



FINDINGS OF FACT STAFF REPORT

Date: September 17, 2015 OPRD Ocean Shores Coordinator: Jay Sennewald

OPRD File Number: BA-699-15 County: Clatsop Applicant: Bear Mountain Properties
Catherine Crittenden

Project Location: 3772 S. Pacific St., Cannon Beach, OR 97110
Clatsop County Assessor's Map # T5N, R10W, Section 31DD, Tax Lot 5903

Brief Project Description: The project involves the construction of a new 4' wide wooden beach access stairway over an existing riprap shoreline protective structure, to provide access to the ocean shore for a disabled property owner. The stairway is planned to slope down over the existing riprap, at an angle to allow for steps with a 6 1/2-inch rise and 11-inch tread width, including handrails on each side.

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.

A public beach access exists at the end of Orford Street, 165 feet to the south. Another public beach access is located at the west end of Coos Street, approximately 289 feet to the north. These existing public access points consist of foot trails between the street ends and ocean shore, and do not provide level stair treads or a handrail that is suitable for disabled persons. The proposed stairway would make beach access from the site safe, available, and negotiable for the disabled owner and visitors.

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 lower section of the stairway will occupy an estimated 32 square feet of the beach area west of the line of vegetation and onto the ocean shore. The upper section of the stairway will occupy an estimated 40 square feet of the upper bluff area from the line of vegetation to the top of the existing riprap structure. 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 City of Cannon Beach 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.

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 wooden stairway is 4 feet in width and 20'8" in overall length, and takes up only a small area west of the vegetation line over the top of an existing riprap structure. The nearest public beach access is located approximately 165 feet to the south at the west end of Orford Street. The closest public beach access to the north is located approximately 280 feet away at the west end of Coos Street.

The subject stairway is designed to gain direct access to the beach at this site, and its placement over the existing riprapped bank is necessary. The subject stairway constitutes a reasonable solution for providing direct and safe pedestrian access, while resulting in minimal 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, 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 City of Cannon Beach's City Planner 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 from the top of bank and over existing riprap to the toe of the slope, but will not significantly affect the scenic attraction of the ocean shore. Several stairways are located in close proximity to the north of the subject site, including 2 very similar stairways within 150 feet of the proposed location. In addition, existing homes already impact the scenic qualities of the

shoreline 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 proposed beach access will require minimal disturbance of vegetation at the top of bank to place 2 footings for stairway stringers. Two additional footings are proposed at the toe of the existing riprap structure where no vegetation exists. Existing vegetation which covers the riprap in between the proposed footings and under the stairway will be retained to the extent possible.

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

The stairway itself will not affect or obstruct ocean or beach viewing opportunities from adjacent properties. The proposed handrail, which is a necessary component of the improvement, will have minimal, if any view impact on adjoining 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 Cannon Beach is a developed area with residential homes. There are several existing stairways to the north and south of the subject site, including 2 private stairways within 150 feet of the site. The proposed stairway was designed to mimic the closest existing stairway design and therefore will not represent a significant 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 proposed stairway will be located over the top of an existing riprap structure on the ocean shore, and will not be a detriment to public recreation. The final steps of the stairway will occupy a very small section of 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 design holds the western extent of the stair components to no further than the existing toe of the riprap slope, and therefore it 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 bank at the site has been stabilized with riprap. The proposed wooden stairway has been designed by a licensed professional architect, and will be anchored into the bluff top and toe of slope with concrete footings set below grade at the upper end and epoxied into the riprap toe at the lower end. Two pressure-treated wooden stringers will connect the top of bluff with toe of the riprap slope, as close as practical to the existing riprap. This design is similar to that of stairways in the vicinity that have not presented a safety hazard to the public in the past.

The proposed stairway is located in an area with moderate surf action, with the potential for large logs and other debris impacting the structure during storm events at high tide. 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 large winter storms and high tides, waves can wash up to the base of the riprap and the foot of the subject stairway. The stairway will not protrude beyond the toe of the existing riprap, and therefore it will not interfere with pedestrian or vehicle travel on the ocean shore under normal conditions.

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

The subject stairway is small in length and width, similar to other beach access stairs to the north and south. The riprap at the site is keyed into riprap on adjoining properties, and the structure will not cause wave energy to reflect on neighboring properties. Because the subject property and adjacent properties have been riprapped, no adjacent bank erosion is likely to occur as a result of the proposed stairway. Based on these considerations, the project will not significantly 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 proposed structure is not intended for beachfront property protection, but is designed to provide a safe access route over the riprap and onto the beach. The proposed design will not compromise the integrity of the existing riprap or diminish its effectiveness to protect the upland portion of the applicant's 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 identified 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.

Notice of the application was provided to the State Historic Preservation Office, and to the Confederated Tribes of the Siletz and Grand Ronde Indians. During the permit review process, there were no reports of historic, cultural, or archeological sites at this location.

Natural areas (vegetation or aquatic features).

Existing riprapped bank has a slope of approximately 1.5:1 with some established vegetation including salal, beach grass, and willow. East of the line of vegetation to the top of the bluff, there is salal and a grass lawn. Only a small area at the top of the bank and east of the line of vegetation will require vegetation removal for stairway footings, with remaining vegetation to be left undisturbed. There are no aquatic features that will be impacted by the proposed stairway.

Air and water quality of the ocean shore area.

The proposed stairway, once constructed, will be static in nature and no adverse effects on air or water quality along the ocean shore is anticipated.

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 densely developed residential area of Cannon 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 requires 10 or more requests to schedule and hold a public hearing prior to acting on the project application. No comments were received in support of, or opposition to the proposed structure within the posting period.

VII. FINDINGS SUMMARY

Project Need –

Existing public beach access trails are located near the subject property, but they do not include level stair treads or handrails desired by the applicant. The proposed stairway with handrails is modest in design, and intended to meet standard building codes to provide safe and convenient beach access for the disabled owner and guests. The stairway will enable pedestrian beach access from the property without the safety and mobility limitations of the nearest public beach access points, or the need to scale down over the existing riprap embankment. The property is located within an urban residential area with several beach structures in the near vicinity, including other private stairways and riprap revetments.

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

Jay Sennewald
 Ocean Shores Coordinator