FINDINGS OF FACT
STAFF REPORT

Date:	March 19, 2009	OPRD Coastal Land Use Coordinator:	Tony Stein		
OPRD File Number:	BA-653-09	County:	Tillamook	Applicant:	Corinne Van Raden, et al

Project Location:

Vacant Lot (TL 4400), 955, 961, 1005, 1009, 1015, 1019, 1025 and 1035 N. Pacific Street. The Surfside Motel is located on 101 N.W 11th in Rockaway Beach.
Tillamook County Assessor's Map #T02N-R10W-29CC, tax lots 4400, 4300, 4200, 2900, 2800, 2700, 2600, 2500, 2400, 2300 and 2200.

Brief Project Description:

The proposed project seeks to convert three separate Emergency Riprap Permits to permanent shoreline protection structures, and also construct an additional 94 feet of shoreline protection for Building C at the north end of the Surfside Resort Motel. The project involves the construction of a contiguous riprap revetment approximately 766 feet in length, on 11 separate property ownerships, including the City of Rockaway pedestrian beach access on NW 10th Street. Single family residential homes exist on each of the tax lots (with the exception of Tax Lot 4400); the 10th Avenue right of way is vacant; and the Surfside Resort Motel occupies a commercial site. Emergency Permit (BA 634-07) was issued to Daniel Mailey and Margaret Inglis on December 19, 2007, Emergency Permit (BA 636-07) was issued to David Van Raden et al on December 28, 2007, and Emergency Permit (BA 637-08) was issued to Won Kim and Katholyn Collins on January 5, 2008.

The shoreline protection structures constructed under the three Emergency Permits were tied into the existing riprap to the south (BA # 444-99) and placed on 11 contiguous properties comprising 672 lineal feet of riprap material. Riprap rock is 1.4 to 4.3 feet in diameter, using smaller pit run rock and Mirafi 700x fabric material underneath as structure backing. The slope of the structure was designed at 1.5H to 1V, and the revetment will extend approximately 13 to 16 feet above the beach level.

In addition, the Surfside Resort Motel is proposing to extend an additional 94 feet of riprap to provide shoreline protection for Building C at the northern end of the property. The proposed structure will be designed and constructed as described above, and blend into the existing Emergency riprap revetment (BA# 637-08).

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.

An extreme storm event during the period of December 2 and 3rd, 2007 has resulted in accelerated beach erosion and foredune scouring on the subject properties located between 9th Avenue and 12th Avenue in the Lake Lytle Subdivision of Rockaway Beach. Continued high ocean waves and storm surges from December 21st to the 31st, 2007, and January 4th and 5th, 2008, have lowered the beach elevation and resulted in an estimated 15 to 25 feet of dune crest erosion fronting the properties.

The following measurements were recorded by OPRD prior to issuance of the Emergency Permits as recorded on December 19th, 2007, December 28th, 2007 and January 5th, 2008. Measurements were taken from the foundation of each residence and the center foundation pilings of buildings A and B (Surfside Motel) to the top of the dune bluff. During that period, the foundations of developed properties ranged from 21 feet to 41 feet to the edge of the top of the bank.

Tax Lot	Ownership	Distance of Structure - Top of Bank	Emergency Permit #
4400	Iverson	Vacant Lot	BA# 636-07
4300	Inglis	31 Feet	BA# 634-07
4200	Mailey	33 Feet	BA# 634-07
2900	Balzano	34 Feet	BA# 636-07
2800	Nippert	41 Feet	BA# 636-07
2700	Collins/Runnels	21 Feet	BA# 637-07
2600	Mascott	34 Feet	BA# 636-07
2500	Van Raden	29 Feet	BA# 636-07
2400	Soderholm	29 Feet	BA# 636-07
2300 (Bldg A)	Kim	24 Feet	BA# 637-07
2300 (Bldg B)	Kim	21 Feet	BA# 637-07
2300 (Bldg C)	Kim	30 Feet	Proposed

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. On January 6th, 2008, the distance from the southern foundation piling of Building C was measured at 43 feet to the top of the dune bluff. Building C was not included in Emergency Permit BA# 637-08 because at that time the bank was not sufficiently close to the building structure. Since that time the bank has retreated to within 30 feet of the structure, and 94 feet of riprap shoreline protection is proposed in the application.

The stability of the northern flank of the existing riprap revetment to the south (BA# 444-99) was compromised with storm surges washing in behind the structure and unraveling riprap onto the ocean shore. The foredune bank fronting the subject properties was also compromised and there was an immediate threat to the upland residences and commercial properties. After the issuance of the first Emergency Permit (BA# 634-07), bank erosion continued during subsequent storm surges, with the erosion scarp cutting a northern trajectory up to and ending at Building B at the Surfside Motel.

A geologic report included in the application (Ash Creek Associates, Inc., November 7th, 2008) documents the conditions of the site at the time of the report and also on the period from 1996-2002, 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 significant erosion occurring in the fall of 2007. According to the geologic report, they estimate there has been in excess of 100 feet of erosion west of the subject lots since 1997.

Ash Creek recommends that to mitigate for future wave erosion along the bluff, the temporary riprap revetment and proposed riprap extension fronting Building C, be permitted to become permanent shoreline protective structures 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 fronting the subject properties including the proposed Building "C" of the Surfside Resort Motel will extend up to 35 feet out from the existing dune escarpment, occupying up to 26,810 square feet of beach area at the toe of the slope. The riprap will be tapered at the north end of the proposed revetment structure and into the dune face to reduce the occupation of beach area.

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.

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

The City of Rockaway Beach has certified that the project is in compliance with the City of Rockaway 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 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.

The subject properties are located within a moderate risk, coastal erosion hazard-prone area that will continue to be subject to ocean flooding and erosion problems. Relocating the homes and buildings would not provide protection to the properties and would not avoid the need for placing riprap or other material on the ocean shore. The buildings are currently occupying much of the usable land at the top of the bluff, and would still be in danger even if they were to be moved to the east property line.

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.

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 other subject properties 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 cover the existing dune face, and encroach some distance out onto the ocean shore. 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 fronting most of the properties. There is no existing vegetation below the dune scarp that would be affected 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.).

Riprap revetments are located to the south of the subject properties, and the proposed project will be similar to these existing structures.

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 the northern endpoint adjacent to 12th Avenue. This design helps minimize the possibility of end effects or flank scour. There are tax lots north of the subject properties that do not have riprap protection.

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 no requests for a public hearing. No comments were received in support or opposition to the proposed structure within the posting period.

VII. Findings Summary

Project Need – The proposed riprap is necessary to provide protection from ocean caused erosion. Dune bluff conditions and the proximity of the subject properties have caused the geologist to recommend the riprap revetment. There is evidence of significantly lower beach levels, active erosion and undercutting occurring at the toe of the dune bluff and the subsequent loss of upland vegetation. The dune previously consisted of a gentle westward slope, and undercut to a near vertical slope with a height range from 13 to 16 feet.

Alternatives – There are no other reasonable alternatives for controlling the erosion and protecting the home residences and Surfside Resort Motel. House relocation and non-structural alternatives are not appropriate due to the physical conditions of the site and the lack of available room to move the existing structures to a safe location. Some public costs will be associated with the project. Other types of less structural methods would not provide the protection necessary to control wave erosion at the toe of the slope.

Based on the above considerations, OPRD finds that there is 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