



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: June 10, 2016

Applicant: Tillamook County Parks Department

OPRD File Number: 1268-16

County: Tillamook

Project Location: West of the Tillamook County Parking Lot at Pacific City
Tillamook County Assessor's Map 4S-11-24AA, Tax Lot 1600

OPRD 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 County of Tillamook has determined that clear pathways and safe beach access is needed for vehicular and pedestrian user groups at the Cape Kiwanda beach access at Pacific City.

The applicant proposes to widen the upper portion of the existing beach access ramp at Cape Kiwanda, from 12 feet to 24.5 feet to create 2 vehicular travel lanes, extending down at an average of 10% slope to an elevation of approximately 7 ft. below the estimated winter beach level. The ramp expansion also includes the addition of an 8-foot wide pedestrian walkway adjacent to the south driving lane, and concrete bulwark apron to create a transition between the driving/pedestrian lanes and fluctuating seasonal sand levels. A curb will be constructed between the driving lanes and the pedestrian sidewalk to make a clear distinction between walking and driving areas. The ramp improvements will extend approximately 50 feet west of the Statutory Line of Vegetation but well short of the existing beach access ramp authorized by previous permits (BA # 057-73 and BA # 648-08). The new ramp improvements will be generally in the same location as the upper portion of the existing ramp, but will significantly improve safety and risk issues relating to the interaction of vehicles and pedestrians at that location.

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 1)

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 an expansion of a existing beach access ramp

Denies your application

Conditions:

1. Prior to construction, the Permittee or subsequent owner (collectively, "Permittee") shall file with the Tillamook County Clerk, a Declaration of Conditions and Restrictions. A form is attached for use in satisfying this condition. The permittee shall pay any filing and recording costs. Upon recordation, a certified copy 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 constructed in accordance with the submitted plans and descriptions provided in the permit application, and comply with the location, dimensions of the proposed beach access improvements, as specified in the plans and descriptions.
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 Ocean Shores Coordinator Jay Sennewald at (541) 563-8504 prior to construction for the necessary permit.
4. The project shall be completed prior to June 9, 2017. 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.
5. Upon completion of the project, adjacent areas of the ocean shore shall be cleared of any debris remaining from the project, and ocean shore areas disturbed by construction activity shall be restored to pre-existing conditions.
6. The Permittee or subsequent owners (collectively, "Permittees") shall be responsible for maintaining the beach access ramp, either on their own or through written agreements with other agencies. If, due to damage or lack of maintenance, the beach access ramp and additional improvements approved under this permit become a safety hazard, or cause a detriment to ocean shore resources, the Permittee shall be responsible for removal of the facility.
7. 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.
8. 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.

9. This approval does not affect any obligation the Permittee might have to other persons or agencies, local, state or federal.
10. 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.
11. 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(s), their officers, agents or employees, and arising out of the performance of any work or project covered by the granting of a permit.
12. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted project 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.

Trevor Taylor
Stewardship Section Manager
Oregon Parks and Recreation Department

Cc: Bryan Pohl, Tillamook County Department of Community Development
Liane Welch, Tillamook County Public Works Director
Delbert Schleichert, Tillamook County Parks Department
Laren Woolley, DLCD
Terri Wing, North Coast Region Manager
USACE Portland District

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