



OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:



Application Denied:



Date: December 2, 2008

Applicant: Richard Grant, Ilene Safyan and Betty Sipprell

OPRD File Number: BA-649-08

County: Tillamook

Project Location:

The properties are located at 45988 and 45990 Verbena Court and 45735 Kinnickinnick Drive, Neskowin. Tillamook County Assessor's Map T5S, R11W, Section 24 BD, Tax Lots 1500, 1400, and 2400.

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 riprap structures are a north and south extension of an existing contiguous line of riprap revetment located in the residential development of Neskowin North. The project seeks to convert two separate Emergency Riprap Permits to permanent shoreline protection structures. Emergency Permit (BA 633-07) was issued to Richard Grant on December 7, 2007, and Emergency Permit (BA 638-08) was issued to Ilene Safyan and Betty Sipprell on January 10, 2008. The adjacent Grant and Safyan properties are at the southern end of the existing riprap revetment and the Sipprell property is located at the northern end.

The total length of riprap placed on the ocean shore is 360 feet.

The Grant and Safyan properties are comprised of 260 lineal feet of riprap material. Riprap rock is 4 to 6 foot in diameter, using smaller pit run rock and Mirafi 700x fabric material underneath as structure backing. The slope of the structures will be 2H to 1V, and the revetment will extend approximately 20 feet above beach level.

The Sipprell property is comprised of 100 lineal feet of riprap material. Riprap rock is 4 to 6 foot in diameter, using smaller pit run rock and Mirafi 700x fabric material underneath as structure backing. In addition, a pond liner required by Tillamook County was installed behind the filter fabric prior to installation of the riprap. The slope of the structures will be 2H to 1V, and the revetment will extend approximately 20 feet above beach level.

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 6) 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, "Permittee") shall file with the Tillamook County Clerk, a Declaration of Conditions and Restrictions. A form is attached for your use in satisfying this condition. The permittees shall pay any filing and recording costs. Upon recordation, 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. 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.
3. The project shall be completed prior to December 2, 2009. 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 # 633-07 and BA # 638-08.
4. 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 riprap revetment, and materials specified in the plans and descriptions. Only clean, erosion resistant rock from an upland source shall be used as riprap. All excess material from the pre-existing emergency fill and riprap shall be removed from the ocean shore to an approved upland location.
5. 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.
6. The Permittees shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project.
7. 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.
8. 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.

9. 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.
10. 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.
11. If the Permittees 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.
12. 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 Soihili, Tillamook County
Steve Williams, DLCD
Kathryn Harris, U.S. Army Corps of Engineers
OPRD/Region 1 Office

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