



## FINDINGS OF FACT STAFF REPORT

Date: March 28, 2005 OPRD Coastal Land Use Coordinator: John Allen

OPRD File Number: BA-597-05 County: Clatsop Applicant: Canon Beach Conservancy,  
Mike Morgan, Agent

Project Location: Jefferson Street to Jackson Streets, except for Rempfers at the corner of Jefferson and Ocean Ave, Cannon Beach, 12 lots.

Brief Project Description: The applicants plan to complete Phase 2 of the Presidential Streets Sand Management Plan in Cannon Beach, Ocean Avenue. This consists of grading approx. 5400 cubic yards of sand from the dunes on the ocean front between Jefferson and Jackson Streets in Cannon Beach. Most of the sand would be deposited on the foredunes west of the zone line. Some of the sand would be removed to a disposal site as it is contaminated with Knotweed and other noxious vegetation.

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### ADMINISTRATIVE RULE STANDARDS AND RELEVANT FACTS

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#### 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.**

As described in the plan, dune sand has accumulated as much as 20 feet vertically along the terrace edge of Cannon Beach from Harrison Street north to Kramer Point since about 1967. A large dune hummock now stands as much as 12 feet higher than the front yards of adjacent homes and the right of way of Ocean Avenue. Ocean views of property owners have been blocked; sand has buried storm sewer outfalls, yards, fences, and gardens. The roadway and private yard areas required periodic sand removal, as often as several times per winter. Reasons for this buildup in sand are mainly attributed to the higher frequency of El Nino events since the early 1980's, and their associated weather patterns that tend to cause a buildup of sand at the north end of beach littoral cells. The proposed sand grading project will move this sand seaward where it will straddle the dune/beach interface. The return of the sand to the active littoral cell is expected to make a positive contribution to the sand budget, helping to reduce erosion and damage to properties in other areas of Cannon Beach where sand buildup has not occurred.

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.***

Rights of the public should be unaffected by the movement and re-stabilization of sand. The recreational value of the ocean shore will remain unaffected.

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

State of Oregon laws and regulations are addressed under this permit review. OPRD permit conditions will require that all City land use processes be completed prior to construction, and that the City of Cannon Beach provide OPRD with a certification of consistency with the local comprehensive plan and land use ordinance.

**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.**

In general, problems with sand maintenance can best be addressed on a regional or neighborhood basis. This is preferred to actions being undertaken by individual property owners, outside of the scope of an overall plan. Without the sand management plan, individual owners must remove sand on a case-by-case basis when their houses or yards get inundated. This does not provide a long-term solution or address the problems to long-term relief by reducing the supply of sand that has been constantly inundating properties and public facilities. OPRD concludes that the proposed method of sand management is the best alternative available.

**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.**

The project will not result in loss of recreational areas to the public, or other significant public costs. Access may be restricted during periods where equipment is grading sand, or when vegetative stabilization is being established, however these activities will be temporary.

**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.**

For the purposes of this report, OPRD has reviewed the project against the following goals, pursuant to OAR 736-020-0010(6):

- a. Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The Ocean Shore Alteration Permit standards evaluated in this report address standards for protection of natural, scenic, and historic resources. The proposed project does not adversely affect identified open space areas, significant scenic views, historical or cultural sites, fish and wildlife habitat, aggregate sites, or other resources listed in Goal 5. The project instead will transfer sand from the foredune to the beach/dune interface to alleviate the problems of view obstruction and sand inundation on to private yards, streets, and public infrastructure. Work associated with the project will not affect the waters of Ecola Creek, and will have no impact on fish or other aquatic organisms.
- b. Goal 17, Coastal Shore lands: The proposed project will not impact coastal shore land resources or adjacent waterways, wetlands, or riparian vegetation. There are no wetlands within the project area.
- c. Goal 18, Beaches and Dunes: Foredune grading plans are addressed in Goal 18, with emphasis on the need for planning to take place on an area-wide basis rather than a lot by lot approach. Guidelines include the identification of appropriate measures for stabilization, avoiding or minimizing adverse effects on adjoining properties, and identifying appropriate sites for public and emergency access to the beach.

Stabilization measures are outlined in the proposed plan, and consist of the planting of sand stiling grasses and other vegetation. Once established, this vegetation will help reduce the continued inundation of sand onto the nearby properties. Properties fronting Ocean Avenue will continue to

require some maintenance grading or sand removal until the vegetative stabilization becomes effective, however, the required maintenance during this time is not expected to be significantly different than the regular maintenance and problems associated with the existing conditions, If necessary, sand fencing is an option that may be used to temporarily control the inundation until vegetation becomes effective.

Within the project area, there are four public beach access sites: Monroe, Jackson, Madison, and Jefferson Streets. Each of these sites could provide pedestrian beach access and this use will continue following the dune grading work. These access sites are normally unsuitable for emergency vehicles use.

- d. Goal 19, Ocean Resources: The proposed project will involve the transport of sand seaward from the existing dune crest. Wave action will disperse some of the material, into the surf zone and with in the littoral cell. There will be no introduction of material to open ocean waters, and no impacts to ocean resources.

## 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 result in the reconfiguration of the foredune, but will not remove or reduce the scenic attraction or key natural features.

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

The plan calls for graded areas to be planted immediately following foredune grading. Planting of sand stiling vegetation (beach grass) will extend from the Ocean Avenue right of way westward for approximately 100 feet. While the planting of beach grass species isn't necessarily vital to scenic views, stabilization of the dunes with vegetation is an important part of the dune management program.

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

The project will serve to protect or in some cases enhance ocean views for the residents in the area.

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

When the project is completed, the dunes will be reconfigured, but will soon attain an appearance similar to surrounding dune areas, as vegetation is re-established, and the signs of construction are smoothed out by wind, rain and wave action.

## 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 project will no eliminate 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.***

The project will not block or obstruct any important public access routes within the ocean shore area, but will maintain the existing beach access routes off of the four street ends (Monroe, Jackson, Jefferson, and Madison).

#### **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 dune management activities will not increase safety hazards to the public, but will result in changes to the dune profile.

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

The grading and redistribution of sand will not create obstructions to pedestrians or vehicles. Sand moved out on the beach will be quickly re-distributed by wind and tides.

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

Grading specifications allow for dune crest elevations necessary to provide flood protection and erosion protection. Transfer of excess sand to the intertidal beach areas will enhance the sand budget and erosion resistance of the adjoining beach areas.

***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.***

One of the primary purposes of the plan is to protect the upland property owners and the public from the hazards of sand inundation, blockage of views, and impacts on public streets and infrastructure. The proposed project will help to accomplish these goals.

#### **V. NATURAL AND CULTURAL RESOURCE STANDARDS, OAR 736-020-0030**

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

There are no protected species, fish, or wildlife habitat identified within this project area. The Oregon Department of Fish and Wildlife has indicated that the impacts from the proposed projects will be acceptable.

***Estuarine values and navigation interests.***

The project will not affect any estuary or navigable waterway.

***Historic, cultural and archeological sites.***

Notice of the application was provided to the State Historic Preservation Office (SHPO), 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).***

The area will continue to exist as an open, natural area, within the urban setting of Cannon Beach.

***Air and water quality of the ocean shore area.***

Impacts to air quality will be limited to the operation of heavy equipment on the ocean shore during the dune grading work. No other air or water quality issues are expected. All sand that is transferred to the lower beach profile will be free of foreign debris.

***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.***

Dune stabilization is a necessary component of the dune management plan. The application proposes planting of vegetation (European and American beach grass) to stabilize the graded dunes, and to replace the limited beach grass that is uprooted during sand transfer. Although European beach grass is a contributor to the degradation of habitat for the federally listed snowy plover, there are no identified plover habitat areas suitable for habitat restoration in Cannon Beach, mainly due to the high level of urban development. The nearest areas identified as potential recovery sites are approximately 15 miles to the south, at Nehalem Spit, and 8 miles to the north at the Necanicum Spit. Both sites are in separate littoral cells, separated from Cannon Beach by large headlands. Due to the distance and physical separation of the project area from these sites, no adverse impacts are expected from the planting of non-native beach grass species.

**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.

There were three notices returned requesting a public hearing, with comments ranging from the use of only native beach grass, requesting close inspections making sure removal of invasive weed species were controlled, and it should not be approved if it is only to return ocean views to property owners. One other comment was to make sure the applicant followed Cannon Beach City requirements and was consistent with Phase 1 of the dune management plan.

These issues have been addressed in the above findings and conditions.

**VII. Findings Summary**

Project Need – The project is needed to control the problems of sand accretion, inundation into yards and inundation on public facilities. The City of Cannon Beach has recognized this need, and has gone through a process of adopting a regional foredune management plan as part of the City's comprehensive plan and land use ordinance.

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 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

John Allen,  
Area 1 Manager