Good Evening.

At preceding testimony a common statement has been that the privileged 5% should not be able to pressure the council to grade the dunes.

It is a fact that 97% of accretion in Cannon Beach is impacting the privileged 5%.

It appears that such a small respectful group trying to work with the city on a plan of resolution is being over run by a vocal group claiming to represent the majority on this matter with nothing more than emotional rhetoric.

What would the town look like if dunes were in front of downtown or Mo’s restaurant the Stephanie inn or any other beach front hotel. The impact to businesses and the city would trigger immediate calls to council to resolve the situation.

I ask how many of our opponents would tolerate the dumping of 10 double dump truck loads of sand a day in front of their properties. We have to endure this every day and have for more than 20 years.

We are in the incorporated part of Cannon Beach and as neighbors request that the city give us the means to control the impact of sand upon our homes so that we can join the rest of the town that does not have to endure this.

Please pass the sand management plan.

Thank you.

Bruce Francis 9/17/19
Good Evening.

At this morning’s testimony I was surprised to hear friends of the dunes embrace European beach grass as an environmental asset to the dunes. European beach grass is a noxious weed that has caused an environmental blunder. How do we support one noxious weed over others. Cannon Beach spends thousands of dollars along with volunteer groups controlling knot weed, English ivy and scotch broom. Why are we not addressing European beach grass like other communities up and down the whole west coast. European beach grass needs to be added to the list of noxious weed concerns that Cannon Beach currently attacks.

When I talk to opponents of dune grading I ask them how big they think the dunes should be. Not one has given me a height or width answer.

Ask me how big the dunes should be and I would say back to 1978 when Breakers Point broke ground, but with government oversight and FEMA requirements to maintain 1100 sq ft of dune above the 100 year flood level, I agree that we cannot go back to 1978 levels. To protect against wave overtopping Cannon Beach adds four feet for FEMA and is proposing one foot on top to cover sea rise due to global warming. This seems to be an equitable compromise but Breakers Point has 8 to 10 times the amount of sand to meet this standard and it accretes at over 15,000 cu yds every year.

So ask me how big the dunes should be and I would say no larger than the requirements to meet FEMA standards and the city code.

Therefore I feel we need a sand management plan that allows residents to meet this criteria.

Please pass the sand management plan.

Thank you.
This morning I wish to address the timing of planting stabilizing vegetation. The Allen report favors early spring planting in April, May, June. Such timing requires irrigation and fertilization.

Oregon Department of Land Conservation and Development has a guide to preparing dune management plans as provided for in state wide planning goal 18 (beaches and dunes). DLCD’s guide states “grading should generally be done between Nov 1 and March 15. Beach grass planted or fertilized subsequent to grading will grow best at this time of the year. Grading may be done at other times of the year but is not encouraged.” Unquote!

Breakers Point has followed this guide line for over 20 years and it has resulted in 98% propagation of plantings. Another observation we have made is that fertilization is not required to achieve 98% propagation at this time of the year. We ask that fertilization not be mandatory but an option as it is a source of nitrate pollution to Ecola creek and the estuary as well as an apparent food source to seagulls which is detrimental to their health.

Please follow DLCD’s guide lines for planting in Nov, Dec, Jan, Feb and March as it is the best time to achieve 98% propagation without irrigation and fertilizers.

Thank you.
Good evening.

Tonight I wish to speak about remedial grading. Remedial grading is not a view enhancement issue but an administrative decision that addresses impact of sand on a homeowner’s property and allows them to remove sand and place it back on the dune.

Currently the ordinance allows for removal of sand up to 35 feet from the footing but the proposal is to limit it to 20 feet.

Meg Reed is the Coastal Shores Specialist for DLCD and I asked her how the 20 foot limit turned up. She sent me an answer in an e’mail part of which I will read.

Refer to Meg Reed e’mail attached.

Therefore I conclude that the 20 feet is not set in stone and could remain at 35 feet as is presently the code. 35 feet was established by Cannon Beach back in 1997 because the average distance between the dune and building was 35 feet of landscape and pathways to enter the condominiums.

This distance has worked well as an administrative decision for over 20 years. Any change will tie up the Planning Commission and Council in conditional use permits to remove sand that is limiting access to our units.

Please keep the present 35 foot setback.

Thank you.
remedial grading question

3 messages

Thu, Aug 8, 2019 at 4:31 PM
Reed, Meg <meg.reed@state.or.us>  
To: "Bruce@breakerspointhoa.com" <bruce@breakerspointhoa.com>  
Cc: Jeffrey Adams <adams@ci.cannon-beach.or.us>, Denise Lofman <DLofman@columbiaestuary.org>, SENNEWALD Jay * OPRD <Jay.Sennwald@oregon.gov>, "Phipps, Lisa" <lisa.phipps@state.or.us>

Hi Bruce,

Thanks for your call this morning. As I had mentioned on the phone, I wanted to double check a few things before answering your question about where the number comes from for remedial sand grading and what is required.

As you know, Statewide Planning Goal 18: Beaches and Dunes, requires a plan to grade sand in order to "prevent" sand inundation. It does not, however, require a plan to remove sand which is actually inundating a structure. We consider remedial grading to be maintenance grading in order to keep a building functional. Sand which is physically piled up against exterior walls, doors or windows can damage the structure (by rot or breakage) or prevent access into and out of the structure. Removal of sand which is physically piled up against a building and which prevents normal access to the building is remedial and permissible without a plan.

The goal does not specify any requirements for remedial sand grading for oceanfront properties, however, the department (DLCD) has a guidance document for dune grading meant to assist cities and counties in the creation of foredune management plans and in dune management in general. These recommendations are designed to limit grading consistent with the requirements in Goal 18. You can find that guidance attached and remedial grading information starts on pg. 12. This document is a bit outdated, but most of the information is still helpful as a starting point.

As you had mentioned, Cannon Beach's zoning ordinance currently allows remedial grading up to 35ft from a building's foundation (17.42.060 Specific Standards):

*4. Remedial Dune Grading.

a. The remedial grading of active dune areas is permitted in the following cases:

   i. Clearing of sand which is inundating houses or commercial buildings and their associated improvements. Sand may be graded up to thirty-five feet from a building's foundation subject to the following conditions:

      A. The area to be graded constitutes open sand dunes or the back slope of a foredune,
      B. There is no modification to the crest of a foredune,
      C. At a minimum, the area graded shall maintain the one hundred year flood elevation as established by the city's Flood Insurance Rate Map (FIRM), and
      D. No grading shall occur west of the Oregon Coordinate Line, except for the placement of material removed from the structure in question;*

Hannah, former planner for CREST who was working on the update to the foredune management plan for Cannon Beach at the time, asked my advice on remedial grading about a year ago. I will admit that I didn't realize the city's code had already allowed 35ft in their remedial grading section, I thought it was a new proposal. Our guidance suggests 15ft. Obviously, every dune system is a little different, so 35ft might be a good recommendation in Cannon Beach based on the dune system and where the foredune is relative to the homes. A range of 10-30ft is used in other coastal areas that allow remedial sand grading. Ultimately, this decision is up to the City of Cannon Beach to make based on the on-the-ground conditions and the background science report completed by DOGAMI.

If Oregon State Parks has other recommendations or guidance on this particular issue, I will let Jay Sennewald comment on that – he is copied on this email.

Please let me know if you have any questions.

Thank you,

Meg
DUNE GRADING IN CANNON BEACH

1999 TO 2019

Bruce Francis 9/17/19
HAYSTACK ROCK SEASONAL SAND MOVEMENT
OCEAN AVENUE AREA PLANTED IN 2014
OCEAN AVENUE IMPROVED PUBLIC ACCESS
2008 GRADING AREA LOOKING NORTH ACROSS 5TH ST.
SUCCESSFUL DUNE GRASS MANAGEMENT
IN SUMMARY

- SAND MOVEMENT ALONG THE BEACH AND ON THE DUNES HAS ALWAYS BEEN DYNAMIC WITH TENS OF THOUSANDS OF CUBIC YARDS SHIFTING EVERY YEAR.

- DUNE GRADING HAS BEEN APPROVED IN CANNON BEACH SINCE 1999.

- BREAKERS POINT HAS SUCCESSFULLY GRADED DUNES 6 TIMES SINCE 1999 WITH NO ADVERSE EFFECTS.

- DUNE GRADING HAS PROVIDED ENHANCED PUBLIC ACCESS AND VIEWS BOTH ALONG OCEAN AVENUE AND AT BREAKERS POINT.
THANK YOU