



FINDINGS OF FACT STAFF REPORT

Date: August 4, 2007

OPRD Coastal Land Use Coordinator: Tony Stein

OPRD File Number: BA-623-07 County: Clatsop Applicants: City of Seaside

Project Location: Avenue A, West end of the Promenade Between A Avenue and Broadway, Seaside
Clatsop County Assessor's Map #6N-10W-21 BD, tax lot 100

Background: This application is a proposal to construct an additional 10' x 80' concrete pad to the existing beach access ramp. The project is located between the west end of Avenue A and Broadway Drive, Seaside. The proposal has been developed by the City of Seaside and will expand the base area of the access ramp. This improvement will provide additional space and free passage for emergency vehicles and public access to the beach, while servicing large special events in the area. A previous OPRD Permit (BA 422-98) modified the original access ramp (12' x 12') dimensions to a larger footprint. The existing and proposed beach access expansion meets the standards as outlined in the Americans with Disabilities Act (ADA).

Brief Project Description: The proposed project involves the construction of an additional 10' x 80' foot concrete pad adjacent to the existing concrete base of the beach ramp. This beach access is the main vehicle and pedestrian access to the beach next to the turnaround area at the end Broadway and A Avenue. (For detailed specifications, see plan drawings in the file.)

The existing ramp is attached to the Avenue A promenade in downtown Seaside. The area is one of the busiest urban beach areas in the state, and is the site for large beach events, including Beach Clean-Up, volleyball tournaments, Hood to Coast relay events, and various special events and activities occurring in conjunction with large hotels in the area. The City of Seaside has determined that clear and safe access is needed for both emergency vehicles and for vehicles involved in setup operations for the various beach events that occur there. The proposed project will involve an expansion of the base of the existing ramp loading area approximately 10 feet to the west by 80 foot to the north at beach level. Sand will be removed for construction of the footings of the pad, and then placed back into the ramp area when construction is complete.

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.

Access improvements are needed to better facilitate public entry to this busy urban beach area in conjunction with the loading/unloading of equipment for special events held on the beach. By providing additional area and improved access, the base of the ramp will provide a tractor trailer unloading/staging area sufficient to handle equipment and supplies, while simultaneously not blocking emergency and public access to the beach. The current situation has special events vehicles blocking emergency vehicle access, impacting pedestrian traffic and safety on the promenade and causing traffic problems on the local streets ending at the promenade.

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 ramp will serve as both public access and emergency vehicle access. Though some sand beach area will be taken up by the ramp expansion, the improvements will be available for public use and will provide additional viewing area above beach level. The proposed project will not affect public ownership or use easement rights on the ocean shore, but will facilitate vehicle and pedestrian beach access from the promenade.

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 City of Seaside has indicated that the project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.

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 primary purpose of the overall project is to improve pedestrian, emergency and special event beach access. The project will result in no change to the beach profile, and the addition of the concrete pad structure is not expected to create any detrimental affects on the ocean shore, or long-term public costs.

No alternatives have been proposed as part of the permit application. The City of Seaside has proposed this site for the access improvements because of its central location and proximity to the promenade and turnaround area, and its current function as an access ramp. Based on the proposed design, it appears that the improvements will be durable and long lasting, with minimal costs for public maintenance after the initial investment for construction.

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.

Aside from the initial investment to construct the project, and expected maintenance activities, there are no foreseen public costs associated with the beach access ramp and associated improvements. The City of Seaside will be responsible for all costs associated with construction or maintenance of the project.

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 City of Seaside has certified that the project is in compliance with the local 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 shoreline at this location is lined with a concrete wall and pedestrian promenade, so the proposed project will not eliminate any natural forms.

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

The project will occupy some sandy beach area, but will not result in removal of vegetation.

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

The project will lie at the elevation of the existing concrete pad below the promenade and 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.).

The site is located within an urban beach environment, with existing seawalls, riprap, motel development, vacation rentals, and single-family dwellings lining the shoreline. The proposed expansion to the existing concrete access ramp will fit in with this surrounding environment.

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 expanded loading area pad will be compatible with recreational use and will provide a benefit for recreational events held on the beach. The project should have no adverse impacts on public recreation, as the beach is generally quite wide and generally flat at this site, with ample room for recreational use.

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 expanded concrete pad will occupy approximately 800 square feet of beach area, but will be available for public use, as both an access and viewing facility. As discussed above, the project will not 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 project has been designed by the City of Seaside Public Works Dept., with specifications to provide durability and safety for public use.

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

The project is intended to provide safe and adequate access to the shoreline for all beach users, including pedestrians, emergency vehicles, and special event vehicles. The project will not encroach onto the beach to the extent that it would impede north to south travel.

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

No adverse impacts to neighboring properties are expected. The existing promenade wall extends approximately 3,400 feet to the north and 4,400 feet to the south, protecting upland development from erosion and flooding.

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 access ramp is not proposed as shoreline protection, but for pedestrian, emergency and special event vehicle access to the beach.

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.

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 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.

There are no native plant communities or fish and wildlife habitat in the area that will be affected by this proposal.

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 beach access facility in a community where this need has been identified. There is a need for an expanded vehicle loading and unloading area at the base of the ramp, especially during special events. This action will assist the flow of pedestrian and vehicular traffic on the access ramp, along the promenade and the adjacent streets. 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