FINDINGS OF FACT
STAFF REPORT

Date:	December 21, 2006	OPRD Coastal Land Use Coordinator:	Tony Stein		
OPRD File Number:	BA-612-06	County:	Tillamook	Applicants: David Van Raden, Larry Soderholm, Won Kim (Surfside Resort Motel)	
Project Location:	1025 &1035 N. Pacific St. and 101 NW 11th St. Tillamook County Assessor's Map #2N-10W-29cc, tax lots 1600, 1700, 1900-2500.				
Brief Project Description:	The proposed project involves the construction of a riprap revetment, approximately 375 feet in length, and approximately 16 feet in height above beach level, with a slope of 1.5H to 1 V. The proposed riprap revetment will project as much as 27 feet onto the ocean shore. The riprap will be tapered inwards towards the bluff at the north and south ends.				

ADMINISTRATIVE RULE STANDARDS AND RELEVANT FACTS

I. GENERAL STANDARDS, OAR 736-020-0010

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

A geologic report included in the application (Ash Creek Associates, Inc.) documents the conditions of the site at the time of the report and also on the period from 1997-2002, discussing erosion rates and the lowering of beach elevations. During the winters of 1998/1999 and 1999/2000, severe storms and conditions associated with El Niño and La Niña events caused substantial erosion and loss of the vegetated dunes seaward of the developed properties and encroached on the western part of the younger marginally stabilized dunes beneath the site. Erosion decreased through the 2000/2001 winter, and since that time the bluff has seen continued bluff erosion and seasonal accretion periods on the beach, with a February 2006 storm causing an additional 2-3 of dune bluff retreat. The dune bluff scarp height is currently 3-4 feet on the Van Raden and Soderholm properties and 8 feet at the Surfside Motel property. According to the permit application and the geologic report, the subject site has been in its present location for the past two years, indicating at least a short period quiescence. The report recognizes the recent and historical trends of accretion and erosion of active dunes and beach elevations in the Rockaway Beach Littoral Cell, but provides no additional information to show that the shoreline and dune bluffs are staying within their normal range as measured by the vegetation line. Aerial photos taken by Oregon Department of Transportation in 1967 and 1984 show that the distance from the vegetation line to the foundation of the homes was approximately 30 feet. The current vegetation line as

measured from the house foundations to the top of the bank is 38', which is an overall increase of 8 feet of foredune seaward. The geologic report includes documentation showing the subject properties and the approximate location of the Statutory Beach Line (SVL) which represents the shoreline position and existing vegetation in 1967. During the 1980's and early 90's there was a significant westward increase in the foredune during a dry cycle of less storm activity, with the vegetation line advancing up to an estimated 50 feet west of the SVL. On a historical basis, this indicates that during periods of erosion, the dune has not retreated to any significant degree. DOGAMI has surveyed beach profiles just south of the area, providing temporal (time) and spatial (cross section) variability of the shape of this section of beach. This data indicates that the shoreline beach elevation and sand dune position in response to annual major storms ranges within a narrow band and there is no observable trend in shoreline retreat.

The Van Raden and Soderholm properties have a continuous concrete wall constructed on the ocean side of the houses, about 3 feet inside of the property lines to protect the structures from wave overtopping the dune bluff. West of the property line a wooden retaining wall was constructed and later backfilled with riprap and gravel to help stabilize the wall. Although the structure is deteriorating, it currently provides some measure of protection for the homes. There are no permit records for placement of the wood retaining wall or the riprap back fill material.

Both homes are in close proximity to the dune bluff, with setback distances from the house footings to the edge of the dune bluff at 38 feet. The Surfside Resort Motel consists of three buildings, designated as buildings A, B, and C which are staggered in an east to west alignment. Buildings B and C on the northern part of the property are attached to each other and the third, Building A, is separated by a 10 foot walkway. The bluff edge is situated approximately 48 feet from the foundation posts for Building A, 61 feet from Building B, and 79 feet from Building C respectively. No shoreline protection structures currently exist on the Surfside Motel property. The geologic report does not provide sufficient information on the Surfside Motel pier foundations 5-6 feet above the ground which are designed to protect buildings from structural damage caused by flood forces. This pier design was required by Tillamook County and provides a measure of protection and safety should the wave overtopping occur or the dune bluff retreat further east.

According to the geologic report, it is estimated that there has been +/- 250 feet of bluff line erosion from 1997 to 2002. This information is based on an aerial photograph (Figure 7 in the geologic report) which depicts the LIDAR mean high-water shoreline locations for 1997, 1998, 2002 and 2005. The 2005 LIDAR data point represented on the photograph appears to depict the top of the existing bank and cannot be compared to the 1997-2002 LIDAR dataset. As no LIDAR flights were flown in 2005 the geologic report may have used another source of data to represent the 2005 shoreline. Ash Creek recommends that to mitigate for future wave erosion along the bluff, a riprap revetment be constructed along the bluff west of the subject properties.

A finding of project need follows the review of all other applicable standards and is included in the findings summary at the end of this report.

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

The proposed riprap will occupy an approximate 27-foot width of beach area along the base of the bluff for all of the properties. The presence of the riprap would not affect public ownership or easement rights on the ocean shore; however, the encroachment would reduce the amount of usable beach area, and could even cause access to be blocked during winter high water events. In evaluating similar riprap projects, OPRD has found this amount of encroachment to be acceptable when the need for the project was considered justified. For this project, however, the need has not been adequately justified; therefore any encroachment onto the beach may be unnecessary at this time.

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

The City of Rockaway determined that the application was incomplete, and inconsistent with applicable criteria and recommends denying it if there is a lack of critical need. Specifically it cites an incomplete dune hazard report failing to provide a history of erosion and accretion and long term trends available for review. 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 applicants 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.

Relocaton of the homes was not considered a viable option, as the existing buildings are already located in close proximity to the street (14 feet, 13 feet). The homes are 50 years old and are not considered particularly mobile, according to the application and geologic report. The Surfside Resort Motel buildings are large multi-story structures built on driven piles and, in the opinion of Ash Creek Associates not practical to move.

The geologic report rules out non-structural methods of shore protection, including vegetative stabilization, sand nourishment and dynamic revetments, primarily based on the high energy wave environment along this section of coastline. Vegetative stabilization or sand alteration would not be sufficient to substantially slow or halt erosion, or to stabilize the bluff slope. Dynamic revetments using cobble are not recommended because cobble does not exist in sufficient quantity along the shore in the area to qualify as a cobble beach. In addition, OPRD notes that the use of dynamic revetments (such as loose cobbles) are more appropriate on beaches that have similar natural features already, and where the application is for a longer length of shoreline. An example of these conditions can be found at Cape Lookout State Park in Tillamook County, where a dynamic cobble revetment has been functioning successfully.

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.

Alternative shore protection methods other than riprap shore protection have been discussed above. These alternatives are not considered reasonable special measures, as they would fail to provide the needed long-term protection for the property.

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.

The City of Rockaway has certified that the project is in compliance with the Rockaway Comprehensive Plan and Land Use Code, which are acknowledged by LCDC as meeting the Statewide Planning Goal requirements. In 1986 The City of Rockaway provided an Exception to Goal 18, for each of the lots upon which the Surfside Resort Motel is located, with oceanfront tax lots 2200 and 2300 and non-oceanfront tax lots 1600, 1700, 2000 and 2100 qualifying for beachfront protective structures. The Van Raden and Soderholm properties were constructed in 1965 and therefore meet the Goal 18 requirement of being developed prior to January 1, 1977.

II. SCENIC STANDARDS, 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, headlands cliffs, sea stacks, streams, tide pools, bedrock formations, fossil beds and ancient forest remains*.**

The project would partially cover the bluff face, and encroach some distance out onto the ocean shore, similar to other riprap revetments in the general area. This level of scenic alteration has been acceptable for other riprap projects where the need for the project has been justified and where alternatives have been adequately considered.

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

Introduced European beach grass is established along the top of the dune bluff and a small patch of shore pine trees exist in front of the Soderholm property. Some of this vegetation would be removed or covered up by the proposed riprap revetment.

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

The riprap will not affect existing views from adjacent properties.

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

Properties with riprap revetments are located approximately 400 feet to the south. Although the proposed riprap revetment will have unaltered sand dune bluffs on each side, the riprap would be similar to the existing revetments within view from the subject site.

III. RECREATION USE STANDARDS, 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 riprap would occupy some of the open beach area, but will not significantly affect public recreation use opportunities. During storm events or winter high tides, wave run-up may reach the riprap structure. During normal conditions, however, the existence of the riprap would not be a detriment to typical recreation uses.

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.

The project would not extend out onto the ocean shore to cause an obstruction to public access along the shoreline during normal ocean conditions.

IV. SAFETY STANDARDS, 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 proposed design indicates that the riprap will be structurally safe and not an obstructional hazard. Rocks will be placed individually to form an interlocking structure, as is the standard practice for revetment design.

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

The beach at this site is typically quite wide, and the proposed riprap is not expected to obstruct pedestrians or vehicles during normal ocean conditions.

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

In order to minimize the chance of enhanced erosion or flank scour on adjoining properties, the riprap design includes a tapering of the riprap height and width at either end, to help minimize the possibility of end effects or flank scour. There are 8 tax lots south of the subject properties that do not have riprap protection and there is no riprap to the north of the Surfside Motel. The proposed riprap revetment would create a section of structurally protected land that has no connection to existing shoreline structures.

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.

V. NATURAL AND CULTURAL RESOURCE STANDARDS, 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 project.

Estuarine values and navigation interests.

The project is not adjacent to an estuary, and does 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 and the Confederated Tribes of Grand Ronde. There were no reports of historic, cultural, or archeological sites at this location.

Natural areas (vegetation or aquatic features).

There is no existing significant vegetation or aquatic features that will be impacted by the proposed riprap.

Air and water quality of the ocean shore area.

The proposed project will take place above the ordinary high tide line, and will not cause foreign materials or pollutants to enter the water. Riprap placed at the site would be free of debris or foreign materials. The proposed project does not adversely affect water quality on the ocean shore. Air quality will not be affected, except for a negligible amount of exhaust from the use of heavy equipment during the construction period.

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 property.

VI. 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. OPRD received over 55 requests for a public hearing. OPRD received more than 37 letters in opposition to the application. The letters raised a variety of issues, including project need, historical observations, alternatives, visual and recreational impacts from the proposed riprap, Goal #18 eligibility, inaccurate and insufficient data, beach access and that the properties already have some measure of existing protection. OPRD received more than 34 letters in support of the application. The letters raised a variety of issues, including project need, property protection, rate of erosion and family history. Most of the major issues raised in these letters and the public comments received at the November 13th hearing have been addressed in this report.

VII. Findings Summary

Project Need – The proposed riprap is unnecessary to provide protection from ocean caused erosion. Dune bluff conditions and proximity of the houses to the bluff edge have caused the geologist to recommend the riprap revetment. However, in reviewing the historical record, there is insufficient evidence showing that the immediate threat of continued dune retreat exists. The existing vegetation is still located west of the established 1967 Statutory Vegetation Line, and its current location is similar to the 1967 and 1984 ODOT aerial photos. The dune bluff has seen recent accretion and erosion but remains relatively stable since 2002. In addition, some measure of protection currently exists in front of the Van Raden and Soderholm homes, with the existing dune bluff, wooden seawall and the concrete wall in front of the properties. The Surfside Motel also has reasonable protection with adequate foredune west of the property and a pier foundation that allows for wave overwash underneath the structures during storm activity. Relocating the homes or motel structures is not a reasonable alternative due to the impractibility of moving the hotel structures and insufficient room available on the Van Raden and Soderholm properties. Other types of less structural methods would not provide the protection necessary to control wave erosion at the toe of the slope.

Public Laws - The City of Rockaway staff has reviewed the Rockaway Beach Zoning Ordinance 143 and the Rockaway Beach Comprehensive Plan and has determined that the application is incomplete and inconsistent, and requires additional information to provide consistency with the applicable criteria. The staff has cited several omissions from the application including an incomplete dune hazard report, incomplete engineering, no revegetation plan, and no maintenance plan as required by city ordinances. The City of Rockaway recommends denying it if there is a lack of critical need.

Based on the above considerations, OPRD finds that there is not adequate justification for the project to occur on and alter the ocean shore area.

The following checklist summarizes whether the application satisfies the general, scenic, recreation, safety and natural and cultural resource standards as defined in OAR 736-020-0010 through 736-020-0030:

Standard	Yes	No	Standard	Yes	No
Project Need		☒	Structural Safety	☒	☐
Protection of Public Rights	☒	☐	Obstructional Hazards	☒	☐
Public Laws		☒	Neighboring Properties	☒	☐
Alteration and Project Modifications	☒	☐	Property Protection	☒	☐
Public Costs	☒	☐	Fish and Wildlife Resources	☒	☐
Compliance with LCDC Goals	☒	☐	Estuarine Values and Navigation Interests	☒	☐
Natural Features	☒	☐	Historic, Cultural and Archeological Sites	☒	☐
Shoreline Vegetation	☒	☐	Natural Areas	☒	☐
View Obstruction	☒	☐	Air and Water Quality of the ocean shore	☒	☐
Compatibility with Surroundings	☒	☐	Areas of Geologic Interest	☒	☐
Recreation Use	☒	☐	Use of Native Plant Species when Necessary	☒	☐
Recreation Access	☒	☐		☒	☐

VIII. STAFF RECOMMENDATION:

Based on an analysis of the facts and in consideration of the standards evaluated under OAR-736-020-0005 through OAR 736-020-0030, I recommend the following action:

☐ Approval

Approval with conditions

☒ Denial

Tony Stein
Coastal Land Use Coordinator