



## OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:



Application Denied:



Date: November 18, 2011

Applicant:

Surfrider Resort

OPRD File Number: BA # 674-11

County:

Lincoln

Project Location:

Lincoln County Assessor's Map # T8S, R11W, Section 29 DD, tax lot 400, and T8S, R11W, Section 32, tax lot 100. The Surfrider Resort is located at 3115 NW Highway 101, Depoe Bay

OPRD's review included a staff inspection of the site and evaluation of the project against the Ocean Shore Permit Standards, OAR736-020-0005 through 736-020-0030.

### Project Description:

The proposed project is a request for permanent authorization of a riprap revetment that was installed under an OPRD emergency ocean shore alteration permit. The project involves the construction of a riprap revetment along 135 feet of shoreline fronting 2 individual tax lots. Due to severe bluff erosion and bank retreat, the proposed riprap and fill material is required to stabilize the toe of the bluff and a previously constructed "cast auger wall" situated below a 38' X 205' two story building. Plans call for armor rock 8-10 feet in diameter, keyed into the existing mudstone platform and placed in an interlocking state approximately 30 feet in height above beach level, with a slope of 1.5H to 1V. The area above the riprap revetment will be backfilled with pit run material at a 1.5H:1V slope to provide lateral bank stability to an elevation of approximately 40 feet. A layer of soil will be placed over the face of the pit run material and planted with native vegetation. The proposed riprap revetment and upland fill will tie into the base of the existing cast auger wall and project approximately 35 feet onto the ocean shore.

*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 5)

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 and upland fill

Denies your application

Conditions:

1. The Permittee or subsequent owner(s) shall file with the Lincoln County Clerk, a Declaration of Conditions and Restrictions. A form is attached for your use in satisfying this condition. The permittee 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. Under Emergency Permit BA# 665-10, OPRD received a cash bond in the amount of \$8,000 to ensure that all required conditions of the permit are met. If the permit conditions are not complied with by the permit expiration date (November 18, 2012), 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. 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 the Equipment Access Permit. Contact Tony Stein at (541) 265-9871 prior to construction for the necessary permit.

4. The project shall be constructed in accordance with the overall height and westward footprint of the riprap revetment and upland fill as submitted in the geologic report as Option "B". OPRD may allow the placement of an additional of 5 feet of rock above the existing height of the emergency riprap structure. Prior to construction, the Permittee shall submit by February 15th, 2012, final cross-sectional and aerial view drawings depicting the location, dimensions of the riprap revetment and upland fill, as well as a geologic report which addresses to the satisfaction of OPRD, the following:

- a. Potential wave run-up and wave forces impacting the proposed structure, including potential storm wave impacts to the sea cliff from expected run-up heights over a 50-year design life.
- b. A geotechnical report providing information on the original construction design, construction materials used, and structural stability of the wall. The report shall also address the life expectancy of the structure when originally placed and as currently exposed, and the need for any required repairs, modifications or maintenance.
- c. A detailed maintenance plan, which outlines the maintenance measures that will be undertaken if damage occurs to the shoreline protective structure, including but not limited to: a) undermining or unraveling of the toe of the riprap revetment, and b) outflanking (exposure of the ends of the cast auger wall and/or the riprap revetment) caused by erosion to the natural bluff.
- d. A detailed vegetation landscape and maintenance plan, outlining the strategy required to establish a desired outcome of 80% vegetative cover on the upper 25 feet of the structure within 3 years. The plan shall describe the vegetation planting design, soil placement and maintenance details to ensure high survival and vegetative success.
- e. A survey and examination of existing surface drains adjacent to the cast auger wall with a detailed plan for addressing on-going erosion.

5.The Permittee shall be responsible for any Oregon Department of Transport and the Lincoln County Department of Public Works permits or approvals for the operation or use of the approach area to the Surfrider Resort road access. During construction activities, beach access may not be blocked and allow for safe emergency or pedestrian travel along the ocean shore.

6.The project shall be completed prior to November 18, 2012. If it appears that, due to unforeseen circumstances, the project cannot be installed by the expiration date, the Permittee or authorized representative(s), may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule.

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 Permittee shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project.

9.The Permittee shall be responsible for maintaining the shoreline protective structure and cast auger wall. This includes repairing damage to the riprap revetment, cast auger wall, upper slope fill and vegetation and any drainage systems as necessary to alleviate safety concerns, scenic degradation or damage to other ocean shore resources. 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 or cast auger wall, 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 Permittee 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 Permittee might have to other persons or agencies, local, state or federal.

13.If the Permittee fails 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 Permittee 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, 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.

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John Allen, Coastal Region Manager  
Oregon Parks and Recreation Department

cc: Jessica Bondy, Lincoln County Planning Department  
Laren Woolley, DLCD  
James McMillan, USACE

**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.