



FINDINGS OF FACT STAFF REPORT

Date: September 19, 2008 OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number: BA-648-08 County: Tillamook Applicant(s):
Tillamook County Parks Department

Project Location: West of the Tillamook County Parking Lot at Pacific City
Tillamook County Assessor's Map 4S-11W-24AA, Tax Lot 1600

Background: The proposal involves alterations to an existing beach access ramp to improve and provide safe vehicular and pedestrian traffic onto the ocean shore. This improvement is designed to eliminate the annual placement of fill material that provided a necessary roadway to beach transition at the base of the ramp. This is a high use area with diverse recreational interests accessing the ocean shore during the summer season. The "Pacific City Dory Ramp" is the main beach access for the Pacific City community and includes the adjacent county parking lot, nearby campgrounds, hotel developments and residential homes. Ocean user groups converge at this location, with a mix of pedestrian and vehicular traffic, and this proposal is designed to improve public safety by encouraging pedestrians to stay-off the vehicular driving lanes.

Brief Project Description: The project proposes to widen the driving width of the ramp from 12 feet to 24 feet, extending down at a 2.6:1 slope to an elevation of approximately 6 ft. below the estimated winter beach level. The ramp expansion also includes the addition of 5 foot wide pedestrian walkways on each side. A curb will be constructed between the driving lane and the sidewalks to make a clear distinction between walking and driving areas. The ramp improvements will extend the ramp approximately 20 feet further west from the existing ramp but well within the footprint allowed under the original permit issued in 1973 (BA # 057-73). The Oregon State Highway Division permit was issued for a 20' X 75' wide access ramp with a wire gabion (4' X 4' X 20') as a toe protection structure to control ocean erosion. The new ramp will be in the same location as the existing ramp, but will significantly improve safety and risk issues relating to the interaction of vehicles and pedestrians.

The County of Tillamook has determined that clear pathways and safe beach access is needed for vehicular and pedestrian user groups.

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.

Access improvements are needed to better facilitate public entry to this active urban beach area in conjunction with the transportation of Dory boats to and from the beach. During busy periods, there is uncontrolled vehicular and pedestrian access utilized by a single entry/exit road lane causing increased traffic congestion. By providing additional driving area for vehicles and separate pedestrian walkways, a wider ramp structure will allow sufficient area for public entry/exit, thus providing safe passage and minimizing traffic congestion.

The current situation has public and Dory boat vehicles (with trailers) accessing the beach in a single lane with no clear separation or distinction of pedestrian and vehicular lanes, at times causing traffic problems and compromising public safety.

A finding of project need follows the review of all other applicable standards and is included in the findings summary at the end of this report.

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

The ramp will serve as both public access and emergency vehicle access. Though some sand beach area will be taken up by the ramp expansion, the improvements will be available for public use and will provide a safer beach access. The proposed project will not affect public ownership or use easement rights on the ocean shore, but will better facilitate vehicle and pedestrian beach access from the Tillamook County Parking lot.

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

State of Oregon regulations are being addressed under the review of this permit. The County of Tillamook has indicated that the project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.

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.

No alternatives have been proposed as part of the permit application. The County of Tillamook has proposed this site for the access improvements because of the existing structure, central location, proximity to nearby facilities and its current and historic function as an access ramp. Based on the proposed design, it appears that the improvements will be durable and long lasting, with minimal costs for public maintenance after the initial investment for construction.

The project will result in no change to the beach profile, and the additional width of the concrete ramp structure is not expected to create any significant or detrimental affects on the ocean shore, or long-term public costs. During years of high beach erosion, the expanded structure may cause some localized erosion to the unprotected property the south, but is not expected to be significant. Under-cutting or exposure of the concrete structure during years of low beach profiles may become an issue, but repairs using non-structural measures such as cobble or sand placement may provide a protective solution.

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.

Aside from the initial investment to construct the project, and expected maintenance activities, there are no foreseen public costs associated with the beach access ramp and associated improvements. Tillamook County Parks Department will be responsible for all costs associated with construction and/or maintenance of the project.

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 Tillamook County Planning Department has certified that the project is in compliance with the local comprehensive plan and land use ordinance, which are 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.

The natural features of the beach and the bluff will remain intact, and no significant landforms such as headlands, sea stacks, or streams will be affected. The subject site consists of an existing concrete ramp, with an adjacent wood observation platform and riprap structure located to the north. The project improves the existing structure, but does substantially change the visual appearance of the existing shoreline which is located in a developed urban setting.

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

The project will occupy some sandy beach area, but will not result in removal of vegetation. No vegetation exists within the proposed project area or in the immediate vicinity.

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

The ramp improvements will be at a similar elevation of the existing concrete ramp and 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 site is located within an urban beach environment with existing paved parking areas, motel and restaurant developments, single-family dwellings, and other structures lining the shoreline. The proposed expansion to the existing concrete access ramp will fit in with this surrounding environment.

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 expanded access ramp will be compatible with recreational use and will provide a benefit for commercial and recreational activity held on the beach. The project should have no adverse impacts on public recreation, as the beach is generally quite wide and generally flat at this site, with ample room for recreational use.

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.

The expanded concrete ramp will occupy approximately 480 square feet of beach area, but will be available for public use as a beach access. As discussed above, the project will not cause an obstruction to public access along the shoreline.

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 project has been designed to provide long-term durability and safe access for public use. The toe and ramp side walls extend well below the projected winter beach profile, to allow for anticipated fluctuations in beach sand levels. The structure is constructed to be as durable as possible, however, with high surf action, large rocks or logs could be hurled into the structure and potentially cause damage. If the ramp additions are damaged, or pieces of concrete break free from the structure, the applicant and subsequent property owners will be required to repair or remove the structure or alleviate any problems. 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 project is intended to provide a safe and clearly defined user access to the shoreline, which includes pedestrians, public vehicles, Dory boats (with trailers) and emergency vehicles. The project will not encroach onto the beach to the extent that it would impede north to south travel.

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

No adverse impacts to neighboring properties are expected. The proposed structure will blend into the existing riprap to the north, protecting upland development from erosion and flooding. To the south, the proposed ramp sidewalls have been designed at a 2:1 slope extending below winter beach elevations and tapered to minimize flank erosion and reduce dune scouring.

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 access ramp is not proposed as shoreline protection, and has been specifically designed to improve and provide safe vehicular and pedestrian traffic onto the ocean shore.

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.

A standard condition of approval will require that all work cease immediately if any cultural material is discovered during construction activities, until an archeological permit is obtained.

Natural areas (vegetation or aquatic features).

There is no existing vegetation or aquatic features that will be impacted by the proposed project.

Air and water quality of the ocean shore area.

The project will take place above the ordinary high tide line, and will not cause foreign materials or pollutants to enter the water. The proposed project will not adversely affect water quality on the ocean shore.

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.

There are no native plant communities or fish and wildlife habitat in the area that will be affected by this proposal.

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 request

VII. Findings Summary

Project Need – The proposed project is needed to provide a safe and accessible beach access facility in a community where this need has been identified. An expanded pedestrian and vehicle entry and exit point will assist the flow of traffic on and off the access ramp, from the staging area in the Tillamook County parking lot to the ocean shore. This project will establish year-round lateral beach access for pedestrians, public and emergency vehicles, and the transport of Dory boats, by providing a safe and permanent separation and transition from the parking area to the beach. The ramp has been designed to accommodate current peak recreational use periods at this site to minimize user conflicts and safety risks.

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"/>			

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