

Oregon Parks and Recreation Commission

November 15, 2023

Agenda Item:	5b	Action
Public Comment Allowed:	Yes	
Topic:	Lighthouse Beach donation	
Presented by:	Chris Havel	

Lighthouse Beach, on the northern border of Sunset Bay State Park, has a low-volume beach access across private property with a history stretching back about a century. In 2021, the owner (Jay O’Leary Living Trust) erected barriers to entry. Surfrider Foundation, a non-profit organization, filed a suit in 2022 asking the Court to declare a public prescriptive easement, and to reopen the path.

Negotiations between the two parties have settled the case, with an agreement that the O’Leary’s will donate a portion of the property for a public access trail. The parties have agreed on a new trail alignment. The O’Leary’s are currently working on building a new path on the side of the property, to connect to the old path above the beach, and on changing the tax lot boundaries to facilitate a property donation of the new path to a willing recipient who will ensure public access on the new trail.

Because of geologic features, tidal influences, and continuous oceanfront private ownership, this has historically been and would become again the only safe public access to Lighthouse Beach. Without it, this area essentially becomes a private beach for about two dozen residential properties.¹

The Oregon Parks and Recreation Department owns Sunset Bay State Park, with the northern, undeveloped boundary roughly 40 feet (literally across the street) from the Lighthouse Beach access. Following negotiations between Surfrider and the landowner, a representative of the O’Leary Living Trust contacted OPRD to inquire about donating the property.

Besides Sunset Bay, OPRD manages many regional day-use parks. While OPRD does not have capacity to handle trash collection and trail maintenance at a new access, if the new trail was complete, and an agreement was in place for Coos County to maintain it, and the Commission approved accepting the donation, OPRD ownership of this access would ensure that the public could continue to enjoy the use of Lighthouse Beach.

¹ When this area was first platted in the 1920’s, there was a public path dedicated on this same parcel. However, in the 1960’s Coos County vacated that dedication.

A representative for Coos County, while not speaking officially for their government, has expressed that the County chose not to engage in the ownership discussion due to their limited financial resources. While the burden is manageable when viewed in the context of OPRD's coast-wide responsibilities for hundreds of properties, the County is not similarly situated. With OPRD's adjacent ownership and sole responsibility for managing the ocean shore, it seems appropriate to staff that OPRD play a role in ensuring the beach route to Lighthouse beach is in public ownership. Once established, the property could eventually be leased or transferred to Coos County for public access purposes should the County determine it can take on that responsibility.

The attached evaluation sheet shows how applicable statutes, rules, and policies apply to the donation, and staff recommend commission approval because:

- Upland access to the ocean shore is not guaranteed by the beach bill, so putting this parcel into public ownership ensures broad public enjoyment is protected in perpetuity.
- The current owner is willing to donate to OPRD because of our track record making ocean shore and upland access management work harmoniously.

Prior Action by the Commission: None.

Action Requested: Accept donation of title to a beach access parcel between Sunset Bay State Park and Lighthouse Beach, contingent on completion of trail construction and signature of a maintenance agreement with Coos County, authorizing the OPRD director to sign all necessary instruments effectuating the transaction.

Attachments: A) Map of parcel, and B) Acquisition evaluation.

Prepared by: Chris Havel

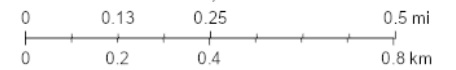
5b Attach. A Oregon Parks and Recreation
 Commission, September 20, 2023
 Sunset Bay/Lighthouse Beach



August 31, 2023

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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Acquisition criteria evaluation

Property: Lighthouse Beach, substantially adjacent to Sunset Bay State Park

Category	Condition	Comment
Statutory ORS 390.121 [1]	Acquire real property necessary for the operation and development of state parks, including any place with natural, scenic, cultural, historic, or recreational value which in the judgment of the State Parks and Recreation Department will contribute to the general welfare, enjoyment, and pleasure of the public.	Secures public ownership to access the public ocean shore in an area where the upland parcels are entirely private.
Statutory ORS 390.630	Acquire ownership of or interests in the ocean shore or lands abutting, adjacent or contiguous to the ocean shore as may be appropriate for state recreation areas or access to such areas where such lands are held in private ownership.	Subject property abuts and provides direct access to ocean shore state recreation area.
	Availability of public lands in vicinity. Existing public recreation areas and accesses in the vicinity.	Sunset Bay is nearly adjacent to the south and provides vast majority of ocean shore public access in this area, though it is congested at peak times and subject to flooding and storm damage.
	Land uses, improvements, and density of development in the vicinity	Beach is land-locked by private residential development.
	Any local zoning or use restrictions affecting the area in question.	Zone is RR-2 (Rural Residential), which allows low-intensity recreation.
Admin rule OAR 736- 019-0060	Protects areas of outstanding natural, scenic, cultural, historic, and recreational significance for the enjoyment and education of present and future generations.	Beach is recreationally significant since nearby beach is sometimes unusable due to flooding.
	Consolidates state park parcels, trail systems or greenways so that more efficient management and administration of the state park system is made possible.	n/a
	Provides a buffer to adjacent or nearby development that may diminish the recreation or conservation values of a state park parcel.	n/a
	Provides access to recreation areas for management or protection of state park parcels.	Establishes public access to ocean shore for clean-ups and emergency response where permission would normally be required.

	Addresses opportunities that may be lost to the Department if acquisition is delayed.	Future owners may close access.
	Acquire other properties that contribute to the established goals of the Department but were not previously included on a list of properties of interest or identified in a Department plan	Public use of the ocean shore is a high priority, and opportunities to secure a new upland access are rare.
Policy PRP.010.000	<p>Mission impact Recreational, natural, historic, or cultural attributes under-represented in the state park system.</p> <p>Properties with stable, like-missioned partners who manage or are capable of managing properties that embody these values. Resource-rich properties that benefit the human experience, rather than by preserving lands and waters by excluding people.</p>	<p>Beach is currently reliably accessible only for people who own upland homes.</p> <p>A reliable public access fulfills the beach bill's vision.</p>
	<p>Strategic objectives Property consistent with priorities stated within a Park Master Plan or other plan adopted by the OSPRC (SCORP, statewide trails plan, Park System Plan, etc.)</p> <p>Acquisitions that buffer existing properties, resolve management or legal issues or provide replacement lands anticipating the wholesale loss of parks.</p> <p>Acquisitions that position the department to extend or improve public service in the face of changes wrought by human development, climate change, and epic environmental events like earthquakes, tsunamis, volcanic eruptions, floods, and wildfire.</p>	<p>Last master plan adopted 1986. Acquisition resolves dispute over public use of traditional access that has contestable legal documentation.</p> <p>As sea levels rise, individual beaches and accesses in the region may become more or less useful, and expanding the inventory now provides options to maintain public use of ocean shore.</p>
	<p>Urgent opportunities The owners' ability to commit to a sale and allow the department time to secure funds.</p> <p>The likely outcomes if the department is unable to acquire the property. E.g., loss of significant potential resource (natural, historic, etc.) or property access.</p> <p>Willing partners available to secure the site if the department is unable to work fast enough to acquire or have the adequate funding. This may include a partner</p>	<p>Current owner is ready and willing to donate to the state and has expressed unwillingness to consider other recipients because they favor OPRD's authority to manage ocean shore in harmony with accesses of this sort, rather than divide authority between county and state.</p> <p>Prior to OPRD involvement,</p>

	<p>who could hold the property until the department can acquire.</p>	<p>county expressed acquisition is beyond their current means.</p>
	<p>Engagement Acquisition, development, and operation as state parkland is feasible in terms of community support, staffing, and anticipated visitation.</p> <p>The department is ready to commit development and management resources to provide tangible public benefits through access or by some other means, once acquired.</p> <p>Evaluation of known or anticipated community impacts, both positive and negative. Long-term public benefit outweighs near-term considerations. The acquisition would create an access or experience for an under-represented population.</p>	<p>Public supports returning access to the status quo before the access was closed: a low-key, unimproved beach access.</p> <p>Access may become popular enough that parking and restrooms would be needed. OPRD design staff see an opportunity to serve beach access with improvements already needed at Sunset Bay.</p> <p>Neighbors could be concerned about having to share “their” beach. Acquisition supports access by non-property owners.</p>