



FINDINGS OF FACT STAFF REPORT

Date: September 19, 2006 OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number: BA-610-06 County: Tillamook Applicant: Neskowin Community Association

Project Location: Neskowin Beach shoreline from S.Beach Road in the south to Forest Grove Avenue in the north, Neskowin.
Tillamook County Assessor's Maps 5S-11-36 BC, 5S 11 25CC, 5S-11-25CB, 5S 11 25BC

Brief Project Description: The project involves the seasonal placement of 9 Life Rings Stations along one mile of the ocean shore on Neskowin Beach. Each life ring station consists of a life ring, 200 feet of rope and 4" x 4" x 8' wood post buried 2 feet into the beach sand.

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 Neskowin Community Association (NCA) is applying for an after-the-fact permit to place life ring stations along the ocean shore. Natural beach and ocean conditions exist along the Neskowin Beach shoreline that can be dangerous or conducive to accidents that could cause injury or loss of life. The ocean shore along this stretch of beach has sudden drop offs, swift currents, frequent high surf with the potential for an emergency beach rescue. As a practical matter and given the limitations of equipment and personnel resources, the NCA has implemented the life ring stations as a safety measure to remind ocean user groups of beach safety and enhance the protection of the public that utilize shoreline waters.

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 life rings will be placed on the dry sand area, 20-30 feet seaward of the existing toe of riprap revetments that cover the shoreline along Neskowin Beach.. The Life Ring Stations will have no effect on public ownership or public use easements on the ocean shore.

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

The Tillamook County Department of Community Development has certified that the project is not regulated by the Tillamook County Comprehensive Plan and Land Use Ordinance. State of Oregon regulations are being addressed under the review of this permit. Federal regulations could potentially involve a U.S. Army Corps of Engineers permit. A condition of the permit will require that the applicants obtain any required permits from the Corps, if applicable.

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 proposal is not for shoreline protection and the applicant did not address any non-structural alternatives to the proposed project. The life rings are placed along the ocean shore during the late spring and summer and removed in the fall.

No detrimental effects are expected from the placement of the life ring posts on the upper shoreline above the high tide line. No wave energy or wave run-up is expected at these sites.

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 public will benefit from the increased safety provided by the placement of the Life Ring Stations.

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 Department of Community Development has certified that the project not regulated by the Tillamook County 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 will remain intact, and no significant landforms such as headlands, sea stacks, or streams will be adversely affected.

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

The project is placed well away from any established native vegetation on the beach. No existing vegetation will be impacted by the project.

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

The Life Ring Stations will not affect existing views from any properties within the boundaries of this application.

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

Each life ring station will have a negligible impact on the existing shoreline scenery. The life rings are bright orange in color, with the intent to provide easy visual location during an emergency rescue attempt.

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.

Although the proposed life rings will occupy a small beach area, the project is not expected to significantly affect recreational uses, as the sites are located at the upper end of the beach against the riprap areas. Neighborhood residents use the beach mainly for passive activities such as walking and beachcombing. These recreation uses and others will not be significantly affected by the project.

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 project sites are located along the ocean shore from S.Beach Road in the south to Forest Grove Avenue in the North, Neskowin. None of the life ring sites will block or obstruct beach access routes.

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.

No safety hazards are anticipated from the Life Ring Stations posts and equipment placed on the ocean shore.

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

The Life Ring Stations pose no obstructional hazards to pedestrians or vehicles along the ocean shore.

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

This is not a shoreline protection structure.

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 shoreline protection structure.

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 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 Siletz and the Confederated Tribes of Grand Ronde. There were no reports of historic, cultural, or archeological sites at this location.

Natural areas (vegetation or aquatic features).

There is no existing significant vegetation or aquatic features that will be impacted by the proposed Life Ring Stations.

Air and water quality of the ocean shore area.

The project will not cause foreign materials or pollutants to enter the water. Life Ring Stations placed along the shore 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.

Areas of geologic interest, fossil beds, ancient forest remnants.

A well-known drowned forest is visible in the intertidal zone at this site, beginning just to the north and extending approximately ½ mile up the beach to Proposal Rock. The trees become visible some distance from the sea cliff. These tree remnants are not present where the proposed Life ring Stations will be placed.

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.

This is not a shoreline protection structure.

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. During this comment period no correspondence was received and there were no requests for a public hearing.

VII. Findings Summary

Project Need –Need for the project has been identified by the Neskowin Community Association. Providing a network of Life Ring stations with readily available rescue equipment will benefit local residents and visitors along the ocean shore.

Based on the project need as described above, 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