

February 29, 2016

To: Sarah Absher
Senior Planner
Tillamook County Department of Community Development

From: Richard Hook
Chair, Neskowin Citizen Advisory Committee

Subject: Application 851-15-000277-PLNG: Seashore Woods Subdivision

The purpose of this letter is to convey the observations and opinion of the Neskowin Citizen Advisory Committee (CAC) with respect to the application for development and subdivision made by Mr. Quirin. At the last CAC meeting, the CAC voted 32-0 (with one abstention) in opposition to this application. The reasons for our opposition are outlined below.

General Observations

First of all, we are puzzled by Mr. Quirin's decision to adhere to the timeline established by the exception to the Coastal Hazards ordinances granted by the County last year. None of the proposed lots fall within the Coastal Hazard Zone. So, even if the exception had not been granted, there is only one relevant aspect of the Coastal Hazards ordinances, the Neskowin Erosion Control and Stormwater Management section, and it is unlikely to have caused any significant impediment to the proposal. As will be noted below there are many problems with this application that would have been better served if the applicant had taken a more measured approach and more time to fully develop his application before submitting it.

Second, to maximize the number of lots he could position in the area subject to development, Mr. Quirin chose to have the main axis of his proposed lots to run east-west. By using this orientation, he had to include wetland in the lots to obtain the necessary lot size. This inclusion is an unnecessary complication that creates many problems and should increase the cost of gaining approval; and perhaps jeopardize the plan altogether.

Detailed Observations – The Application is incomplete

The parcel under consideration for subdivision is zoned as Neskowin Rural Residential Zone (Tillamook County Land Use Ordinance (TCLUO) Section 3.320). The letter sent to Mr. Quirin on August 20, 2015 requested he demonstrate that his development meets the standards of TCLUO Section 3.320 (4), specifically (a) and (d) through (f).

- 1) Confirmation of water service availability from the water district has not been provided (TCLUO 3.320 (4)(f)).
- 2) Because sewer service is not available, approval for on-site sanitation disposal is required for each lot or parcel prior to lot or parcel creation through subdivision, per TCLUO 3.320 (4)(e)(1). The County Sanitarian must certify that there is sufficient lot size for installation of on-site sewage disposal, and that there is adequate protection of public health or sensitive water bodies, per TCLUO 3.320(4)(a). This requirement has not been met.

Because this parcel is not listed as exempt from the Tillamook County Comprehensive Plan Goal 18, the applicant is required to demonstrate that his plan complies with the development standards outlined in TCLUO Section 3.530 (old number 3.085) and is consistent with Goal 18 (see below). According to Section 3.085(5)(B), a Dune Hazard Report is required prior to the approval of subdivision. Mr. Quirin has provided a "Geological Hazard and Dune Reconnaissance Report", dated June 15, 2015, prepared by

Warren Krager. Presumably this is the Dune Hazard Report. As such, it is incomplete for the following reasons:

- 1) Information required by Sections 3.085(5)(B)(3)(a)(3)f, g, and i has not been provided. Subsection i is especially important, as the location, elevation, and width of the foredune is an essential element in determining where development can occur, according to Goal 18.
- 2) Land grading practices, including standards for cuts and fills have not been provided, as required by Section 3.085(5)(B)(3)(a)(3)f. The land grading practices are particularly important, as the roadway for this proposed development is constructed virtually entirely on cuts and fills, per sheet 3 of 5 of the maps provided by Mr. Quirin.
- 3) Mr. Krager's report (page 17) concludes that "it is expected that further planning and preliminary civil engineering design will follow this report." According to TCLUO Section 3.085(5)(B)(3)(a)(2), when the preliminary site report shall recommend that "a more detailed site investigation report is needed to fully disclose the nature of on-site hazards", unless those hazards have been adequately investigated (as they apparently have not, given the incomplete nature of this report and his own recommendation), a more detailed site investigation is required. This more detailed site investigation has not been provided.

It should also be mentioned that with regard to TCLUO Section 3.530, Section (5)(A)(2) requires:

- 1) In Subsection b, all sidehill roads and driveways, shall be entirely in cut areas, unless structural support is provided for fill. Because part of the roadway is to be constructed on fill, the applicant should provide as part of his land grading practices required by Section 3.085(5)(B)(3)(a)(3)f a plan for providing adequate structural support.
- 2) Subsection d requires that "land grading proposals shall demonstrate that the removal of vegetation shall be limited to what is necessary to place buildings, or to install utilities." Given the importance of vegetation in stabilizing the dunes and sand, this demonstration is important in this area. This demonstration has not been provided in the application.

As mentioned above, a considerable portion of the proposed subdivided lots are indicated by the applicant to be in a wetland. The boundary of the wetland is vaguely indicated on the applicant's maps; and noted on sheet 2 of 5 of his maps as the "approximated wetland boundary (to be delineated)". This delineation has to be done in concurrence with the Department of State Lands (DSL). No Wetland Determination Report has been provided, nor a concurrence by DSL, nor even any indication that such a request has been made to DSL. The Department of State Lands has indicated that "state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process." If the delineation agreed to by DSL indicates that the proposed plan will necessitate the placing of parts of structures within the delineated wetland, a Removal-Fill Permit will be required. Also, because the County Sanitarian must certify that there is sufficient lot size for installation of on-site sewage disposal, and that there is adequate protection of public health or sensitive water bodies, per TCLUO 3.320(4)(a), the delineation of the wetland is necessary for the certification by the County Sanitarian. Finally, the Tillamook County Land Division Ordinance, Section 070, part (1)(h) requires "evidence that any required State and Federal permits, as applicable, have been obtained or can reasonably be obtained prior to development." No such evidence has been provided.

Detailed Observations - Statewide Planning Goal 18

According to Goal 18 of the Tillamook County Comprehensive Plan, Section 6.1d a, only those areas in Neskowin that were subdivided prior to 1970 are exempt from Goal 18 provisions. This exemption does not include the property under consideration for subdivision. Because this property is not exempt, the

property is not eligible for riprap or other shoreline protective structure. The absence of a shoreline protective structure means that this proposed development is highly vulnerable to erosion and flooding from the ocean (see below).

Statewide Planning Goal 18 limits development to certain areas, either of which may govern:

- The furthest extent of the foredune; or
- Landforms that have been defined as eligible to be built upon

As noted above, information required by TCLUO Section 3.085(5)(B)(3)(a)(3)i has not been provided, and is especially important, as the location, elevation, and width of the foredune is an essential element in determining where development can occur, according to Goal 18.

Detailed Observations - Statewide Planning Goal 7

Statewide Planning Goal 7, Areas Subject to Natural Disasters and Hazards, reads: “To protect life and property from natural disasters and hazards, developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazard.” The hazards listed include ocean flooding and erosion. The State planning requirements specify, among other requirements, that:

1. Developments should be keyed to the degree of hazard present;
2. Plans for flood areas should prefer uses that do not require structural protection;
3. Low density and open space uses should be preferred in floodplains

There are few locations in the Neskowin area that are more at risk from coastal erosion and ocean wave action and flooding, because of the absence of a protective structure, now or in the future. According to sheet 1 of 5 of the Preliminary Plat provided by the applicant, the approximate distance from the beach zone line to the road is 480 feet. This may seem like a long distance. However, according to “The Neskowin Coastal Erosion Adaptation Plan” (June 2013), page 21, the additional water height during a 50 year storm will be 25.17 feet (26.48 feet less the monthly mean water level). At a beach slope of 4%, this water level will flood the property up to 630 feet from the beach zone. In other words, this means that during this storm event, the water will flood beyond the proposed location of the road and will extend to nearly half way across the lots. Granted, the road and lots are designed to be at a higher elevation than the beach itself. But because the road and the lots cannot be protected from a storm surge of this magnitude, one would expect severe erosion of the road and into the lots during a major storm event.

The above analysis does not include the expected eastward retreat of the beach zone in the future.

According to the “Neskowin Shoreline Assessment, Coastal Engineering Analysis of Existing and Proposed Shoreline Protective Structures” report (March 2013) included in “The Neskowin Coastal Erosion Adaptation Plan” (June 2013), the beach width is predicted to decrease by roughly 175 feet over the next 20 years (page B-41, chart (b), managed retreat). As Goal 18 does not permit riprap or other protective structures, there is nothing to prevent the eventual destruction of these homes by the ocean.

Detailed Observations – Road Access

Road access to Mr. Quirin’s proposed development site is through the North Neskowin neighborhood, and like all of the properties north of the village, there is only one evacuation route, which is subject to regular flooding in the winter.

The proposed road passes through an easement on Lot {5S11W24BD3100} of Neskowin North #1, and then through Tax Lot {5S11W240300300}. The road in Lot 3100 passes through a low area that will require fill. This area can be seen in photograph Quirin #1, which shows that “the road” is significantly flooded. “The road” in Tax Lot 300 also passes through low areas on the south end of the property that will require fill. These areas are of special concern, because, during tidal events, tidal surges pass through this area from the west to the east, connecting the ocean with the wetland behind the proposed development. This tidal surge can be seen in photograph Quirin #2, taken from Tax Lot 300 looking south at Neskowin North #1, which shows a tidal surge passing from the west to the east. Photograph Quirin #3 shows storm surge debris, including driftwood and kelp, that were deposited in wash through which the surge flows, along the northern boundary of Tax lot {5S11W24BD3000} in Neskowin North. Grading and constructing a road through this area could potentially block the natural flow of water into the wetland, resulting in flooding property in Neskowin North. If the road in this area is built up with fill, blocking this storm surge channel, where will all this water go? Into North Neskowin? And what will prevent the water from eroding the road and cutting off this proposed development, as it will be the only road in or out?

Per the Tillamook County Land Division Ordinance, Section 070, part (1)(c): “Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to the standards in Sections 150 and 160 of this ordinance.” Section 150(3) requires that “Improvements may be required by the Public Works Department on streets serving, but not within the boundaries of, the Subdivision or through the Partition of a parcel with a buildout potential of 5 or more parcels” There is no indication that the applicant has submitted his plan to the Public Works Department, and gained their approval. According to Section 160(7), “Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way and surfacing shall be provided by the applicant as part of the Subdivision or Partition”.

Heavy truck traffic during construction will damage the road. There is no provision made so far for compensation. We strongly recommend that the County, given these facts, rigorously enforce the provisions of Section 140 of the Tillamook County Land Division Ordinance.

Given these uncertainties, it is our opinion that the proposed road plan is inadequate.

Conclusion

In summary, the Neskowin CAC opposes this application.

If, against the opposition of the community and all of the inadequacies of the submitted proposal for development outlined above, the County decides to approve the plan, we ask that the County not approve any of the Uses Permitted Conditionally, per the Tillamook Land Use Ordinance Section 3.320(3). Although this area is not within the coastal hazard zone, all the reasons for minimizing density still pertain.

We submit this letter and accompanying photographs to the Tillamook Department of Community Development for consideration by the Tillamook County Planning Commission.

