

ON-SITE HAZARD ASSESSMENT AND SAFETY INSPECTION

RMC: Margaret Ryan	Date: 12/7/2023	Member: Wheeler
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Property Name: Wheeler Recreation Areas	Property Address: Wheeler
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On 12/7/2023 I met with City Manager Pax Broder and Public Works staff member Phil Chick to view some recreational sites in the city. The purpose of the visit was to view paths and trails that lead to recreation areas in consideration of recent case law changes to recreational immunity in Oregon. The inspection is for Risk Management considerations for the member to consider. The member is advised to have their legal advisor review any recommendations and advise on the best course of action for the city. Risk mitigation efforts are offered to reduce risk exposures but can't be relied upon to eliminate claims and lawsuits.

Due to the recent case law changes in recreational immunity, the most conservative course of action is to close all paths and trails to recreational areas. A less conservative option is for members to evaluate paths and trails and assess if they can be improved or maintained in such a way that the likelihood of injury is reduced enough to keep them open for use.

In a review of the park areas listed below, I found some to be in a that had hazards I didn't think could be mitigated with short term and reasonable cost repairs. For those sites, the member might consider closure as the best option. For other sites, I've recommended short term reasonable cost improvements to help reduce exposures.

Waterfront Park

This park is located off the city center and adjacent to the Nehalem River. It's accessed by vehicle and foot off of a gravel paved driveway and parking area off Rector St. and Marine Drive. There's a level to sloping gravel paved pathway from the driveway to different areas of the park and to the dock. There's a bathroom building, garden areas and a greenspace/park area with tables and seating. The use of this park would be for viewing the river, recreation, traveling to the docks to recreate, traveling into town for amenities. There would be a strong argument that this is a transportation corridor for foot travel for getting around the city.

In the days prior to this inspection heavy rainfall caused flooding and damage to parts of the city and to this park. There was heavy waterflow through the park and the gravel foot path has deep ruts and holes and there are areas of mud build up and erosion. This has created uneven paths and slipping and tripping hazards. It seems an easy answer would be to level the gravel

and fill holes and tripping hazards however, there is nothing holding the gravel in place and during these rainy months, a short-term fix would not last long. Because there are uses for this path other than to recreate and there is not a short-term reasonable cost to repair the pathways through the park, for that reason the best answer might be to put up signs that say the city does not authorize use of this park including the dock.

Another option would be for the city to invest in having the driveway and path graded and filled and daily monitoring and repairs as needed. Specific repair suggestions: bring in gravel to the level of the concrete bathroom foundation, fill in noticeable holes and level the path in the areas of deep rutting and any areas that can't be reasonably improved, mark closed and not authorized for access.

Waterfront Park Boat Ramp

The paved driveway for Waterfront Park leads to a metal gangway and a dock over the Nehalem River. In recent days when the area flooded, water at the dock area is also very high and over the top of portions of the dock. There's a kayak lifter on the gangway that was not installed by the city and there is no known scheduled maintenance of the lifter. It's recommended that the city schedule dock cleaning to remove moss and any build up that can cause it to be slippery. If the city is not maintaining the kayak lifter, consider having it removed if it's not safe or putting up a sign that says it's not maintained and if used should be with caution and at the users risk.

Upper Park

Upper Park is located off of 2nd St. off of Rowe St. There's an asphalt paved driveway that leads to an asphalt paved parking area. The park has scenic views, playground equipment and garden areas. The park has full and mature landscape with large open green spaces. For the purposes of this report, I didn't do an inspection of the playground area and focused on paths and trails at the park.

There is a man-made path near the parking lot that leads to the adjacent residential area. This path was not created by the city and is not maintained by the city. There is a small green sign that asks for dog owners to clean up after their pet. I suggested the city put up a sign that says this path is not city maintained and users should use it with caution and at their own risk.

There is a second path on the northwest side of the path (see photos below) that's man-made, primitive and steep. I suggested the city put up a sign that says this path is not city maintained, it's steep and use is with caution and at their own risk.



Driveway to gravel paved lot at Waterfront Park. This area is used for people to walk between the town, park and dock. Recent heavy rains caused flooding and damage to the driveway and pathway into the park.



Gangway to dock, kayak lifter on the side of the dock. The gangway is metal grating and leads to a wood dock. The wood is wet, slippery and showing signs of wear.



Dock- wet, slippery wood.



Waterfront Park- path was recently washed out, thick and wet mud is near the picnic table, holes and uneven path.



Waterfront Park- Path has divots, holes, and tripping hazards.



Upper Park – Driveway into parking lot, paved and well maintained. Park area w/railroad ties.



Pathway to viewing area



Garden beds



Playground and garden area.

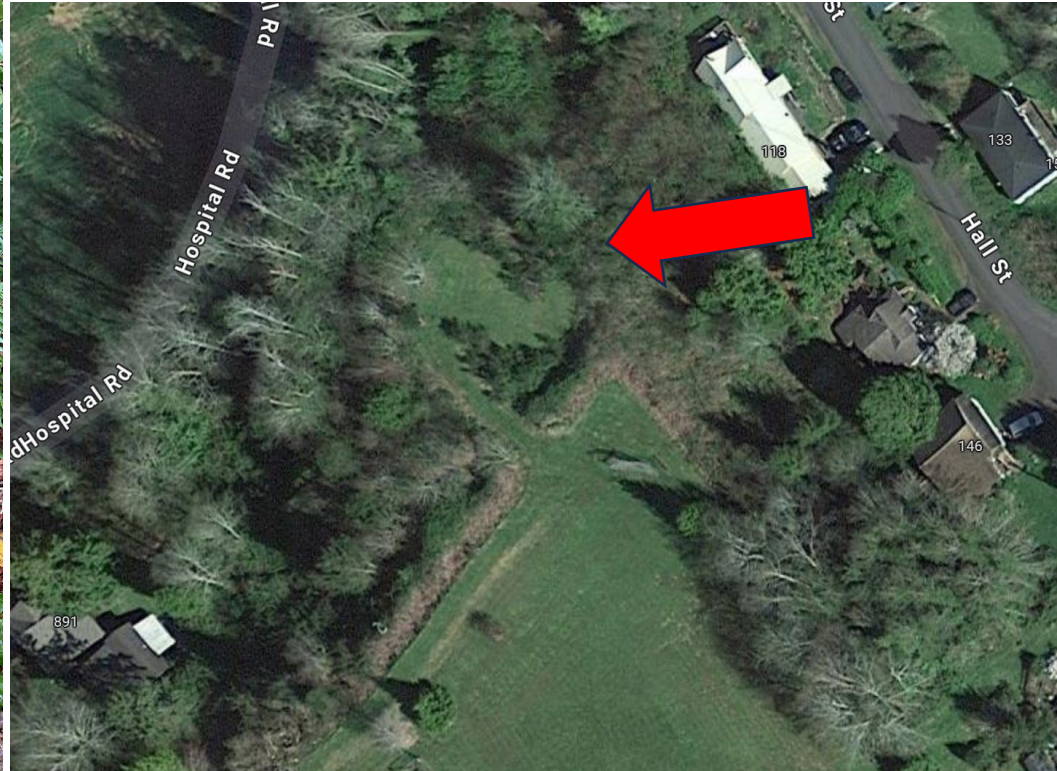


Man-made pathway into a development.

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Bushes near a sloping area blocking the drop off in this area.



Very primitive man-made trail- advise the city to sign this to alert users it is not maintained, steep and use is at their own risk.