



Staff Report

For City Council Meeting - 3/6/2024

Subject - Visitors - Bench Committee - Final Approval Request & OPRD Permitting

Synopsis: The Gearhart Bench Committee requests final approval and direction from the Council on the placement of new benches and the confirmation of existing benches' locations. Additionally, the Committee seeks authorization for city staff to submit a permit application to Oregon Parks for both new and existing benches that are affected by the Statutory Vegetation Line (SVL), as directed by Oregon Parks' guidelines. The provided maps highlight six benches, encompassing both three new and three existing, within a specified red box area that require undergoing the permit process and approval by the OPRD Real Estate Services. Without these permits, no new benches can be added, and current ones may need to be removed in this specific zone. The maps also detail all current and planned bench locations. The Committee urges the Council to approve these locations, enabling city staff to order new benches based on prior Council decisions, secure permits for those impacted by the SVL, and manage the restoration of existing benches. Furthermore, the city will also request permits to relocate benches that were previously placed but now have obstructed views due to the growth of dunes.

Council Options:

- 1) Motion to approve the Bench Committee's request and direct staff to order the necessary benches, apply for the required permit, and proceed with existing bench restoration;
- 2) Take other action desired by the Council.

Recommendation:

Legal Analysis: N/A

Financial Analysis: OPRD can waive the permit fee per OAR 736-020-004(2)(d). The council has already been advised of bench type costs.

Respectfully Submitted,



Chad

Bench Information - Gearhart

BLANCHETTE Tyler * OPRD <Tyler.BLANCHETTE@opr.d.oregon.gov>

Mon, Jan 22, 2024 at 1:46 PM

To: Chad Sweet <chadsweet@cityofgearhart.com>

Cc: CRUM Eric * OPRD <Eric.CRUM@opr.d.oregon.gov>, REALESTATESERVICES Oprd * OPRD

<OPRD.RealEstateServices@oregon.gov>, PARKER Justin * OPRD <Justin.PARKER@opr.d.oregon.gov>

Hi Chad,

Thanks for sharing that information. Staff have reviewed your request to place the new benches along the ocean shore. At this time, OPRD views the installation of permanent benches along the ocean shore as an "improvement"/alteration. This activity may require 2 approvals from OPRD based on the locations provided in the link. To move the application(s) forward, the City must:

1. Apply for a shoreline alteration permit (attached).
 - a. Complete the application form.
 - b. Provide the required drawings and a printed map(s) and list of GPS locations for the proposed benches with your application materials.
 - c. OPRD can likely waive the fee for this permit per OAR 736-020-0004(2(d)).
 - d. Landowner authorizations for any impacted properties – one of the impacted properties appears to be OPRD lands which leads us to #2 below.
2. Contact OPRD Real Estate Services (copied here).
 - a. Any benches proposed south of the E Street alignment and west of the Statutory Vegetation Line (SVL) will most likely require OPRD real estate approval, since portions of the project falls on OPRD fee owned lands (TL 610090000300).

Be advised, the City could avoid the shoreline alteration permit process, if they relocated the proposed benches east (or landward) of the SVL, but as discussed, that may not meet the project needs for the City. We provide a streaming Web service of the Statutory Vegetation Line (SVL) and the approximate line of vegetation from 2012, here: <https://geo.maps.arcgis.com/home/item.html?id=f8b87765337a4322871fe93ec8f86c4b> . The service can be used in Web maps/apps as well as in various desktop GIS software including Arc Pro and ArcMap.

If you have any questions, please give Eric Crum (cc here) or myself a call if you would like to discuss this activity, or have any questions.

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608K

Gearhart Bench Map

47 views

Last edit was on December 28, 2023

Add layer Share Preview

- Bench 13
- Bench 14
- Bench 15
- Bench 14
- New Bench 1
- New Bench 2
- New Bench 3
- New Bench 4
- New Bench 5
- New Bench 6
- New Bench 7
- New Bench 8
- New Bench 9
- New Bench 10
- New Bench 11
- New Bench 12
- New Bench 13
- New Bench 14
- New Bench 15
- New Bench 16
- New Bench 17
- New Bench 18
- New Bench 19
- New Bench 20
- New Bench 22
- New Bench 21
- City Bench 1
- City Bench 2
- City Bench 3
- City Bench 4
- City Bench 5
- City Bench 6
- Private Bench 1
- Private Bench 2
- Park Marion Bench 1
- Park Marion Bench 2
- Park Marion Bench 3
- Park Marion Bench 4
- Park Marion Bench 5
- Park Marion Bench 6
- Park Marion Bench 7
- Picnic Bench
- Picnic Bench 2
- Picnic Bench 3
- Picnic Bench 4

Untitled layer

For a better printing experience, select "Print map" in the file menu in the left panel.



Gearhart Bench Map

47 views

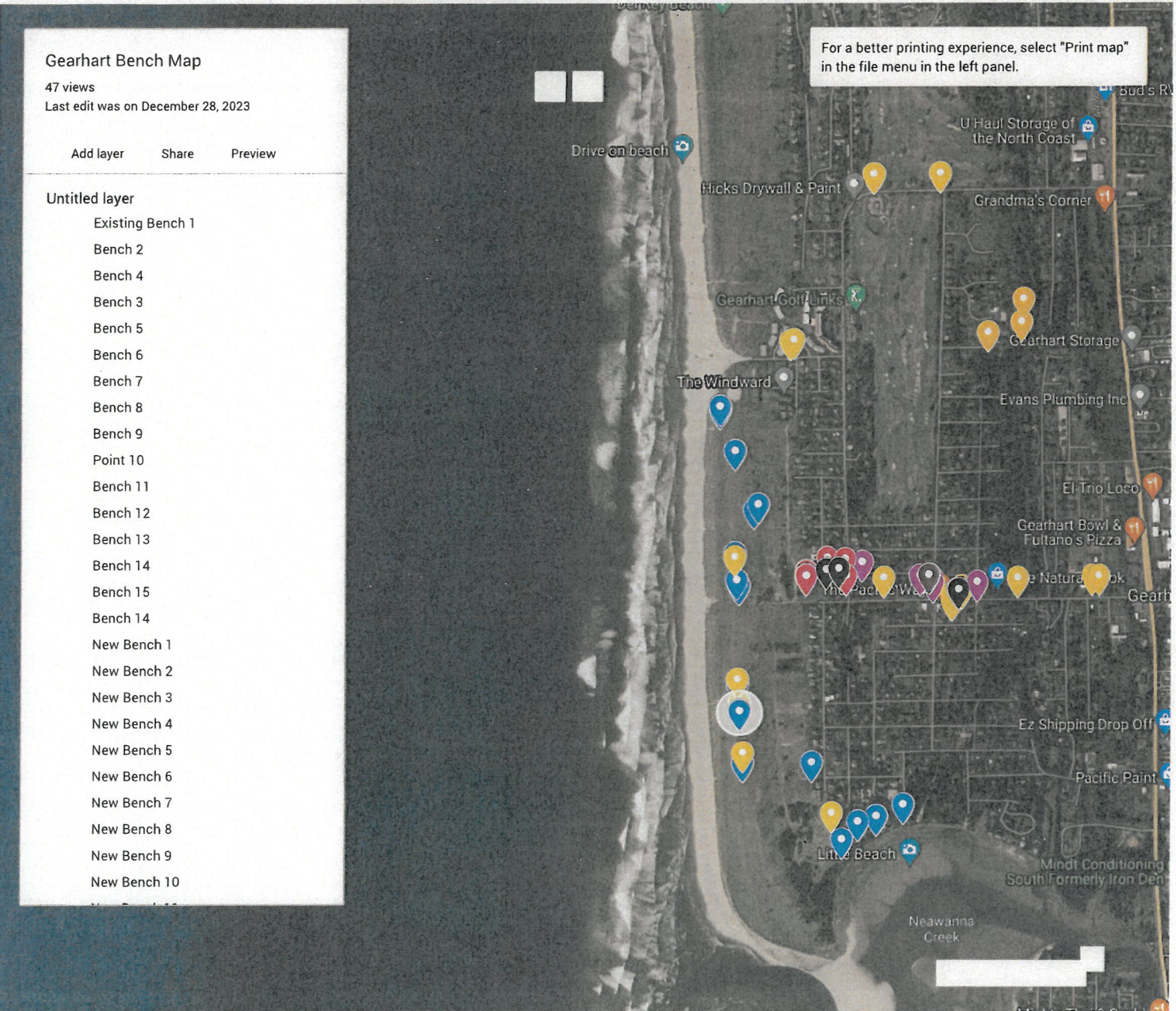
Last edit was on December 28, 2023

Add layer Share Preview

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- Existing Bench 1
- Bench 2
- Bench 4
- Bench 3
- Bench 5
- Bench 6
- Bench 7
- Bench 8
- Bench 9
- Point 10
- Bench 11
- Bench 12
- Bench 13
- Bench 14
- Bench 15
- Bench 14
- New Bench 1
- New Bench 2
- New Bench 3
- New Bench 4
- New Bench 5
- New Bench 6
- New Bench 7
- New Bench 8
- New Bench 9
- New Bench 10

For a better printing experience, select "Print map" in the file menu in the left panel.



Gearhart Bench Map

47 views

Last edit was on December 28, 2023

Add layer Share Preview

- New Bench 10
- New Bench 11
- New Bench 12
- New Bench 13
- New Bench 14
- New Bench 15
- New Bench 16
- New Bench 17
- New Bench 18
- New Bench 19
- New Bench 20
- New Bench 22
- New Bench 21
- City Bench 1
- City Bench 2
- City Bench 3
- City Bench 4
- City Bench 5
- City Bench 6
- Private Bench 1
- Private Bench 2
- Park Marion Bench 1
- Park Marion Bench 2
- Park Marion Bench 3
- Park Marion Bench 4
- Park Marion Bench 5
- Park Marion Bench 6
- Park Marion Bench 7

For a better printing experience, select "Print map" in the file menu in the left panel.



Gearhart Bench Map

47 views

Last edit was on December 28, 2023

Add layer Share Preview

- New Bench 17
- New Bench 18
- New Bench 19
- New Bench 20
- New Bench 22
- New Bench 21
- City Bench 1
- City Bench 2
- City Bench 3
- City Bench 4
- City Bench 5
- City Bench 6
- Private Bench 1
- Private Bench 2
- Park Marion Bench 1
- Park Marion Bench 2
- Park Marion Bench 3
- Park Marion Bench 4
- Park Marion Bench 5
- Park Marion Bench 6
- Park Marion Bench 7
- Picnic Bench
- Picnic Bench 2
- Picnic Bench 3
- Picnic Bench 4

Untitled layer

For a better printing experience, select "Print map" in the file menu in the left panel.





**OREGON PARKS AND RECREATION DEPARTMENT
OCEAN SHORE PERMIT APPLICATION AND INSTRUCTIONS
ACCESS WAYS & OTHER MISCELLANEOUS PROJECTS**

In accordance with ORS 390.640, 390.715, and 390.725, no person shall make an alteration, or construct a pipeline, cable line or conduit or remove any natural product on any property that is within the ocean shore, without first obtaining a permit to do so from the Department.

Permit Instructions

An application is considered complete only when all required materials are received. This includes a completed Ocean Shore Permit Application and all additional required supporting documents, reports, drawings, affidavits, and fees. Incomplete applications will not be processed and will be returned to the applicant.

An Ocean Shore Permit Application and City/County Planning Department affidavit shall be submitted for each individual tax lot and project.

To assist in submitting a complete application, please follow these step-by-step instructions:

Section 1. Proposed Project

Check appropriate box for the type of proposed project. If the type of access project is not listed, check the box next to "Other," and identify the project type.

Provide a brief description of the project in the box provided.

For an "Other Miscellaneous Project," provide a detailed description of the project in the box provided.

Provide estimated start and completion dates.

Section 2. Applicant Information

Owner: Provide the name, mailing address, phone number, fax number and email address of the person who legally owns the property.

Agent: An agent is a person who is authorized by the owner to represent their interest during the permitting process with Oregon Parks and Recreation Department (OPRD). Examples of an agent may be another property owner, consultant, attorney or contractor. *Agents are optional.*

Primary Contact: If the legal owner has chosen to include an agent, indicate which party will act as the primary contact; owner or agent. This is the person OPRD will contact for any application questions or concerns.

Section 3. Property Location and Information

Provide situs address (physical address) of property. Provide the township, range, section, subsection, and tax lot number. (Do not list multiple tax lots as each individual tax lot requires a separate Ocean Shore Permit Application.)

Check the appropriate box to indicate the current use of the property.

Provide the name of the nearest public beach access, if applicable, the access number, and distance from your property.

Provide the names, situs and mailing addresses of oceanfront landowners with property boundaries common to the property described in this application.

If you do not know this information, it may be obtained from the county tax assessor's office and/or Local planning office.

Section 4. Project Justification and Impacts

There shall be adequate justification for the proposed project to occur and alter the ocean shore area.

Provide an explanation of why the proposed project is necessary. If the proposed access is private, explain why the use of the nearest public beach access is not practical.

Describe all potential impacts this project may have in the short and long-term to neighboring properties, to recreation, scenic, safety, and natural resources of the ocean shore.

List the measures that will be taken to minimize those potential impacts. All projects will have some impact on the ocean shore; a "no impact" conclusion is not an appropriate answer.

Section 5. Project Details

Provide the length, height, slope, and width of the project on the ocean shore and the type of construction materials to be used.

If fill material is being utilized in conjunction with this project, provide the type and the total volume of material.

Section 6. Additional Permit Requirements

List any additional necessary permits and/or authorizations required by local, state, or federal agencies. Additional agencies may include city/county planning departments, Oregon Department of State Lands and/or U. S. Army Corps of Engineers.

Section 7. Signature Requirement

The owner's signature is required for acknowledgment and completion of the application. If an agent has been included, check the box authorizing them to act on your behalf with OPRD.

If an agent has been authorized, the agent's signature is also required for acknowledgment and completion of the application.

Section 8. Required Drawings

The application shall include a plan view and cross-section of the project, as well as a construction plan. Drawings shall be clear and concise, and follow the format specifications outlined.

Section 9. Application Fees and Calculation Worksheet

Each application filed under ORS 390.640, for an alteration on the ocean shore shall be accompanied by a processing fee for the purpose of partial recovery to the department of its administrative costs.

The fee shall be determined according to the construction value of the project. Evidence the Department may consider in establishing the construction value of a project shall include: Itemized estimates from licensed, bonded, contractors; construction values accepted by the county or city for purposes of issuing local permits; itemized costs of equipment rental and other such charges if the project is completed by the property owner; estimates that reflect unit costs typically associated with the type, quality and standards of construction proposed in the application.

Complete the calculation worksheet based on construction value.

Additionally, the Department may require a cash bond, or other security acceptable to the Department, to ensure that the permittee complies with the terms of the permit.

City/County Planning Department Affidavit

Applicant and Property Details: The applicant shall complete all information in this section before submitting the affidavit to the appropriate city or county planning department for review and signature.

Planning Department Certification: This section is to be taken to the appropriate city or county planning department for completion and signature.



**OREGON PARKS AND RECREATION DEPARTMENT
OCEAN SHORE PERMIT APPLICATION**

ACCESS WAYS/OTHER MISCELLANEOUS PROJECTS

FOR OFFICIAL USE ONLY

OPRD PERMIT # _____
 APPLICATION DATE: _____
 DATE POSTED: _____
 COORDINATOR: _____
 60 DAY DATE DUE: _____

Section 1. Proposed Project

Access type

<input type="checkbox"/> Stairway	<input type="checkbox"/> Walkway/Boardwalk	<input type="checkbox"/> Path
<input type="checkbox"/> Ramp	<input type="checkbox"/> Road	<input type="checkbox"/> Other:

Provide a brief description of the project:

Other miscellaneous project

Provide a detailed description of the project:

Estimated project start date:	Estimated project completion date:
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Section 2. Applicant Information

Owner			Agent		
Mailing address			Mailing address		
City	State	Zip	City	State	Zip
Phone	Fax		Phone	Fax	
Email			Email		
Primary contact		<input type="checkbox"/> Owner			<input type="checkbox"/> Agent

Section 3. Property Location and Information

Situs address					
City/Town			County		
Township	Range	Section	Subsection	Tax lot	

Current use

<input type="checkbox"/> Residential	<input type="checkbox"/> Commercial/Industrial	<input type="checkbox"/> Public
<input type="checkbox"/> Vacant (unbuilt)	<input type="checkbox"/> Other (Explain)	

Nearest public beach access information

Access name (street, road, park)	Beach access number (if applicable to that access)
Distance from property	

List the names, situs and mailing addresses of oceanfront landowners with property boundaries common to the property described in this application.

Name	Property situs address	Mailing address

Section 4. Project Justification and Impacts

Explain why the project is necessary. If for an access, explain why existing public access is not practical:

Attach additional pages as necessary

Describe all potential impacts:

Attach additional pages as necessary

Describe measures that will be taken to minimize the impacts identified above:

Attach additional pages as necessary

Section 5. Project Details

Length along shoreline (in feet)	Height (in feet)
Width of top (in feet)	Width of base (in feet)
Slope (Ratio-horizontal to vertical)	Type of construction material(s)
Is fill material being utilized? <input type="checkbox"/> Yes <input type="checkbox"/> No	Type of fill materials being used
Volume of fill being used	Total volume of all material(s) (cubic yards)

Section 6. Additional Permit Requirements

List agency and type of permit required:

No additional agency permit required

Section 7. Signature Requirement

The application is hereby made for the ocean shore alteration described within this application. I certify that I am familiar with the information contained in this application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed alteration.

I understand that the granting of an OPRD permit does not release me from obtaining any additional permits from any/all local, state, and/or federal agencies that may be required before commencing the project.

I understand that the payment of required OPRD processing fee does not guarantee the issuance of an approved permit.

Owner Signature _____ Date _____
 I (Owner) authorize Agent included in this application to act on my behalf during this application permitting process.

Agent Signature _____ Date _____

Section 8. Required Drawings

The submitted application shall be accompanied by a plan view and a cross-section of the proposed project. Neatness and accuracy are important in order for those reviewing the application to clearly understand the proposal. Copies of county assessor's maps may not be used as site plan maps.

For consistency and quality please follow these format specifications:

- **All drawings shall be:**

- On 8.5 X 11 inch white paper
- In black ink or clear legible photocopy of plan(s)
- Printed or typed (no cursive) minimum size 10 point font
- Drawn with a straight-edge and not freehanded
- Drawn accurately to scale
- Be labeled appropriately

- **Plan view drawing shall include:**

- Scale of drawing and north arrow
- All lot lines with dimensions
- Existing structures
- Location of proposed structures and improvements in relation to the Statutory Vegetation Line and Actual Vegetation Line
- Location of proposed project in relation to property boundaries
- Specify length, in feet, the project will occupy along the shoreline
- Location of the proposed project in relation to the top of the bluff and the existing toe of bluff and property lines
- If applicable, the location of temporary access roads or other temporary alterations

- **Cross-section (side view) drawing shall include:**

- Scale of drawing
- Location of the existing toe of bluff or dune
- Location of top of bluff or dune
- Show base rock material or sandy beach
- Location of proposed structures and improvements in relation to the Statutory Vegetation Line and Actual Vegetation Line
- Approximate number of feet the project will occupy beyond the existing toe of bluff
- Depth of foundation or footing
- Slope of the project (width/height ratio (i.e. 2:1))
- Overall height of the project

- **Construction plans shall include:**

- Foundation/anchoring element
- Materials specifications
- Hardware and fastener details
- Other details as necessary to evaluate the project for structural components and design

Section 9. Application Fees and Calculation Worksheet (to be submitted with application)

Each application filed under ORS 390.640, for an alteration on the ocean shore shall be accompanied by a processing fee for the purpose of partial recovery to the department of its administrative costs. The fee shall be determined according to the construction value of the project.

The application processing fee shall be:

- (a) \$400 for projects with a construction value less than \$2,500; or
- (b) \$400 plus three percent of the construction value over \$2,500 for projects with a construction value equal to or greater than \$2,500.

Please use the formula below to determine total application fees.

Total construction value of project	\$	
Base construction value <small>(Subtractable allowance)</small>	-	\$ 2500.00
Subtotal <small>(construction value minus base fee)</small>	=	\$ _____ (x .03 = _____)
3% of subtotal	\$	
Add Base Fee	+	\$ 400.00
TOTAL APPLICATION FEE	=	\$ _____

EXAMPLE

<i>Total construction value of project</i>	\$	10,000.00
<i>Base construction value</i> <small>(Subtractable allowance)</small>	-	\$ 2,500.00
<i>Subtotal</i> <small>(construction value minus base fee)</small>	=	\$ 7,500.00 (x .03 = 225.00)
<i>3% of subtotal</i>	\$	225.00
<i>Add Base Fee</i>	+	\$ 400.00
TOTAL APPLICATION FEE	=	\$ 625.00

Submitted Ocean Shore Permit Application shall include this completed fee worksheet, as well as, evidence of construction value

CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT

Property Owner

Last	First	MI
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Property Details

Township	Range	Section	Subsection
Tax Lot			

County

<input type="checkbox"/> Clatsop	<input type="checkbox"/> Tillamook	<input type="checkbox"/> Lincoln	<input type="checkbox"/> Lane
<input type="checkbox"/> Douglas	<input type="checkbox"/> Coos	<input type="checkbox"/> Curry	

Project Type

<input type="checkbox"/> Shorefront Protection	<input type="checkbox"/> Access/Other Misc.	<input type="checkbox"/> Sand Alteration
<input type="checkbox"/> Pipeline/Cable/Conduit	<input type="checkbox"/> Natural Product Removal	

Planning Department Certification
(To be completed by local planning official)

Part I

In accordance with Statewide Planning Goal #18, Beaches and Dunes alteration permits for beachfront protective structures may be issued only where development existed on January 1, 1977, or where an exception to this Goal 18 implementation requirement has been approved by the appropriate local jurisdiction. For the purpose of this requirement, the definition of "development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through the construction of streets and provisions of utilities to the lot.

Above property meets Goal 18 Eligibility? Yes No Not Applicable

Part II

I have reviewed the proposed project application and have determined that:

- This project is not regulated by the local comprehensive plan and zoning ordinances.
- This project has been reviewed and **is consistent** with the local comprehensive plan and zoning ordinance.
- This project has been reviewed and **is not consistent** with the local comprehensive plan and zoning ordinance.
- The consistency of this project with the local planning ordinance cannot be determined until the following local approvals are obtained:

<input type="checkbox"/> Conditional Use Approval	<input type="checkbox"/> Zone Change	<input type="checkbox"/> Plan Amendment
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Other (Specify) _____	

Comments:

Local Planning Official Name (Please Print)	Title
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Signature	Date
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The completed/signed form shall be submitted with the completed Ocean Shore Permit Application