



## FINDINGS OF FACT STAFF REPORT

Date: December 4, 2009

OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number: BA-657-09

County: Lincoln

Applicant: Bruce Neff

Project Location: 5835 El Mar Avenue, Gleneden Beach, OR  
Lincoln County Assessor's Map # 8S, R11W, Section 16DC, Tax Lot 359

**Brief Project Description:** The proposed project involves the replacement of an existing private beach access in the community of Coronado Shores in Gleneden Beach. Currently, a wood stairway leads from the Neff residence down the bluff towards the top of an existing riprap revetment. Site photographs and recent field observations show that the 3' X 60' wood stairway included a concrete landing with support piers at the top of the riprap. In addition, concrete steps were poured over the top of the riprap to provide safe access to the beach. The upland wood stairway has been damaged and the riprap and concrete stairs have buckled and unraveled onto the ocean shore as the protection structure has been dismantled. Currently, there is no viable and safe access to the beach over the wood stairs and remaining riprap structure. The proposed stairway would make the private beach access safe, available and negotiable for the owner and visitors. A section of the riprap will be removed and a proposed 5' X 20' concrete stairway will be incorporated into the revetment structure. Above the riprap and concrete stairs, a 3' X 60' wood stairway with two landings is proposed to access the upper bluff.

### 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 subject site is located on a section of beach known for its extreme wave energy and widely fluctuating beach sand levels. A riprap revetment structure currently exists at the site and blends into adjacent riprapped properties within a heavily armored stretch of coastline. The existing stairway has provided safe beach access in the past, but heavy surf and storm surges have damaged the riprap and destroyed the stairway. The applicant has explained that the need for the project is to reduce risk of injury from walking over riprap and replace the washed out existing stairs.

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

The lower section of the stairway will occupy approximately 100 square feet of the upper beach area within the existing riprap footprint. The upper section of the stairway will occupy an estimated 300 square feet of the upper bluff area near the existing wood stairway footprint. 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 Lincoln County Planning Department has signed the City/County Planning Department Affidavit form and has determined that the project has been reviewed and is consistent with the local comprehensive plan and zoning ordinances. A building permit will be required from Lincoln County. 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 concrete stairway is 20' feet in length x 5' in width and takes up only a small area within the existing riprap revetment. The nearest public beach access is located approximately 1200 feet to the north at Wallace Street. The nearest public beach access to the south is located approximately 1000 feet at the Coronado Shores clubhouse. There is no direct access from the residence to either of these public access points, and the proposed stairway constitutes a reasonable solution for providing beach 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 and adjacent riprap, 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.***

For this permit, the Lincoln County Planning Division has certified that the proposed project is compatible with the acknowledged local comprehensive plan and land use regulations. This certification meets the Department's obligation to ensure compatibility with the Statewide Planning Goals.

## **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 within the existing riprap revetment and upper bluff, but will not significantly affect the scenic attraction of the ocean shore. Some excavation into the underlying bedrock or soil may be necessary to establish an adequate structural footing. Removal of this material is not of scenic significance. Various stairways, adjacent riprap revetment structures to the north and south, and existing homes already impact the scenic qualities of the coastal bluffs 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 within the existing riprap revetment and upland wood stairway. No vegetation exists on the riprap revetment and European Beach Grass is well established on the upper bluff. Some vegetation will be removed on the upper bluff to accommodate the new stairway landings, but the overall amount is minimal.

***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.).***

In general, the shoreline along this part of Gleneden Beach is a developed area with residential homes, extensive shoreline armoring 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 feet within the existing rip rap revetment on the ocean shore, and will not be a detriment to public recreation. 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.

Overall, the extensive riprap placed in the surrounding area has reduced usable beach area to some degree, but this particular project will only place new material within the existing riprap. The proposed stairway will not extend further seaward than the footprint of the existing riprap revetment.

***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 protrude out beyond the existing riprap revetment on either side, and will not interfere with public access up and down the beach.

#### 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 concrete stairway is to be constructed of concrete with 42" high concrete walls on each side of the steps. The stairway is located in an area with high surf action, with the potential for large rocks or logs being hurled into the structure. This design appears to have adequate structural integrity and is an appropriate design to withstand these forces. If the stairway is damaged, or rendered unusable, the applicant and subsequent property owners will be required to repair, remove or relocate the structure. 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 width of the beach in this area can fluctuate, and generally narrows during the winter months. During winter storms, waves will wash up to the foot of the riprap and the proposed stairway. The stairway will not protrude out beyond the existing riprap revetment on either side, and therefore will not interfere with pedestrian or vehicle travel on the ocean shore. The beach access stairway incorporated into the riprap will help to provide and maintain private access to the ocean shore. Under normal conditions, 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.***

There are riprap revetments on adjoining properties to the north and south. 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.***

The purpose of the stairway is to replace the existing structure and provide a safe access route down the bluff and through the riprap, while providing the necessary shoreline protection at the base of the bluff. The proposed design, in combination with the existing riprap revetment, will prevent toe scour and bluff erosion and protect the upland property.

#### 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.***

According to the State Historic Preservation Office, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. Extreme caution has been recommended for any ground disturbing activities.

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.

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 lower riprap revetment. Above the riprap, there is established beach grass on the bluff face. Some vegetation will be removed on the upper bluff to accommodate the proposed stairway landings, but the vegetative features will remain the same. There are no aquatic features that will be impacted by the proposed stairway.

***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. New riprap placed at the site will be free of debris or foreign materials. The proposed project does not adversely affect water quality on the ocean shore. Air quality will not be affected, except for a negligible amount of exhaust from the use of heavy equipment during the construction period.

***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 residential area of Gleneden 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. Three requests for a public hearing were received. No public hearing was held as OPRD requires 10 or more requests to schedule a public hearing prior to acting on the project application.

One e-mail was received opposing the permit. The letter stated that a cement stairway would create a hard surface that would increase erosion scour in the immediate vicinity and to surrounding bluffs. It also stated that concrete footings scour out, can crumble, expose rebar and create a hazard to beach users. Most of the major issues raised in this letter have been addressed in this report.

**VII. FINDINGS SUMMARY**

**Project Need –**

The proposed stairway will improve the existing conditions at this private beach access. The existing wood stairway is damaged and unusable, and the surface trail over the damaged riprap to the beach is difficult to negotiate and unusable for the owners. The improvement will replace the existing wood stairway, provide a structurally secure access within the shoreline revetment, and enable the owners to gain safe access to the beach.

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"/>		<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