



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: April 2, 2004

Applicant: Racker Investment, LLC

OPRD File Number: BA-580-04

County: Clatsop

Project Location: 3276 Pacific Street, Cannon Beach
Clatsop County Assessor's Maps 5N-10W-31DA, tax lot 2002

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 project involves the construction of clay-filled geotextile pillows that will be placed into the bluff slope, and planted with native willow starts. Clay soil transported to the site will be wrapped in both geojute fabric and coconut fiber matrix in two-foot thick terraces. Each pillow, or terrace, will extend the length of the site, approximately 50 feet. The pillows will be terraced from the toe of the slope to a height of approximately seven feet above beach level, with the fabric pinned in place. The slope of the terraces will be approximately 1.5H to 1V. Willow starts will be planted through the overlying fabric to eventually provide root structure and vegetative covering. A 2-foot-wide gravel beach access pathway will be installed over the slope at the north end of the property.

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 the clay-filled geotextile pillows planted with native vegetation.

Denies your application

Conditions:

1. Prior to construction, the Permittees or subsequent owners (collectively, "Permittee") shall file with the Clatsop 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 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. Prior to construction, the Permittee shall deliver to OPRD, a cash bond, or other security acceptable to OPRD, in the amount of \$2,864.50, to ensure that all required conditions of the permit are met. If the permit conditions are not complied with by the permit expiration date (April 2, 2005) OPRD may undertake action to complete the work without further notice to the Permittees 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 Steve Williams at (541) 867-3340 prior to construction for the necessary permit.
4. The project shall be completed prior to April 2, 2005. 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. The project shall be constructed in accordance with the submitted plans and descriptions provided in the Permit Application. Materials shall meet the specifications as called for in the submitted plans. In addition, Permittee shall comply with all conditions of the City of Cannon Beach Conditional Use Permit #CU-04-02.
6. Upon completion of the project, the beach shall be cleared of debris associated with the construction, and the beach shall be returned to its pre-existing condition.
7. The Permittee shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project.
8. The Permittee shall be responsible for maintaining the erosion control structure. This includes repairing, retrieving or replacing materials moved or damaged because of the ocean or any other cause, and replanting vegetation when necessary. Failure to maintain the structure, 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.
9. Willows or other vegetation shall be planted as indicated in the submitted plans, and shall be maintained in healthy condition. If the willow plantings or other other plants are uprooted by wave action, or fail to survive for other reasons, replanting to original specifications is required.

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.
12. 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.

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.

/s/ Mike Carrier

Michael Carrier
Director
Oregon Parks and Recreation Department

Cc: Rainmar Bartl, City of Cannon Beach
Paul Klarin, DLCD
Ron Marg, U.S. Army Corps of Engineers
Mark Smith, Nehalem Bay State Park

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