



FINDINGS OF FACT STAFF REPORT

Date: November 8, 2010 OPRD Ocean Shores Coordinator: Tony Stein

OPRD File Number: BA-668-10 County: Lincoln Applicant: Greg Parrott

Project Location: 6635 Neptune Avenue, Gleneden Beach, OR
Lincoln County Assessor's Map # 8S, R11W, Section 16AC, Tax Lot 3200

Brief Project Description: The applicant has submitted an after-the-fact access way proposal requesting the permanent placement of a private beach stairway in the community of Gleneden Beach. The subject concrete stairway leads from the Parrott residence down the bluff and through an existing riprap revetment permitted under BA# 257-84. Site photographs and recent field observations show that the 4' X 46' concrete stairway structure was poured over the top of the riprap to provide safe access to the beach. The proposed stairway would make the private beach access safe, available and negotiable for the owner and visitors. .

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 and concrete stairway 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, and is built to withstand heavy surf and storm surges. The applicant has explained that the need for the project is to provide direct beach access for the property.

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

The stairway will occupy an estimated 92 square feet of the beach area within the existing riprap footprint. The upper section of the stairway will occupy an estimated 92 square feet of the upper bluff area from the top of the riprap to the top of the vegetated bluff. 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 Department of Planning and Development 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. State laws and regulations are being addressed through this permit review. An after-the fact building permit will be required by the Lincoln County Department of Planning and Development.

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 4' in width X 46' feet in length, and takes up only a small area within the existing riprap revetment. The nearest public beach access is located approximately 80 feet to the south adjacent to Tax Lot 3300. Another public beach access is located approximately 425 feet to the north at the Easy Street beach access.

The subject stairway is well built and blends into the surface and footprint of the existing riprap revetment. In order to gain access to the beach at this site, some sort of stairway over the riprap is necessary. The existing stairway constitutes a reasonable solution for providing direct access, while causing negligible 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 existing 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 Department of Planning and Development 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 proposed beach access will result in a permanent stairway structure within the existing riprap revetment and upper bluff, but will not significantly affect the scenic attraction of the ocean shore. Various stairways, adjacent riprap revetment structures to the north, 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 beach access is constructed within the existing riprap revetment and upland vegetated bluff. European Beach Grass is well established on the upper bluff and will be retained.

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 is located 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 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 the subject stairway has only placed 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 well constructed of concrete poured over and within the existing riprap revetment. 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 subject 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 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 future repairs or ground disturbing activities.

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 adjacent to the stairway. There are no aquatic features that will be impacted by the proposed stairway.

Air and water quality of the ocean shore area.

The subject stairway does not adversely affect water quality on the ocean shore.

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.

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 requests for a public hearing. No comments were received in support or opposition to the proposed structure within the posting period.

VII. FINDINGS SUMMARY

Project Need –

The proposed stairway is intended to provide beach access for the single family residence on the property. The stairway will enable safe beach access from the property without the need to scale down the embankment and over the existing riprap revetment. The property is located within an urban residential area, with many beach structures in the near vicinity, including stairways, riprap revetments, and seawalls.

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
Ocean Shores Coordinator