



**OCEAN SHORE
ALTERATION PERMIT**

Date of Issuance:	July 27, 2022	Expiration Date:	December 31, 2022
Applicant:	Shari Kain		
OPRD File Number:	3007-22	County:	Lincoln
Project Location:	The project is located on the ocean shore fronting the residential property at 4805 Lincoln Avenue, Depoe Bay. The property is identified in Lincoln County Assessor's Map #08-11-21CD as tax lot 14900.		
Project Description:	This is one of five associated permits to construct a riprap revetment along the ocean shore adjacent to the properties between 4755 and 4825 Lincoln Avenue in Depot Bay. This permit is for 50 feet of the revetment that will have a combined length of 255 feet, with the top elevation near 33 feet NAVD, a slope of 2H:1V (horizontal to vertical), a width of approximately 50 feet, with a total volume of approximately 5,100 cubic yards of armor stone and backing materials. In addition, a stormwater culvert will extend through the revetment within the right of way located between tax lots 15000 and 15100. Associated material and equipment staging for the project will occur just north of the Willow Street Access on the ocean shore on map #08-11-28-BC tax lots 2500 and 2302.		

The Oregon Parks and Recreation Department (OPRD) has reviewed your application to construct a revetment on the ocean shore (ORS 390.605). OPRD has evaluated the request against the Ocean Shore Permit Standards (OAR-736-020-0005 through 736-020-0030) and found the project is consistent with those standards. OPRD is approving this permit for alteration on the ocean shore as described above and in the application; all work is subject to the following conditions:

1. The project shall be completed prior to the expiration date identified on page 1. If it appears that, due to unforeseen circumstances, the project cannot be completed by the expiration date, the Permittee or authorized representative may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule. A permit extension request must be submitted to OPRD, in writing, prior to the date of expiration. OPRD requests extensions be requested at least 3-4 weeks prior to expiration.
2. By proceeding under this permit, the applicant, their agent, and contractor acting on behalf of the applicant agrees to comply with and fulfill all terms and conditions of this permit, unless the permit is officially transferred to another party as approved by OPRD. In the event information in the application conflicts with these permit conditions, the permit conditions prevail.

3. Prior to construction, the permittee or subsequent owners shall file with the Lincoln 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 recording, certified copies shall be submitted to OPRD as proof of compliance with this permit condition. Failure to provide OPRD with said certified Declaration of Conditions and Restrictions shall nullify this permit and all authorizations contained herein.
4. This permit does not authorize the permittee to trespass on private property or to remove materials owned or controlled by others. Prior to any work associated with this permit (including access roads, staging, or other construction related activities) occurring on land not owned by the applicant, the applicant shall obtain an easement, license, or other written authorization from fee owner of such land.
5. Use of equipment or vehicles on the ocean shore requires a separate permit from OPRD. Use of public beach access points or temporary access routes and operations on the ocean shore are subject to the conditions of that permit.
 - a. Once your construction schedule is finalized, please use the online application to request equipment access <https://stateparks.oregon.gov/index.cfm?do=visit.dob-form>. OPRD requests that you apply for this at least 3-4 weeks prior to the start of construction activities.
 - b. Permittee shall be responsible for obtaining any Lincoln County Department of Public Works permit or approvals for use of any local public access to the beach.
 - c. Upon completion of the project, the beach access shall be restored to its pre-existing or better condition.
6. This permit includes approval for the staging of materials associated with the work to construct a riprap revetment along the ocean shore adjacent to the properties between 4755 and 4825 Lincoln Avenue in Depot Bay. Staging of materials may occur on the ocean shore near the Willow Street Beach access under the following conditions:
 - a. The staging area must be signed and fenced to clearly delineate the boundary of the staging area for the public. All staging operations must occur within this boundary, except for travel to and from.
 - b. The southern end of the staging area must not be closer than 50 feet to an east west line extending along the northern edge of the existing access road.
 - c. The access road, a corridor to the beach, and a corridor for north and south public access and emergency vehicle access must be maintained at all times outside of the delineated staging area.
 - d. Equipment may not be parked or stored on beach outside of the staging area.
 - e. This permit does not authorize any grading or alteration of the staging area.
 - f. All operations at the staging area must comply with the other conditions of this permit.
 - g. Photo documentation required. Photos of the staging area and signage before use, once set up, and following removal are required within three business days of each of these stages.
7. Project notification and photo documentation: Within three days prior to construction the applicant or agent shall take photos from three vantage points and provide them to the department. Another set of photos must be taken immediately following construction and provided to the department within 3 business days of project completion. A final set must be sent once all planting and site restoration has been completed.
 - a. From just south of the property looking north and clearly showing the proposed work area, a portion of the adjacent property to the south, and a significant portion of the beach west of the proposed work area.
 - b. From just north of the property looking south and clearly showing the proposed work area, a portion of the adjacent property to the north, and a significant portion of the beach west of the proposed work area.
 - c. From west looking east and clearly showing the proposed work area and a significant portion of the beach.
8. Existing dune vegetation (trees, shrubs, or grasses) above the final height of the revetment shall be protected during construction and retained following installation of the revetment.
9. The project shall be constructed in accordance with the submitted plans, specifications, and descriptions, and comply with the location, dimensions, and materials specified in the plans and descriptions. Only hard, durable, fresh angular basalt rock 3-7 feet in diameter from an upland source shall be used as riprap.

10. Any sand or rock temporarily placed on the beach adjacent to construction activities shall be placed in a manner that does not obstruct north or south travel by pedestrians or vehicles along the beach.
11. For public safety, the active construction area must be signed and fenced to clearly delineate the boundary of the active construction area for the public. All construction operations must occur within this boundary, except for travel to and from.
12. The project shall include a cover of beach sand of at least 2 feet thick, planted with European and/or native beach grass found in dune habitats, using generally-accepted practices for beach grass planting projects. Sand may be obtained from an upland source or toe of trench, beach scalping for sand is not authorized. Permittee shall contact OPRD staff prior to planting, and provide details of the beach grass source and methodology proposed. Alternatively, the permittee shall provide a copy of a signed agreement with a licensed landscape contractor with experience in beach grass plantings, prior to initiating the planting component of the project.
13. 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.
14. The permittee shall be responsible for maintaining the revetment. This includes retrieving and replacing armor stones 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.
15. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted project's 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.
16. 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.
17. The applicant and their agent assume full responsibility and liability for damages or injury to any member of the public arising out of the activity or use, including personal injury and property damage, and for any damage to park property, including natural and cultural resources.
18. OPRD may stop the work authorized under this permit and require the applicant and agent to vacate the ocean shore, in the event of any emergency, significant non-compliance issue, substantial threat to public safety or park resources, or a violation of ocean shore rules arising out of or related to the activity or use. Once notified by OPRD to stop work and/or vacate the ocean shore, the permittee is required to comply within 24 hours of receipt of written notice, and will not resume activity until written notice to return has been provided.
19. The applicant shall terminate the activity or use immediately upon receipt of notice from OPRD that the permit has been cancelled and shall thereupon be responsible for the immediate cleanup and restoration of the Ocean Shore.
20. OPRD retains the right to enter onto any park land at any time for purposes of inspection or management.
21. The permittee shall dispose of all solid and liquid waste in manner approved by the department and shall not permit debris, garbage or other refuse (including fuel or oil) to accumulate or be discharged into any waterway or ocean shore area. Fueling, lubrication, or other fluid change must occur in an upland area or on an appropriate spill containment mat. A spill kit must be kept readily available on-site.
22. The permittee shall not cut, destroy, remove, or permit to be cut, destroyed or removed any vegetation on park land except with the written permission of the department.

23. The permittee shall conduct all operations within the permit area in a manner which protects natural and cultural resources, protects water quality, and does not contribute to soil erosion or growth of noxious weeds.
24. The permittee shall be responsible for adhering to permit approvals and permit requirements from the U.S. Army Corps of Engineers, the Oregon Department of State Lands, Oregon Department of Environmental Quality, and State Historic Preservation Office, which are applicable to this project.
25. 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.
26. This approval does not affect any obligation the permittee might have to other persons or agencies, local, state or federal.
27. Protection of cultural resources required, extreme caution should be exercised during ground-disturbing activities:
 - a. 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.
 - b. If the project has a federal nexus (i.e. federal funding, permitting or oversight), the project shall be coordinated with the federal agency representative to ensure compliance with Section 6 of the National Historic Preservation Act of 1966.
28. 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.

Please contact Kevin Herkamp, Ocean Shores Coordinator kevin.a.herkamp@opr.d.oregon.gov 971-376-1509 if you have any questions or need assistance with this permit.


Matt Rippee (Jul 28, 2022 07:03 PDT)

Matt Rippee
Deputy Director – Field Services
Oregon Parks and Recreation Department

cc: Meg Reed, DLCD
Megan Hoff, Lincoln County Planning

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



FINDINGS OF FACT STAFF REPORT

Date:	July 27, 2022	Ocean Shores Coordinator:	Kevin Herkamp
County:	Lincoln		
OPRD File Numbers:	#3006-22 #3007-22 #3008-22 #3009-22 #3010-22	Applicant: Applicant: Applicant: Applicant: Applicant:	DeSylvia, Terry and Janice - 4755 Lincoln Ave. Grant, Richard – 4815 Lincoln Ave. Kain, Shari – 4805 Lincoln Ave. Lincoln County Public Works – ROW, no situs Tanabe, Edward and Joan – 4825 Lincoln Ave.

Project Location: The project is located on the ocean shore fronting the residential properties at 4755, 4805, 4815, and 4825 Lincoln Avenue, Depoe Bay. The properties are identified in Lincoln County Assessor's Map #08-11-21CD as tax lots 14800, 14900, 15000, right of way, and 15100.

Brief Project Description: The five applicants propose constructing a riprap revetment along the ocean shore adjacent to the properties between 4755 and 4825 Lincoln Avenue in Depoe Bay. The revetment will have a combined length of 255 feet, with the top elevation near 33 feet NAVD, a slope of 2H:1V (horizontal to vertical), a width of approximately 50 feet, with a total volume of approximately 5,100 cubic yards of armor stone and backing materials. In addition, a stormwater culvert will extend through the revetment within the right of way located between tax lots 15000 and 15100. The proposed revetment will replace the emergency work performed under emergency permit 2956-21 for Grant, 2986-21 for Tanabe, and 2987-21 for Kain. No emergency permit was previously issued for DeSylvia.

Associated material and equipment staging for the project will occur just north of the Willow Street Access on the ocean shore on map #08-11-28-BC tax lots 2500 and 2302.

ADMINISTRATIVE RULE STANDARDS AND RELEVANT FACTS

I. GENERAL STANDARDS, OAR 736-020-0010

Project Need – There shall be adequate justification for a project to occur on and alter the ocean shore area.

The project site consists of approximately 255 feet of bluff-backed shoreline which includes four individual properties and a county right of way. The four properties included in the project are developed with single-family dwellings.

In February 2021, a high surf event coincided with extreme high tides caused collapse of the cliff and several concrete columns from the north end of tax lot 14900 north to tax lot 15100. Subsequent to this event emergency stabilization work was performed under emergency permits 2956-21 for Grant, 2986-21 for Tanabe, and 2987-21 for Kain. No emergency permit was previously issued for DeSylvia.

- OAR 736-020-0050(1) states an emergency permit may be issued *“to provide immediate and temporary protection where property is in imminent peril of being destroyed or damaged by action of the Pacific Ocean or waters of a bay or river, landslide, or other natural disaster.”*
- OAR 736-20-0070(3) states *“The permittee shall apply for an ocean shore permit, as specified in ORS 390.650, in order to seek approval to convert the temporary project approved under an emergency permit into a permanent ocean shore alteration. If a permanent permit is not applied for and approved by the Department, then all material placed on the ocean shore shall be removed and the condition of the ocean shore restored, in compliance with the conditions of the emergency permit.”*

The owners have requested permits for a permanent and continuous riprap revetment which structurally ties-in to the existing riprap north of tax lot 15100. Considering the proximity of the erosion to the improvements on the four properties, the increase in the rate of erosion at the site, and the likelihood of continued erosion staff finds that shoreline armoring is needed and justified. This determination is based on the description on pages 2-7 of the January 24, 2022 Engineering Geologic Investigation from H.G Schlicker & Associates #Y214560

Protection of Public Rights – Public ownership of or use easement rights on the ocean shore shall be adequately protected.

The presence of the riprap will not affect public ownership or easement rights on the ocean shore, because each of the tax lots extends approximately 150 feet west of the existing vegetation line and 100 feet west of the original Statutory Vegetation Line.

The proposed riprap will extend approximately 50 feet from the top of the bluff scarp to its toe below beach level, although the tapered south end will be slightly narrower in width. The project will occupy an estimated 11,400 square feet of natural beach area. This encroachment onto the ocean shore is similar to the existing riprap revetment north of the subject site. While this loss of sand area does reduce the amount of beach available for public use, in evaluating similar riprap projects, OPRD has found this amount of encroachment to be acceptable when the need for the project was considered justified.

Public Laws – The applicant shall comply with federal, state, and local laws and regulations affecting the project.

The Lincoln County Planning and Development Department has certified that the project complies with the Lincoln County Comprehensive Plan and Land Use Code, meaning each of the subject properties are eligible for a shoreline protective structure under Oregon Planning Goal 18, Beaches and Dunes. An exception to Goal 18 was approved by Lincoln County in September 2021, for these tax lots.

State of Oregon regulations are being addressed under the review of this permit. Federal regulations could potentially involve a U.S. Army Corps of Engineers permit; however, a Corps permit is usually not required for this type of project. A condition of the permit will require that the Permittee obtain any required permits from the Oregon Department of State Lands and the Army Corps of Engineers, if applicable.

Alterations and Project Modifications – There are no reasonable alternatives to the proposed activity or project modifications that would better protect the public rights, reduce or eliminate the detrimental affects on the ocean shore, or avoid long-term cost to the public.

Staff finds that the proposed use of riprap as shoreline protection constitutes the most reasonable option for controlling erosion and to provide protection for the upland development at this site. This determination is based on the information provided by the applicant, specifically section 8.2 on pages 12-13 of the January 24, 2022 Engineering Geologic Investigation from H.G Schlicker & Associates #Y214560

Public Costs – There are no reasonable special measures which might reduce or eliminate significant public costs. Prior to submission of the application, the applicant shall consider alternatives such as nonstructural solutions, provision for ultimate removal responsibility for structures when no longer needed, reclamation of excavation pits, mitigation of project damages to public interests, or a time limit on project life to allow for changes in public interest.

Alternative shoreline protection methods other than a riprap structure have been discussed above. These alternatives are not considered reasonable measures, as they would likely fail to provide the needed long-term protection for the properties. Public costs of the riprap include the loss of some upper beach area, heavy equipment activity on the beach during construction, and the visual presence of additional riprap. These costs can be reduced through careful and efficient construction practices, combined with cosmetic treatment of the project with a sand cover that can be planted with beach grass to resemble a natural dune-backed beach environment. There will be no public costs to maintain the structure, as maintenance and needed repairs are the responsibility of the upland property owners.

Compliance with LCDC Goals – The proposed project shall be evaluated against the applicable criteria included within Statewide Planning Goals administered by the Department of Land Conservation and Development.

The Lincoln County Planning Director has determined that the project complies with the Lincoln County Comprehensive Plan and Land Use Code, which are acknowledged by LCDC as meeting the Statewide Planning Goals including Goal #5: Natural Resources, Scenic and Historic Areas, and Open Spaces; Goal #17: Coastal Shorelands; Goal #18: Beaches and Dunes; and Goal #19, Ocean Resources. Consistency with these goals is further, but indirectly evaluated and addressed in the standards below.

II. SCENIC STANDARDS, OAR 736-020-0015

Projects on the ocean shore shall be designed to minimize damage to the scenic attraction of the ocean shore area.

Natural Features – The project shall retain the scenic attraction of key natural features, for example, beaches, headlands cliffs, sea stacks, streams, tide pools, bedrock formations, fossil beds and ancient forest remains.

The natural features of the beach in the general vicinity will remain intact, and no significant landforms or natural features such as headlands, cliffs, sea stacks, tide pools, streams, bedrock formations, fossil beds, or ancient forest remains will be affected.

Nearly a mile of continuous revetment extends to the north of the proposed project site for over 4 miles to the end of Siletz Spit. While not contiguous to the south, a majority of the bluffs already contain revetments. The nearest headland is Fishing Rock .9 miles to the south. This area is also heavily developed with minimal natural features remaining.

Shoreline Vegetation – The project shall retain or restore existing vegetation on the ocean shore when vital to scenic values.

As noted in natural features, the project site is in the middle of a heavily developed and riprapped area. The vegetation at this site is not substantial or vital to the scenic values as severe erosion at the site has destroyed previously existing vegetation except at the top of the remaining bluff on lots 14800, 14900, and 15000. Remaining vegetation includes a small number of shrubs and trees. These would likely be lost with the continued erosion identified in "Project Need". As a condition of permit approval, the Department will require:

- Protection of existing dune vegetation above the design height of the revetment.
- The upper portion of the riprap will be required to include a topping of beach sand, then planted with European beach grass. Although this treatment is not vital to scenic values at this location, the establishment of vegetative growth will limit visual impacts to the uppermost shoreline at the site.

View Obstruction – The project shall avoid or minimize obstruction of existing views of the ocean and beaches from adjacent properties.

The project will not affect existing views of the ocean and beach from adjacent properties, because the proposed riprap structure will not extend higher than the existing dune/bank elevation. All components of the structure will be located between the top of the eroding dune and beach level.

Compatibility with Surroundings – The project shall blend in with the existing shoreline scenery (type of construction, color, etc.).

Most of the shoreline in Gleneden and Lincoln Beach area can be characterized as a heavily developed, high-density residential and commercially-developed area with nearly continuous riprap revetment, stairways, and other alterations. The proposed riprap at the subject location is similar to those along this stretch of shoreline and does not represent a significant departure from the overall pattern of riprap and other shoreline modifications in place.

As indicated above, the shoreline at the project site is mostly devoid of vegetation due to recent, rapid erosion of the dune fronting the subject properties. However, covering the proposed new riprap revetment with sand and planting beach grass will help the completed project to more closely resemble a natural, dune-backed shoreline.

III. RECREATION USE STANDARDS, OAR 736-020-0020

Recreation Use – The project shall not be a detriment to public recreation use opportunities within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

The beach in this area fluctuates in width seasonally and from year to year, and the riprap will occupy some beach area, but it will not significantly affect public recreational use opportunities such as sunbathing, walking, or beachcombing, and therefore will not be a detriment to public recreation at this time.

The staging area, equipment operations, and vehicle parking during construction has the potential to be a detriment to public recreation use opportunities. As long as the applicant or contractor follows the conditions of the permit and drive on beach permit these impacts will be minimized.

Recreation Access – The project shall avoid blocking off or obstructing public access routes within the ocean shore area except in those cases where it is determined necessary to protect sensitive biological resources such as state or federally listed species.

There are no federally or state listed species at the site which require special protection at this time. The project will need to extend out onto the ocean shore for a short distance, but in this area the beach is most often much wider than the proposed riprap structure. During storm events or winter high tides, wave run-up may reach the riprap structure. During normal conditions, however, the existence of the riprap will not cause an obstruction to north or south public access along the shoreline.

The 5-foot public right of way has not been used for public access and has terminated at a steep or impassable slope for many years. While this access is not proposed to be developed for public access, this will not limit the ability for the public to access since it currently occurs from an existing public trail a couple hundred feet south of the project area at Breeze Street.

The staging area, equipment operations, and vehicle parking during construction has the potential to blocking off or obstructing public access. As long as the applicant or contractor follows the conditions of the permit and drive on beach permit these impacts will be avoided or minimized.

IV. SAFETY STANDARDS, OAR 736-020-0030

The project shall be designed to avoid or minimize safety hazards to the public and shoreline properties. The following safety standards shall be applied, where applicable, to each application for an ocean shore permit.

Structural Safety – The project shall not be a safety hazard to the public due to inadequate structural foundations, lack of bank stability, or the use of weak materials subject to rapid ocean damage.

The structure was designed by a licensed engineer, if constructed according to the proposed design, the structure should not present a safety hazard or be susceptible to rapid damage under wave attack. As described in section 8.0 on pages 8-10 of the January 24, 2022 Engineering Geologic Investigation from H.G Schlicker & Associates #Y214560, the proposed riprap includes several elements which are consistent with generally-accepted riprap design. This includes filter fabric backing material, filter rock/bedding material, and armor stones consisting of hard, durable, fresh angular basalt 3-7 feet in diameter, interlocked with a minimum of 3 points of contact. The base of the structure will be embedded a minimum of 5 feet into dense marine terrace and below a maximum elevation of 6 feet (NAVD), and the structure will have a slope of 2W:1H (width to height). The proposed design is similar to other recently-constructed riprap structures, intended to ensure that that the riprap revetment will be structurally sound under typical ocean shore conditions.

Obstructional Hazards – the project shall minimize obstructions to pedestrians or vehicles going onto or along the ocean shore area.

The riprap will have an approximate width of 50 feet from the top of the bank to its toe, which will be buried below beach level. At this width, the structure will not affect lateral beach access except during times of high water and during winter storm events. During these periods, however, wave run-up is likely to reach the riprap to the north and bluff face to the south, therefore the proposed riprap will not create a unique obstruction to pedestrians or vehicles traveling along the beach during extreme conditions.

The staging area, equipment operations, and vehicle parking during construction has the potential to obstruct pedestrians or vehicles going onto or along the ocean shore. As long as the applicant or contractor follows the conditions of the permit and drive on beach permit these impacts will be avoided or minimized.

The 5-foot public right of way has not been used for public access and has terminated at a steep or impassable slope for many years. While this access is not proposed to be developed for public access, this will not limit the ability for the public to access since it currently occurs from an existing public trail a couple hundred feet south of the project area at Breeze Street.

Neighboring Properties – The project shall be designed to avoid or minimize ocean erosion or safety problems for neighboring properties.

According to the January 24, 2022 Engineering Geologic Investigation from H.G Schlicker & Associates #Y214560, the riprap revetment will increase the stability of the shoreline and will protect the properties from continued ocean wave erosion. The project design includes the placement of 3-7 foot diameter armor stones, densely interlocked and keyed into a deep toe trench to minimize the potential for their displacement or “plucking” while under wave attack during storm events. To reduce potential for redirection of wave energy toward neighboring properties, the riprap will be constructed at 2H:1V (horizontal to vertical) slope. The riprap would be structurally tied-in to the adjoining property’s riprap at the north end, and the southern end of the riprap structure will be curved and tapered into the bluff, in order to minimize end effects and safety problems on the adjacent property.

The staging area, equipment operations, and vehicle parking during construction has the potential to impact property owners. So long as the applicant or contractor secure landowner permission as conditioned in the permit these impacts will be avoided or minimized.

Property Protection – Beachfront property protection projects shall be designed to accomplish a reasonable degree of increased safety for the on-shore property to be protected.

As indicated above and in the January 24, 2022 Engineering Geologic Investigation from H.G Schlicker & Associates #Y214560, the design of the riprap is intended to provide long-term protection of the subject properties from further erosion and to provide shoreline stability. If constructed in conformance with the proposed design, the riprap should provide a reasonable degree of increased safety for the septic systems, homes and properties which it will protect.

V. NATURAL AND CULTURAL RESOURCE STANDARDS, OAR 736-020-0030

Projects on the ocean shore shall avoid or minimize damage to the following natural resources, habitat, or ocean shore conditions, and where applicable, shall not violate state standards:

Fish and wildlife resources including rare, threatened or endangered species and fish and wildlife habitats.

The Oregon Department of Fish and Wildlife was provided notice of the subject applications for the project. ODFW did not comment on any reported significant fish and wildlife resources that will be impacted by the proposed project.

Estuarine values and navigation interests.

The project is not adjacent to an estuary, and currently does not affect navigable water on the ocean.

Historic, cultural and archeological sites.

Notice of the application was provided to the State Historic Preservation Office, to the Confederated Tribes of Siletz, and to the Confederated Tribes of Grand Ronde. There were no reports of historic, cultural, or archeological sites at this location.

As a condition of permit approval, the Department will require:

- 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.
- If the project has a federal nexus (i.e. federal funding, permitting or oversight), the project shall be coordinated with the federal agency representative to ensure compliance with Section 6 of the National Historic Preservation Act of 1966.

Natural areas (vegetation or aquatic features).

There is no existing significant vegetation or aquatic features that will be impacted by the proposed riprap project.

Air and water quality of the ocean shore area.

The project will take place above the ordinary high tide line, and will not cause foreign materials or pollutants to enter the water. Riprap placed at the site will be free of debris or foreign materials. The proposed project would not adversely affect water quality on the ocean shore. Air quality will not be affected, except for a negligible amount of exhaust from the use of heavy equipment during the construction period.

Areas of geologic interest, fossil beds, ancient forest remnants.

None of these features have been identified at the site.

When necessary to protect native plant communities or fish and wildlife habitat on the subject or adjacent properties, only native, non-invasive, plant species shall be used for revegetation.

The site is within a developed residential area, and there are no known protected native plant communities or fish and wildlife habitat on the subject property.

VI. PUBLIC COMMENTS

Notice of the proposed project was posted at the site for 30 days in accordance with ORS 390.650. Individual notification and a copy of the application(s) were mailed to government agencies and individuals on OPRD's ocean shore mailing list.

By the time the public comment period ended, OPRD had received 1 letter from Bruce Dummer, president of SeaRidge Condominiums HOA, located approximately one-half miles south of the project site. The comments supported the proposal and recommended approval.

No additional comments were received, and there were no requests for a public hearing during the 30-day public comment period.

VII. FINDINGS SUMMARY

- There is a justifiable need for shoreline protection to address the expected erosion and permit the temporary emergency work.
- There is insufficient room on each property to relocate buildings far enough to avoid the threat of continued erosion, and the project geologist concluded that non-structural alternatives to riprap are unlikely to provide adequate protection of the subject properties and homes from the advancing erosion.
- Lincoln County has determined that the properties are eligible for shoreline protection, consistent with Statewide Planning Goal 18 provisions that limit eligibility to property where development existed prior to 1977.

Based on the above considerations and findings in this report, OPRD finds that there is adequate justification for the project to occur on, and alter the ocean shore area.

The following checklist summarizes whether the application satisfies the general, scenic, recreation, safety and natural and cultural resource standards as defined in OAR 736-020-0010 through 736-020-0030:

Standard	Yes	No	Standard	Yes	No
Project Need	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Structural Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protection of Public Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Obstructional Hazards	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Laws	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neighboring Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alteration and Project Modifications	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Costs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fish and Wildlife Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compliance with LCDC Goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Estuarine Values and Navigation Interests	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natural Features	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Historic, Cultural and Archeological Sites	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shoreline Vegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Natural Areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
View Obstruction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Air and Water Quality of the ocean shore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Compatibility with Surroundings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Areas of Geologic Interest	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Use of Native Plant Species when Necessary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

VIII. STAFF RECOMMENDATION:

Based on an analysis of the facts and in consideration of the standards evaluated under OAR-736-020-0005 through OAR 736-020-0030, I recommend the following action:

- ☐ Approval
☒ Approval with conditions
☐ Denial

Kevin Herkamp
Ocean Shores Coordinator