

SUPPLEMENTAL INFORMATION

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#851-21-000086-PLNG & #851-21-000086-PLNG-01

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Pine Beach Combined Application for Shoreline Protection

Tillamook County Board of Commissioners
August 16, 2021



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Final Presentation

Three Points:

- Approval of applicants' limited request should be granted and will mitigate an extreme natural hazard facing your constituents' lives and property.
- Demonstrate the proposal will do no harm and respond to key concerns.
- Outline requested mechanics of an approval.
 - Including condition of approval that northern access be established and maintained as shown on the engineered plans for that access in the record.

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Why Approve?

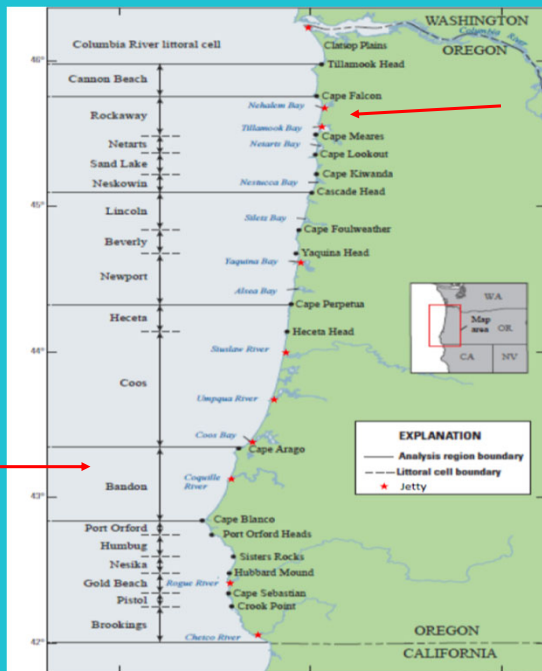
- Proposal is **limited** and based upon **unique facts**: does not establish precedent of general applicability.
 - Not on dry sand beach; rather in applicants' own backyards.
 - Nature cannot "take its course" – problem is caused by man-made installations.
 - Natural beach processes irrevocably lost when the Rockaway subregion had two jetties installed.
 - BPS is necessary due to unique problem of jetties constructed with improper design too close together combined with "EI" events, caused significant erosion trend that has not stopped in Rockaway littoral cell subregion
 - Barview Jetty interferes with sediment transport to the north (Subject Properties).

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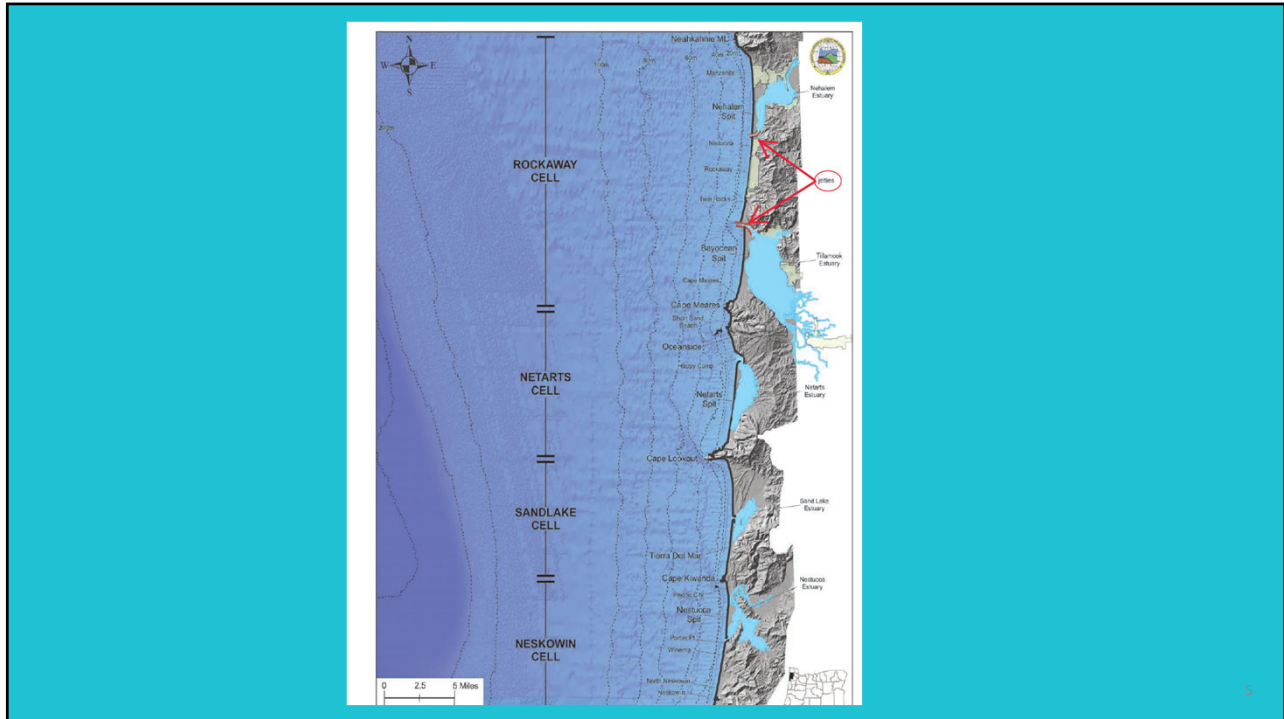
Applicants' July 27, 2021 Submittal, Exh 4, p 9

Next closest together is still twice distance away from one another and is separated by a cape



Jetties in Rockaway littoral cell subregion combined with "EI" events; triggered significant erosion

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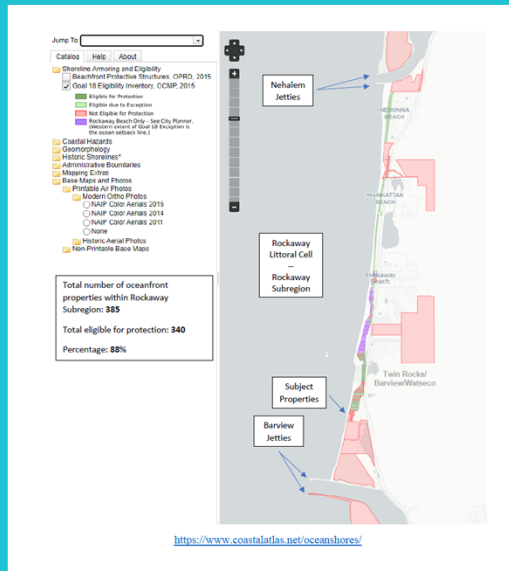


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90% of ownerships in Rockaway Subregion Entitled to BPS

Purple and green are eligible per DLCD "Atlas".

Essentially all developed and developable ownerships are eligible for BPS except for Subject Properties. The Rockaway littoral cell subregion's beach will harden; no possibility of pristine or natural beach function now or in future

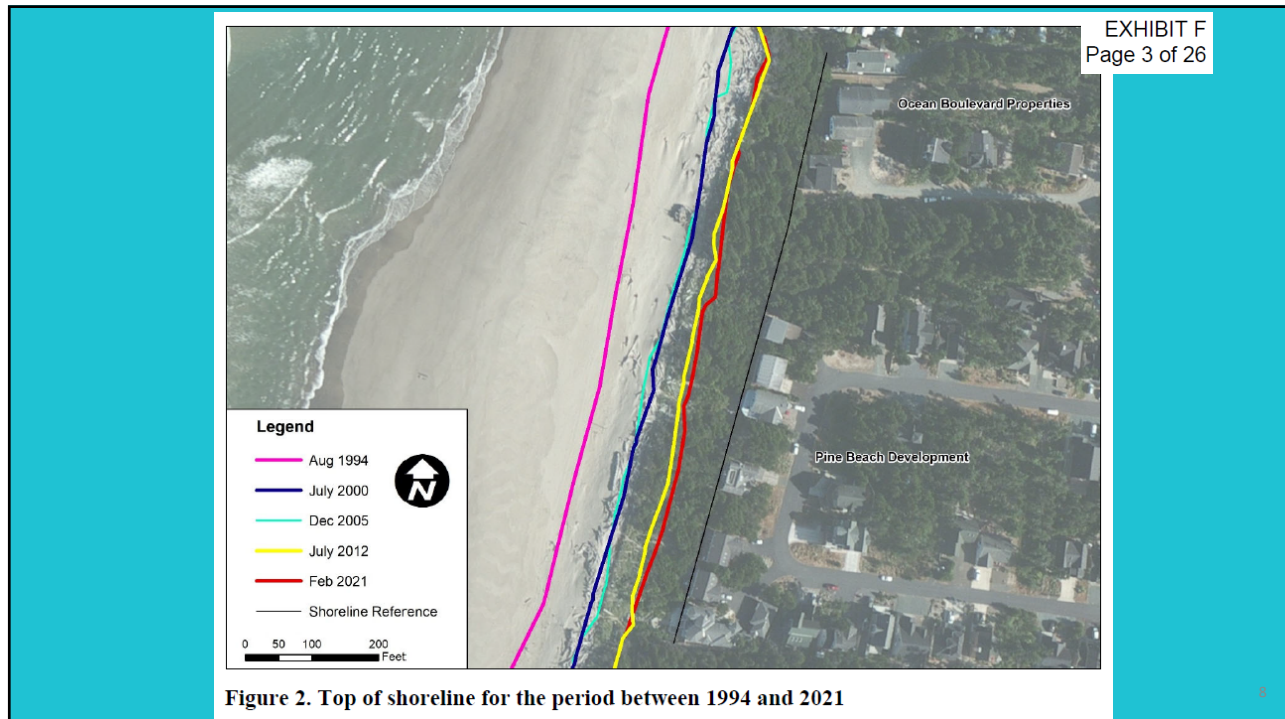


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Why Approve

- Acknowledged urban unincorporated community (Twin Rocks/Barview/Watseco), long planned and zoned for medium density urban residential use under an acknowledged urban planning program.
- Applicants did everything right. When residential development was approved on the Subject Properties, all reports concluded that the area was safe – beach had been prograding for 70+ years. No other known place can say that.
- The areas approved for placing residences were a coastal forest and significant distance from the ocean and beach.

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Why Approve

- Proposal is supported by the Pine Beach HOA.
- Proposal is supported by the County Planning Commission.
- Avoids environmental degradation of homes being swept away and infrastructure being ripped out
- Avoids strain on emergency services to rescue people and property
- Protects your citizens lives and biggest investment
- Protects the properties and infrastructure beyond the Subject Properties



Subject Properties



- Without the proposal, the dune could eventually erode all the way to Old Pacific Highway.
- Hashed areas on Shorewood RV Park show that their BPS is expected to protect that property from such future erosion.

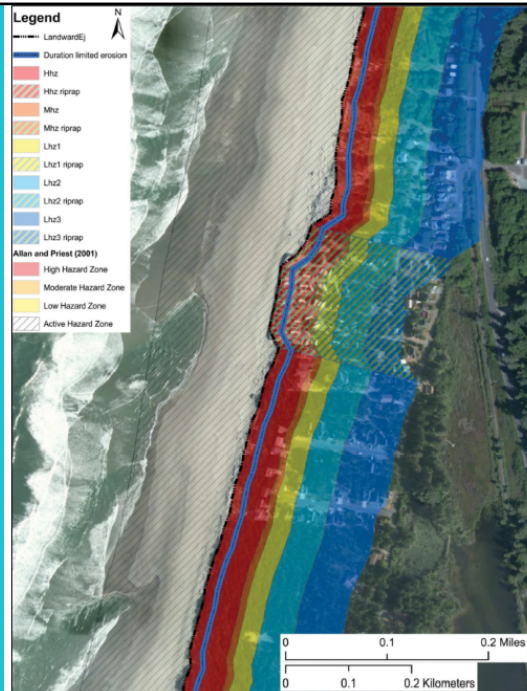


Figure 4. Future dune edge at proposed revetment site (DOGAMI, 2014)

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Important Planning Tool - County Recognized/DLCD has acknowledged Goal 18 Exceptions for County Unincorporated Communities in Peril

- **Cape Meares** – “The area within the flood hazard zone was originally platted in the 1920's and presently consists of 57 platted lots that have the potential of being inundated by ocean flooding. *** Thirty of those lots have already realized development.” Plan, Goal 18, P. 55.
- **Tierra del Mar** – “It presently consists of **49 platted beachfront lots** of which **27 have realized residential development**. The zoning is a combination of R-R *** and R-3 (High Density Residential) which are primarily oriented towards single family residences.” Plan, Goal 18, p. 57-58.
- **Pacific City** – “Several subdivisions occupy this area which constitute a **total of 106 buildable lots**. Of those **65 have realized development** with single family residential dwellings being the primary use.” Plan, Goal 18, P. 60-61.
- **Neskowin** – “Of the total **126 lots within the exception area, 58** have yet to realize development. *** Neskowin is a community that appears to be very desirable for single family residence ***.” Plan, Goal 18, p. 67
- **Twin Rocks-Barview-Watseco** – is the **only** County urban unincorporated community experiencing flooding/erosion that is not protected.
 - The other ocean unincorporated communities without Goal 18 exceptions (Falcon Cove and Oceanside), do not experience erosion/flooding per DOGAMI reports in the record and are unlikely to do so. Oceanside and Falcon Cove are bluff-backed beaches with oceanfront properties not on a dune, but rather bluffs.

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County is Familiar with Goal Exceptions and has Adopted them Previously

- County has taken and DLCD has acknowledged as completely appropriate a “built and committed” Goal 17 Exception for the entire urban unincorporated community of Twin Rocks/Barview/Watseco (including where the proposed BPS will be located and beach beyond)– from County Plan:
- “8.2 ***"Built and Committed" Rural Shorelands from Goal 17 Rural shoreland Use Requirements 3e. Tillamook County finds that there are shoreland areas which are ***"built and committed" to a type and degree of development which is not rural in nature. These include the following communities *** which are necessary, suitable or intended for urban use (Netarts, Oceanside, Pacific City, Neskowin, Cloverdale, Neahkahnie and Twin Rocks-Watseco-Barview.)”

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• Approval is Consistent with DLCD’s “Goal 18 Focus Group” Expectations – the Exception Process is Appropriate

EXHIBIT E
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Policy Options Discussed

2.1 Status Quo: Goal exceptions are completed on a project-by-project basis, with the decision made by the local government as a plan amendment. These decisions go to a hearing in front of the planning commission and then final hearing by the governing body. Decisions can be appealed to LUBA (Land Use Board of Appeals). The focus group talked at length about existing approaches that have been underutilized. ODOT has used exceptions for other goals.

Benefits: This approach already exists and would require no changes to rules or the goal. Goal exceptions process might work best for local public infrastructure protection due to the localized nature of the process (project-by-project approach). Any entity can pursue this option now.



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Proposal requests a plan amendment that will enable the County to comply with its state Goal 7 and Goal 18 obligations

- County obligations under Goal 7 -

County Plan must be established and amended to “Protect people and property from natural hazards.”

- County Obligations under Goal 18 -

Requires County to “Reduce the hazard to human life and property from natural or man-induced actions associated with [coastal beach and dune] areas.”

Not possible to discharge these obligations without approving proposal

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Beachfront Protection is Urgently Needed

- King Tides in 2020 and 2021 reached Subject Properties + 45’ beyond
- Continued significant threat of severe flooding.
- County’s Plan (Goal 18 element) contemplates that where more detailed information is needed that “the County will consult the USDA [SCS] Survey for coastal Tillamook County and will perform field inspections using criteria described in ‘A System of Classifying and Identifying Oregon’s Beaches and Dunes’ in the ‘Beaches and Dunes Handbook for the Oregon Coast.’”
- Applicants’ reports provided required analysis / demonstrate dune is “conditionally stable” and under significant threat of wave overtopping/undercutting.



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Claims that there is no severe, imminent flooding risk, are mistaken

- Between 1994-2021, the shoreline has receded 142 feet.

EXHIBIT F
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Table 1. Summary of Loss of Property from 1994 to 2021

Year	Distance from Western Edge of Oceanfront Homes along Pine Beach Development and Ocean Boulevard Properties (ft)	Loss of Property since 1994 (ft)
1994	221	0
2000	138	-83
2005	138	-83
2012	86	-135
2021	79	-142

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Properties and infrastructure are now in imminent peril

- More than \$10 million in property value at risk of being lost.
- In addition to infrastructure (public water and sewer, roads, utilities)

Real Market Value Based on 2020 County Tax Assessment Reports

Account #	Map #	RMV
399441	1N1007DD00114	\$1,575,520
399444	1N1007DD00115	\$657,960
399447	1N1007DD00116	\$834,070
399450	1N1007DD00117	\$316,730
399453	1N1007DD00118	\$710,300
399456	1N1007DD00119	\$316,730
399459	1N1007DD00120	\$705,120
399462	1N1007DD00121	\$680,640
399465	1N1007DD00122	\$698,930
399468	1N1007DD00123	\$1,138,890
62425	1N1007DA03000	\$690,130
62611	1N1007DA03100	\$698,310
355715	1N1007DA03104	\$636,220
62719	1N1007DA03203	\$312,720
322822	1N1007DA03204	\$312,720
TOTAL:		\$10,284,990

TOTAL: \$10,284,990



Property Owners Contribute \$75,000/year to County in Taxes

Tax Statements 2020-21

Account #	Map #	Tax 2020-21
399441	1N1007DD00114	\$8,969.35
399444	1N1007DD00115	\$5,075.78
399447	1N1007DD00116	\$5,456.46
399450	1N1007DD00117	\$2,329.53
399453	1N1007DD00118	\$5,566.80
399456	1N1007DD00119	\$2,329.53
399459	1N1007DD00120	\$5,249.30
399462	1N1007DD00121	\$5,451.05
399465	1N1007DD00122	\$5,181.77
399468	1N1007DD00123	\$7,609.27
62425	1N1007DA03000	\$5,787.17
62611	1N1007DA03100	\$5,419.97
355715	1N1007DA03104	\$5,261.53
62719	1N1007DA03203	\$2,647.78
322822	1N1007DA03204	\$2,647.78
TOTAL:		\$74,983.07

TOTAL: \$74,983.07



Subject Properties are an Important Source of Property Taxes Supporting County Service Providers

- If Subject Properties are wiped out, \$75,000 in annual tax revenues will be irrevocably lost.
 - Police
 - Fire
 - Schools
 - Education Service Districts

Not to mention the potential loss of life, lifetime of savings, of hard family work and investment of Tillamook County citizens.

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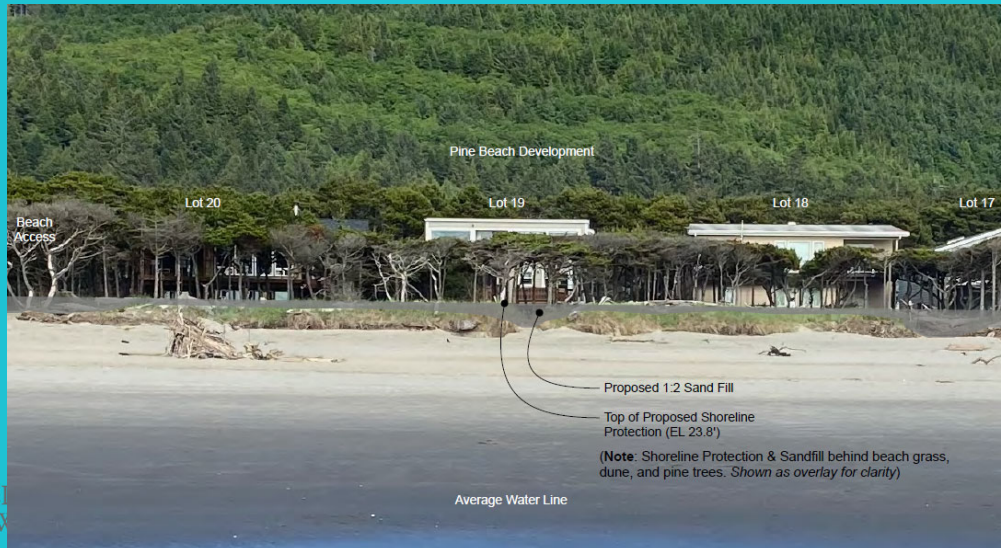
Approval will do no harm

- BPS is 3-feet in height; will mitigate and reduce the significant risk of harm.
- Because BPS proposed in existing backyards, does not impact north/south beach access at all.
 - Existing east west accesses for Pine Beach and three Watseco Blocks are protected and improved – will be 10' in width. **Request a condition of approval** that access be developed as shown on the applicants' engineered plans – NOTE THAT THE slope is not more than 12% - normal ped access is 10-15%.
- Because it is modest, BPS is not visually intrusive; will be practically invisible from the beach

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Pine Beach's BPS will blend into the natural coastal landscape



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Proposal does no harm

- Weggel classification level 2 – minimal impact on coastal processes and other properties - it is above the still water line and below the total water line.
- Does not cause flanking, wave runup or change the way the ocean approaches any other property.
- There are no “Goal 5” or other natural resources present where the BPS will be (on backyards) or otherwise adversely impacted by the proposed BPS.
- All Goal 5 resources significant distance away (Smith Lake).
- BPS will be periodically covered, replanted with beach grasses.
- Trees that will come out for BPS are dying due to constant saltwater inundation.

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Proposed BPS will be Effective

- Evidence in the record is that the proposal will significantly reduce hazard to life and property

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Please keep in mind --

- The existing residential development on the Subject Properties was never in a mapped “coastal high hazard area.” BPS will be but areas for houses is not.
- The Subject Properties investments in good faith – properties became subject to ocean undercutting/wave overtopping due to the unusual effect of uniquely placed man-made jetties influenced by successive EI events causing unexpected erosion in the Rockaway subregion that reversed the 70+-year period of prograding that had been occurring when residential development was approved on the Subject Properties.
- County obligations under Goal 7: “Protect people and property from natural hazards.” Goal 18: “Reduce the hazard to human life and property from natural or man-induced actions associated with [coastal beach and dune] areas.”



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Approval Framework

- Please treat George Shand and Pine Beach Subdivisions differently
- George Shand – Make finding “developed” on Jan 1, 1977.
- Pine Beach – Make finding not “developed” on January 1, 1977.

Note the Goal 18 options for BPS eligibility – “developed” on magic date (Goal 18 IM 2 and 5); an exception (existing or new one) allows residential dev on eroding dune (Goal 18, IM 2); “catch all” reasons exception to the magic eligibility date (to Goal 18, IM 5, making properties not “developed” in 1977 nonetheless eligible for BPS); and Goal 18 specific “reasons” exception to Goal 18, IM 2 that allows residential dev on eroding dune (and when an exception allows residential dev on eroding dune, it is eligible for BPS).

- George Shand – *in the alternative* if not “developed” on Jan 1, 1977, then GS already has an exception that allows residential development on a dune that is eroding (subject to wave overtopping and undercutting).
 - Therefore, under Goal 18, IM 5, GS eligible for BPS and meets all Goal 18 standards for BPS.
- Pine Beach – Since not “developed” on Jan 1, 1977, not eligible for BPS on that basis but eligible because residential development has been authorized on an eroding dune under an existing goal exception.

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Alternative Findings for Both GS and PB

- In the alternative, if a reviewing authority decides the Subject Properties were not “developed” on January 1, 1977, or existing exceptions are not good enough, then they qualify for a Goal 18, IM 5 exception to the magic date, under a “catch all” reasons exception.
 - An acknowledged urban unincorporated community is in severe risk of natural hazard that will harm persons and property. BPS reduces their risk of harm.
 - If the County does not approve the requested “catch all” exception to Goal 18, IM 5, County cannot comply with its Goal 7 obligation to amend its plan to reduce the risk of harm to persons and property from hazards.
 - If the County does not approve the requested “catch all” exception to Goal 18, IM 5, County cannot comply with its Goal 18 obligations to protect acknowledged Goal 18 “appropriate development” from hazards.

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There are “unique” or “exceptional” circumstances (necessary only for catch all reasons exception)

- Unique, man-made changes in Rockaway subregion - installing two jetties unusually close, irrevocably altered ocean/beach processes there. No others on Oregon Coast constructed so close to one another, causing the unusual ocean system malfunction in the subregion. These man-made changes caused unusual ocean and beach interaction -the ocean prograded sand for more than 70-years, and then after two El events (winters of 1997 and 1998), dramatically started funneling sand away.
- 90% of the ownerships in the LC subregion are rip rapped/eligible for BPS according to DLCD’s own “Atlas.” The subregion will soon be hardened. Nothing saved by sacrificing the Applicants and their homes/property.
- The Subject Properties were approved for residential development when the ocean had been prograding for more than 70-years. PS platted in 1950 and PB first in 1930s then replatted in 1994. The expert reports that evaluated the residential development proposals did not foresee the significant erosion following “El” events.
- The Subject Properties are part of a vibrant urban unincorporated community acknowledged to provide the County with dense urban residential dev, based upon the idea that they are safe.
- The County has taken Goal 18 exceptions for **all other** of the County's limited urban unincorporated communities in extreme danger as here. The County (and state) has never intentionally sacrificed the coastal area of an **acknowledged urban unincorporated community** to natural disaster. Rather, per Goal 7 and 18, and the basic role of government, protection is warranted. This does not open a "floodgate". The County and indeed the state has few acknowledged unincorporated communities. They are not the norm. But when extreme hazards come calling, at least here, they must be protected.
- The Property owners did everything right/in good faith. Bought/developed properties in good faith based on County's urban acknowledged planning program that encourages residential dev/investment. They should not be punished when natural disaster calls, - Portland should not be forbidden to shore up buildings against the Cascadia subduction; fire fighters should not refuse wildfire response to urban unincorporated communities or incorporated ones like Phoenix Oregon.

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ALTERNATIVE FINDINGS FOR BOTH GS AND PB

- IN ADDITON TO A CATCH ALL REASONS EXCEPTION TO THE Goal 18, IM 5 “magic date” : If the existing exceptions are not good enough to be considered exceptions that now allow residential development on an eroding dune, then the George Shand Tracts are eligible for exceptions to **Goal 18, Implementation Measure 2 (that does not allow residential development on an eroding dune)** of different types:
- NEW: Built and Committed Exceptions: the lots *with residences/garages* are **committed** to residential development and **built** with residential development on a dune that has started to erode. This would be an exception to Goal 18, IM 2 that would make the Subject Properties eligible for BPS.
- NEW: Committed Exceptions: the *vacant lots* within the same subdivision, are surrounded by residential development and residential infrastructure (water, sewer, gas, electricity, telephone, roads) is stubbed to serve them, they are committed to residential development on a dune that has started to erode. This would be an exception to Goal 18, IM 2 that would make the Subject Properties eligible for BPS.
- •NEW: Goal 18-specific reasons exception: Allowing residential development to exist on a dune that is eroding. This would be an exception to Goal 18, IM 2 that would make the Subject Properties eligible for BPS.

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The Proposed BPS Meets Standards for Exceptions

*** Physically developed/committed type to Goal 18, IM 2***

The Subject Properties - all in platted subdivisions;

- 11 built with houses/garages; many occupied by full time residents;
- 4 do not yet have houses, but are developed with urban infrastructure (sewer, water, electricity, gas, telephone) and roads,
- All are in an acknowledged urban unincorporated community and zoned R-3 (med density residential). County Plan reinforces Twin Rocks-Barview-Watseco commitment to residential development:

Lands included within the community growth boundary are committed to development and can be easily served with sewer and water.

Environmental consequences are beneficial because committed areas are used for development.

The entire area is included within sewer and water districts. Developed areas are currently served and undeveloped areas are in close proximity to existing lines.

Economic consequences are favorable because sufficient land that can be easily served is included within the boundary.

- (5) County Plan states the County “needs” the Subject Properties and the rest of Twin Rocks-Barview-Watseco to maintain housing:

1) Demonstrated need to accommodate long range urban population growth requirements consistent with LCDC goals:

There is a need to accommodate approximately 130 additional housing units by the year 2000. The community growth boundary will accommodate approximately 320 dwellings.

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- In fact, the acknowledged County Comprehensive Plan defines facts here to meet “committed” exception type

Another form of “commitment” could consist of significant earlier public decisions, such as the approval and recording of a subdivision upon which construction has been started. Such construction might be the laying of a water or sewer line specifically designed and sized to permanently serve the subdivision.

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The Policy Underpinnings Demonstrate Approved Residential Development may Remain in Place and, as such, Goal 18 Requires they be Protected from Harm

- It is true that exceptions to one goal does not “ensure compliance with any other applicable goal” (OAR 660-004-0010(3)).
- Here, regardless of whether existing or new - exceptions have allowed residential dev on an eroding dune, which is what Goal 18, IM 2 otherwise prohibits without an existing or new exception.
- Goal 18 states that its purpose is “To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.”
- Accordingly, the policy of Goal 18 is furthered by protecting life and property to understand the existing committed exceptions allowing the residential development on the Subject Properties/eroding dune, to be exceptions under Goal 18, IM 2 or to approve new exceptions to allow that already approved residential development – which means that Goal 18 allows the BPS.
- This is not an “implied exception”: it is either the reality that the existing exception allows residential development exactly where it is and that now is a place where Goal 18 IM 2 says it is not supposed to be. Or it is a new exception that recognizes we have significant approved residential development now in harms way that must be recognized under Goal 18, IM 2.

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Requested Conditions

- The BPS be installed and maintained at the Applicants/their successors’ sole expense;
- The BPS be maintained to include be periodically recovered with sand as needed;
- The existing E/W access to the beach be installed and maintained as shown on the engineered plans by West Consulting, at the sole expense of the Applicants/their successors.

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Requested Mechanics

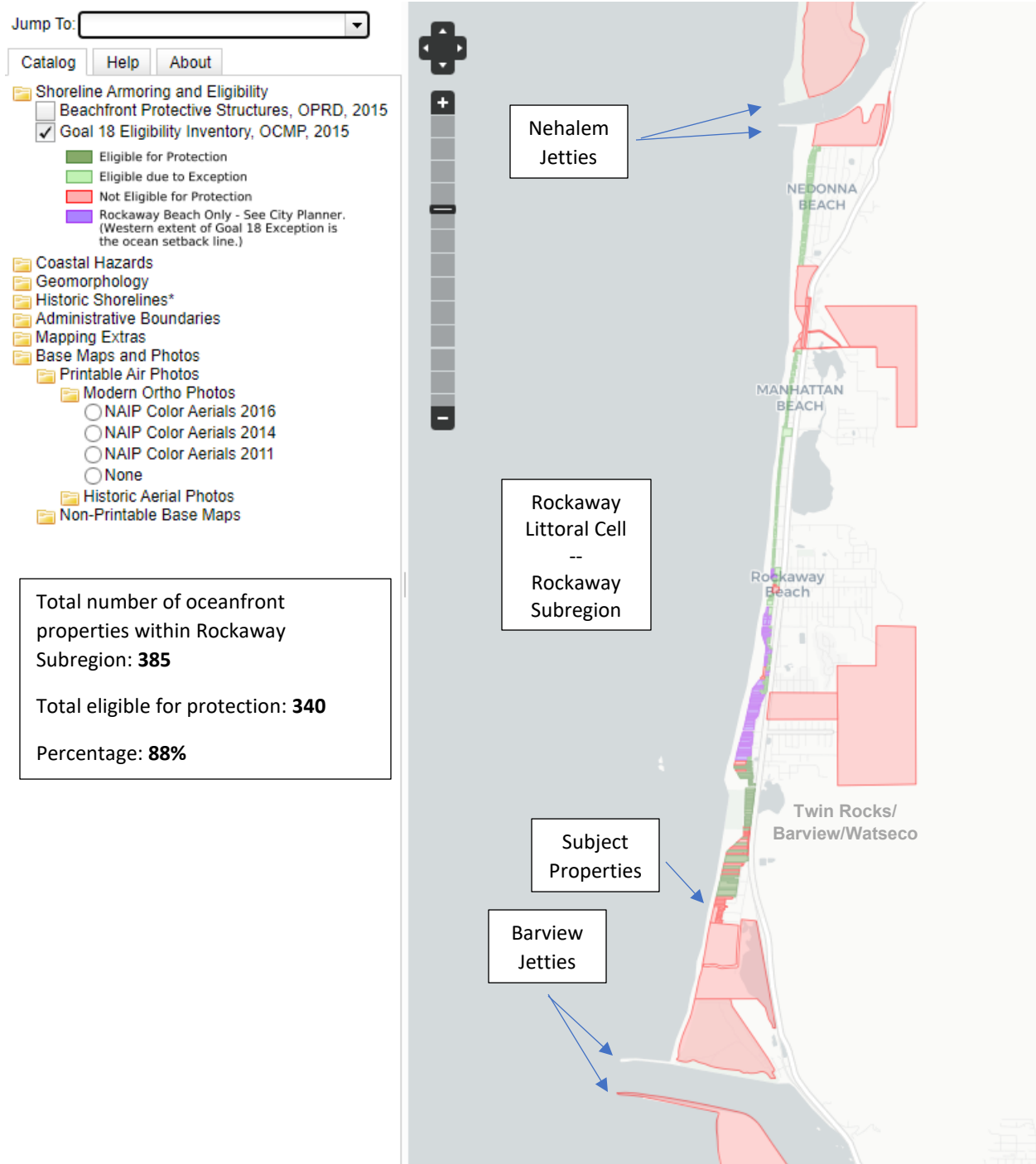
- If you approve, Applicants request to work with your professional staff to write the findings to be sure to respond to all relevant issues raised in this proceeding.
- Applicants request that you provide ample time to write and review the findings before adoption.
- Applicants will extend the processing period as necessary to accomplish that.
- Know your time and consideration are appreciated.

- Thank you

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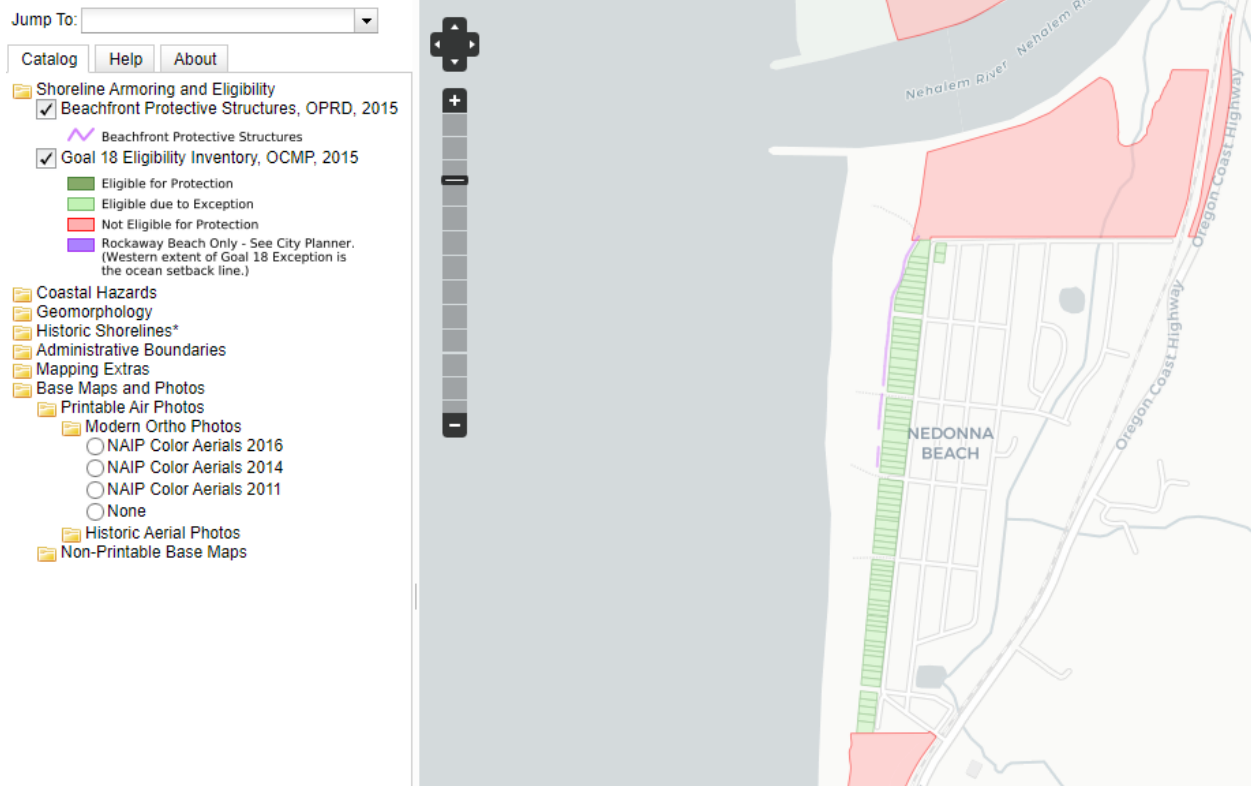
Oregon Coastal Atlas

Goal 18 Eligibility Inventory – Rockaway Littoral Cell-Rockaway Subregion

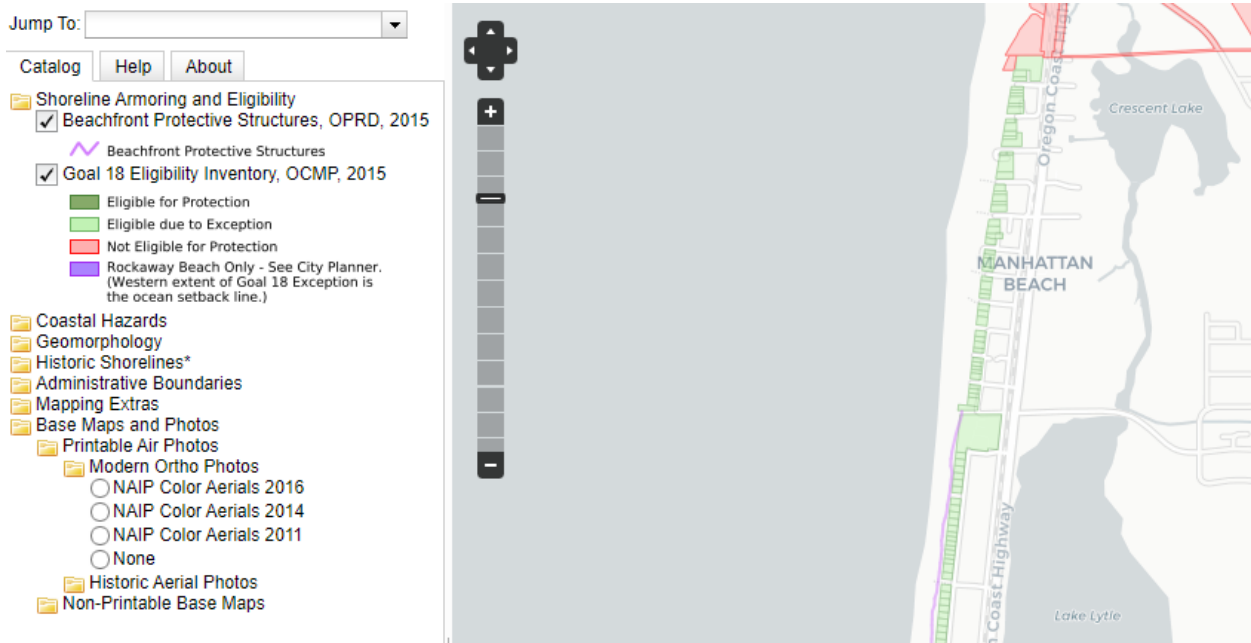


<https://www.coastalatlantlas.net/oceanshores/>

Goal 18 Eligibility Inventory and BPS – Rockaway Subregion: Nedonna Beach



Goal 18 Eligibility Inventory and BPS – Rockaway Subregion: Manhattan Beach

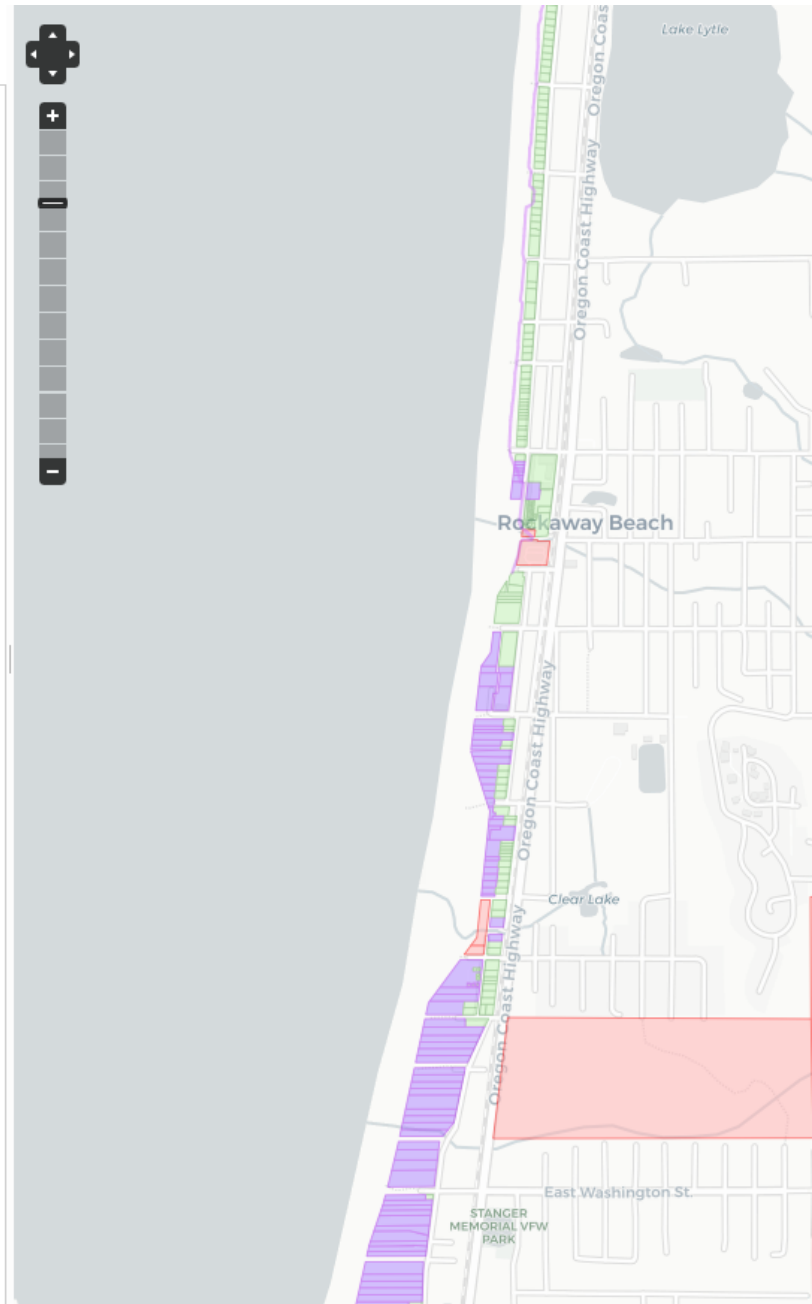


Goal 18 Eligibility Inventory and BPS – Rockaway Subregion: Rockaway Beach

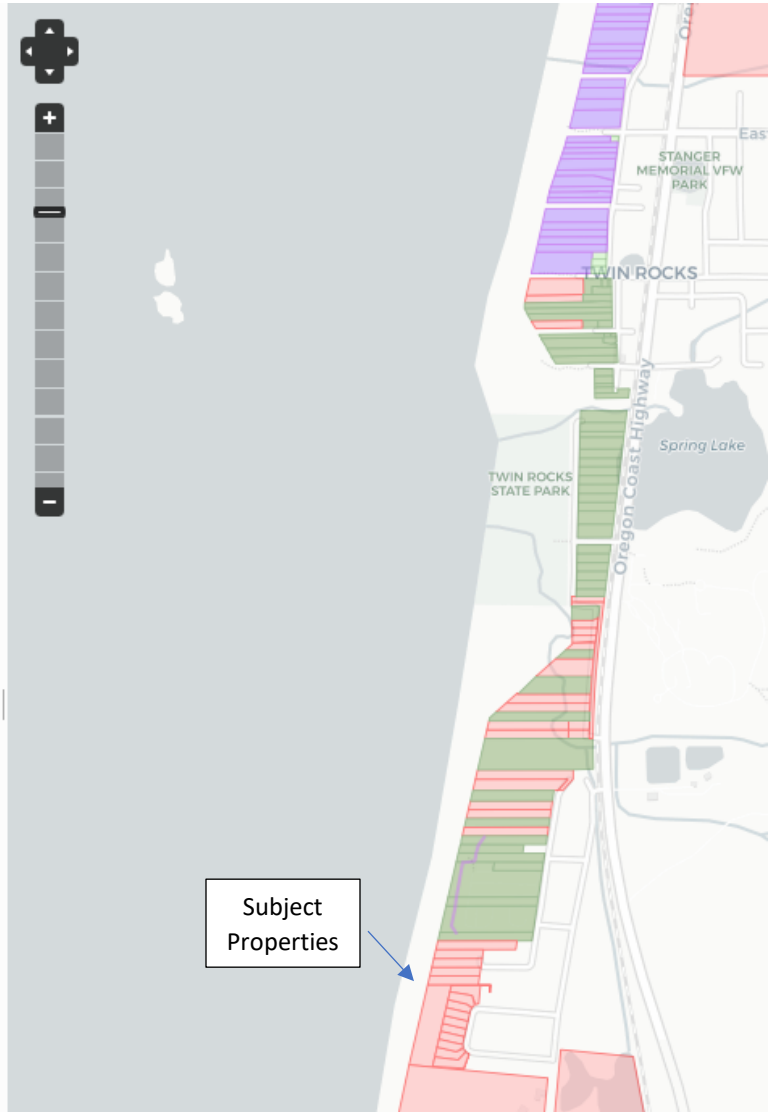
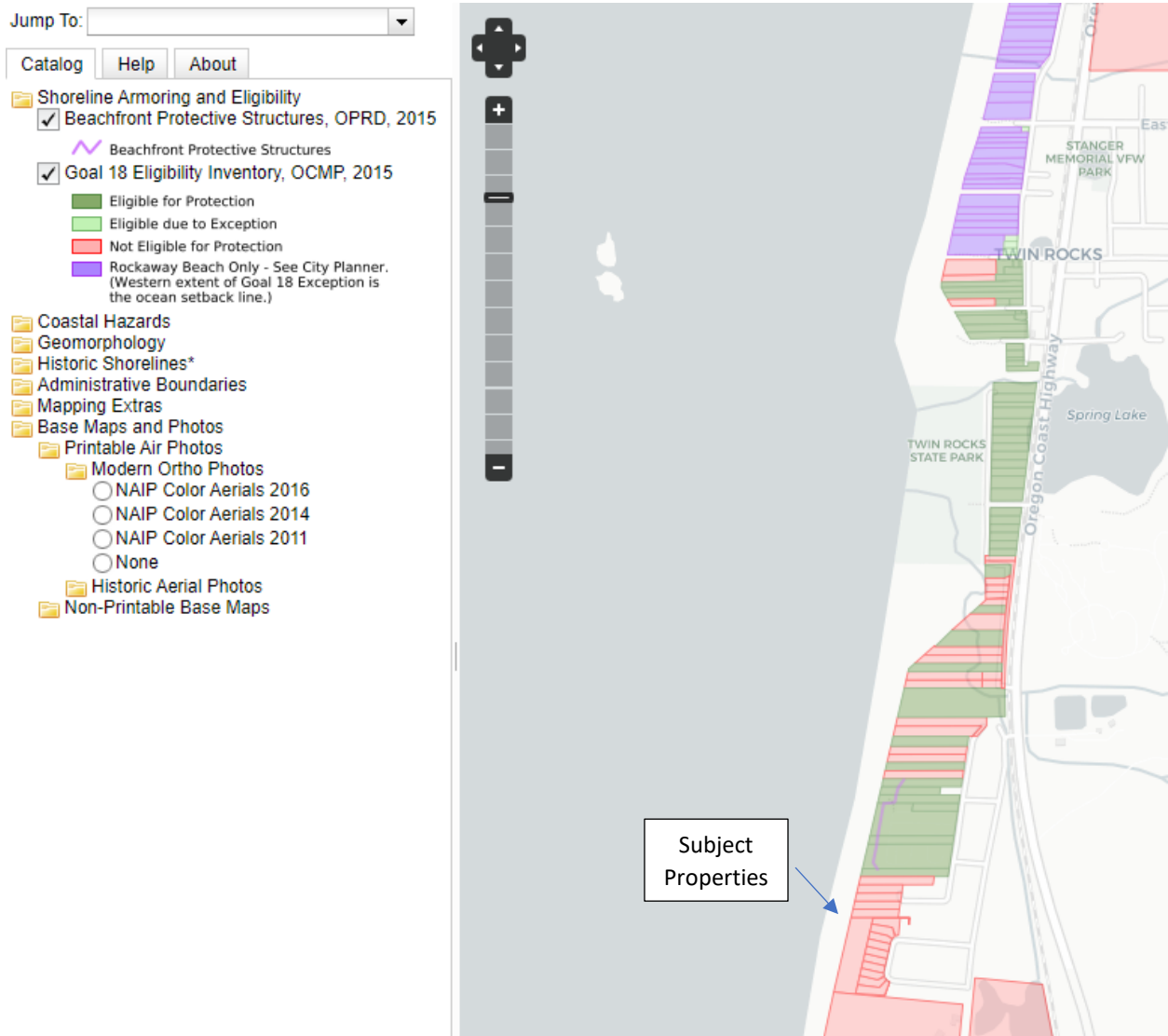
Jump To:

Catalog Help About

- Shoreline Armoring and Eligibility
 - Beachfront Protective Structures, OPRD, 2015
 - Beachfront Protective Structures
 - Goal 18 Eligibility Inventory, OCMP, 2015
 - Eligible for Protection
 - Eligible due to Exception
 - Not Eligible for Protection
 - Rockaway Beach Only - See City Planner. (Western extent of Goal 18 Exception is the ocean setback line.)
- Coastal Hazards
- Geomorphology
- Historic Shorelines*
- Administrative Boundaries
- Mapping Extras
- Base Maps and Photos
 - Printable Air Photos
 - Modern Ortho Photos
 - NAIP Color Aerials 2016
 - NAIP Color Aerials 2014
 - NAIP Color Aerials 2011
 - None
 - Historic Aerial Photos
 - Non-Printable Base Maps



Goal 18 Eligibility Inventory and BPS – Rockaway Subregion: Twin Rocks/Barview/Watseco



June 24, 2021

Members of the Tillamook County Planning Commission
C/O Sarah Absher, Director
Tillamook County
Department of Community Development
1510 B Third St.
Tillamook, OR. 97141

RE: 851-21-000086-PLNG-01; Applicants' Response to Crag Law Center's/Oregon Shores Conservation Coalition's Request to Exclude Applicants' Testimony/Reopen the Record

Dear Chair Heckerroth and Members of the Planning Commission,

This letter is in response to Crag Law Center's/Oregon Shores Conservation Coalition's (collectively, "Oregon Shores") request this afternoon to exclude the Applicants' testimony, or in the alternative, to reopen the record of the above matter. With respect, the bases for their request are mistaken and should be denied. Applicants' respectfully request that the planning commission adhere to the notice and schedule and make its recommendation tonight.

Oregon Shores' erroneously claims that the Applicants submitted new evidence during the second open record period, which closed at 4pm on June 10, 2021, which was a period that was limited to rebuttal evidence only. The Applicants' submissions during that period were rebuttal testimony to the material submitted in the previous period and were well within the scope of rebuttal. Because Applicants' submissions were rebuttal testimony only, as we demonstrate below, the Planning Commission should not reopen the record to allow for submission of additional information and rebuttal. The reason is a practical one. It is unnecessary to do so and risks further delay.

- Ocean Shores' objections to emails from Sarah Mitchell (of Attorneys for Applicants) to Planning Staff, Subject: 851-21-000086-PLNG Applicants' Second Open Record Submittal, Dated June 10, 2021 at 3:39 PM and 3:49 PM:
 - Applicants' Second Open Record Submittal: Oregon Shores claims that images at pages 4 and 8 were not submitted previously as part of the public hearing or first open record period. This is wrong. The image on page 4 is taken from West Consultants' Supplemental Technical Memorandum, dated May 27, 2021, and submitted during the first open record period that closed at 4pm on June 3, 2021. The image on page 8 is rebuttal to opponents' comments submitted during the first open record period that the proposed BPS will be visually unappealing and contrast the native coastal landscape. *See, e.g.*, Surfrider Foundation letter, dated May 27, 2021 (Comments and Testimony Received June 3rd pdf, p. 5 of 185). Applicants' image shows that the proposed BPS will be barely visible from the ocean shore and will blend seamlessly into the native coastal landscape.

- Exhibit A – National Wetlands Inventory (NWI) Map is rebuttal to opponents’ comments submitted during the first open record period that the proposal is inconsistent with the Statewide Planning Goals, including Goal 5. *See, e.g.*, Oregon Shores letter, dated June 3, 2021 (Comments and Testimony Received June 3rd pdf, p. 145 of 185). The NWI map shows that no wetlands, which would be a Goal 5 resource, are located on the subject properties.
- Exhibit B – DLCD Lincoln County BPS Comment Letter is rebuttal to opponents’ arguments submitted during the first open record period that the Applicants should have explored other locations for the proposed BPS. *See, e.g.*, Oregon Shores Letter, dated June 3, 2021, p. 8 (Comments and Testimony Received June 3rd pdf, p. 144 of 185). Applicants’ submittal of DLCD’s Lincoln County Letter shows that DLCD agrees that mitigation of ongoing shoreline erosion can only be placed on the beachfront of the properties to be protected because of the site-specific locational need for the erosion mitigation protection.
- Exhibit C – Survey of Beach Accesses is rebuttal to opponents’ comments submitted during the first open record period that the proposed BPS makes beach access difficult. *See, e.g.*, Oregon Shores Letter, dated June 3, 2021, p. 2 (Comments and Testimony Received June 3rd pdf, p. 138 of 185). The survey provided along with an updated BPS design show that the existing beach accesses are preserved by the design of the BPS.
- Exhibit D – 2021 Coastal Flooding Images are rebuttal to some opponents’ comments submitted during the first open record period that global climate change and that future sea level rise and related storms may overwhelm the BPS and are a reason to deny the application. *See, e.g.*, Oregon Shores Letter, dated June 3, 2021, p. 10 (Comments and Testimony Received June 3rd pdf, p. 146 of 185). Applicants argue in rebuttal that those arguments lack merit because the BPS is designed to address the present need of the subject properties which is presently occurring coastal flooding such as that which occurred during King Tide events of 2021.
- Exhibit E – West Consultants’ Second Supplemental Memorandum is rebuttal to opponents’ concerns submitted during the first open record period regarding the performance of the BPS over a 20-year period, considering climate change effects on sea level rise and shoreline retreat; allegations that the effects of coastal flooding and erosion are merely natural cyclical ocean processes; and that the subject properties are not located on a dune subject to wave overtopping and ocean undercutting. *See, e.g.*, Oregon Shores Letter, dated June 3, 2021, p. 8, 10 (Comments and Testimony Received June 3rd pdf, p. 144, 146 of 185). West shows that Ocean Shores assertions are wrong.
- Exhibit F – BPS Modeling Images are rebuttal to comments submitted during the first open record period that the proposed BPS will be visually unappealing and contrast the native coastal landscape. *See, e.g.*, Surfrider Foundation letter, dated May 27, 2021 (Comments and Testimony Received June 3rd pdf, p. 5 of 185).

Applicants modeling imagery show the lack of visual impacts of the BPS – it will be located landward of an existing foredune, only 3’ above ground, and covered with sand and native vegetation, making it barely visible from the ocean shore.

- Exhibit G – Photos of Subject Properties, like Exhibit F, are rebuttal to comments submitted during the first open record period that the proposed BPS will be visually unappealing and contrast the native coastal landscape. *See, e.g.*, Surfrider Foundation letter, dated May 27, 2021 (Comments and Testimony Received June 3rd pdf, p. 5 of 185). The photos are intended to give a sense of how the BPS will blend into the coastal landscape.
- Emails from Wendie Kellington and Sarah Mitchell (of attorneys for Applicants) to Planning Staff submitting photos of Pine Beach backyards and path images, photos of George Shand lots south to north, and photos of George Shand lots backyards, Dated June 10, 2021 at 3:56 PM, 3:57 PM and 3:59 PM:
 - The photos submitted with these emails, like Applicants’ Exhibits F and G described above, are rebuttal to comments submitted during the first open record period that the proposed BPS will be visually unappealing and contrast the native coastal landscape. *See, e.g.*, Surfrider Foundation letter, dated May 27, 2021 (Comments and Testimony Received June 3rd pdf, p. 5 of 185). The photos are intended to give a sense of how the BPS will blend into the coastal landscape.
- Applicants’ Final Written Argument, submitted June 17, 2021 by 4pm:
 - Oregon Shores claims that images at pages 2 and 7 were not include in the record prior to the close of the second open record period. Oregon Shores is wrong. The image on page 2 is taken from Applicants’ Exhibit D (2021 Coastal Flooding Images) submitted with their second open record period submittal as rebuttal to opponents’ comments submitted during the first open record period that global climate change and that future sea level rise and related storms may overwhelm the BPS and are a reason to deny the application. The image on page 7 is taken from West Consultants’ Supplemental Technical Memorandum, dated May 27, 2021, and submitted during the first open record period that closed at 4pm on June 3, 2021.

Each of Applicants’ submissions during the second open record period that closed at 4pm on June 10, 2021 were responsive rebuttal testimony to comments submitted during the first open record period and do not constitute impermissible “new evidence”.

Applicants see no reason to delay this matter any further and respectfully request that Ocean Shores’ requests be denied. Thank you.

Very truly yours,



Wendie L. Kellington