

Cherry Trail Proposal Assessment

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Prepared for

The City of Manzanita

Prepared by

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1. Project Background

In April 2020, an existing pedestrian connection across private property from Cherry Street to Ocean Road was physically closed by the property owner. In response, the Classic Ridge Trail Access Campaign (TAC) was formed to re-establish access from the neighborhood down to the beach. The TAC developed a proposal for a pedestrian trail, named the “Cherry Trail”, through the undeveloped public right-of-way of Ocean Avenue between the south end of Cherry Street and Ocean Road.

Other residents in the area expressed concern about the impacts of improving the Ocean Avenue ROW, particularly regarding erosion. Partially in response to a request for more information by the city, the TAC submitted a letter titled *Trail Access and Proposal* on 12 July 2020. On 20 July 2020, Mr. Brian Rohter and Ms. Eileen Brady submitted a letter from their attorneys, identifying potential deficiencies in the TAC proposal.

2. Scope

C2 Recreation Consulting was requested by the city to assist with reviewing the Cherry Trail proposal, assessing the potential impacts, and identifying possible next steps, if any. Pursuant to this, C2 met with city staff and Councilor Aschenbrener, interviewed two residents of the neighborhood, and reviewed existing reports and communications.

This report does not address the letter submitted by the attorneys for Mr. Brian Rohter and Ms. Eileen Brady, dated 20 July 2020, as C2 does not have attorneys on staff. Reviewing and responding to the letter is identified as a future task for the city’s legal counsel should the city wish to proceed.

3. Potential Positive Impacts

- a) The greatest positive impact of the trail would be to improve pedestrian mobility. In general, pedestrian access should be provided whenever feasible, to reduce the need for vehicle travel and the accompanying congestion and required parking infrastructure. As with all transportation, the most direct route possible is desired to provide maximum efficiency.
- b) A representative of the TAC noted the value of the route for emergency evacuation, particularly in the event of a tsunami. Currently, pedestrians must take Ocean Avenue to 1st Street to reach the dry zone from an approximately 9.1 magnitude earthquake (https://www.oregongeology.org/pubs/tim/TIM-Till02_Manzanita_Nehalem_Plate1_onscreen.pdf). If the proposed trail were available, pedestrians would only need to climb halfway up the trail to escape the wet zone, significantly reducing evacuation times.
- c) Currently, the public has legal access from the end of Cherry Street down to Ocean Road; the ROW exists and is open to the public. It is seeing use but because it is unimproved, erosion is occurring. Improving the ROW with a trail per the TAC proposal will reduce the negative impacts of use.
- d) Residents and visitors expect an ever-increasing number of services from local jurisdictions, continuously surpassing capital and operating budgets. One way to close this gap is for a city to partner with citizen groups such as the TAC, who

volunteer their resources for the public good. These partnerships provide many benefits and are a common mechanism for implementing improvements where public monies are insufficient.

4. Potential Negative Impacts

- a) The most likely negative impact of the trail would be the potential for physical failure and large-scale erosion resulting in costly repairs to the public ROW and adjacent private properties. The ROW exists over a dune, a geologic feature that is generally less stable than typical landscapes; historic erosion of dunes on the Oregon Coast has been documented in many instances so this scenario is not improbable.
- b) Small-scale erosion is also possible through a variety of vectors, such as improper implementation of the trail or mismanagement of stormwater. Deposits of sand onto Ocean Road have occurred in the past along the toe of the dune and it is reasonable to assume that it could happen in this location if stormwater is not properly managed.
- c) Regardless of any agreements with the TAC or other groups, the city will bear the ultimate responsibility of maintaining the improvements to the ROW to ensure safe access. If citizen groups cannot bring sufficient volunteer or professional resources to bear on maintenance, the city would either need to provide the maintenance or close the ROW due to hazardous conditions. The city would also be responsible for damage to private property as a result of lack of maintenance, regardless of maintenance agreements with citizen groups.

5. Recommendations

It is the opinion of C2 that while the potential positive impacts do not inherently outweigh the potential negative impacts, if the negative impacts can be mitigated then the project should proceed. This mitigation would occur through a more rigorous review of the proposed design to minimize physical impacts such as erosion, as well as the formal establishment of a relationship between the TAC and city, detailing responsibilities for each in pursuit of the creation and maintenance of the proposed trail.

6. Next Steps

If the city wishes to pursue the development of the ROW for pedestrian access, the following actions are recommended.

- a) Have the city's legal counsel review and respond to the letter submitted by the attorneys for Mr. Brian Rohter and Ms. Eileen Brady, dated 20 July 2020. Any valid points identified in the letter would then be integrated into the review process outlined below.
- b) Obtain an engineer's review of the proposed trail, including an opinion of stormwater management and the integrity of the stair design. The TAC is proposing a common "box crib step" design that has been successfully implemented both locally and nationally; however, the situation is more complex than typical trail

development given the unique conditions of the dune, and therefore additional analysis is warranted.

More details should need to be provided by the TAC, such as field staking of the design, provision of construction details, the size of a queuing area at Ocean Road, and how to cross the existing asphalt driveway to 680 Ocean Road that is in the ROW. Given the variety of factors, a single engineer may not have sufficient expertise to review all of the requirements, in which case an engineering team may be required. The city's contract engineer, OTAK, likely has sufficient expertise to create the report.

If the engineer's report identifies the need to manage the stormwater from Cherry Street it is recommended that the city not condition the TAC to remedy this problem but instead solve it using city resources. Other deficiencies related to the trail that can be solved through an improved design should be forwarded to the TAC for consideration.

- c) Simultaneously with the above-noted steps, the city should establish an arrangement with the TAC, setting forth an operating and maintenance agreement to formalize their offer of assistance. This agreement will detail the responsibilities of the two entities, including provisions for future closure of the ROW if citizen-led maintenance efforts are insufficient to keep the trail in a safe operating condition.
- d) If the engineer's report from 6.b is favorable then the TAC should proceed with updating their proposal, if needed, and resubmitting it to the city for consideration. If any deficiencies identified in the engineer's report are properly addressed, the city may wish to proceed with the implementation of the trail pursuant to the agreement with the TAC identified in 6.c.

7. Sequence of Events

If the city wishes to pursue the development of the ROW for pedestrian access, the following sequence of events is based on the Next Steps listed above.

- Legal review of letter submitted by the attorneys for Mr. Brian Rohter and Ms. Eileen Brady, dated 20 July 2020.
- Obtain engineer's report on proposed trail.
- Establish agreement with TAC for installation and maintenance of trail.
- Revise proposal, if needed, per engineer's report.
- Approve project, and proceed once the necessary city and/or TAC resources are available.

8. Additional Considerations

- a) If the project does proceed, the city should install "No Parking" signs along Ocean Road and Cherry Street where the trail intersects these roadways. "Pedestrian Crossing" signs should be installed in the vicinity of the trail intersection along Ocean Road in both directions.

- b) The TAC has been in communication Helena Kesch, Policy Analyst and ADA Coordinator for Oregon State Parks and Recreation. As the proposed route does not meet ADA requirements for accessibility, Helena recommended that signs be placed at the top and bottom of the trail, identifying the most accessible route between the two points. The TAC should develop these signs and provide drafts to Helena for her review before producing and installing them concurrently with the trail development.
- c) The TAC should proceed with the ROW staking task identified in its proposal dated 12 July 2020.
- d) C2 is available to assist the TAC and their partners, the Trail Keepers of Oregon (TKO), with the design of the trail to minimize user- and water-based erosion based on current best practices.