



FINDINGS OF FACT STAFF REPORT

Date: April 24, 2009

OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number: BA-654-09 County: Tillamook Applicant: Gregory and Grace Kamo, Frank Foti

Project Location: The properties are located at 48985 and 48995 The Point, Neskowin. Tillamook County Assessor's Map T5S, R11W, Section 25 CC, Tax Lots 6700 and 6800.

Brief Project Description: The project is located along a contiguous north and south line of riprap located in the residential development of "The Point" in Neskowin. Both properties face the confluence of Hawk Creek and Neskowin Creek where they empty onto the ocean shore.

The proposal seeks to add 5 vertical feet of riprap on the upper elevation of an existing riprap revetment on the subject properties. The existing shoreline protection structure was constructed under Emergency Permit BA# 442-99 after the properties experienced extreme dune erosion from storm waves and creek flooding. For some unknown reason, the top of the riprap constructed under BA# 442-99 was built approximately 5 feet lower than the adjacent rip rap revetment structure to the north. Due to recent erosion on the upper dune face and the potential for damage to adjacent riprap structures, the applicant is proposing to build a shoreline protection structure at bank height matching the level of north and south riprap revetments.

The total length of riprap placed on the ocean shore is 260 lineal feet. Riprap rock will average 3 feet in diameter, using smaller pit run rock and Mirafi 700x fabric material underneath as structure backing. The slope of the additional structure will vary between be 2H: 1V to 2.5H: 1V and the completed revetment will extend approximately 24 feet above beach level.

GENERAL STANDARDS EVALUATED, OAR 736-020-0010

Project Need – There shall be adequate justification for a project to occur on and alter the ocean shore area.

Single family residences developed on the subject properties have existing riprap revetments protecting the foredune from ocean and creek erosion. In 1968, "The Point" development was created by filling of the beach, riprapping and the planting of European beach grass to stabilize the upper dune area. No documentation exists on the design and materials used in the construction of the original structure. However, it was noted during the excavation under Emergency Permit BA# 442-99, that the original older rock structure consisted of unstable and poorly placed riprap that was insufficient in protecting the properties from wave attack.

In the submitted geologic report by Chinook GeoServices, Inc., dated October 8, 2008, it states that the addition will increase the height of the revetment to match the existing revetment to the north. The purpose of the increased height is to provide additional protection against storm wave and creek channel erosion at the higher elevations of the properties, as well as protect against potentially accelerated erosion at the transition between the different revetment heights. The addition will create continuity between the existing top of the revetment elevation to the north. Continuity of the revetments will likely reduce the potential wind scour at the discontinuity, and, in the case of a large storm event, reduce the potential for directed wave energy onto the subject site.

In recent years, particularly since the 1998/1999 winter, many areas of Neskowin have experienced critical erosion. Active sand dunes receded, and beach sand levels have been dramatically lowered.

Based on the above considerations, OPRD finds that there is adequate justification for the project to occur on and alter the ocean shore area.

Protection of Public Rights – Public ownership of or use easement rights on the ocean shore shall be adequately protected.

The toe of the existing riprap fronting the Kamo and Foti properties extends approximately 30 feet out from the existing dune escarpment. The additional 5 feet of riprap will follow the existing slope to the top of the bank and blend into existing adjacent riprap structures north and south of the proposed structure. There will be no change in the occupation of beach area.

The main channel outlet for Hawk and Neskowin Creeks shifts in orientation from year to year, but in most years the beach at this site is quite wide, so public recreational uses will not be affected under normal conditions. The presence of the riprap will not affect public ownership or easement rights on the ocean shore.

Public Laws – The applicant shall comply with federal, state, and local laws and regulations affecting the project.

The Tillamook County Department of Community Development has certified that the project is in compliance with the Tillamook County Comprehensive Plan and Land Use Code. State of Oregon regulations are being addressed under the review of this permit. Federal regulations could potentially involve a U.S. Army Corps of Engineers permit; however a Corps permit is usually not required for this type of project. A condition of the permit will require that the applicant obtain any required permits from the Corps, if applicable.

Alterations and Project Modifications – There are no reasonable alternatives to the proposed activity or project modifications that would better protect the public rights, reduce or eliminate the detrimental affects on the ocean shore, or avoid long-term cost to the public.

The submitted geologic report by Chinook GeoServices, Inc., excludes non-structural approaches due to existing revetment structures already installed on these properties and on adjacent ocean front properties to the north. Their observations of attempted vegetative stabilization on an adjacent site suggest that vigorous beach grass growth is not feasible in this environment. In addition, they report that a well established and repeated erosion history of the Neskowin area oceanfront suggests that a structural protection solution has been required.

Public Costs – There are no reasonable special measures which might reduce or eliminate significant public costs. Prior to submission of the application, the applicant shall consider alternatives such as nonstructural solutions, provision for ultimate removal responsibility for structures when no longer needed, reclamation of excavation pits, mitigation of project damages to public interests, or a time limit on project life to allow for changes in public interest.

There will be no additional public costs associated with the proposed riprap, as the footprint of the existing riprap will not be altered. Alternative shore protection methods other than riprap have been discussed above. A vegetative stabilization alternative is not considered a reasonable special measure, as it would fail to provide the needed long-term protection for the properties.

There will be no public costs to maintain the rip rap structures, as maintenance and needed repairs are the responsibility of the upland property owners.

Compliance with LCDC Goals – The proposed project shall be evaluated against the applicable criteria included within Statewide Planning Goals administered by the Department of Land Conservation and Development.

Statewide Planning Goal 18 requires that permits for beachfront protective structures be issued only where development existed on January 1, 1977. Development is defined as houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lots. The subject properties meet the criteria. The Tillamook County Comprehensive Plan includes a Goal 18 exception for the Neskowin Community, recognizing that the lots were developed prior to 1977.

SCENIC STANDARDS EVALUATED, OAR 736-020-0015

Projects on the ocean shore shall be designed to minimize damage to the scenic attraction of the ocean shore area.

Natural Features – The project shall retain the scenic attraction of key natural features, for example, beaches, headland cliffs, sea stacks, streams, tide pools, bedrock formations, fossil beds and ancient forest remains.

The natural features of the beach in the general vicinity will remain intact, and no significant landforms such as headlands, sea stacks, or streams will be affected. The riprap project will result only in changes to the upper dune bluff profile but will not occupy any additional beach area. The scenic attraction of the beach will not be significantly affected, considering the width of the ocean shore and existing riprap structures along this section of Neskowin beach.

Shoreline Vegetation – The project shall retain or restore existing vegetation on the ocean shore when vital to scenic values.

The project will not affect vegetation that is vital to scenic values. Non-native European beach grass found on the upper bluff will be removed to facilitate the placement of the proposed riprap.

View Obstruction – The project shall avoid or minimize obstruction of existing views of the ocean and beaches from adjacent properties.

The riprap revetment will not affect or obstruct ocean or beach viewing opportunities from adjacent properties.

Compatibility with Surroundings – The project shall blend in with the existing shoreline scenery (type of construction, color, etc.).

The riprap revetment will be visually consistent with other riprap revetment projects on adjoining properties, and the many similar structures found in the Neskowin area.

RECREATION USE STANDARDS EVALUATED, OAR 736-020-0020

Recreation Use – The project shall not be a detriment to public recreation use opportunities within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

The proposed riprap will not be a detriment to public recreation use opportunities within the ocean shore area.

Recreation Access – The project shall avoid blocking off or obstructing public access routes within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

During high tides in the winter, wave run-up often reaches the upper areas of the beach, and may cover the entire beach at times. Riprap revetments encroach some distance out from the natural bluff toe, and increase the chance of high water covering the entire beach area. The proposed project will not project out onto the beach area. Access during times of extreme high water is already limited by the presence of riprap on adjoining properties; therefore, the proposed project will not result in any new obstruction to lateral beach access.

SAFETY STANDARDS EVALUATED, OAR 736-020-0030

The project shall be designed to avoid or minimize safety hazards to the public and shoreline properties. The following safety standards shall be applied, where applicable, to each application for an ocean shore permit.

Structural Safety – The project shall not be a safety hazard to the public due to inadequate structural foundations, lack of bank stability, or the use of weak materials subject to rapid ocean damage.

The revetment has been designed by an engineering geologist to withstand wave attack, and protect the upper dune face. Rock size, slope, and material specifications appear to be adequate for providing erosion control in this high-energy beach environment.

Obstructional Hazards – the project shall minimize obstructions to pedestrians or vehicles going onto or along the ocean shore area.

The riprap will be added on top of the existing riprap revetment on the upper dune face. This will not affect lateral beach access, as the existing toe of the structure was constructed under BA# 442-99. However, during periods of high water and storm surges, wave run-up is likely to be hitting the riprap on the subject and neighboring properties. Therefore, the proposed riprap will not create a new obstruction for beach access along the shoreline.

Neighboring Properties – The project shall be designed to avoid or minimize ocean erosion or safety problems for neighboring properties.

The neighboring properties are protected with existing riprap structures. The proposed riprap will tie into the higher elevated ends of the existing riprap revetments on adjacent properties and provide a continuous line of shoreline protection at the same bank height.

Property Protection – Beachfront property protection projects shall be designed to accomplish a reasonable degree of increased safety for the on-shore property to be protected.

The purpose of the revetment is to provide protection to the upland properties.

APPLICABLE NATURAL AND CULTURAL RESOURCE STANDARDS EVALUATED, OAR 736-020-0030

Projects on the ocean shore shall avoid or minimize damage to the following natural resources, habitat, or ocean shore conditions, and where applicable, shall not violate state standards:

Fish and wildlife resources including rare, threatened or endangered species and fish and wildlife habitats.

There are no reported fish and wildlife resources that will be impacted by the proposed riprap revetment.

Estuarine values and navigation interests.

The project is adjacent to an estuary, but will not affect navigable water on the ocean.

Historic, cultural and archeological sites.

Notice of the application was provided to the State Historic Preservation Office, and to the Confederated Tribes of Siletz Indians. There were no reports of historic, cultural, or archeological sites at this location.

Natural areas (vegetation or aquatic features).

The riprap will be placed primarily on the exposed dune face that does not contain significant vegetation or aquatic features.

Air and water quality of the ocean shore area.

The project will take place above the ordinary high tide line, and will not affect water quality.

Areas of geologic interest, fossil beds, ancient forest remnants.

None of these features have been identified at the site.

When necessary to protect native plant communities or fish and wildlife habitat on the subject or adjacent properties, only native, non-invasive, plant species shall be used for revegetation.

The site is within a developed residential area, and there are no protected native plant communities or fish and wildlife habitat on or adjacent to the subject properties.

PUBLIC COMMENT

Notice of the proposed project was posted at the site for 30 days in accordance with ORS 390.650. Individual notification and a copy of the application were mailed to government agencies and individuals on OPRD's ocean shore mailing list. During the public comment period, OPRD received no requests for a public hearing and no letters were received in support or opposition to the proposed project.

STAFF FINDINGS

The proposed riprap is necessary to provide protection from ocean-caused erosion. There is evidence of active erosion at the site, resulting upper foredune scouring and vegetative loss above the existing riprap structures. The proposed shoreline protection structure will fill in the height gap between adjacent revetments and provide long-term stability with a continuous matching riprap revetment. The property owner has no other reasonable options to help reduce erosion of the upper bluff and provide long-term protection to adjacent developed properties. Other types of less structural methods would not provide the protection necessary to control wave erosion on the upper dune face, and the riprap project has been recommended by the project geologist. Need for the riprap is justified, and the proposed method of erosion control is appropriate, especially considering that the project will tie into existing riprap revetments to the north and south.

Tony Stein
Coastal Land Use Coordinator