



FINDINGS OF FACT STAFF REPORT

Date: April 2, 2004

OPRD Coastal Land Use Coordinator: Steve Williams

OPRD File Number:

BA-580-04

County: Clatsop

Applicants: Racker Investment LLC

Project Location:

3276 Pacific Street, Cannon Beach
Clatsop County Assessor's Maps 5N-10W-31DA, tax lot 2002

Brief Project Description:

The project involves the construction of clay-filled geotextile pillows that will be placed into the bluff slope, and planted with native willow starts. Clay soil transported to the site will be wrapped in both geojute fabric and coconut fiber matrix in two-foot thick terraces. Each pillow, or terrace, will extend the length of the site, approximately 50 feet. The pillows will be terraced from the toe of the slope to a height of approximately seven feet above beach level, with the fabric pinned in place. The slope of the terraces will be approximately 1.5H to 1V. Willow starts will be planted through the overlying fabric to eventually provide root structure and vegetative covering. A 2-foot-wide gravel beach access pathway will be installed over the slope at the north end of the property.

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.

The undeveloped lot is low in elevation, approximately six feet above beach level. A berm of rocky clay material forms the ocean front bank along the shoreline. This fill material was placed sometime in the past (prior to permit requirements) along many of the low properties in this area to act as a barrier to wave overtopping. Over the years many of the properties in the vicinity were fortified with riprap revetments or seawalls. A riprap revetment is located on the adjoining property to the south. The owner of the adjacent property to the north has utilized driftlogs to help control erosion of the berm on the adjoining property. The subject property has remained unprotected, and minor erosion of the gravelly berm has occurred, as well as overtopping and flooding during storm events. The accompanying geologic report (Horning Geosciences, October 30, 1999) describes unusually heavy storm and wave erosion during the winter of 1998-1999 that resulted in significant wave overtopping and erosion of the exposed rock within the berm. Although the erosion has not been severe, the geologic report predicts that additional loss of this berm can be expected if similar

erosion events affect the site in the future. The vegetated stabilization project will help provide stability to the ocean front embankment, while restoring a cover of native vegetation.

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 geotextile pillows will extend seaward from the toe of the slope only a slight distance (less than 3 feet), as the artificial berm will be excavated back to the native soils. Public ownership or easement rights on the ocean shore will remain unaffected.

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

The City of Cannon Beach has certified that the project is in compliance with the Cannon Beach Comprehensive Plan and Municipal 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, the project is above the normal high water line, therefore a Corps permit is most likely not required. 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 most common alternative that would normally be proposed for this type of situation would be to fill the unprotected area with riprap, similar to the adjoining property. This would not be likely to reduce impacts or better protect public rights, however. Drift logs could be placed against the embankment similar to the adjoining property to the north; however, logs can be floated away during high water events, and may serve as only temporary protection. Using vegetation alone would not provide the structural support necessary to hold the soil intact while the root structure becomes established. The proposed action will provide erosion protection, and help to establish native vegetation to the slope, with very little encroachment onto the ocean shore. The proposed project is a reasonable solution for stabilizing the embankment.

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.

Alternatives to the project have been discussed above. The proposed alternative is a less structural solution that incorporates special measures to reduce or eliminate public costs, including the restoration of native vegetation, and reduced encroachment onto the public beach area.

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 Cannon Beach has certified that the project is in compliance with the Cannon Beach Comprehensive Plan and Municipal Code, which are acknowledged by LCDC as meeting the Statewide

Planning Goal requirements.

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 will not result in the alteration of any scenic features listed above. The scenery has been altered along the shoreline in this area by extensive residential development, riprap revetments, concrete seawalls, and stairs. The proposed project will help to control erosion by providing a more natural appearing method of stabilization.

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

The project will include extensive planting of willow or other native species on the slope. Currently the slope is mostly bare with only a slight amount of vegetation. The project will restore native vegetation to the slope, while achieving some degree of erosion protection.

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

The project 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.).

The project is dependent on the use of native vegetative stabilization, which will provide a positive contrast to the riprap structures and concrete seawalls in the near vicinity. The vegetation, once established, will help the bluff retain a more natural appearance to this heavily developed shoreline.

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 proposed project will occupy only a very slight amount of sandy beach area currently being used for recreation purposes.

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 will not extend out onto the ocean shore to cause an obstruction to public access along the shoreline.

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 project has been designed by an engineer, and utilizes materials that will lie on the existing grade. Damage caused by ocean waves or other forces may cause settling in the structure, but not collapse of materials that would cause a safety hazard to the public. Maintenance and repair of the structure will be required of the applicants and/or future property owners. **Obstructional Hazards – the project shall minimize obstructions to pedestrians or vehicles going onto or along the ocean shore area.**

As mentioned previously, the project will not extend out onto the ocean shore to cause an obstruction to public access along the shoreline.

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

The project will tie into the existing riprap to the south, and will taper into the slope at the north end of the property. The work will generally conform to the existing bank profile, with no problems expected for adjoining properties.

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 project is to provide protection to the upland property.

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 project.

Air and water quality of the ocean shore area.

The project will take place above the ordinary high tide line, and will not cause foreign materials or pollutants to enter the water. The proposed project will 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 urban residential area, and there are no known 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. No comments were received in opposition to the request.

VII. Findings Summary

Project Need – OPRD finds that there is adequate justification for the project to occur on and alter the ocean shore area. The geotextile pillow terraces planted with vegetation will help control erosion occurring within the existing gap in shoreline protective structures, while restoring a more natural appearance to the shoreline, and causing minimal impact to beach area used for recreation.

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Structural Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protection of Public Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Obstructional Hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Laws	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neighboring Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alteration and Project Modifications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Costs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fish and Wildlife Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compliance with LCDC Goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Estuarine Values and Navigation Interests	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natural Features	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Historic, Cultural and Archeological Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shoreline Vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Natural Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
View Obstruction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Air and Water Quality of the ocean shore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compatibility with Surroundings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Areas of Geologic Interest	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use of Native Plant Species when Necessary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Steve Williams,
Coastal Land Use Coordinator