the Oregon Department of Geology and Mineral Industries (DOGAMI) Bulletins 74 and 79;
 - (C) All areas identified in the report, "A Field Inventory of Geologic Hazards from Silver Point to Cove Beach, Clatsop County, Oregon", prepared by Martin Ross in 1978, as needing site specific investigations;
- (2) Areas subject to wave attack, including:
 - (A) All oceanfront lots; and
 - (B) The beach and dune hazard area as defined in Section 4.052.
- (3) Areas with compressible soils identified in the Soil Survey of Clatsop County (SCS) and referenced in Clatsop County's Comprehensive Plan Background Report, Natural Hazards.
- (4) The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made at the sole discretion of the Director. The mapping that forms the basis for the identification of the above areas may be generalized in nature. A specific site may not include the characteristics for which it is mapped. In these circumstances, the Director may grant a waiver from the requirements of Section 4.040. The waiver shall be in the form of a written finding. The finding shall be based on a report, from a professional specified in Section 4.044, detailing the basis for the determination that the site does not contain the identified potentially hazardous geologic condition.

Section 4.043 Geologic Hazard Permit Requirements.

All persons proposing any activity requiring a development permit on property located in potentially hazardous areas identified in Section 4.042 shall obtain a geologic hazard permit.

(1) Application for a geologic hazard permit shall be on forms provided by the County and shall include a geotechnical report prepared in conformance with the requirements of Section 4.044.

- (2) Before a development permit can be issued, the geotechnical report must be approved as part of the development permit approval process.
 - (A) Where a geotechnical report recommends that additional site investigations, such as borings or test pits, are undertaken, application for geologic hazard permit will be deemed incomplete until the results of those investigations have been provided to the County.
 - (B) Where an application is made for a conditional use permit, a variance, a subdivision, a partition, or a planned development located in an area identified in Section 4.042, a geotechnical report in conformance with Section 4.044 shall be prepared. The Director may also require a geotechnical report in conjunction with a proposed zone change.
- (3) Application for a geologic hazard permit may be made concurrently with an application for a development permit.
- (4) The approved site investigation report shall be referred to in deed and other documents of sale and shall be recorded with the record of deeds.

Section 4.044 Geotechnical Report Requirements

For areas identified in Section 4.042 (1) and 4.042 (2), the geotechnical report shall be prepared by a certified engineering geologist or a registered professional geologist. If a geotechnical report is prepared by a geologist and structural recommendations are incorporated into that report, those recommendations, must be made in consultation with an engineering geologist, structural engineer, or civil engineer.

- (1) For areas identified in Section 4.042 (1), the geotechnical report shall:
 - (A) Identify the hazards to life, public and private property which may be caused by mass movement (landsliding and sloughing), soil erosion or deposition, and earthquakes;
 - (B) Identify the hazards to life, public and private property, and the natural environment which may be caused by the proposed use and other human activities;
 - (C) Describe how the proposed development or use will be adequately protected from geologic hazards, including landsliding and sloughing, soil erosion or deposition, and earthquakes; and
 - (D) Describe how the proposed development is designed to minimize the adverse effects it might have on the site and adjacent areas.
- (2) For areas identified in Section 4.042 (2), and in addition to the standards identified in Section 4.044 (2), the geotechnical report shall identify the hazards to life, public and private property which may be caused by wind erosion or accretion, wave undercutting (erosion), and ocean overtopping (flooding, including tsunami),
- (3) For areas identified in Section 4.042 (1) and 4.042 (2), the geotechnical report shall describe how the proposed development provides for temporary and permanent stabilization and the planned maintenance of new and existing vegetation. Existing stabilizing vegetation, particularly trees, shall not be removed on slopes of 20% or greater.

- (4) For areas identified in Section 4.042 (1) and 4.042 (2), the geotechnical report shall be prepared in conformance with the document "Clatsop County Geotechnical Report Content Standards".
- (5) For areas identified in Section 4.042 (3), the geotechnical report shall be prepared by a certified engineering geologist, soils engineer, or civil engineer. Geotechnical reports prepared for areas identified in Section 4.042 (3) shall incorporate specific construction and structural recommendations to address the soil characteristics of the site. Where pertinent, the discussion of specific construction and structural recommendations shall include: site preparation such as compaction or replacement of existing soils, bearing loads and the corresponding amount of settlement, steps to be taken with respect to ground and surface water, special foundation requirements, and foundation recommendations based on bearing capacity, design criteria, and the effect of adjacent loads.
- (6) For all areas identified in Section 4.042, the geotechnical report shall be prepared in conformance with the document "Clatsop County Geotechnical Report Content Standards".

Section 4.045 Geologic Hazard Permit Review.

An application for a geologic permit shall be reviewed under a Type I procedure.

- (1) A geologic hazard permit shall be approved by the Director if:
 - (A) The conclusions of the geotechnical report supports a finding that there are no adverse effects of the site's geologic characteristics on the proposed development and the proposed site modifications will not adversely affect geologic conditions and processes in the immediate area: or
 - (B) The conclusions of the geotechnical report supports a finding that if specified actions are taken to address an identified potential hazard then the effects of the site's geologic characteristics on the proposed development will be at an acceptable level and the effects of the proposed site modifications on the geologic conditions and processes in the immediate area are at an acceptable level.
- (2) Specific recommendations contained in the geologic report shall be incorporated into the approved geologic hazard permit. Based on content, recommendations and conclusions of the geotechnical report, the Director may apply other conditions to the issuance of a geologic hazard permit.
- (3) The specific recommendations contained in the geotechnical report, and conditions applied to the geologic hazard permit shall be incorporated into the plans and specifications of the development which is the subject of the development permit.
- (4) Where there is not a concurrent application for a geologic hazard permit and a development permit for a specified development, the person(s) who prepared the geotechnical report shall submit a letter to the Director verifying that the proposed plans, details, and specifications of the proposed development have been reviewed and are in keeping with the recommendations contained in the geotechnical report that formed the basis for the issuance of the geologic hazard permit, or they shall make recommendations or changes that are needed in the proposed development in order to bring it into conformance with the recommendations contained in the geotechnical report.

(5) When a geotechnical report submitted in conjunction with a development permit that is more than two years old, a letter shall be submitted to the Director from the person(s) who prepared the report. The letter shall provide verification that the geotechnical report is still valid for the proposed project.

Section 4.046 Independent Review

The Director, at his discretion and at the applicant's expense, may require an evaluation of a geotechnical report by another expert of his choosing. As part of its review of a land use application located in an area subject to Section 4.042, the Hearings Officer, Planning Commission, or Board of Commissioners may also require, at the applicant's expense, an evaluation of a geotechnical report that was prepared in conjunction with the land use application. The results of that evaluation shall be used in making the final decision on the effected land use permit.

Section 4.047 Standards

The review and approval of development permits in the geologic hazard overlay district shall be based on the conformance of the proposed development plans with the following grading standards. Conditions of approval may be imposed on the development permit to assure that the development plan meets the standards of this section and to prevent the creation of a hazard to public or private property.

- (1) Site Plan Information Required. In addition to the information required for a development permit, the site plan shall show where clearing, grading, excavation or filling is to occur, the area where existing vegetative cover will be retained, the location of any streams and wetland areas on immediately adjacent to the property, and the general direction of slopes. A statement shall be provided summarizing the extent of land clearing and grading and the quantity of cut and/or fill material involved.
- (2) Preparation of Grading Plan Based on the findings and conclusions of the geotechnical report, or the nature of the proposed development, The Planning Director, at his sole discretion, may require that a grading plan prepared by a registered engineer be submitted with the application for a development permit. The Planning Director may require that such a grading plan, in addition to information required by Section 4.047(1) include the following additional information:
 - (A) Existing and proposed contours of the property, at two-foot contour intervals;
 - (B) The location of the existing structures and building, including those within twentyfive feet of the property;
 - (C) The location of all surface and subsurface drainage devices to be constructed; and
 - (D) Design details of proposed retaining walls.
- (3) General Standards. The proposed development plans shall meet the following general standards:
 - (A) Natural vegetation will be protected and retained wherever possible;
 - (B) To the extent possible, roads and driveways shall follow the natural contours of the site; and
 - (C) An erosion control plan shall be prepared and implemented in conformance with the requirements of Section S2.500.
- (4) Cuts. Proposed cuts shall meet the following standards:
 - (A) The site development shall be design to minimize the need for cuts.

- (B) The slope of cut surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a cut at a steeper slope will be stable and not create a hazard to public or private property;
- (C) Cuts shall not remove the toe of any slope where a potential for landslide exists;
- (D) Cuts shall be setback from property lines so as not to endanger or disturb adjoining property; and
- (E) Retaining walls shall be constructed in accordance with the Oregon State Structural Specialty Code.
- (5) Fills. Proposed fills shall meet the following standards:
 - (A) The site development shall be designed to minimize the need for fill.
 - (B) The slope of fill surfaces shall not be steeper than is safe for the intended uses and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a steeper slope will be stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.
 - (C) Fill shall be setback from property lines so as not to endanger or disturb adjoining property.
 - (D) The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and scarifying to provide a bond with the new fill.
 - (E) Structural fill shall be designed by a registered civil engineer in accordance with standard engineering practices.
- (6) Drainage. The following standards shall be met:
 - (A) Proposed grading shall not alter drainage patterns so that additional storm water is directed onto adjoining property.
 - (B) Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.
 - (C) The site grading and drainage improvements shall be designed to carry both concentrated water and surface sheet flow water to the nearest practical drainage way, as specified by the Planning Director.

4.11.132Natural Hazards (Balance of County Policy 5.11)

Coos County has inventoried the following *hazards*:

- Flood Hazard
 - Riverine flooding
 - Coastal flooding
- Landslides and Earthquakes
 - o Landslide Susceptiblitiy
 - o Liquefaction potential
- Tsunamis
- Erosion
 - Riverine streambank erosion
 - o Coastal
 - Shoreline and headlands
 - Wind
- Wildfire

Purpose Statements:

Coos County shall regulate development in known areas potentially subject to natural disasters and hazards, so as to minimize possible risks to life and property. Coos County considers natural disasters and hazards to include *river and coastal flooding, landslides, liquefaction potential due to earthquakes, fault lines, tsunamis, river bank erosion, coastal erosion along shorelines and headlands, coastal erosion due to wind, and wildfires, including those areas affected by gorse.*

This strategy shall be implemented by enacting special protective measures through zoning and other implementing devices, designed to minimize risks to life and property associated with new development and substantial improvements. *The determination of whether a property is located in one of the above referenced potentially hazardous areas shall be made by the reviewing body (Planning Director, Planning Commission, Board of Commissioners, or any designee based upon adopted inventory mapping). A specific site may not include the characteristics for which it is mapped. In these circumstances staff shall apply § 4.11.132.ii.2m.*

b. Landslides and Earthquakes

Landslides: Coos County shall promote protection to life and property in areas potentially subject to landslides. New development or substantial improvements proposed in such areas shall be subject to geologic assessment review in accordance with section 4.11.150. Potential landslide areas subject to geologic assessment review shall include all lands partially or completely within "very high" landslide susceptibility areas as mapped in DOGAMI Open File Report O-16-02, "Landslide susceptibility map of Oregon."

Earthquakes: Coos County shall promote protection of life and property in areas potentially subject to earthquake hazards. New development or substantial improvements in mapped areas identified as potentially subject to earthquake induced liquefaction shall be subject to a geologic assessment review as set out in this section. Such areas shall include lands subject to "very high" and "high"

liquefaction identified in DOGAMI Open File Report O-13-06, "Ground motion, ground deformation, tsunami inundation, co-seismic subsidence, and damage potential maps for the 2012 Oregon Resilience Plan for Cascadia Subduction Zone Earthquakes."

Coos County shall continue to support Oregon State Building Codes to enforce any structural requirements related to landslide and earthquakes. Staff will notify Oregon State Building Codes by providing a copy of the geologic assessment report with the Zoning Compliance Letter.

4.11.150 Geological Hazards special development Review Standards

Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.

The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant's expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include the required elements of this section and one of the following:

- a. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;
- b. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or
- c. A certification that there are no high or very high geological hazards present on site. If such is certified by a licensed profession then an application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.

4.11.155 Geological Assessment review

Geologic Assessment Review: The applicant(s) shall complete the following review to determine compliance with this section. This type of review requires a conditional use application and shall follow the administrative procedures for conditional uses found in Article 5 of the CCZLDO.

- 1. Except for activities identified in Subsection 2 of this section, as exempt, any new development or substantial improvement in an area subject to the provisions of this section shall require a Geologic Assessment Review.
- 2. The following development activities are exempt from the requirement for a Geologic Assessment Review:
 - a. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Chapter II.
 - b. An excavation and/or fill which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

- c. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
- d. Construction of structures for which a building permit is not required;
- e. Yard area vegetation maintenance and other vegetation removal on slopes less than 25%;
- f. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
- g. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside of the previously
- disturbed area;Maintenance and repair of utility lines, and the installation of individual utility service connections;
- i. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard;
- j. Construction/erection of beachfront protective structures subject to regulation by the Oregon Parks and Recreation Department under OAR 736, Division 20; and
- k. Any development or activity to be conducted on a site for which a certified engineering geologist has determined that there are no high or very high geologic hazards present. Coos County is not liable for any type of certification that a geologic hazard is not present on site.
- 3. Application, review and appeals for a Geologic Assessment Review shall be in accordance with the requirements for administrative conditional use review as set forth in Article 5.2. Applications for a Geologic Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Geologic Assessment Review shall be completed prior to any ground disturbance.
- 4. All applications for Geologic Assessment Review shall be accompanied by an engineering geologic report prepared by a certified engineering geologist at the applicant's expense.

A. ENGINEERING GEOLOGIC REPORTS

- Engineering geologic reports required pursuant to this section shall be prepared by a certified engineering geologist licensed in the State of Oregon. Such reports shall be prepared consistent with standard geologic practices and employing generally accepted scientific and engineering principles. The content of such reports shall be generally consistent with the applicable provisions of "Guideline for Preparing Engineering Geologic Reports," 2nd Edition, 5/30/2014, published by the Oregon Board of Geologist Examiners.
- 2. Properties abutting the ocean shore that are located in a mapped regulated hazard area shall include the following additional information :
 - a. Site description:
 - i. The geological history and stabilization measures of the site including any previous riprap or dune grading, erosion events, or exposed trees on the beach.
 - ii. Topography, including elevations and slopes on the property itself.
 - iii. Vegetation cover.
 - iv. Subsurface materials the nature of the rocks and soils.
 - v. Conditions of the seaward front of the property, particularly for sites having a sea cliff.
 - vi. Description of streams or other drainage that might influence erosion or locally reduce the level of the beach.
 - vii. If the site is located on or adjacent to a estuarine water body or Coastal Lake including the Coastal Shoreland Boundary the following additional information shall be included:

- 1. Presence of drift logs or other flotsam on or within the property.
- 2. Proximity of nearby headlands that might block the longshore movement of beach sediments, thereby affecting the level of the beach in front of the property.
- 3. Description of any shore protection structures that may exist on the property or on nearby properties.
- 4. Presence of pathways or stairs from the property to the beach.
- 5. Existing development including modification of soil or vegetation on the site, particularly any which might alter the resistance to wave attack.
- 6. Average widths of the beach during the summer and winter.
- 7. Median grain size of beach sediment.
- 8. Average beach slopes during the summer and winter.
- 9. Elevations above mean sea level of the beach at the seaward edge of the property during summer and winter.
- 10. Presence of rip currents and rip embayments that can locally reduce the elevation of the fronting beach.
- 11. Presence of rock outcrops and sea stacks, either offshore or within the beach zone.
- 12. Information regarding the depth of beach sand down to bedrock at the seaward edge of the property.
- b. Analyses of Erosion and Flooding Potential on the site:
 - i. Analysis of DOGAMI beach monitoring data for the site (if available,) all activities affecting shoreline erosion and possible mass wasting, including weathering processes, land sliding or slumping.
 - ii. Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 2006).¹
 - iii. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy.
 - iv. For areas subject to dune-backed shorelines, use an established geometric model to assess the potential distance of property erosion, and compare the results with direct evidence obtained during site visits, aerial photo analysis, or analysis of DOGAMI beach monitoring data.
 - v. For bluff-backed shorelines, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and fieldwork to assess the potential distance of property erosion.
 - vi. Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.
- c. Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for non-structural erosion control methods).
- d. Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.
- e. The assessment should include recommendations:i. Use results from the above analyses to establish setbacks (beyond any minimums

¹Stockdon, H. F., Holman, R. A., Howd, P. A. and Sallenger, A. H., 2006, Empirical parameterization of setup, swash, and runup: Coastal Engineering, 53, p 573-588.
set by this section or the underlying zone), building techniques, or other mitigation measures to ensure an acceptable level of safety and compliance with all local requirements.

- ii. Recommend a foundation design, or designs, that render the proposed structures readily moveable.
- iii. Recommend a plan for preservation of vegetation and existing grade within the setback area, if appropriate.
- iv. Include consideration of a local variance process to reduce the building setback on the side of the property opposite the ocean, if this reduction helps to lessen the risk of erosion, bluff failure or other hazard.
- v. Recommend methods to control and direct water drainage away from the ocean (e.g. to an approved storm water system); or, if not possible, to direct water in such a way so as to not cause erosion or visual impacts.
- 3. Engineering geologic reports required by this section shall include a statement from the preparer of the report that all of the applicable content requirements of this subsection have been addressed or are not applicable to the review.
- 4. Engineering geologic reports required by this section shall be valid for a period of five years from the date of preparation of such report. No extensions to this time line shall be granted.

B. DECISIONS ON GEOLOGICAL ASSESSMENT REVIEWS

A decision on a Geologic Assessment Review shall be based on the following standards:

- 1. The engineering geologic report shall meet the content standards set forth in within this Section.
- 2. In approving a Geologic Assessment Review, the decision maker may impose any conditions which are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Coos County Zoning and Land Development Ordinance.
- 3. In the event the decision maker determines that additional review of the engineering geologic report by an appropriately licensed and/or certified professional is necessary to determine compliance with this section, Coos County may retain the services of such a professional for this purpose. The applicant shall be responsible for all costs associated with the additional review. The results of that evaluation shall be considered in making a decision on the Geologic Assessment Review.

C. <u>DEVELOPMENT STANDARDS FOR USES SUBJECT TO GEOLOGIC ASSESSMENT REVIEW</u>

In addition to the conditions, requirements and limitations imposed by a required engineering geologic report, all uses subject to a geologic assessment review shall conform to the following requirements:

- 1. Historical, Cultural, and Archaeological Resources: All activities and uses subject to Geologic Assessment Reviews proposed for areas of historical, cultural, or archaeologically sensitive areas, as identified on the Coos County Comprehensive Plan Map, shall require consultation with the appropriate local Tribe prior to the commencement of any and all ground disturbing activity. Proof of this consultation shall be provided as a part of application submission.
- 2. Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Assessment Review shall provide a Hazard Disclosure Statement signed by the property owner that acknowledges:
 - a. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 - b. The property owner has commissioned an engineering geologic report for the subject property, a copy of which is on file with Coos County Planning Department, and that the property owner has reviewed the engineering geologic report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with

development on the subject property;

- c. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.
- 3. Mitigation measures: If on-site structural mitigation measures are required as a condition of approval, the applicant shall, prior to the issuance of a zoning compliance letter, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of the property owners to refrain from interfering with such measures or improvements and to maintain them.
- 4. Safest site requirement: All new structures shall be located within the area most suitable for development based on the least exposure to risk from hazards as determined by an engineering geologist as part of an engineering geologic report prepared in accordance with Section 4.11.150 through 4.11.155. Notwithstanding the provisions of the underlying zone, as necessary to comply with this requirement, any required yard or setback may be reduced by up to 50% without a variance.
- 5. Certification of compliance: Permitted development shall comply with the recommendations in the required engineering geologic report. Certification of compliance shall be provided to the director by the applicant as follows:
 - a. Plan Review Compliance: Building, construction or other development plans shall be accompanied by a written statement from a certified engineering geologist stating that the plans comply with the recommendations contained in the engineering geologic report for the approved Geological Assessment Review.
 - b. Inspection Compliance: Upon the completion of any development activity for which the engineering geologic report recommends an inspection or observation by a certified engineering geologist, the applicant shall provide to the director a written statement from the certified engineering geologist indicating that the development activity has been completed in accordance with the applicable engineering geologic report recommendations.
 - c. Final Compliance: Upon completion of development requiring an engineering geologic report, the applicant shall submit to the director:
 - i. A written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures specified in the report have been satisfied; and,
 - ii. If mitigation measures incorporate engineering solutions designed by a licensed professional engineer, a written statement of compliance by the design engineer.

Section 5.11.100 geologic assessment Requirements

1. Applications for a geologic hazard review may be made concurrently with any other type of application required for the proposed use or activity. A review of the property must be conducted prior to any ground disturbance. All geologic hazard assessment reports shall include a description of the qualification of the licensed professional or professionals that prepared the assessment.

- 2. The applicant shall present a geologic hazard assessment report (geologic assessment) prepared by a qualified licensed professional competent in the practice of geosciences, at the applicant's expense, that identifies site specific geologic hazards, associated levels of risk, and the suitability of the site for the use and/or activity in view of such hazards. The geologic assessment shall include an analysis of the risk of geologic hazards on the subject property including the upslope and downslope properties that may be at risk from, or pose a risk to, the use and/or activity. The geologic hazard assessment shall also address the erosion impacts, any increase in storm water runoff, and any diversion or alteration of natural storm water runoff patterns resulting from the use and/or activity. The geologic hazard assessment shall include one of the following:
 - a. A statement that the use and/or activity can be accomplished without measures to mitigate or control the risk of geologic hazard to the subject property resulting from the proposed use and/or activity;
 - b. A statement that there is an elevated risk posed to the subject property by geologic hazards that requires mitigation measures in order for the use and/or activity to be undertaken safely sited on the property; or
 - c. A certification that there are no geological hazards present on site. If such is certified by a licensed profession then an application is not required. Coos County is not liable for any type of certification that a geological hazard is not present on site.
- 3. If the assessment identifies any past or present risk then an administrative conditional use is required to evaluate such risk and if mitigation measures are necessary to ensure that proposed development can be safely sited. The assessment shall describe and recommend how the proposed use and/or activity will be adequately protected from geologic hazards, including land sliding and sloughing, soil erosion or deposition, and earthquakes.

If structural requirements are part of the recommendation, then as a condition of approval, an engineering geologic report consistent with standard geologic practices and generally accepted scientific and engineering principles is required and shall, at a minimum, be consistent with the Oregon State Board of Geologist Examiners "Guidelines for Preparing Engineering Geologic Reports in Oregon". This shall be supplied to the planning department to be attached to a zoning compliance before a building permit may be obtained.

Section 5.11.200 Geotechnical application Reviews

An application for a geotechnical review shall be reviewed under an administrative conditional use procedure unless Section 5.11.100.2 applies.

- *1.* A geologic hazard assessment shall be deemed complete if the geologic report meets the content standards listed in Section 5.11.300.
- 2. Specific recommendations contained in the geologic report shall be incorporated into the approval as conditions. Based on content, recommendations and conclusions of the geotechnical report, the decision maker may apply other reasonable conditions.
- 3. The specific recommendations contained in the geotechnical report, and conditions applied to the geologic hazard permit shall be incorporated into the plans and specifications of the development which is the subject of the development permit.
- 4. The review requires an administrative application and all components shall be submitted with the Coos County Zoning and Land Development Ordinance (CCZLDO) §5.0.150 and Section 5.11.300. This review will be processed in accordance with Article 5.2.
- 5. At the discretion of the decision maker and at the applicant's expense, it may be required to have an evaluation of a geologic assessment by another expert as part of the review of a land use application located in an area subject to this section. The results of that evaluation shall be used in making the final decision on the effected land use application.
- 6. If § 5.11.100.2.b applies then prior to approval of the use and/or activity, the applicant shall provide a mitigation plan specific to the use and/or activity, including land divisions, and the approved geologic hazard mitigation report shall address the following:
 - a. The mitigation plan must adequately address all issues identified in the geologic hazard mitigation report and must identify any potential appropriate protection methods for the subject property;
 - b. The mitigation plan shall specify which, if any, measures and improvements must be installed or constructed under the direction of a supervising engineer;
 - c. The applicant shall, prior to the issuance of any development permits, record on the title to the subject property a notification that includes a description of the measures or improvements and that also specifies the obligation of the property owners to refrain from interfering with such measures or improvements and to maintain them; and
 - d. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations.

Section 5.11.300 application and development Standards for geotechnical applications:

The review and approval of a conditional use in a Geologic Hazard Special Development Consideration area shall be based on the conformance of the proposed development plans with the following standards. Conditions of approval may be imposed on the development permit to assure that the development plan meets the standards of this section and to prevent the creation of a hazard to public or private property.

- 1. All Geologic Assessments are valid as prima facie evidence of the information therein contained for a period of five (5) years. Coos County assumes no responsibility for the quality or accuracy of such reports.
- 2. The geologic assessment shall include the following:

- a. A topographic plot plan that shall include to scale:
 - i. All adjacent, contiguous and related property identified in the geologic hazard assessment as being at risk from, or posing a risk to, the use and/or activity;
 - ii. The degree of slope on the subject and adjacent properties;
 - All features on the subject and adjacent properties that may cause or contribute to mass movement. Such features shall specifically include any landslide, bluff failure or shoreline erosion that could migrate upslope into the subject or adjacent properties;
 - iv. The location of all identified geomorphic features and micro-topographic features related to the identified geologic hazards;
 - v. All on site or adjacent features or conditions, which contribute to the hazard or risk from the hazard(s); and
 - vi. A map that depicts features and conditions associated with any building site or construction site associated with the development activity.
- b. A technical analysis and narrative describing the following:
 - i. The geologic features or conditions of the property as well as those features or conditions which gave rise to the hazard from the use and/or activity;
 - ii. All features related to earth movement or geologic instability on adjacent touching parcels or lots to the site;
 - iii. The results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes, or other data obtained from the site investigation with data points clearly identified on a map;
 - iv. Whether the proposed development activity can be sited in a manner to mitigate the substantial risk to the subject property in view of the geological hazards and risks that have been identified in the geologic assessment;
 - v. All features related to earth movement or geologic instability on, adjacent to, upslope or downslope from the subject property;
 - vi. A clear statement of all requirements or conditions on the use and/or activity that the geologist has determined are necessary to mitigate the geologic hazards that require mitigation; and
 - vii. A schedule of inspections to be completed by the geologist or engineer to assure compliance with recommendations.
- 3. Additional Standards for Oceanfront Development. In addition to the requirements set forth in this subsection, geotechnical assessments for lots or parcels abutting the ocean shore shall include the following information, analyses, and recommendations:
 - a. Site description:
 - i. The history of the site and surrounding areas, such as previous riprap or dune grading permits, erosion events, exposed trees on the beach, or other relevant local knowledge of the site;
 - ii. Topography, including elevations and slopes on the property itself;
 - iii. Vegetation cover;

- iv. Subsurface materials the nature of the rocks and soils;
- v. Conditions of the seaward front of the property, particularly for sites having a sea cliff;
- vi. Description of streams or other drainage that might influence erosion;
- vii. Description of any shore protection structures that may exist on the property; and
- viii. Presence of pathways or stairs from the property to the beach.
- b. Analyses of erosion and flooding potential:
 - i. Analysis of DOGAMI beach monitoring data for the site, if available;
 - ii. Analysis of possible mass wasting, including weathering process, land sliding, or slumping;
 - iii. Calculation of wave run-up beyond mean water elevation that might result in erosion of the sea cliff or foredune (see Stockdon, 2006²);
 - iv. Evaluation of frequency that erosion-inducing processes could occur, considering the most extreme potential conditions of unusually high water levels together with severe storm wave energy;
 - v. For dune-backed shoreline, use established geometric model to assess the potential distance of property erosion, and compare the results with direct evidence obtained during a site visit, aerial photo analysis, and/or analysis of DOGAMI beach monitoring data;
 - vi. For bluff-backed shoreline, use a combination of published reports, such as DOGAMI bluff and dune hazard risk zone studies, aerial photo analysis, and field work, to assess the potential distance of property erosion; and
 - vii. Description of potential for sea level rise, estimated for local area by combining local tectonic subsidence or uplift with global rates of predicted sea level rise.
- c. Assessment of potential reactions to erosion episodes:
 - i. Determination of legal restrictions of shoreline protective structures (Goal 18 prohibition, local conditional use requirements, priority for nonstructural erosion control methods); and
 - ii. Assessment of potential reactions to erosion events, addressing the need for future erosion control measures, building relocation, or building foundation and utility repairs.
- d. Recommendations:
 - i. Use results from the above analyses to establish setbacks (beyond any minimums set by this section), building techniques, or other mitigation to

²Stockdon, Hilary F., Rob A. Holman, Peter A. Howd, and Asbury H. Sallenger."Empirical Parameterization of Setup, Swash, and Runup."Coastal Engineering, 2006, 573-88. Accessed January 14, 2016.

 $https://www.researchgate.net/publication/223784721_Empirical_parameterization_of_setup_swash_and_runup_Coast_Eng.$

ensure an acceptable level of safety and compliance with all local requirements;

- ii. Recommend a plan for preservation of vegetation and existing grade within the setback area, if appropriate;
- iii. The applicant may apply for a variance if the recommendations show that a reduction to a property setback on the side of the property opposite the ocean, if this reduction helps to lessen the risk of erosion, bluff failure or other hazard; and
- iv. Recommend methods to control and direct water drainage away from the ocean (e.g. to an approved storm water system), or if not possible, to direct water in such a way so as to not cause erosion.

SECTION 4.130: DEVELOPMENT REQUIREMENTS FOR GEOLOGIC HAZARD AREAS

Sections

4.130(1)	Purpose
4.130(2)	Applicability
4.130(3)	Geologic Hazard Assessment Review
4.130(4)	Geologic Hazard Report Standards
4.130(5)	Decisions of Geologic Hazard Assessment Reviews
4.130(6)	Development Standards for Uses Subject to Review

4.130(1) Purpose

The purpose of these Development Requirements for Geologic Hazard Areas is to protect people, lands and development in areas that have been identified as being subject to geologic hazards.

The provisions and requirements of this section are intended to provide for identification and assessment of risk from geologic hazards, and to establish standards that limit overall risk to the community from identified hazards to a level acceptable to the community. Development in identified hazard areas is subject to increased levels of risk, and these risks must be acknowledged and accepted by present and future property owners who proceed with development in these areas

4.130(2) Applicability

The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of Section 4.130:

- All lands partially or completely within categories of "high" and "moderate" susceptibility to shallow landslides as mapped in Oregon Department of Geology and Mineral Industries (DOGAMI) Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;
- All lands partially or completely within categories of "high" and "moderate" susceptibility to deep landslides as mapped in DOGAMI Open File Report O-20- 13, Landslide hazard and risk study of Tillamook County, Oregon;
- c) All lands partially or completely within a "debris flow fan" as mapped in DOGAMI Open File Report O-20-13, Landslide hazard and risk study of Tillamook County, Oregon;
- All lands partially or completely within a rapidly moving landslide as mapped in DOGAMI IMS-22, GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon, 2002.
- e) All lands along the oceanfront. An oceanfront lot is a lot or parcel that abuts the ocean shore state recreation area (as defined in OAR 736-021-0010) or a lot or parcel where there is no portion of a

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buildable lot between it and the ocean shore state recreation area. Lots or parcels that are fronted by roads, parks, beach accesses, or other minimal improvements are also considered oceanfront.

- f) Lots or parcels where the average existing slopes are equal to or greater than 19 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel less than or equal to 20,000 square feet or lots or parcels where the average existing slopes are equal to or greater than 29 percent within or adjacent to hazard risk zones described in 4.130(2)(a) through (d) for any lot or parcel greater than 20,000 square feet.
 - 1. For the purpose of this section, slopes are determined by:
 - Lots or parcels less than 20,000 square feet where the average existing slopes are equal to or greater than 19% measured from the highest to lowest point of the property.
 - The average existing slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 29 percent or greater for properties 20,000 square feet or larger.
- g) Any other documented geologic hazard area on file, at the time of inquiry, in the office of the Tillamook County Community Development Department. A "documented geologic hazard area" means an area of land that is shown by reasonable written evidence to contain geological characteristics or conditions which are hazardous or potentially hazardous for the improvement thereof.

The publications referenced above are not intended to be used as a site-specific analysis tool. The County will use these publications to identify when a Geologic Hazard Assessment Review is needed on a property prior to development.

4.130(3) Geologic Hazard Assessment Review

- a) Except for activities identified in Subsection 4.130(3)(b) as exempt, any new development or substantial improvement (as defined in Article 11) in an area subject to the provisions of this section shall require a Geologic Hazard Assessment Review.
- b) The following development activities are exempt from the requirement for a Geologic Hazard Assessment Review:
 - 1. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement as defined in Article 11.
 - 2. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
 - 3. Construction of structures for which a building permit is not required;
 - 4. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;
 - 5. Fill that is less than two feet in depth or that involves less than twenty-five cubic yards of

volume;

- 6. Yard area vegetation maintenance and other vegetation removal on slopes less than 20%;
- 7. Removal of trees smaller than 8 inches dbh (diameter breast height);
- 8. Removal of trees larger than 8 inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one-year period is less than 25% of the lot or parcel area;
- 9. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
- 10. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the existing right-of-way boundary;
- 11. Maintenance and repair of utility lines, and the installation of individual utility service connections;
- 12. Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazard; and
- 13. Beachfront protective structures subject only to regulation by the Oregon Parks and Recreation Department under OAR Chapter 736, division 20.
- c) Application, review, decisions, and appeals for a Geologic Hazard Assessment Review shall be a Type I procedure in accordance with Article 10. Applications for a Geologic Hazard Assessment Review may be made prior to or concurrently with any other type of application required for the proposed use or activity. Except for exempt activities listed under Section 4.130(3)(b), Geologic Hazard Assessment Review shall be completed prior to any ground disturbance.
- d) All applications for Geologic Hazard Assessment Review shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed geoprofessional (as defined in Article 11) that meets the content requirements of Section 4.130(4), at the applicant/property owner's expense.
- e) For development activities that are subject both to this section and Section 3.530: Beach and Dune Overlay Zone, one complete Geologic Hazard Report can be submitted for meeting the requirements of this section and Section 3.530. The report shall include requirements for both sections as applicable.

4.130(4) Geologic Hazard Report Standards

- a) For the purposes of Section 4.130, a Geologic Hazard Report refers to engineering geologic reports, geotechnical reports, and geotechnical engineering reports.
- b) Geologic Hazard Reports required pursuant to this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles, and shall at a minimum contain the applicable provisions outlined in the Oregon State Board of Geologist Examiners publication "Guidelines for the Preparation of Engineering Geologic Reports," 2nd Edition, 5/30/2014 or other published best practice guidelines for engineering geologic or geotechnical engineering reports, consistent with current scientific and engineering principles. Reports shall reference the published guidelines upon which they are based.

- c) For oceanfront property (lots or parcels abutting the ocean shore), Geologic Hazard Reports shall also address all the requirements of Section 3.530 (6)(f) to the extent applicable and based on best available information.
- d) Geologic Hazard Reports required by this section shall include the following from the preparer(s) of the report:
 - a. A statement that all the applicable content requirements of subsection 4.130(4) have been addressed or are not applicable to the review. An explanation shall be accompanied with any requirement identified as not applicable;
 - b. A description of the qualifications of the professional(s) that prepared the report. If multiple licensed professionals contributed to the report, each professional shall individually sign and stamp their own work products; and
 - c. A statement by the preparer(s) that they have the appropriate qualifications to have completed the report and all its contents.
- e) All Geologic Hazard Reports are valid for purposes of meeting the requirements of Section 4.130 for a period of five (5) years from the date of preparation. Such reports are valid only for the development plan addressed in the report. Tillamook County assumes no responsibility for the quality or accuracy of such reports. Within that five-year period, the Planning Director can require at their discretion an addendum by a qualified licensed geoprofessional certifying that site conditions have not changed from the original report. If site conditions have changed, a new Geologic Hazard Report shall be required.

4.130(5) Decisions of Geological Assessment Reviews

A decision on a Geologic Hazard Assessment Review shall be based on findings of compliance with the following standards:

- a) The Geologic Hazard Report shall meet the content standards set forth in Section 4.130(4).
- b) In approving a Geologic Hazard Assessment Review, the decision maker may impose any conditions which are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Tillamook County Land Use Ordinance.
- c) The development plans for the application conform, or can be made to conform, with all the recommendations and specifications contained in the Geologic Hazard Report.
- d) In the event the decision maker determines that additional review of the Geologic Hazard Report by a qualified licensed geoprofessional is necessary to determine compliance with this section, Tillamook County may retain the services of such a professional for this purpose. The applicant shall be responsible for all costs associated with the additional review. The results of that evaluation shall be considered in the decision of the Geologic Hazard Assessment Review.

4.130(6) Development Standards for Uses Subject to Review

In addition to the conditions, requirements and limitations imposed by a required Geologic Hazard

Report, all uses subject to a Geologic Hazard Assessment Review shall conform to the following requirements:

- a) Hazard Disclosure Statement: All applications for new development or substantial improvements subject to Geologic Hazard Assessment Review shall provide a Hazard Disclosure Statement recorded with the Tillamook County Clerk's Office and signed by the property owner that acknowledges:
 - 1. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 - 2. The property owner has commissioned a Geologic Hazard Report for the subject property, a copy of which is on file with Tillamook County Department of Community Development, and that the property owner has reviewed the Geologic Hazard Report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;
 - 3. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.
 - 4. The property owners shall refrain from interfering with mitigation measures or improvements on the site and shall maintain them.
- b) Mitigation measures: Mitigation measures required to make the site suitable for the proposed development, including their design and construction specifications, shall be included in the Geologic Hazard Report and followed.
- c) Safest site requirement: All new structures shall be limited to the recommendations contained in the Geologic Hazard Report; and
 - 1. Property owners should consider use of construction techniques that will render new buildings readily moveable in the event they need to be relocated; and
 - 2. Properties shall possess access of sufficient width and grade to permit new buildings to be relocated or dismantled and removed from the site.
- d) Minimum Oceanfront Setbacks: For oceanfront lots or parcels, , the building footprint of all new development or substantial improvement subject to a Geologic Hazard Assessment Review shall also comply with the requirements of Section 3.530(8) Oceanfront Setbacks.
- e) Erosion Control Measures: All uses subject to a Geologic Hazard Assessment Review shall address the following erosion control measure requirements, designed by a qualified licensed geoprofessional:
 - 1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one-time during construction;
 - 2. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;
 - Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

- 4. Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;
- 5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
- 6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
- 7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the twenty-year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;
- 8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
- 9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 - i. Energy absorbing devices to reduce runoff water velocity;
 - ii. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 - iii. Dispersal of water runoff from developed areas over large undisturbed areas.
- 10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures; and
- 11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities.
- f) Certification of compliance: Permitted development shall comply with the recommendations in the required Geologic Hazard Report. Certification of compliance shall be provided as follows:
 - a. Plan Review Compliance: Building, construction or other development plans shall be accompanied by a written statement from a certified engineering geologist or licensed geotechnical engineer stating that the plans comply with the recommendations contained in the Geologic Hazard Report for the Geologic Hazard Assessment Review.
 - b. Inspection Compliance: Upon the completion of any development activity for which the Geologic Hazard Report recommends an inspection or observation by a certified engineering geologist or licensed geotechnical engineer, the certified engineering geologist or licensed

geotechnical engineer shall provide a written statement indicating that the development activity has been completed in accordance with the applicable Geologic Hazard Report recommendations.

- **c.** Final Compliance: No development requiring a Geologic Hazard Report shall receive final approval (e.g., certificate of occupancy, final inspection, etc.) until the department receives:
 - i. A written statement from a certified engineering geologist or licensed geotechnical engineer indicating that all performance, mitigation, and monitoring measures specified in the Geologic Hazard Report have been satisfied;
 - ii. If mitigation measures incorporate engineering solutions designed by a licensed professional engineer, a written statement of compliance by the design engineer;
 - iii. A written statement by the qualified licensed geoprofessional indicating that all erosion control measure requirements were met.
- g) Restoration and replacement of existing structures:
 - a. Notwithstanding any other provisions of this ordinance, application of the provisions of this section to an existing use or structure shall not have the effect of rendering such use or structure nonconforming as defined in Article 7.
 - b. Replacement, repair or restoration of a lawfully established building or structure subject to this section that is damaged or destroyed by fire, other casualty or natural disaster shall be permitted, subject to all other applicable provisions of this ordinance, and subject to the following limitations:
 - i. Replacement authorized by this subsection is limited to a building or structure not larger than the damaged/destroyed building.
 - ii. Structures replaced pursuant to this subsection along the oceanfront shall be located no further seaward than the damaged structure being replaced.
 - iii. Replacement or restoration authorized by this subsection shall commence within one year of the occurrence of the fire or other casualty which necessitates such replacement or restoration.
 - c. A building permit application for replacement, repair, or restoration of a structure under the provisions of this subsection shall be accompanied by a Geologic Hazard Report prepared by a qualified licensed geoprofessional that adheres to the Geologic Hazard Report Standards outlined in Section 4.130(4). All recommendations contained in the report shall be followed.
 - d. A building permit application for replacement, repair, or restoration authorized by this subsection shall be processed and authorized as Type I review pursuant to Section 10.020.

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<u>Newport</u>

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 #: 2-Z-25 DLCD File #: 002-25 Proposal Received: 4/30/2025 First Evidentiary Hearing: 6/9/2025 Final Hearing Date: 7/7/2025 Submitted by: dtokos

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

Attachment "J" File No. 2-Z-25

CITY OF NEWPORT

NOTICE OF A PUBLIC HEARING.

The Newport Planning Commission will hold a public hearing on Monday, June 9, 2025, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on File No. 2-Z-25, amendments to Newport Municipal Code (NMC) Chapter 14.21, Geologic Hazards Overlay, related to parties qualified to prepare geologic reports. The amendments would allow geotechnical engineers to become eligible to prepare geologic reports. The City's code currently requires that certified engineering geologists prepare such reports, with geotechnical engineers getting involved only in cases where an engineered solution is needed (e.g. designing a retaining wall). Pursuant to Newport Municipal Code (NMC) Section 14.36.010, the Commission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommendation to the City Council that the amendments be adopted. 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, City Hall, 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. The proposed code amendments, additional material for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Department (address above). Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon.gov (address above).

(FOR PUBLICATION ONCE ON WEDNESDAY, May 28, 2025)

warranties, Oregon law requires the trustee to state in this notice that some residential property sold at a trustee's sale may have been used in manufacturing metham-phetamines, the chemi-cal components of which cal components of which are known to be toxic. Prospective purchasers of residential property should be aware of this potential danger before deciding to place a bid for this property at the trustee's sale. In constru-ing this notice, the mas-culine gender includes the feminine and the neu-ter, the singular includes ter, the singular includes plural, the word "grantor" includes any successor in interest to the grantor as well as any other per-sons owing an obligation, the performance of which the performance of which is secured by the Deed Or Trust, the words "trustee" and "beneficiary" include their respective succes-sors in interest, if any. Dated: 5/1/2025 CLEAR RECON CORP 1915 NE Stucki Avenue, Suite 400 Hillsboro, OR 97006 Phone: 858-750-7777 866-931-0036 Hamsa Uchi Authorized Signauchi, Authorized Signa-tory of Trustee. M28 J4 J11 J18

LCL25-00192 PUBLIC **MEETING NOTICE** COMMUNITY

SERVICES CONSORTIUM BUDGET COMMITTEE MEETING AND 501(C)(3) ANNUAL MEETING

For Head Start of Lin-coln County, H.E.L.P.S., Linn Benton Food Share Community Services Community Consortium's Community Services Consortium's Budget Committee will meet Monday, June 9, 2025 at 1:30 pm in CSC's Alba-ny Regional Office Large Conference Room (250 Broadalbin Street, SW, Julte 20, with victual Broadalbin Street, SW, Suite 2A), with virtual participation available via Microsoft Teams, to hear comments regard-ing the proposed Fiscal Year 2025-2026 operat-ing budget, as well as the annual planning and pro-posed FY 25-26 budgets for Head Start of Lincoln County, Housing Employ-ment and Learning Pro-grams For Self-Suffi-ciency (H.E.L.PS.), and Linn Benton Food Share 501(c)(3)s. The meeting is open to the public; all interested persons are is open to the public; all interested persons are welcome to join. Virtual connection information is available by emailing eday@communityser-vices.us. The budget document is available for authic inspection and for public inspection and can be obtained from CSC's Web site (www. communityservices.us) after Thursday, June 5 2025. M28

LCL25-0226 IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF LINCOLN IN THE MAT-TER OF THE ESTATE TER OF THE ESTATE OF: JOHN PENDLETON MORRIS, Deceased. Case No. 25PB04210 NOTICE TO INTEREST-ED PERSONS NOTICE IS HEREBY GIVEN that MANDY J. HUMPHREY has been appointed per-sonal representative. All persons having claims against the estate are against the estate are required to present them, with vouchers attached, to Personal Represen-tative, MANDY J. HUM-PHREY, at the address below, within four months after the date of publica-tion of this notice, or the claims may be barred. All persons whose rights

tor which toreclosure is made are: Grantor's failure to pay amounts due under Account No. *078 which is in arrears as follows: arrearage in the sum of \$89,476,30 as of March 10, 2025, plus additional pay-ments property exponments, property expen-ditures, taxes, liens, citures, taxes, liens, assessments, insurance, late fees, attorney's and trustee's fees and costs, and interest due at the time of restatement or sale; and Grantor's failure to pay amounts due under Account No. *078B which is in arrears as follows: arrearage in the sum of \$55,846.40 as of March 10, 2025, plus additional payments, property expenditures, taxes, liens ditures, assessments, insurance, late fees, attorney's and trustee's fees and costs, and interest due at the time of restatement or sale. By reason of said defaults, the beneficiary has declared all sums owing on the obliga-tions secured by said Trust Deed immediately due and payable said assessments, insurance Trust Deed immediately due and payable, said sums being the follow-ing, to-wit: Payoff in the sum of \$89,476.30 for Account No. *078 and \$55,846.40 for Account No. *078B as of March 10, 2025, plus taxes, liens, assessments, property excenditures. property expenditures, insurance, accruing inter-est, late fees, attorney's and trustee's fees and costs incurred by ben-eficiary or its assigns. WHEREFORE, notice WHEREFORE, notice hereby is given that the undersigned trustee will on August 5, 2025, at the hour of 11:00 a.m., in accord with the stan-dard of time established by ORS 187.110, at the following place: Main Entrance of the Lincoln County Courthouse, 225 West Olive Street, New-port, Oregon, sell at pub-lic auction to the high-est bidder for cash the interest in the above-de-scribed Property, which the grantor had or had power to convey at the power to convey at the time of the execution by grantor of the said Trust Deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the Trust The execution of the Trust Deed, to satisfy the obli-gations thereby secured and the costs and expenses of sale, includ-ing a reasonable charge by the trustee. Notice is further given that any person named in ORS 86.778 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the Trust Deed reinstated by pay-ment to the beneficiary of the entire amount then due (other than such por-tion of the principal as would not then be due had no default occurred) and by curing any other default compleined of had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or Trust Deed, and in addi-tion to paying said sum or tendering the perfor-mance necessary to cure the default, by paying all costs and expens-es actually incurred in enforcing the obligation and Trust Deed, together with trustee's and attor-with trustee's not exceeding hey's fees not exceeding the amounts provided by said ORS 86.778. In construing this notice

to the highest bidder, on 6/9/2025. The sale will be held at 10:00 am by ROWLEY'S TOWING, 4822 S COAST HWY, S. BEACH, OR 2002 FORD F25 PK VIN= 1FTNX-21F62EB61183 Amount Due on lien \$5407.00 Reputed Owner(s) > MONTANA GRANT CHERRY, M28 J4

LCL25-0230 CITY OF NEWPORT NOTICE OF A PUBLIC HEARING.

A PUBLIC HEARING. The Newport Planning Commission will hold a public hearing on Mon-day, June 9, 2025, at 7:00 p.m. in the City Hall Council Chambers to review and make a recommendation to the Newport City Council on File No. 2-Z-25, amend-ments to Newport Munic-ipal Code (NMC) Chapter 14.21, Geologic Hazards Overlay, related to par-ties qualified to prepare geologic reports. The geologic reports. The geotechnical engineers to become eligible to prepare geologic reports. The City's code current-ly requires that certified engineering geologists prepare such reports engineering geologists prepare such reports, with geotechnical engiwith geotentical engine neers getting involved only in cases where an engineered solution is needed (e.g. designing a retaining wall). Pursu-ant to Newport Munici-pal Code (NMC) Section 14.36.010, the Com-mission must find that the change is required by public necessity and the general welfare of the community in order for it to make a recommenda-tion to the City Council that the amendments be adopted. Testimony and evidence must be direct-ed 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 my be submitted in written or oral form. Oral testimony will be taken during the course of the public hearing. The hear-ing may include a report by staff, testimony from the applicant, and ques-tions and deliberation by the applicant, and ques-tions and deliberation by the Planning Commis-sion. Written testimony from the Planning Commis-sion. Written testimony from the Planning Commis-sion. Written testimony from sent to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, OR 97365, must be received by 3:00 p.m. the day of the hear-ing to be included as part of the hearing or must be personally present-ed during testimony at the public hearing. The proposed code amend-ments, additional mate-rial for the amendments, and any other material in rial for the amendments, and any other material in the file may be reviewed or a copy purchased at the Newport Community Development Depart-ment (address above). Contact Derrick Tokos, Community Development Director, (541) 574-0626, d.tokos@newportoregon. gov (address above). gov M28 (address above) 01 05 0000

system, an required man-ifold and supply piping, pressure instrumentation, all required valving, and electrical controls for a complete membrane fil-ter treatment unit. 3. New 185 000-caelion. class-INFOURN QUESTOUN IOF ter treatment unit. 3. New 185,000-gallon glass-fused-to-steel pre-treat-ment reservoir including aluminum dome roof, concrete ringwall founda-tion, pressure transducer, level floats, and other appurtenances. 4. New treated water pumps and appurtenances. 5. New chemical feed systems and appurtenances. 6. chemical feed systems and appurtenances. 6. New electrical room, control panels, cellular modem, and other items as shown on the Plans and specified herein. 7. New 80 kW genera-tor with 24-hour fuel tank and foundation. 8. New Missions Com-munication control sys-tem and miscellaneous tem and miscellaneous control instrumentation as shown on the Plans and specified herein. 9. New backwash basin and appurtenances. 10. New septic tank, drain field, and appurtenances. New septic tank, drain field, and appurtenances. 11. Site Improvements, access road construc-tion, earthwork, fencing, yard piping, and electri-cal service construction as shown on the Plans and specified herein. 12. Construction of approx-imately 650 lineal feet of fe-Inch diameter treated water line, 600 lineal feet of 6-Inch diameter raw water line, and 650 lineal feet of 2-Inch electrical conduit between the new WTP site and the existing WTP. 13. Construction of approximately 1,000 feet of electrical conduit for new 200-amp ser-vice from existing power pole to new WTP site as shown on the Plans. 14. Connect existing intake pump controls and exist-ing Mission Communi-cation unit to new WTP control systems. Bids will be received for a single prime Contract. Bids shall be on a lump sum basis as indicated in the Bid Form. No Bid will be considered unless fully completed in the will be considered unless fully completed in the manner provided in the Instructions to Bidders, Instructions to Bidders, and accompanied by a Bid Security executed in favor of the Owner in the amount of not less than 10% of the total amount of the Bid. Per ORS 279C.385 (2), Bid Security is to be forfeited as fixed and liquidated damages should the Bid-der neglect or refuse to der neglect or refuse to enter into a Contract and provide suitable insurprovide suitable insur-ance certificates, bonds, and other required doc-uments for the faithful performance of the work in the event the Bidder is awarded the Contract. The Issuing Office for the Bidding Documents is: The Dyer Partner-ship, 1330 Teakwood Avenue, Coos Bay, OR 97420, (541) 269-0732. Prospective Bidders may examine the Bid-Prospective Bidders may examine the Bid-ding Documents at the Issuing Office or online at www.questcdn.com. Complete digital project Bidding Documents are available at www.quest-cdn.com. To be consid-ered a Planholder for bids, you may download the digital documents for \$64.00 by selecting Requests at the top of the QuestCDN Project No. 9694939. A Contractor must register with Quest-CDN.com and download

5/28/2025 com. A Pre-Bid Conter-ence will be heid 10:00 am local time on June 9, 2025 at the Inn at Otter Crest Conference Cen-ter, 301 Otter Crest Drive, Otter Rock, Oregon 97369. Attendance at the Pre-Bid Conference is highly encouraged but is not mandatory. All Bidders must be "equal opportunity employers" and comply with the appropriate provisions of state and federal law. In addition, all Bidders are required to comply with ORS 656.017 regarding Workers' Compensa-tion. Bidder, Contractor, and subcontractors are required to be registered with Construction Con-tractors Board. Pursuant to ORS 279C.505(2), all Bidders must certify with their Bids that they have an employee drug test-ing program in place. If awarded a Contract, Bid-der must provide proof of such drug testing program when executed Agreements are returned to Owner. For all further com. A Pre-Bid Conter Agreements are returned to Owner. For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the instructions to Bidthe instructions to Bio-ders that are included in the Bidding Documents. Each Bidder must sub-mit a First-Tier Subcon-tractor Disclosure Form to the Owner within two working hours of the working hours of the time for receipt of Bids in accordance with ORS 279C.370. Each Bidder 279C.370. Each Bidder must also submit Evi-dence of Authority to Sign Bid and Evidence to do Business in the State within two working hours of the time for receipt of the Bid. This Contract is for a public works project subject to the Davis-Ba-con and Related Acts (40 U.S.C. 3141 et seq.). If state prevailing rate of wage is higher than the federal prevailing rate of wage, the Contractor and every subcontract of wage, the Contractor and every subcontrac-tor on the project shall pay at least the state prevailing rate of wage as determined under ORS 279C.815. ORS 279C.800 to 279C.815. will be administered and enforced in a manner that enforced in a manner that is consistent with feder-al law and regulations adopted or guidelines issued in accordance with the Davis-Ba-con and Related Acts. No Bid will be received or considered by the Owner unless the Bid contains: 1) a statement that Bidder will comply with the provisions of with the provisions of 40 USC 276a and ORS 279C.840 and 2) a state-ment as to whether the ment as to whether the Bidder is a resident Bid-der as defined in ORS 279A.120. Bid evaluation will not include a percent increase added to the Bid submitted from out-of-state Bidders from states which give preference which give preference to in-state Bidders, pur-suant to federal require-ments. Work under this Contract is funded by the federal Safe Drinkthe federal Safe Drink-ing Water Revolving Loan Fund through Business Oregon and a partner-ship of local and/or pri-vate funds. This funding requires the Contractor to comply with buying American Iron and Steel (AIS) as spelled out in the 2014 Consolidated

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RECREATION CENTER is accepting bids for two pieces of equipment: an inflatable fitness wheel and a balance beam dolly. Both items are used, but in good con-dition. The starting bid for the inflatable fitness wheel is \$500, and the starting bid for the bal-ance beam dolly is \$50. For additional details or photos, please contact K.Naughton@Newpor-tOregon.gov or call 541-265-4857. Bids will be accepted through June 20, 2025. M28 J4 LCL25-0232 NOTICE **RECREATION CENTER**

LCL25-0232 NOTICE OF SHERIFF'S SALE #25-0462 On June 26, 2025, at the hour of 10:00 a.m., at the Lincoln County Courthouse, 225 W Olive St, Room 203, In the City of Newport, Oregon, the defendant's Interest will be sold, subject to redemption, in the Ject to redemption, in the real property commonly known as: 4634 SE Lee Ave, Lincoln City, OR 97367. The court case number is 23CV13263, PENNYMAC LOAN SER-VICES, LLC, plaintiff(s) vs. UNKNOWN HEIRS AND DEVISEES OF JAMES ALBERT DERHAM; IOSEPH DEWESSE JÖSEPH DEWEESE

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CITY OF NEWPORT

ORDINANCE NO. 2169

AN ORDINANCE AMENDING THE STORM SEWER FACILITIES SECTION OF THE CAPITAL FACILITIES ELEMENT OF THE CITY OF NEWPORT COMPREHENSIVE PLAN

(Newport File No. 2-CP-18)

Summary of Findings:

1. On March 9, 2020 the Newport Planning Commission initiated revisions to the Storm Sewer Facilities section of the Public Facilities element of the Newport Comprehensive Plan to update the City's inventory of storm drainage assets, amend existing and add new policies for the provision of stormwater services, and identify future stormwater capital project needs. The amendments build upon, and draw from, recommendations contained in a "Stormwater Master Plan for the City of Newport," by Civil West Engineering Services, completed in October of 2016.

2. Statewide Planning Goal 11 addresses public facilities planning, and that goal is implemented in OAR Chapter 660, Division 11. The administrative rule calls for certain elements of public facilities plans to be adopted into a Comprehensive Plan, namely a list of the identified capital projects (OAR 660-011-0045). System Development Charge eligible capital projects should also be identified in the project list.

3. The new section, titled "Storm Drainage Facilities," updates the City's inventory of stormwater facility assets; revises existing stormwater service policies; establishes new stormwater service policies; and identifies stormwater capital projects likely to be needed over the next 20-years. Capital projects are organized in three tiers, with Group A being a high priority, Group B being a medium priority, and Group C being a low priority. The projects are further identified by the conditions they intend to address, those being existing capacity issues (i.e. overflows), conflicts with buildings, or to accommodate future development.

4. Guidance is provided for how the City should prioritize project implementation. Improvements that address known capacity issues are given the highest priority. This is followed by projects that respond to chronic downstream flooding, those that eliminate public storm drain lines underneath buildings, improvements that correct age related deficiencies, and those that align with available funding or other planned projects.

5. The revisions further summarize funding sources for stormwater infrastructure. A stormwater utility fee is used to maintain the storm drainage system for existing users. These funds may be used directly to fund projects, or they can be used to secure revenue bonds to pay for projects. System Development Charge (SDC) fees are collected from new development, and may be used to pay for projects required to support new development. The Federal Emergency Management Agency (FEMA) Pre-Disaster and

Flood Mitigation Assistance Programs may also be tapped into to fund stormwater improvements.

6. Newport's Comprehensive Plan currently has a single goal related to its storm drainage system, which is to "develop a storm drainage system with sufficient capacity to meet current and future needs of the Newport urbanizable area." That Goal is being retained as Goal 1, and new policies have been prepared to implement it. Those policies commit the City to (a) assessing the condition of its storm drainage system every 20-years; (b) maintaining and implementing a Capital Improvement Plan (CIP) to address deficiencies in the system; (c) requiring that development projects manage storm run-off from new impervious areas to minimize downstream impacts; (d) ensuring that storm run-off attributed to new development in geologically hazardous areas is evaluated by qualified professionals; and (e) pursuing a range of financing options to achieve these stated objectives

7. A new Goal 2 has been prepared to convey that the City will develop a stormwater regulatory framework that emulates Oregon Department of Environmental Quality Phase II requirements, as such requirements will eventually be mandatory. Policies implementing the goal speak to the components of the framework, including (a) establishing a consistent methodology for downstream drainage analysis required of new development; (b) developing boilerplate storm drainage management options for small scale development projects; (c) establishing pre and post development erosion control requirements; (d) encouraging use of pervious pavement, porous pavers, infiltration trenches and other methods of on-site stormwater management; and (e) establishing a set of "good housekeeping" policies that limit pesticide, herbicide, and fertilizer use on City property and serve as guidelines for private property owners.

8. Lastly, a new Goal 3 emphasizes the City's desire to collaborate with local and regional partners to establish water quality standards that meet State and Federal Requirements. Policies that support this goal include the development of a mid-coast Total Maximum Daily Load (TMDL) Implementation Plan and coordination with stakeholders to detect and eliminate illicit discharges into drainageways, Yaquina Bay, and the Pacific Ocean.

9. The inventory of storm drainage assets, capital project recommendations, and updated storm drainage policies are derived from detailed analysis contained in the October 2016 "Stormwater Master Plan for the City of Newport," by Civil West Engineering Services, and collectively serve as the basis for finding that (a) conditions have significantly changed since the Storm Water Drainage section of the Comprehensive Plan was last updated and (b) that there is a public need for these amendments, both of which are a valid basis for amending the Comprehensive Plan, as outlined in the chapter of the document titled "Administration of the Plan."

10. These amendments to the "Public Facilities" element of the Newport Comprehensive Plan are consistent with applicable Statewide Planning Goals in that the changes:

a. Have been developed and vetted with the Planning Commission consistent with Statewide Planning Goal 1, Public Involvement; and

- b. Update the Newport Comprehensive Plan's technical inventory with respect to the condition of storm drainage capital assets, infrastructure investment priorities, and funding strategies that will facilitate fact-based land use decision making processes consistent with Statewide Planning Goal 2, Land Use Planning; and
- c. Recognize that storm drainage infrastructure is susceptible to damage by settlement, landslides, erosion, flooding and related natural hazards and provide recommendations for improving system redundancy and resiliency, consistent with Statewide Planning Goal 7, which calls for local governments to plan for and mitigate against such hazards where possible; and
- d. Complement economic development strategies contained in the Comprehensive Plan that recognize the storm drainage system as a strategic component of the City's infrastructure that must have capacity to meet current and future needs of area businesses, consistent with Statewide Planning Goal 9; and
- Identify capital priorities and strategies for enhancing the public storm drainage system so that it has the capacity to meet the demand of existing residential users, and accommodate new needed housing, consistent with Statewide Planning Goal 10; and
- f. Provide for the timely, orderly, and efficient arrangement of public facilities and services by ensuring the stormwater infrastructure priorities are identified in conjunction with the City's other capital project needs, as encouraged by Statewide Planning Goal 11, and
- g. Further the objectives of Statewide Planning Goals 16 and 17 by creating a policy framework for improving water quality in estuarine and coastal shoreland areas by limiting turbidity attributed to development practices; establishing "good housekeeping" policies for use of pesticides, herbicides, and fertilizer on public properties; emphasizing the City's commitment to participate in the development of a TMDL Implementation Plan; and eliminating illicit discharges into drainageways.

11. No other Statewide Planning Goals are applicable to the proposed changes to the "Public Facilities" Chapter of the Newport Comprehensive Plan.

12. The Newport Planning Commission reviewed the proposed amendments at work sessions on February 26, 2018, March 12, 2018, February 20, 2020 and March 9, 2020. The Planning Commission held a public hearing on June 8, 2020 and voted to recommend adoption of the amendments.

13. The City Council held a public hearing on July 20, 2020 regarding the question of the proposed revisions, and voted in favor of their adoption after considering the recommendation of the Planning Commission and evidence and argument in the record.

14. Information in the record, including affidavits of mailing and publication, demonstrate that appropriate public notification was provided for both the Planning Commission and City Council public hearings.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

<u>Section 1</u>. The findings set forth above are hereby adopted in support of the amendments to the Newport Comprehensive Plan adopted by Sections 2 and 3 of this Ordinance.

<u>Section 2.</u> The Storm Sewer Facilities section of the Public Facilities element of the City of Newport Comprehensive Plan is hereby repealed and replaced as set forth in the attached Exhibit "A".

<u>Section 3.</u> The Goals and Policies section of the Public Facilities element of the City of Newport Comprehensive Plan is hereby amended as set forth in Exhibit "B".

Section 4. Effective Date. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: July 20, 2020.

Signed by the Mayor on July 21, 2020.

Ryan Parker, Council President

ATTEST:

Margaret)M. Hawker, City Recorder

STORM DRAINAGE FACILITIES

The City of Newport (City) provides stormwater collection services for more than 10,000 people and businesses across 43 separate drainage basins. Stormwater collected from within the City is typically piped in developed areas and discharged into the nearest natural water body (i.e. local streams, the bay or sloughs, etc.) In many cases, existing storm drains have been designed and constructed with the intent to serve only specific developing areas within the City, without consideration of future improvements that might occur upstream.

The characteristics of the City's storm drainage system in areas north of the Yaquina Bay are different from what exists to the south. Areas north of the bay are more steeply sloped, with ravines and hilly areas that were excavated and filled to create level areas for development. Within these areas the storm drain system normally was large diameter pipe conveying runoff at the natural elevation and along the original alignment of whichever creek/stream or waterway that was being covered. In many cases, the cover (i.e. fill) was over 25 feet deep.

As the alignment of these systems was not dictated by lot lines, or typical planning parameters, many of these pipes currently run under existing structures. The second type of system is those that were put in place within areas that maintained a similar topography to the natural landscape. The storm drain systems in these areas are typically small diameter pipe networks that follow natural grading flow paths to the nearest hillside, or ravine draining to a nearby creek or stream.

Beginning in the 1970's, the City annexed areas south of Yaquina Bay, commonly referred to as "South Beach." This area extended approximately 5 miles South of Yaquina Bay, and as much as 2.5 miles inland. Significant portions of South Beach are undeveloped, with storm drainage following whatever path the natural ground would dictate to get to Yaquina Bay, or the Pacific Ocean. Given that this area is relatively flat, and that the natural terrain affords many areas for water storage, (wetlands) it can be difficult to model how the storm water flows through these undeveloped areas. The majority of the storm drain system within South Beach is comprised of roadside ditches, culverts along HWY. 101, a piped system which outfalls east of SW 32nd St., and pipes which convey storm runoff under the Airport.

Detailed information on the historical, functional, and environmental factors relevant to the City's stormwater system can be found in the document entitled, "Stormwater Master Plan, City of Newport, Lincoln County Oregon," by Civil West Engineering, dated October 2016 (hereinafter, the "Stormwater Master Plan").

Existing Stormwater System:

The existing storm drain system within the 43 basins includes approximately 32 miles of gravity piping in a range of sizes from 6-inches to 144-inches diameter and consisting of a variety of materials including concrete, corrugated steel, polyvinyl chloride (PVC), high density polyethylene (HDPE), and others. Detailed information is provided in the Stormwater Master Plan regarding the specific amounts of the various sizes of pipe in the various basins. Systems within the basins are typically one of three types, as listed below:

- 1. Large diameter pipes following the elevation and alignment of natural drainage ways with significant fill above the pipe.
- 2. Small diameter pipes which drain straight to a nearby creeks, or streams.
- 3. Natural topography draining to creeks, and streams which are conveyed under HWY. 101 by means of a large culvert.

The downtown area is mixture of system types 1 and 2, while much of the far north and south are a mixture of system types 2 &3.

Study Area



Planning Period:

The timeframe for preparation of this Master Plan was 2013/2014, but due to numerous updates and review periods, the final Master Plan is dated October 2016. The planning period for this Storm Water Master Plan is 20 years. The period must be short enough for current users to benefit from system improvements, yet long enough to provide reserve capacity for future growth and increased demand. Existing residents should not pay an unfair portion for improvements sized for future growth, yet it is not economical to build improvements that will be undersized in a relatively short period of time. Thus, it is appropriate to calculate the storm water flow increase caused by development over the next 20 years, which is a typical planning period for storm water master plans. The end of the planning period is the year 2035.

Identification of Deficiencies and Development of Improvement Alternatives:

All of the existing storm drain system components were analyzed for deficiencies that exist presently. Facilities also have been evaluated for deficiencies that are expected to occur within the 20-year planning period. Deficiencies were identified related to the age of infrastructure, anticipated development, and capacity.

As part of this planning effort, calculations were made to estimate the peak stormwater flows that could be expected from each basin under existing and future development conditions. Runoff calculations for the various storm drainage basins were performed using a method developed by the Soil Conservation Service (SCS) now called the National Resources Conservation Service (NRCS) for relating rainfall to runoff. The method is described in length in Technical Release 20 (TR-20) published by the SCS. The TR-20 method is based upon unit hydrograph theory and the runoff curve number method of calculating direct runoff from the rainfall occurring over specified areas. It considers an entire watershed with a variety of land uses and soil types. The TR-20 method also allows watershed areas (basins) to be divided into sub-basins for analysis purposes, with drainage routes of one or more sub-basins running through other sub-basins downstream. This provides for the calculation of an overall peak discharge from a basin that may or may not equal the sum of the peak discharges from the individual sub-basins.

Recommended Stormwater Projects:

The table on the next page identifies a number of projects to address deficiencies within the storm drainage system over the next 20-years. Individual projects are grouped into three priority classifications. Each classification group is loosely defined as follows:

Group A: These are the highest priority projects that should be undertaken as soon as adequate funding is available. These projects should be undertaken within the next 5 years.

Group B: These projects, while not of the highest priority, should be on the City's capital improvement planning window beyond the 5-year horizon. As Group A projects are completed, Group B projects should be moved to Group A status. System degradation or failures, project coordination, or other occurrence may require the movement of Group B projects to Group A status ahead of schedule. New projects that are developed that are not critical, should be grouped in Group B until funding is available.

Group C: Group C projects are either of low priority or are dependent on development. If development in an area necessitates the implementation of a Group C improvement, the project should be moved to Group A. Some projects may remain in Group C indefinitely if the need for the project or the development requiring it never arises.

	Project	Project	Project		Improvement Conditions		
	Rating	Number	Project Description	Overlaw	Under	Future	Cost
-					Structures	Develop.	A7041/0
		XI	1456 of 12", and 18" SD pipe along SW 9th St.	X			\$526,162
	2	X2	571' of 18", and 24" pipe along SW 10th St.	x			\$213,816
A	3	X3	1663' of 12", 24", 30", and 36" SD pipe along SW Minnie St.	X			3/93,100
	4	U4	Re-alingment of Pipe under Cash and Carry	X	X		32,/10,8/5
	5	U2	739 of 54" SD pipe along NW 3RD Street & NW Coast St.	X			\$612,539
	6	T2	921' of 36" SD pipe along NW Coast St.	х			\$490,012
	7	T4	Re-alignment of Pipe under Sunwest Honda/Mazda building		x		\$1,109,013
	8	ALI	170 of 36" SD pipe crossing Hwy. 101 (Jack and Bore)	х			\$102,117
	9	NI	1200' of 12", 24", 30", and 35" SD Pipe along Hwy. 101	x			\$553,428
	10	QI	890 of 12", 18", and 24" SD pipe along NW Nye St.	х			\$291,848
	11	T6	Re-alignment of Pipe under Church of the Nazarine building		х		\$598,801
	12	T5	Re-alignment of Pipe under Ford Dealership building		x		\$271,188
в	13	U5	Re-alignment of Pipe under local residence	х	х		\$79,355
	14	CI	525' of 24" along NE 73rd St.	х		х	\$229,316
	15	AAI	675 of 18", and 24" SD pipe along SE Avery St.	х			\$212,022
	16	AF1	1515' of 12", 18", and 24" pipe along SW 29th and SW Brant St.			х	\$640,902
	17	F1	124' of 30" SD pipe North of NW 60th St.	х		x	\$67,398
	18	T3	665 of 12", 18", and 24" SD pipe along NW Spring St.	х			\$264,614
	19	U3	1699' of 18", and 24" pipe along SW Cliff Street	х			\$664,079
	20	U6	553' of 12", and 18" SD pipe along SW 2nd St.	х	х		\$169,797
	21	АЛ	55' of culvert crossing SE 35th St.	х			\$37,156
	22	ບເ	753' of 18", and 24" SD pipe along NE Douglas Street	х			\$304,978
	23	RI	675 of 12", and 18" SD pipe along NW Spring St.	х			\$227,522
	24	YI YI	497 of 12" SD pipe along SW 13th St.	х			\$163,653
	25	vı vi	533' of 18" and 24" SD pipe along SW Fall St.	х			\$308,322
	26	AGI	Drainage ditch development and Rehabilitation	х		х	\$1,693,568
с	27	К1	270 of 12" & 18" SD pipe along NE Lucky Gap St.	х			\$102,214
	28	н	305 of 12" and 18" SD pipe along NW 54th St.	x			\$103,677
	29	N2	240 of 18" SD pipe along NE Iler St.	х			\$86,500
	30	T1	161' of 12" SD pipe along NW Nye St.	x			\$50,766
	31	ACI	655' of Culverts crossing Yaquina Bay Blvd.			x	\$208,698
	32	AG2	1551' of 15", 18", and 24" SD pipe along SW 35th St.			x	\$459,808
		Total		15 X			\$14,347,295

Project Prioritization:

When considering stormwater conveyance projects, priority should be given to the following:

- 1. Areas where there is an identified lack of capacity within the system to handle flows attributed to existing and future conditions.
- 2. Components of the storm drainage system run-off (controlled or otherwise) has repeatedly caused problems for the City and for residents.
- 3. Opportunities to relocate public storm drainage components from underneath existing structures.
- 4. Age related deficiencies that could result in structural failure of piping sections.
- 5. The extent to which a project aligns with available funding.
- 6. Coordination with other planned improvements (water, sewer, streets, etc.).

Although all of these factors were taken into account when formulating the priority of projects, three carried the most weight in the development of priorities. These three dominant influences were listed as 1 through 3, and were weighed so heavily because flooding and large pipe failures under structures will have the largest impact on public safety and welfare.

Financing:

There are a number of potential sources of funding. The City has a monthly 'Stormwater Utility' fee that is designated to pay for stormwater services, including the operation, maintenance, repair, necessary replacement, and improvement of the system. That fee is based upon the amount of impervious surface on a given property. Federal, state and local gas taxes can also be used to improve stormwater facilities when such work is in conjunction with street projects. The current fees do not have the capacity to pay for all of the capital improvements outlined above. Property owners that benefit from a potential stormwater improvement may petition for the formation of a local improvement district, whereby they would be assessed a proportional share of the project cost. The City Council may also initiate a local improvement district on its own motion.

Additionally, grant and non-grant sources of funding are potentially available, including but not limited to FEMA Pre-Disaster Mitigation Program, FEMA Flood Mitigation Assistance Program, Clean Water State Revolving Loan Fund, general obligation bonds, revenue bonds, and system development charges (SDCs). Although grant programs exist, there is no way to guarantee that grant funding will be available to fund needed projects. Revenue bonds supported by user fees and complimented by SDCs are a more reliable means of programming needed funding over a series of years. (Note: Recommended changes to existing comprehensive plan policies are shown in red, with new language being depicted in <u>underline</u> and deleted language in <u>strikethrough</u>.

GOALS AND POLICIES PUBLIC FACILITIES ELEMENT

Storm Water Drainage

Goal: To provide a storm water drainage system with sufficient capacity to meet the present and future needs of the Newport urbanizable area.

Policy 1: The city will comply with state and federal laws concerning water quality.

Policy-2: The city will-use existing, natural-drainage systems to the greatest extent possible.

Goal 1: Provide a storm water drainage system with sufficient capacity to meet the present and future needs of the Newport urbanizable area.

Policy 1: Assess the condition of the City's stormwater drainage system and identify needed capacity improvements for a 20-year planning period through periodic updates to the City's Stormwater Master Plan.

Policy 2: Maintain and implement a Capital Improvement Plan to address deficiencies in the storm drainage system.

Policy 3: Address deficiencies in storm drainage conveyance system when reconstructing existing streets.

Policy 4: Require that new development projects manage storm run-off from new impervious surfaces to minimize impacts to the downstream drainage system.

Policy 5: Provide that storm run-off attributed to new development in geologically hazardous areas is evaluated by qualified professionals to minimize impacts to the subject, or nearby properties.

Policy 6: Pursue a range of options for financing priority storm drainage improvement projects, including (a) revenue bonds that leverage utility fees; (b) general obligation bonds; (c) clean water state revolving loan funds; (d) FEMA hazard and flood mitigation grants (e) urban renewal funds; (f) system development charges, and (g) formation of local improvement districts.

Goal 2: Develop a stormwater regulatory framework that emulates DEQ Phase II permitting standards, so that the City is positioned to comply with such requirements when required.

Policy 1: Amend the City's ordinances to require drainage analysis for development with new impervious surfaces that demonstrates run-off can be managed on-site, or that the downstream conveyance system has capacity for the volume and velocity of stormwater attributed to a 25-year, 24-hr storm event.

Policy 2: Develop boilerplate storm drainage management options for small scale development projects to alleviate the need for site specific hydraulic analysis.

Policy 3: Adopt pre and post development erosion control requirements.

Policy 4: Encourage the use of pervious surfaces as a method of managing storm run-off, such as porous pavement/concrete, porous pavers, retention/detention facilities, and infiltration trenches.

Policy 5: Establish a set of "good housekeeping" policies for City property and facilities that limit pesticide, herbicide, and fertilizer use, and provide such policies as best practices guidelines for private property owners.

Goal 3: Collaborate with local and regional partners to establish water quality standards that meet State and Federal requirements.

Policy 1: Support efforts to develop a mid-coast Total Daily Maximum Load (TMDL) Implementation Plan.

Policy 2: Coordinate with stakeholder groups to detect and eliminate illicit discharges into drainage ways, Yaquina Bay, and the Pacific Ocean.

Thanks so much for including me, Derrick. Sorry that I cannot participate in the online meeting.

I fully support the need to change the code to include those with P.E. consultants lacking an Oregon CEG license or in-house geologists.

All code changes are acceptable to me. As presented in the proposed code revision, it is important that the author of a geologic hazard report state that they are qualified to perform geologic hazard evaluations.

However, here are some recommendations, suggestions, and comments.

RESUMES (AND PERHAPS SIGNEES) TO REPORTS

I <u>recommend</u> that the code also require that each signed/stamped correspondence or report <u>also contain a resume for all geo-professional signees, licensed or not</u>. I also <u>suggest</u> that the report include a signature of staff unlicensed geologist. All of this said....

- 1. I recognize that some consulting firms may not have staff geo-professionals (or access to subconsultants) with Oregon CEGs or RGs with degrees in geological sciences.
- 2. I also recognize the hesitancy to add a non-licensed (in Oregon) geologist as a report signee.
- 3. Regardless, a licensed PE signee and staff (or subcontract geologist, if utilized), licensed on Oregon or not, must be able to show sufficient <u>and</u> recent experience with geohazard evaluations in Oregon.

In my opinion, each resume should reveal a solid understanding of geologic and, if applicable to the specific site location, coastal processes include statements regarding:

- 1. years of experience,
- 2. applicable licenses, training, college degrees, coursework, and certifications,
- 3. training (e.g., college, continuing education,
- experience under the tutelage of a licensed geologist or PE with strong geotechnical specialty (e.g., civil engineers with limited or no geotechnical/geohazard experience should not be allowed to stamp reports),
- 5. estimated number of geohazard reports prepared or supported, and
- 6. short paragraphs (noting general location, approximate year of work, and scope of

work) on notable <u>and</u> the most recent geologic hazard evaluations.

In other areas of professional geotechnical, geologic, and environmental practice, many consultant reports and agency reports include resume to reports, as a matter of company/agency policy.

In addition to the applications to obtain state licensure, resumes are required to be attached Phase 1 Environmental Assessment reports (prepared in accordance with ASTM standards).

Regarding quasi-licensure, there is a need to submit a detailed resume to the State of Washington Department of Natural Resources to become a "qualified expert" (QE) to perform geologic hazard evaluations in forested lands.

I ask that the city consider my comments during the review of the current code.

Derrick, I am travelling now and don't have time to refine/clarify my comments nor do I have big screen. Also, do me a favor and acknowledge receipt of this email. Thanks.

Cheers, David

David K. Rankin, CEG, LEG, LHG, QE | Senior Engineering Geologist Strata Design LLC

Portland, OR | Woodland, WA P.O. Box 397 Woodland, WA 98674 360.450.7574 OFFICE 971.322.9330 CELL STRATA-DESIGN.COM Email: david@strata-design.com davidrankin44@gmail.com https://www.linkedin.com/in/david-k-rankin/ we were made to be courageous Where we live and work is the land of the Multnomah, Kathlamet, Clackamas, Turmwater, and Watala bands of the Chinook, the Tualatin Kalapuya, and other indigenous nations of the Columbia River.

From: Derrick Tokos <D.Tokos@NewportOregon.gov>
Sent: Thursday, June 5, 2025 5:13 PM
To: 'David Rankin' <david@strata-design.com>
Subject: FW: Link to the 6/9/2025 Planning Commission Regular Session Meeting Agenda Packet

Hi David,

I thought I'd pass along this package of amendments the City of Newport is considering to its geologic hazards code, since you have done a fair amount of work in our area (see link to packet below). The new language is akin to what Tillamook County adopted in 2022, and it opens the door for geotechnical engineers to prepare geologic reports. Our current code, which dates to around 2011, only allows certified engineering geologists to prepare reports, with geotechnical engineers engaging in circumstances where engineering remediation is required.

Our Planning Commission is holding a hearing Monday night to consider the amendments (sorry for the short notice). The meeting will be held at 7pm in the City Hall Council Chambers and we can provide you with a video-conference link to listen in, or provide comment virtually if you are interested.

Derrick I. Tokos, AICP

Community Development Director City of Newport 169 SW Coast Highway Newport, OR 97365 ph: 541.574.0626 fax: 541.574.0644 d.tokos@newportoregon.gov

From: Sherri Marineau <<u>S.Marineau@NewportOregon.gov</u>>
Sent: Thursday, June 5, 2025 4:18 PM
To: Derrick Tokos <<u>D.Tokos@NewportOregon.gov</u>>
Subject: Link to the 6/9/2025 Planning Commission Regular Session Meeting Agenda Packet

Derrick,

Here is the link to the 6/9/2025 Planning Commission Regular Session meeting agenda packet to share:

https://d3n9y02raazwpg.cloudfront.net/thecityofnewport/4db5865e-cdd9-11ef-a9e2-005056a89546-5aa42efb-41df-40a7-b25a-4600051736a0-1749162876.pdf

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 s.marineau@newportoregon.gov

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



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From:	ALLAN Jonathan * DGMI
To:	Derrick Tokos
Subject:	RE: Link to the 6/9/2025 Planning Commission Regular Session Meeting Agenda Packet
Date:	Friday, June 06, 2025 8:40:08 AM

Hi Derrick, I will be out next Monday on work travel and will not be able to join. I had a quick look through the material and have no comments to offer; Christine's letter provides the best guidance from the Board of Geologist's perspective.

Thanks

Jon

Jonathan Allan, Ph.D, RG | Coastal Geomorphologist

Natural Hazards Section, Geological Survey & Services

Oregon Department of Geology and Mineral Industries | Coastal Field Office |

P.O. Box 1033, Newport, OR 97365, U.S.A.

(1+541) 819-9023 | jonathan.allan@dogami.oregon.gov

https://www.oregon.gov/dogami/pages/default.aspx

http://nvs.nanoos.org/TsunamiEvac | http://nvs.nanoos.org/BeachMapping

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From: Derrick Tokos

Sent: Thursday, June 5, 2025 4:45 PM

To: ALLAN Jonathan * DGMI

Subject: FW: Link to the 6/9/2025 Planning Commission Regular Session Meeting Agenda Packet

Hi Jon,

A number of months ago I reached out to you on this topic, and thought I would pass along the geologic hazards code amendments we have been working on (see link to packet below). The new language is akin to what Tillamook County adopted in 2022, and it opens the door for geotechnical engineers to prepare geologic reports. Our current code, which dates to around 2011, only allows certified engineering geologists to prepare reports, with geotechnical engineers engaging in circumstances where engineering remediation is required.

Our Planning Commission is holding a hearing Monday night to consider the amendments (sorry for the short notice). The meeting will be held at 7pm in the City Hall Council Chambers and we can provide you with a video-conference link to listen in, or provide comment virtually if you are interested.

Derrick I. Tokos, AICP

Community Development Director

City of Newport

169 SW Coast Highway

Newport, OR 97365

ph: 541.574.0626 fax: 541.574.0644

d.tokos@newportoregon.gov

From: Sherri Marineau <<u>S.Marineau@NewportOregon.gov</u>>
Sent: Thursday, June 5, 2025 4:18 PM

To: Derrick Tokos <<u>D.Tokos@NewportOregon.gov</u>>

Subject: Link to the 6/9/2025 Planning Commission Regular Session Meeting Agenda Packet Derrick,

Here is the link to the 6/9/2025 Planning Commission Regular Session meeting agenda packet to share:

https://d3n9y02raazwpg.cloudfront.net/thecityofnewport/4db5865e-cdd9-11ef-a9e2-005056a89546-5aa42efb-41df-40a7-b25a-4600051736a0-1749162876.pdf 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

s.marineau@newportoregon.gov

<u>CITY HALL HOURS: Monday – Thursday 8:00am-6:00pm, CLOSED on</u>



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