



OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:



Application Denied:



Date: March 19, 2009

Applicant: Corinne Van Raden et al

OPRD File Number: BA-653-09

County: Tillamook

Project Location: Vacant Lot (TL 4400), 955, 961, 1005, 1009, 1015, 1019, 1025 and 1035 N. Pacific Street. The Surfside Motel is located on 101 N.W 11th in Rockaway Beach. Tillamook County Assessor's Map #T02N-R10W-29CC, tax lots 4400, 4300, 4200, 2900, 2800, 2700, 2600, 2500, 2400, 2300 and 2200

OPRD's review included a staff inspection of the site and evaluation of the project against the Ocean Shore Permit Standards, OAR-736-020-0005 through 736-020-0030.

PROJECT DESCRIPTION:

The proposed project involves the construction of a contiguous riprap revetment approximately 766 feet in length, on 11 separate property ownerships, including the City of Rockaway pedestrian beach access on NW 10th Street. Single family residential homes exist on each of the tax lots (with the exception of Tax Lot 4400); the 10th Avenue right of way is vacant; and the Surfside Resort Motel occupies a commercial site. The project seeks to convert three separate Emergency Riprap Permits to permanent shoreline protection structures, and also construct an additional 94 feet of shoreline protection for Building C at the north end of the Surfside Resort Motel. Emergency Permit (BA 634-07) was issued to Daniel Mailey and Margaret Inglis on December 19, 2007, Emergency Permit (BA 636-07) was issued to David Van Raden et al on December 28, 2007, and Emergency Permit (BA 637-08) was issued to Won Kim and Katholyn Collins on January 5, 2008.

The shoreline protection structures constructed under the three Emergency Permits were tied into the existing riprap to the south (BA # 444-99) and placed on 11 contiguous properties comprising 672 lineal feet of riprap material. Riprap rock is 1.4 to 4.3 feet in diameter, using smaller pit run rock and Mirafi 700x fabric material underneath as structure backing. The slope of the structure was designed at 1.5H to 1V, and the revetment will extend approximately 13 to 16 feet above the beach level.

In addition, the Surfside Resort Motel is proposing to extend an additional 94 feet of riprap to provide shoreline protection for Building C at the northern end of the property. The proposed structure will be designed and constructed as described above, and blend into the existing Emergency riprap revetment (BA# 637-08).

ORS.390.605 (2) defines the "ocean shore" to mean the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line as described by ORS 390.770 or the line of established upland shore vegetation, whichever is farther inland. In the location of the proposed project the statutory vegetation line is located farther inland.

The project is proposed to be located Seaward of the statutory vegetation line
 Seaward of the line of established upland shore vegetation

and therefore within OPRD's jurisdiction to make a decision on your application.

Submitted plans: Attached (See Condition 4) Not Applicable

Based on the evaluation of the above standards, staff inspections of the site, and consideration of public and agency comments, the Oregon Parks and Recreation Department:

Approves your application for a riprap revetment Denies your application

CONDITIONS:

1. Prior to construction, the Permittees or subsequent owners (collectively, "Permittees") shall file with the Tillamook County Clerk, a Declaration of Conditions and Restrictions. A form is attached for use in satisfying this condition. The permittees shall pay any filing and recording costs. Upon recording, certified copies shall be submitted to OPRD as proof of compliance with this permit condition. Failure to provide OPRD with said certified Declarations of Conditions and Restrictions shall nullify this permit and all authorizations contained herein.
2. The project shall be completed prior to March 27, 2010. Successful completion of the project by this date will result in a refund of the cash-in-lieu of performance bonds that were submitted with Emergency Permits BA # 634-07, BA # 636-07, and BA# 637-08. If the permit conditions are not complied with by the permit expiration date (March 27, 2010), OPRD may undertake action to complete the work without further notice to the Permittee and may deduct any and all costs and expenses of accomplishing such work. Use of the cash bond or other security for such purposes does not preclude OPRD from pursuing any other legal remedies or enforcement action at its disposal to ensure that permit conditions are achieved.
3. Location for vehicle access to construct the riprap revetment for Building C of the Surfside Resort Motel shall be subject to any approved permit, conditions and /or applicable standards required by the City of Rockaway Public Works Department. Prior to construction, the Permittees shall contact Shawn Vincent, City of Rockaway, for any required permit application(s).
4. Use of equipment or vehicles on the beach requires a separate permit from OPRD. Use of public beach access routes, construction of any roads or other temporary access improvements, and timing of inspections shall be subject to conditions of an OPRD "Motor Vehicle on the Ocean Shore Permit". Contact Tony Stein at (541) 265-9871 prior to construction for the necessary permit.
5. The project shall be constructed in accordance with the submitted plans and descriptions provided in the permit application, and comply with the location and materials specified in the plans and descriptions. Only clean, erosion resistant rock from an upland source shall be used as riprap.
6. The project shall be completed prior to March 27, 2010. If it appears that, due to unforeseen circumstances, the project cannot be installed by the expiration date, the Permittees, subsequent owner(s), or authorized representative(s), may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule. Successful completion of the project by this date will result in a refund of the cash-in-lieu of performance bonds that were submitted with the previous Emergency Permits BA# 634-07, BA # 636-07, and BA# 637-08.
7. Upon completion of the project, the beach shall be cleared of all rock debris, or other debris associated with the riprap construction, and the beach shall be returned to its pre-existing condition.

8. The Permittees shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project.
9. The Permittees shall be responsible for maintaining the revetment. This includes retrieving and replacing rocks or other materials moved or damaged because of the ocean or any other cause. Failure to maintain the revetment, where such failure causes a public safety hazard or detriment to ocean shore resources, may cause appropriate legal action to be pursued to ensure compliance with this provision.
10. In no event shall the issuance of the permit be construed as a sale, lease, granting of easement or any form of conveyance of the state recreational area, ocean shore or submerged lands.
11. The Permittees shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.955 and OAR 736-051-0060 through 736-051-0090 as these statutes and rules affect the discovery, excavation, salvage, removal and disposition of archaeological resources and the permitting requirements for these activities as they affect archaeological sites on public and private land. If archeological objects are encountered during the project, all work must stop immediately, and work may not proceed until an archeological permit is issued under ORS 390.235
12. This approval does not affect any obligation the Permittees might have to other persons or agencies, local, state or federal.
13. If the Permittees fail to comply with the conditions provided herein and otherwise imposed by OPRD, OPRD shall exercise its authority under Oregon Revised Statutes 390.661 through 390.676; 390.990 through 390.995; and the provisions of OAR 736-020-0200 to cease any further activity by the Permittee on the ocean shore except as directed by OPRD. In such circumstances OPRD may assess a civil penalty according to the provisions of OAR 736-080-0005 through 736-080-0070.
14. The Permittees shall agree to save and hold harmless the State of Oregon, the Oregon Parks and Recreation Commission, and its members, and all officers, agents and employees of the Oregon Parks and Recreation Department, from any claim, suit or action whatsoever for damages to property, or injury or death to any person or persons due to negligence of permittee(s), their officers, agents or employees, and arising out of the performance of any work or project covered by the granting of a permit.
15. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted revetment design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapter 390 and related regulations.

Jeff Farm
Ocean Shore Program Manager
Oregon Parks and Recreation Department

cc: Valerie Soilihi, Tillamook County
Karla Ellis, USACE Portland District

Paul Klarin, DLCD
John Potter, Assistant Director of Operations

Appeal Process

Any person aggrieved or adversely affected by the grant of a permit or the conditions imposed on the permit may file a written request for a hearing with the Parks and Recreation Director. The request must be received within 30 days of the date of the permit. The hearing shall be conducted as a contested case in accordance with ORS 183.415 to 183.430, 183.440 to 183.460 and 183.470