

Case File: 02-LUPC-ZC-16

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STAFF REPORT

Lincoln County Planning Division Plan and Map Amendment

APPLICANT: Oregon Parks and Recreation Department (OPRD)

AGENT: Ian Mathews, Planner, OPRD

REQUEST: OPRD is asking Lincoln County to issue a “recommendation” regarding the *June 2014 Draft Brian Booth State Park Comprehensive Plan* (hereafter referred to as the “*Draft Master Plan*”). At a later date, after the *Draft Master Plan* has been adopted by the Oregon Parks Commission as the final plan, OPRD will request that most of the property encompassed by Brian Booth State Park be rezoned from its current zoning -- Agricultural Conversation (A-C) and Timber Conservation (T-C) -- to Public Park Master Plan Zone PMP (LCC 1.1379).

UPDATE ON THE PROCESS

I attached the original staff report prepared for the first hearing. The facts enumerated in the staff report are unchanged. In addition, the description of the process in the first staff report still applies. I recommend you review the original staff report (especially the description of the process) because this is a unique process; quite unlike what the Planning Commission is accustomed to following.

The first hearing was held on November 24, 2016. At that hearing a number of people from the community attended. They testified about their concerns about the park’s current and future impacts on their property. At the close of the first hearing the Planning Commission instructed the staff to work with OPRD staff and the property owners to facilitate agreements among the parties.

The draft recommendations below reflect the outcomes of many conversations (phone, email, site visits) addressing a range of issues. I sense we’ve made a lot of progress since the first hearing. OPRD staff and people from the community have been generous with their time and ideas. From my perspective, the dialogues were constructive.

Of course, the draft recommendations are just recommendations. They can, of course, be modified by the Planning Commission. The task before us at the second hearing is to take additional testimony, and, together, strive to finalize Lincoln County's recommendation to OPRD on the *Draft Master Plan*.

DRAFT RECOMMENDATIONS

Issue #1: Restricting Access to-and- from Brian Booth State Park and the residential neighborhood to the southwest of the park.

At the first Planning Commission meeting property owners -- mostly from the residential neighborhood adjacent to Brian Booth State Park on the west side (between the park and U.S. Highway 101) -- expressed concern about a rash of burglaries that had just taken place in their neighborhood. They stated the criminals gained access to their neighborhood from OPRD's property. They also claim they warned OPRD staff about the potential threat and OPRD staff did not take action to address those concerns.

These neighboring property owners are urging the Planning Commission to require that OPRD restrict access to their neighborhood by building a fence at the perimeter of the park. They also want the Planning Commission to require OPRD to post signs at the perimeter of the park to inform park visitors they cannot enter their neighborhood from inside the park.

People in that neighborhood have requested that the public right-of-way that runs along the outer-perimeter of their neighborhood be vacated. The vacation of these right-of-ways, they believe, will discourage individuals from: (a) accessing their backyards/homes, and (b) accessing the park. In addition, the property owners request that Bernard Street, the right-of-way abutting the park (the right-of-way east of the intersection of Bernard Street and NW Riggins Street), be vacated. These property owners underscore that that portion of Bernard Street, the portion of Bernard Street that dead-ends at the park boundary, has, in effect, served as a pathway for people gaining access to-and-from the park property.

Recommendation:

OPRD shall build and maintain, with appropriate signage, a fence at the border of the park and this neighborhood. The fence and signage would

prevent access to-and-from the neighborhood to the park. The *Draft Master Plan* should delete references to a potential public access adjacent to their neighborhood. As an adjoining property owner, OPRD will support an application (submitted by property owners in that neighborhood) to the Lincoln County Board of Commissioners to vacate the right-of-ways as proposed.

~~This recommendation, however, is not meant to apply to the OPRD staff-only entrance (“service road”) to the park on the south side of the park.~~

Issue #2: Within the *Draft Master Plan* there are several references (page 64, page 99) to a group identified as the “Seal Rock Trails Group.” This group identified “an approximate location” for a trail (an “Off-Site Trail Connection”) across private properties (Figure 9-4). This off-site trail, if established, would connect Ona Hills (an area within the park) to the community of Seal Rock.

Potentially-impacted property owners outside the park boundary reached out to the Lincoln County Board of Commissioners and the Lincoln County Planning and Development Department. They expressed firm opposition to the establishment of the proposed off-site trail. The property owners also report the Seal Rock Trails Group never approached property owners about this off-site trail. The property owners claim they only learned about this off-site trail connection proposal because of community dialogues that took place following the first Planning Commission hearing.

Recommendation:

All references to Off-Site Trail Connections shall be deleted from the *Draft Master Plan*. Future proposals to add Off-Site Trail Connections to the park would require a Plan Amendment.

Issue #3: The Seal Rock Rural Fire Protection District (SRRFPD), in the event the District needs to assist OPRD in controlling a fire, is requesting a “service agreement” with OPRD to compensate the District for rendering such services.

Recommendation: At a later date (once the park is under construction), OPRD shall enter into a service agreement with the SRRFPD similar to other service agreements OPRD has undertaken with other Fire Districts in Oregon.

Issue #4: Within the Management Zone identified as “Beaver Creek Natural Area” OPRD anticipates establishing a “Learning Facility Extension” facility in a barn that used to support cattle ranching on the property. In addition, a network of trails leads to place in the park called “Snaggy Point” (aka South Beaver Creek Uplands -- a high elevation knob above the Beaver Creek Marsh affording commanding views of the marsh and the Pacific Ocean).

At present, a one lane unpaved “service road” provides access from S. Beaver Creek Road to the Learning Facility. A 0.25 mile portion of that service road runs through private property. OPRD holds an easement to utilize that service road.

The property owner has expressed concerns about the service road being used by the public. At present, members of the public have been parking their vehicles on an unimproved wide spot on the shoulder of S. Beaver Creek Road (on the west side of the road). S. Beaver Creek is a County Road. The Director of the Lincoln County Public Works Department (Roy Kinion) has expressed concern about the use of this right-of-way as a parking area. In addition, a portion of the wide spot in the road encroaches on private property. At some point, because the use of this service road is changing, OPRD will need to secure a road access permit from the Lincoln County Public Works Department to authorized access to S. Beaver Creek Road. In addition, the property owner reports people have been trespassing on her property. And, the property owner reports members of the public are leaving substantial amounts of litter and “dog poop” (in and out of bags) on the road.

Recommendation: On page 101 of the Draft Master Plan, OPRD anticipates creating “two types of visitor access” from South Beaver Creek Road. First, a pre-arranged vehicular access to the pole barn/learning center location utilizing the single access road. Second, OPRD intends to acquire additional property and establish a new parking area to facilitate “regular

visitor use of the trail system and replace the unauthorized roadside parking.”

The Planning Commission recommends OPRD work toward making these first scenarios—OPRD staff usage and pre-arranged vehicular access usage of the service road only— compatible with the adjacent property owner’s interests by undertaking the following measures:

- OPRD shall provide fencing ~~on each~~ along the south side of the ~~service access~~ road.
- OPRD shall provide signage, as one enters Brian Booth State Park from that road/easement, informing people they are now entering the park. In addition, at that entrance to the park, additional fencing, running perpendicular to the entrance/road, shall be erected to inform visitors which areas (private property) they are not authorized to access.
- The ~~service access~~ road shall be utilized for OPRD staff only and for scheduled/authorized visitor groups utilizing the learning center/the trail system, until OPRD is able to develop an access strategy that meets Lincoln County Public Works roadway and access standards.
- OPRD shall enter into an arrangement with the property owner to shield the property owner from financial liability arising from claims related to park-usage of the ~~service access~~ road.
- OPRD shall secure a road access permit from the Lincoln County Department of public works to access S. Beaver Creek for the purposes enumerated above.

~~The Planning Commission recognizes that OPRD, in the future, when OPRD is prepared to provide greater clarity and specificity regarding how the South Beaver Creek NA can be utilized by the general public, will apply to Lincoln County for a Plan Amendment to the Master Plan.~~

Issue #5 A neighboring property owner has requested that OPRD carry out, on a regular basis, nutria control activities at the Brian Booth State Park. Nutria populations, an invasive non-native species, if left unchecked, can damage the ecosystem.

Recommendation OPRD shall include in their Master Plan, a firm commitment to carry out, ~~each year,~~ a nutria control program at the park.

