



FINDINGS OF FACT STAFF REPORT

Date: July 21, 2005

OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number:

BA 599-05

County: Clatsop

Applicant: Oregon Parks and
Recreation Department (OPRD)

Project Location:

33043 Sunset Beach Lane, Warrenton
Clatsop County Assessor's Office describes the parcel as Township 7,
Range 10, Section 9, no Tax Lot designated (but approximately west of
T7N, R10W, Section 9CB Tax Lot 900).

Brief Project Description:

The proposed project includes the construction of a beach trail, boardwalk
and a view platform located west of the Sunset Beach State Recreation
Wayside. The project will provide public access to an ocean viewpoint
and will be built to conform to the standards of the American with
Disabilities Act (ADA).

The 8-foot X 24-foot long boardwalk and a 36-foot by 16-foot view platform
will be constructed on the crest of the beach foredune at the end of the
trail.

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.

A need has been identified for an ocean view site along the shoreline of the Clatsop Plain. Currently, there are no public access viewpoints from the Peter Iredale to the Sunset Beach State Recreation Wayside, a distance of about 5 miles. OPRD states that this facility will be one of only a few beach access sites statewide that meets the standards of the American with Disabilities Act (ADA).

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 proposed beach access trail, boardwalk and viewing platform will not affect public ownership or use easement rights on the ocean shore, but will facilitate wheelchair and pedestrian access to the foredune from

the Sunset Beach State Recreation Wayside. It is expected that some visitors to the view platform will likely access the shoreline below the structure, but the project will not construct or improve any trail to the beach.

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 Clatsop County Community Development Department has indicated that the project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance. Clatsop County will approve a Conditional Use Permit upon issuance of an Ocean Shore Alteration Permit from OPRD.

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.

OPRD will construct a gravel base trail to provide a solid and stable surface for ADA access to the boardwalk and viewing platform west of the Sunset Beach State Recreation Wayside. This approach will have the least detrimental impact on the foredune and adjacent natural features as opposed to any alternative type of impervious surface such as asphalt or concrete.

The placement of the boardwalk and view platform east of the proposed location will not provide the needed elevation or the desired ocean view.

Considering these factors, the proposed design constitutes the most reasonable option for locating the gravel trail, boardwalk and observation deck at this site.

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 trails, boardwalk and view platform structures are not maintained, and become a safety hazard or detriment to ocean shore resources, OPRD will be responsible for removing the facility to alleviate the safety hazard or detriment to the ocean shore. The location of the viewing platform and boardwalk is within a Department of Geology and Mineral Industries (DOGAMI) “high hazard zone” which has been identified as a dynamic beach zone that can be expected to change in the near future. OPRD has designed and will construct these structures to be easily dismantled and moved landward in a situation of high beach erosion rates.

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 Clatsop County Department of Community Development has certified that the project is in compliance with the Clatsop Plains Community Plan and the Clatsop County Land and Water Development and Use Ordinance 80-14, 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 building site for the view platform will require small amounts of leveling before construction. The natural features of the foredune and the beach will remain intact, and no significant landforms such as headlands, sea stacks, or streams will be affected.

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

The construction and placement of the access trail, boardwalk and the viewing platform will require the removal of European beach grass from the foredune. Construction of a temporary road will be required to transport rock and lumber to the view platform and boardwalk site. Upon completion of the structures, the roadbed material will be removed and hauled off and placed along the Sunset Beach Road to prevent any motorized access at the trailhead. OPRD will revegetate the disturbed roadbed and areas surrounding the structures will be replanted using European Beach Grass.

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

The project has been designed to be low profile and will not be visible from the ocean shore looking landward. No existing views from adjacent properties will be affected by these structures.

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

The size and scope of the project is relatively small and is designed to be low profile and partly obscured by the height and width of the foredune area and existing vegetation.

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 proposed trail, boardwalk and view platform will improve opportunities for recreational use on the foredune and beach shoreline.

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.

No public access routes or trails will be obstructed with the proposed structures.

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.

Each structure will be constructed to withstand high winds and rain during winter storms. If, for any reason, the boardwalk and view platform becomes damaged and constitutes a safety hazard, OPRD will be required to repair the boardwalk and view platform or remove the structures from the ocean shore.

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 any obstructions to pedestrians. No obstructions will occur onto or along the ocean shore area.

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

The northern boundary is OPRD property and the southern boundary is private land. No ocean erosion or safety problems have been identified in this project that would have a detrimental effect in this area.

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 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.

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 significant 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 siltation, 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.

The project will affect vegetated areas of non-native European Beach Grass where the trail, boardwalk and view platform structures will be placed. 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 request.

VII. FINDINGS SUMMARY

Project Need – The proposed project is needed to provide an all-accessible ocean shore viewing facility in an area where this need has been identified. OPRD has established the need to construct an ADA trail, boardwalk and view platform at the crest of the foredune from the Sunset Beach State Recreation Wayside.

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

Tony Stein
Coastal Land Use Coordinator