

RE: 3470 Beach Loop Drive unauthorized planting

Hello Richard,

Per our conversation in September, I'm taking the time to formally reach out and share my concerns. As we discussed, my main issue is with the planning of the seagrass and spruce trees in the backyard without my knowledge or consent and the drainage issues which have resulted.

This effect of this action has caused a massive sand dune to develop as the seagrass and the spruce trees catch the sand and it has grown exponentially over the years. Previous to the development of the dune, all properties north of 3470 Beach Loop Dr used to drain excess water out to the ocean. However, with the dune now present, drain water from the north properties on the hill travels south and drain into my property. Because of the dune, my property also does not drain out to the ocean as it historically has in the past.

As a result, last year I did not have significant drainage to handle my property as well as all of the extra rain water from all of the properties north of me during the winter months. Last year, water backed up to the sliding glass doors of the garage. I used to have a culvert to drain to Johnson creek, but the growth has covered the covert and I'm not allowed to repair it to Johnson Creek.

Along with the properties to the north draining into my property now, my other concern is the golf course across the street in not being maintained. In the past, the culvert has plugged up on the golf course side of Beach Loop Road and water comes over into my garage. When this occurred last time, we had to bring in an excavator to open up the seawall to allow for drainage, which solved the immediate issue. However, because the dune has grown over the past years, I am very concerned I will have no solution to remove the rain water from the north properties and the un-maintained golf course. Even if I excavate the seawall, there is nowhere for the water to go because of this new dune.

Currently, I have no solutions. When the rain starts this year, water from the north properties and the golf course will back up and flow into my garage with my tools, cars, and other possessions.

In 2010, I attended a council meeting in which the subject was Goal 18. I argued along with other property owners to be removed from the flood zone. The council at that time agreed to remove it from the flood zone and I thought the issue was put to rest. However, I have recently found out that I was still in the designated flood plain and have no ability to rebuilt if it floods and the property is damaged beyond repair.

This is my family property. But, it's not the same property that my mom and dad bought in 1986. I came to Bandon with my family to help my parents build an addition to the house for their motorhome. We enjoyed the town and the people so much, we decided to move her and purchased a property on Morrison road. When I first started working on the Beach Loop Drive property, I thought it was the most unique property on the Oregon coast. With it being parallel to Johnson Creek, private level access to the beach and unobstructed views of Face Rock, this was truly one of the most desirable lots in Bandon. Luckily, when my father passed in 2008, he still had that vision. Unfortunately, the view has now been blocked by this dune and the path to the beach, that was once level, is now a challenge to climb up and down.

When Goal 18 came into effect we were told about this land grabbing scam about putting properties into a flood zone and I thought I had nipped it in the bud after the 2010 council meeting voted in my favor. However, that doesn't seem to be the case.

This dune has caused and will cause further damage and unreparable loss if it is not corrected. It is a manmade dune created by a government entity that was not consulted by the home owners in which the seagrass and spruce trees were planted on. Either the City of Bandon, BLM or the State of Oregon planted the grass and trees to create this issue without any thought of the ramifications this property. This home was built with years of past storms in mind. The seawall carefully designed to hold water back from the creek and the ocean. Hundreds of years of mother natures' creation have been altered by the planting of the grass and the resulting dune that alters the natural water flow.

The ocean floor west of Johnson Creek is very shallow and incapable of consistent high surf. The last high surf of consequence was in 1989 or 1990 when the surf tossed up logs into the Jetty parking lot and the beach at the light house. Yet, my father's property was unaffected. By natures design and careful planning of the seawall, the house was not touched by the storm that ravaged the rest of the Bandon coastline.

The property is also located within Bandon City limits. Being within the city limits, the City or Public Works should provide an adequate rain water drainage route. Because of the newly created dune, all properties north of mine, rather than draining to the ocean as they have for decades, now drain to my property. Not only will I have to contend with my own drainage requirements that are being plugged up by the dune, but also each of the other properties north of me and the potential of the un maintained golf course that could wash into my yard.

I'm writing this letter to let you know of the situation. I'm asking for help in correcting the issues. I would like you to help address the drainage issue that has been caused by the creation of the dune due to the seagrass that was planted by a government agency. Being in city limits, it is unfair to expect me to have a method to resolve rain water drainage on my property as well as to have all the other properties drain to my yard. None of our properties can drain to the ocean with the new dune.

I would request that you provide a solution to help with my drainage requirements. The optimal potential solution is addressing the root cause of the issue which is the man-made dune that is hampering natures natural drainage path. Removing the seagrass would allow nature to eventually lower the dune back to its original state. Other potential solutions would be a culvert through my property that drains to Johnson Creek. I should not be liable for the cost or labor to solve these issues of rainwater drainage. Also, the properties north of mine need to have their drainage addressed as they are also in City limits are required to contain their own rain water drainage so they do not run to my property.

My ultimate concern is that when the rains start, my house will become flooded and I will have no recourse to solve the issue. Thank you for your time and I looking forward to hearing your thoughts on the matter.

Joe Lively - 541-347-7707  
3470 Beach Loop Drive  
Bandon, Oregon 97411