



## FINDINGS OF FACT STAFF REPORT

Date: 8/27/08

OPRD Coastal Land Use Coordinator: Calum Stevenson

OPRD File Number: BA-646-08

County: Curry

Applicant: Oregon Parks & Recreation  
Dept.

Project Location: T40S R14W Sec 36 TL 3 Harris Beach State Park

### Brief Project Description:

Project is to enhance the picnic/viewing and beach access to meet ADA accessibility standards. Existing asphalt walkways, shoreline protection and drinking fountain will be removed and new retaining walls, concrete walks, and railings will be installed.

## 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.**

The existing beach access at the Harris Beach State Park day-use and the adjacent shoreline protection structure is in need of replacement. The current structure was constructed approximately 40 years ago and needs to be replaced for safety, aesthetics, and OPRD's goal to provide for ADA accessibility. The Harris Beach State Park day-use area and the adjacent beaches are heavily used by visitors and the project will afford a safe transit to the beach for a cross section of the population including those that require American with Disabilities Act accommodations. The shoreline protection structure presents a hazard for people accessing the beach as it is difficult to walk over and is a danger because of storm tossed rocks.

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

The proposed beach access project will not affect public ownership or use easement rights on the ocean shore. It will facilitate beach access and improve pedestrian access to the beaches.

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

The State of Oregon regulations are being addressed under the review of this permit. The City of Brookings has reviewed the project and has determined that it is consistent with the local comprehensive plan and zoning ordinance. The City further states that the property is located in the Public Open Space District with the purpose to preserve and enhance publicly owned recreational areas. Since the project is located adjacent to the Pacific Ocean, all materials need to comply with Chapter 17.100 Hazardous Building Site Protection/Hillside Development Standards and be submitted to the City of Brookings for approval.

An Army Corps of Engineers permit is not required due to the location of the project above mean high tide.

***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.***

Public rights will be enhanced by the project as it will afford greater public access to the beach.

Limited impact to the ocean shore is expected from the project. The proposed shoreline protection structure will replace an existing riprap wall and any detrimental affects will have materialized in the approximately 40 years the structure has been in place. The selected site will provide the least detrimental impact to the beach and upland resources.

The public will experience a benefit from the project and the long-term cost to the public will be alleviated.

***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.***

The permit applicant will be responsible for the maintenance of the beach access improvements and if the structure is not maintained to a safe standard or becomes a detriment to ocean shore resources, OPRD will be responsible for its removal. The project is a replacement for a structure that has been deemed beyond its project life and OPRD has taken the responsibility to upgrade the access with this plan. There is no reason to believe that, in the future, OPRD will not take the responsibility to remove or upgrade the structure.

***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 Brookings has certified the project is in compliance with the local comprehensive plan which is acknowledged by LCDC as meeting the Statewide Planning Goal requirements.

## **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.**

A natural rock structure is located west of the proposed project, but will not be impacted by the construction. Current shoreline protection structure rock will be removed and used in the new structure to blend in with the natural rock and the surrounding area. The retaining wall will be low profile and will have a sloping grade behind the wall that will blend with the surrounding area with the planting of scrubs and trees occurring after the installation. The required hand rail for slopes greater than 5% will be powder coated in a charcoal gray color that will blend in with the rock structures in the area.

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

As stated in the submitted plans the slope will be stabilized with grass, shrubs, and/or trees.

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

No existing views from adjacent properties will be affected by this structure as the project is wholly within the boundary of Harris Beach State Park and is not within view of adjacent properties.

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

Construction will be low profile with the use of available rock to blend in with the surrounding rock.

### 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 project will enhance recreational opportunities for a wide range of visitors including those with ADA requirements.

**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.**

Access to the beach will be enhanced when the project is completed and will not obstruct access routes within the ocean shore area.

### IV. SAFETY STANDARDS, OAR 736-020-0030

**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 project has been designed by registered professional engineers contracted by OPRD to ensure the integrity of the construction. In addition, the City of Brookings engineer will review the plans to determine compliance with Chapter 17.100 Hazardous Building Site Protection/Hillside Development Standards.

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

The proposed structures will not create an obstruction to pedestrians going onto or along the ocean shore area. It will enhance pedestrian access onto the ocean shore area.

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

The project is well within the boundaries of Harris Beach State Park and will not impact neighboring properties. A shoreline protection structure has been a part of this section of the beach for the past 40 years and has not been found to create erosion issues for adjacent property.

***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.***

The project is expected to enhance the protection of the on-shore property and is designed by registered professional engineers to accomplish that goal.

**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. No fish bearing waterways are within the project area.

***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.***

A standard condition of approval will require that all work cease immediately if any cultural material is discovered during construction activities until an archaeological permit is obtained. An OPRD archaeologist will be on-site to monitor the potential for the discovery of cultural and/or archaeological sites.

***Natural areas (vegetation or aquatic features).***

Some vegetation will be impacted during the construction process, but will be re-vegetated upon completion of the installation. No aquatic features will be impacted by the project.

***Air and water quality of the ocean shore area.***

An erosion control plan has been submitted with the ocean shore permit application to reduce the impact to water quality. Plan page C3 outlines the precautions that will be taken including the use of a sediment fence that is properly installed. An OPRD project manager will be on-site to ensure compliance with erosion control to reduce impacts to water quality. Air quality will not be impacted.

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

These features are not known to be present 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.***

Vegetative plantings are proposed to restore any disturbed areas.

**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. OPRD received no comments in opposition to the application.

**VII. Findings Summary**

The proposed project will benefit the recreating public by providing an all-accessible ocean shore access to the beach in an area that is a public recreation site.

The project will replace an existing shoreline protection structure and beach access that is in need of extensive repair or replacement. Replacement will enhance safety, scenic values, and recreational access for all visitor populations.

Based on the above considerations, OPRD finds that there is adequate justification for the project to occur on and alter the ocean shore.

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"/>		<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

Coastal Land Use Coordinator  
Calum Stevenson