City Hall/Foredune  
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Re: Foredune Management Plan  

Dear Mayor Steidel and City Council Members:  

Thank you for the opportunity to submit these comments concerning the City’s draft Foredune Management Plan (FMP) and related proposed code amendments on behalf of the Chapman Point Homeowners Association (CPHOA). CPHOA includes 19 properties on Chapman Beach that are located primarily on Oak Street and Oak Court. Our association is engaged in the Foredune Management Plan discussion and we are writing in support of the plan conditioned on being specifically included in the plan document as one of the Sand Management Areas, which at this time does not appear to be clearly the case.  

We first wish to express appreciation for the significant work that has gone into the draft documents and for the City’s effort to update its management plan to account for the substantial changes in dune conditions within the Cannon Beach littoral cell over the past 20 years, and to bring the plan and local ordinances into better alignment with Goal 18 and related state guidance. As the study documents and the Council’s discussions reflect, there is a need for management to balance the natural and human environment, stabilize the dunes, restore areas threatened by erosion, and protect areas impacted by accretion and sand inundation.  

The current recommendations in favor of wider and lower dunes, and the use of native and American beach grass over non-native European beach grass, reflect a balanced effort to provide for a more uniform approach throughout the littoral cell that promise long term stability and protection, and a reasonable and uniform standard for the preservation of views (which is also a recognized value under Goal 18 and one of the reasons that people choose to live in Cannon Beach)  

Our primary concern with the current draft plan and related implementing amendments is that they don’t appear to include the properties and portions of the littoral cell north of Breakers Point Sand Management Area, even though Breakers Point and CPHA properties are all on the same Chapman Beach. The Preface in the draft FMP states that “Together, these materials constitute an overall plan for management of the foredune area fronting Cannon Beach”, yet there is no mention of Chapman Beach
in the plan. In fact, suspiciously what was listed in the 1/25/18 draft FMP as “Breakers Point (Chapman Beach)" Sand Management Area being the northerly most segment now reads only “Breakers Point” without reference to Chapman Beach. The Cannon Beach City map clearly shows Chapman Beach being part of the City, yet Figure 2 on page 9, and Figure 3 on page 14 of the draft FMC show the Sand Management Area ending at Breakers Point, leaving the rest of Chapman Beach to Chapman Point out of the plan. The dunes and beach to the north of Breakers Point are part of the same natural system, and the natural forces at work do not respect any artificially designed boundary. This is perhaps an artifact of the City’s permitting process that only areas previously permitted for grading are presently in the City’s comprehensive plan, which is apparently amended as part of a grading permit process, an unfortunate perception is created by the lack of clarity however.

Although I do not believe that anything in the current record suggests that the City has relied upon subdivision and related deed reservations to exclude Chapman Beach from any management plan, for several reasons, any such reliance would be misplaced. The only restriction that I am aware of was included as a condition of approval of the subdivision, and appears directed to a concern that existing dunes would be leveled in the construction process for purposes of enhancing the ocean views of some homes in a fashion that might unreasonably reduce the protection the dunes provided for all of the homes in the area (other conditions of approval make it clear that there was no intent to prevent the protection of existing views). It is our position that the 1997 restriction on Chapman Point’s ability to grade dunes was intended to restrict construction related grading for “view enhancement” only, not to permanently curtail remedial efforts later on. This is an important current distinction, related to the City’s and State’s requirement under goal 18 to address entire beaches in consideration of grading permits. This interpretation is also the view of the developer of Chapman Point, Bob Scanlon, who agreed to the 1997 restrictive language.

No such grading for enhancement occurred, and in the more than 20 years since the subdivision was approved the dramatic accretion of sand as elevated the height of the dunes along Chapman Beach so that views from properties in the area have been substantially degraded rather than enhanced. Under the circumstances, the deed reservation concerning foredune management “for view enhancement” cannot be reasonably interpreted or applied to restrict the City in fashioning an adequate comprehensive public plan for dune management that is consistent with Goal 18 and uniform City zoning ordinances, or for treating Chapman Point homeowners differently from other members of the community. Regardless, the deed reservation is a private contract that will be addressed at a later date, but in no way should it receive consideration or interfere with a comprehensive dune management plan that must be guided by science rather than emotion.

The draft plan refers to, and states that it is intended to address, the requirements in Statewide Planning Goal 18: Beaches and Dunes (Implementation Requirement 7), yet the exclusion of the area from Breakers Point to Chapman Point is inconsistent with these guiding principles. Requirement 7(a) states: “The plan shall: (a) cover an entire beach and foredune area subject to an accretion problem, including adjacent areas potentially affected by changes in flooding, erosion, or accretion as a result of dune grading...” The written guidelines for Goal 18 (OAR 66-015-0010(3) H) states: “Foredune grading needs to be planned for on an area-wide basis because the geologic processes of flooding, erosion, sand movement, wind patterns, and littoral drift affect entire stretches of shoreline. Dune grading cannot be carried out effectively on a lot-by-lot basis because of these areawide processes and the off-site effects of changes in dunes.” A reasonable interpretation of the plain meaning of “enhancement”, particularly in 1997, provides a way through to addressing the difficulty of planning for the entire beach. While interpreting the City’s Chapman Point subdivision approval’s language is not currently before you, the
day could likely come eventually. Hopefully this can assist in the process that is before you, as you consider a way to plan as broadly as possible.

The proposed plan is not an area-wide comprehensive plan as required if Chapman Beach is excluded, as it is obviously part of the Cannon Beach system. Per the Allen Report 79% of the sand migration and accretion moves northward, which suggests that sand pushed onto the beach by others will continue to accumulate on CPHOA properties south of Chapman Point resulting in an unnatural and accelerated buildup of dune height. This would cause unreasonable harm and hardship for CPHOA properties, especially if the beach south of Chapman Point is not included in a comprehensive dune management plan. Again if this is an artifact of the current state of the City’s comprehensive plan, since Chapman Point has never previously applied to be included for dune grading purposes, it is a perception matter easily corrected with clearer references.

We offer these additional comments concerning the Chapman Beach management unit:

- Chapman Beach north of Breakers Point development is geographically and geologically indistinguishable from the beach west of Breakers Point. It has accumulated as much if not more sand than Breakers Point. There is no logical reason for creating the perception of a distinction.
- Chapman Beach should be added to the FMP as a Sand management Area extending north of Breakers point and ending at Chapman Point.
- The beach within the city limits ends at Chapman Point, which should be used to describe the northern end of the Chapman Beach Sand Management Area.
- The sand buildup on Chapman Beach dunes, unless management of dunes is allowed the same as others will permanently take sand out of the beach system, making it no longer available for replenishment of the eroding beaches to the south of the littoral area through natural sand migration.

Thank you for this opportunity to submit these comments and written testimony. On behalf of CPHOA, and myself personally, we would welcome opportunities for further constructive involvement and are committed to working with the City and Council to insure a management plan that protects all members of the community.

Sincerely,

David Snodgrass
President
Chapman Point HOA