



FINDINGS OF FACT STAFF REPORT

Date: June 19th, 2007 OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number: BA-621-07 County: Tillamook Applicant: Rockaway Beach Resort, Inc.

Project Location: 615 N. Pacific, Rockaway Beach, OR
Tillamook County Assessor's Map # T2N, R10, Section 32, BC, tax lots 4600, 3300

Brief Project Description: This is an after-the-fact permit request for an uncompleted stairway built by the Rockaway Beach Resort. The project involves the construction of a wood and concrete beach access stairway with an adjustable stair landing on the ocean shore. This stairway will provide safe access for owners and guests over an existing 15-foot-high riprap revetment.

ADMINISTRATIVE RULE STANDARDS AND RELEVANT FACTS

I. GENERAL STANDARDS, OAR 736-020-0010

Project Need – There shall be adequate justification for a project to occur on and alter the ocean shore area.

Severe winter storms during the period of 1998 and 1999 altered the Rockaway beach profile and resulted in the loss of significant vegetated dune and lowered beach levels. An Ocean Shore Improvement Permit (BA-477-99) permit was issued for riprap placement to protect private property and public beach access points along Rockaway Beach. The permit required that the riprap structure incorporate beach access with a stepping stone design that would provide passage down the face of the riprap. The applicant has explained that the need for the project is to provide safe access to the beach, as the existing rip rap "step" design limits passage for elderly individuals and/or persons with limited mobility.

Protection of Public Rights – Public ownership of or use easement rights on the ocean shore shall be adequately protected.

The stairway will occupy approximately 84 square feet of the upper beach area, which consists of a previously permitted riprap structure built on a frontal dune. The project will not affect public rights of use on the ocean shore.

Public Laws – The applicant shall comply with federal, state, and local laws and regulations affecting the project.

The City of Rockaway has signed the City/County Planning Department Affidavit form and has determined that the project is not regulated by the local comprehensive plan and zoning ordinances. State laws and regulations are being addressed through this permit review.

Alterations and Project Modifications – There are no reasonable alternatives to the proposed activity or project modifications that would better protect the public rights, reduce or eliminate the detrimental affects on the ocean shore, or avoid long-term cost to the public.

The proposed stairway is 21' feet in length x 4' in width and takes up only a small area covering the existing riprap revetment. Public beach access is located adjacent to the proposed stairway and is only accessible for able-bodied individuals to access the beach. The proposed stairway constitutes a reasonable solution for providing safe access, while causing minor impacts to the ocean shore.

Public Costs – There are no reasonable special measures which might reduce or eliminate significant public costs. Prior to submission of the application, the applicant shall consider alternatives such as nonstructural solutions, provision for ultimate removal responsibility for structures when no longer needed, reclamation of excavation pits, mitigation of project damages to public interests, or a time limit on project life to allow for changes in public interest.

There are no significant public costs anticipated for this project. The upland property owner will be responsible for continued maintenance of the stairway, or its removal, should it become a safety hazard.

Compliance with LCDC Goals – The proposed project shall be evaluated against the applicable criteria included within Statewide Planning Goals administered by the Department of Land Conservation and Development.

The City of Rockaway has determined that the project is not regulated by the local comprehensive plan and zoning ordinances. The previously permitted riprap structure (BA 477-99) was certified as being in compliance with the local comprehensive plan and land use regulations. This certification meets the Department's obligation to ensure compatibility with the Statewide Planning Goals administered by the local governments

II. SCENIC STANDARDS, OAR 736-020-0015

Projects on the ocean shore shall be designed to minimize damage to the scenic attraction of the ocean shore area.

Natural Features – The project shall retain the scenic attraction of key natural features, for example, beaches, headlands cliffs, sea stacks, streams, tide pools, bedrock formations, fossil beds and ancient forest remains.

The project will result in the construction of a stairway structure on the existing riprap revetment, but will not significantly affect the scenic attraction of the ocean shore. Various stairways, the adjacent riprap revetment structure to the north and south, and existing homes already impact the scenic qualities of the coastal dune in this area. No key natural features will be affected.

Shoreline Vegetation – The project shall retain or restore existing vegetation on the ocean shore when vital to scenic values.

The project will be constructed over an existing riprap revetment. No vegetation exists on the site.

View Obstruction – The project shall avoid or minimize obstruction of existing views of the ocean and beaches from adjacent properties.

The stairway will not affect or obstruct ocean or beach viewing opportunities from adjacent properties

Compatibility with Surroundings – The project shall blend in with the existing shoreline scenery (type of construction, color, etc.).

The stairway will be constructed with pressure-treated material with a natural unfinished wood color. In general, the shoreline along this part of Rockaway Beach is a developed area with residential homes and several existing stairways nearby. The proposed stairway will not be a departure from the existing visual setting.

III. RECREATION USE STANDARDS, OAR 736-020-0020

Recreation Use – The project shall not be a detriment to public recreation use opportunities within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

The stairway will project twenty-one feet on top of the existing rip rap revetment of the upper beach, and will not be a detriment to public recreation. A small section of temporary steps will be attached to the main structure as needed depending on seasonal sand levels. The project does not occupy any significant dry beach area and will not affect typical recreation uses such as sunbathing, walking, kite flying, sandcastle building, or beachcombing.

Recreation Access – The project shall avoid blocking off or obstructing public access routes within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

Public access routes along the ocean shore will be unaffected, due to the minimal area that the lower portion of the stairs will occupy.

IV. SAFETY STANDARDS, OAR 736-020-0030

The project shall be designed to avoid or minimize safety hazards to the public and shoreline properties. The following safety standards shall be applied, where applicable, to each application for an ocean shore permit.

Structural Safety – The project shall not be a safety hazard to the public due to inadequate structural foundations, lack of bank stability, or the use of weak materials subject to rapid ocean damage.

The proposed stairway is to be constructed of lumber with a concrete foot posts. Given the location of the stairway, it is possible, that with high surf action, large rocks or logs could be hurled into the structure and potentially cause damage rendering it unusable. If the stairway is damaged, or rendered unusable, the applicant and subsequent property owners will be required to repair, remove or relocate the structure, including the concrete posts. This issue will be addressed through permit conditions.

Obstructional Hazards – the project shall minimize obstructions to pedestrians or vehicles going onto or along the ocean shore area.

The beach is relatively wide and flat in this area and the proposed stairway will only project a small distance onto the ocean shore. This project will not create an obstruction to pedestrians or vehicles.

Neighboring Properties – The project shall be designed to avoid or minimize ocean erosion or safety problems for neighboring properties.

The proposed stairway does not result in any type of a surface that could reflect wave energy on neighboring properties.

Based on these considerations, the project will not affect erosion rates or water currents and will have no adverse impacts on adjoining properties

Property Protection – Beachfront property protection projects shall be designed to accomplish a reasonable degree of increased safety for the on-shore property to be protected.

This is not a beachfront property protection project.

V. NATURAL AND CULTURAL RESOURCE STANDARDS, OAR 736-020-0030

Projects on the ocean shore shall avoid or minimize damage to the following natural resources, habitat, or ocean shore conditions, and where applicable, shall not violate state standards:

Fish and wildlife resources including rare, threatened or endangered species and fish and wildlife habitats.

There are no reported fish and wildlife resources that will be impacted by the proposed project.

Estuarine values and navigation interests.

The project is not adjacent to an estuary, and does not affect navigable water on the ocean.

Historic, cultural and archeological sites.

Notice of the application was provided to the State Historic Preservation Office, and to the Confederated Tribes of the Siletz and Grand Ronde Indians. There were no reports of historic, cultural, or archeological sites at this location.

Natural areas (vegetation or aquatic features).

No vegetation exists on the site. There are no aquatic features that will be impacted by the proposed stairway.

Air and water quality of the ocean shore area.

The stairway will be constructed by hand, and will not cause siltation or other water quality problems. There will be no air emissions associated with the project, as all work will be done by hand.

Areas of geologic interest, fossil beds, ancient forest remnants.

None of these features have been identified at the site.

When necessary to protect native plant communities or fish and wildlife habitat on the subject or adjacent properties, only native, non-invasive, plant species shall be used for revegetation.

The site is located within a developed commercial and residential area of Rockaway Beach. There are no protected native plant communities and/or fish and wildlife habitat on or adjacent to the subject property.

VI. PUBLIC COMMENT

Notice of the proposed project was posted at the site for 30 days in accordance with ORS 390.650. Individual notification and a copy of the application were mailed to government agencies and individuals on OPRD's ocean shore mailing list. No comments were received in opposition to the request.

VII. FINDINGS SUMMARY

Project Need – The proposed stairway with handrails is designed to meet standard building codes to provide safe beach access for the owners and guests of the Rockaway Beach Resort. The stairway will enable pedestrians’ beach access from the property without the safety and mobility limitations of the adjacent stone steps access, or the need to scale down over the existing riprap. Based on the above considerations, OPRD finds that there is adequate justification for the project to occur on and alter the ocean shore area.

The following checklist summarizes whether the application satisfies the general, scenic, recreation, safety and natural and cultural resource standards as defined in OAR 736-020-0010 through 736-020-0030:

Standard	Yes	No	Standard	Yes	No
Project Need	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Structural Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protection of Public Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Obstructional Hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Laws	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neighboring Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alteration and Project Modifications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Costs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fish and Wildlife Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compliance with LCDC Goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Estuarine Values and Navigation Interests	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natural Features	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Historic, Cultural and Archeological Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shoreline Vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Natural Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
View Obstruction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Air and Water Quality of the ocean shore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compatibility with Surroundings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Areas of Geologic Interest	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use of Native Plant Species when Necessary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

VIII. STAFF RECOMMENDATION:

Based on an analysis of the facts and in consideration of the standards evaluated under OAR-736-020-0005 through OAR 736-020-0030, I recommend the following action:

- Approval
- Approval with conditions
- Denial

Tony Stein
Coastal Land Use Coordinator