



FINDINGS OF FACT STAFF REPORT

Date: May 10, 2008 OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number: BA-641-08 County: Lincoln Applicant: Jane Gibbons, Richard Cave

Project Location: 6821 NW Finisterre Avenue, Yachats, OR
Lincoln County Assessor's Map # T14, R12, Section 11, BD, tax lot 2200

Brief Project Description: The project involves the construction of a concrete beach access stairway over an existing riprap shoreline protection structure (BA 353-93). The proposed stairway will provide private access over a 12-foot-high bluff onto the ocean shore. The 3' x 24' stairway will be constructed to slope down on top of the riprap, with a handrail installed along the sides of the steps.

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 applicant has explained that the need for the project is to provide safe access to the beach. 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.

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 proposed beach access stairs will enable the property owner to gain access to the beach from the subject property. The stairs will be contained within the existing riprap revetment, therefore creating no adverse impacts to the ocean shore.

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

The stairway will occupy approximately 72 square feet of upper beach area, which consists of a riprap revetment. 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.

Lincoln County has certified that the project is in compliance with the local comprehensive plan and land use 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 24 feet in length x 3 feet in width and will be constructed over an existing riprap structure. Public beach access is available and located about 450 feet north of the subject property at Colorado Street. The proposed stairway constitutes a reasonable solution for providing safe access over the riprap, while causing no impacts to the ocean shore.

Colorado Street serves as public access for the neighborhood area. However, during the winter months, beach sand is scoured away at the base of the road and small riprap and cobble are exposed, which can limit access for persons with limited mobility. Public access to the beach is also available for residents and visitors who are more physically agile, by climbing down a short trail and over existing riprap at the end of NW Knoxville Street. The project will occupy very little ocean shore area, and will likely have no detrimental affects or long-term costs to the public.

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.

Lincoln County has certified that the project is in compliance with the local comprehensive plan and land use ordinances, 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 project will alter an existing riprap structure, but will not substantially change the visual appearance of the existing shoreline. The adjacent shoreline areas for approximately 150 feet to the north and south are fronted with riprap shoreline protection. The scenic attraction of the beach will not be significantly affected by the addition of a concrete stairway at this site. 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 not impact any existing vegetation. The three-foot-wide stairway will lie within the existing riprap that currently does not support vegetative growth.

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

A portion of the handrail will be visible from the subject property residence; however there will be no obstruction of existing views from other properties.

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

In general, the shoreline along this part of Yachats is a moderately developed area with residential homes and several existing stairways nearby. The proposed stairway will not be a departure from the existing visual setting. Adjacent properties have existing riprap revetments in place, so the natural shoreline has already been altered. The proposed stairway, constructed within the existing riprap, will be visually compatible with the surrounding area.

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-four feet onto the existing riprap revetment area of the upper beach, and will not be a detriment to public recreation. The project does not occupy the 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.

The stairway will not extend out onto the dry sand part of the ocean shore to 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 proposed stairway is to be constructed of concrete and rebar with a concrete footing at the base. 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 base (landing). This issue will be addressed through permit conditions. The existing riprap at the location of the proposed stairway has unraveled onto the ocean shore, and repairs will be required before stairway construction to provide a structurally sound foundation.

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

The proposed stairway will project only onto the upper beach area of the bluff and 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 work does not result in the creation of a new shoreline protective structure or other type of surface that could reflect wave energy on neighboring properties. In addition, the adjoining properties are also protected with riprap revetments for distances of approximately 150 feet to the north and south. 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).

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

Air and water quality of the ocean shore area.

The proposed stairway will be constructed of solid materials which are relatively non-erodible; therefore no adverse impacts to air and water quality are expected.

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 within a rural residential area, and there are no protected native plant communities 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. OPRD received no comments in favor or opposition to the application.

VII. FINDINGS SUMMARY

Project Need – The proposed stairway is of modest design, intended to provide beach access for the applicant. The stairway will enable safe beach access from the property without 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

/s/ Tony Stein
 Tony Stein
 Coastal Land Use Coordinator