

## OPRD Emergency Alteration Permitting on the Ocean Shore

In the event of an emergency, OPRD may issue a permit for alterations (e.g. rock or sand placement) on the ocean shore necessary to provide immediate and temporary relief from an imminent threat. This includes when an upland building or other infrastructure is in imminent peril of being destroyed or damaged by action of the Pacific Ocean or other natural disaster. Emergency approval provides time to pursue design and permitting of a permanent solution.

Information that may be needed includes:

- Description of the emergency situation
- Submission of photos/videos
- Purpose and description of the proposed emergency work.
- Set of drawings that outline what is being proposed.
- Bond payment.
- Local planning verification of eligibility.
- Site visit by OPRD staff

An overview of the steps and requirements for an emergency permit are included below.

### **STEP 1: Contact OPRD and a contractor.**

- Call 1-888-655-3750. Leave a voicemail with your name, contact number, and address for the property in question.
  - After leaving a voicemail you will receive a text message with additional instructions.
  - Staff will be notified and respond as soon as possible
- If needed, contact a contractor to discuss their availability and potential solutions to temporarily address the situation.

**STEP 2: OPRD's Verification of Eligibility.** Prior to issuing an emergency permit OPRD is required to determine if the property and proposed work are eligible. OPRD understands emergency situations are time sensitive and will complete the eligibility verification as the highest priority. While we will work with you to identify paths forward to resolve the situation, there may be times when we are not able to approve the proposed work. The topics below are being shared to help provide transparency on the Emergency Permitting process, outlined in OAR 736-020-0050 through 0070.

- OPRD will determine if the situation meets the criteria for an emergency as described in [736-020-0050](#).
  - The key question: Is an upland building, road, street, highway, sewer or water line, or other infrastructure improvement 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?
    - If the answer is "NO", it is unlikely that your situation meets the definition of an emergency.
  - During discussion, OPRD will also determine if the proposed work represents a temporary solution that provides relief from the imminent peril.
  - To make this determination OPRD will request photos and may perform a site visit
    - If you can, safely take photos and/or videos of the site and emergency situation. Good photographs and/or videos may expedite OPRD's emergency permitting process. It is preferred that you have at least some documentation submitted prior to talking with OPRD staff.
    - Photos may be submitted as a response to the text you received after calling 1-888-655-3750, or you may submit them by e-mail to the e-mail address you receive in the text message. Please use the subject line: "Emergency, [street address], [city]".
      - Photos should be from as many vantage points as possible. Ideally these would be from the north, south, and from the beach. Photos should include both close-

up shots showing details of the emergency and wider shots showing the area of the proposed emergency work, a portion of the adjoining property, and a portion of the beach.

- Photos or videos of wave action and failing or eroding material can be informative, but are not required.
- Photos or videos from before the recent event can also be helpful to demonstrate how conditions have changed since the earlier date.
- OPRD must verify whether the proposal complies with the local comprehensive plan and zoning ordinances. For a beachfront protective structure, this includes whether the property is Goal 18 eligible or has an approved Goal 18 exception.
  - This determination is made by the local city or county planning department. The landowner will need to secure a signature from the local planning department on the land use affidavit included in the application form before written approval can be granted. When OPRD considers issuing a verbal permit, staff will call and attempt to verify eligibility and compliance before issuance.
  - In circumstances where the local planning department cannot be reached due to the time of day, day of week, or otherwise, OPRD may proceed based on the information at hand. Any emergency permit issued in this manner is provisional and may be rescinded based on the final determination of eligibility by the local government.
  - An emergency permit issued by the Department is not considered valid until all local permits have been obtained. If a temporary structure is placed and the project is later determined to not be eligible or in compliance with the local comprehensive plan and zoning ordinances, the structure will need to be removed at landowner's expense.

**STEP 3: OPRD Decision.** Once the project has been deemed eligible, OPRD can move forward with approving the temporary emergency work. Emergency approval is temporary and does not guarantee issuance of a permit for a permanent structure. Temporary work performed during an emergency may eventually need to be removed at owners' expense. The following will need to be completed before OPRD can issue a written permit.

- Written application. A written application and the following supporting materials must be submitted before OPRD can provide written approval. Materials can be provided directly to the staff person you are working with or submitted to the email address you receive upon calling 1-888-655-3750. If you submit by email please use the subject line of "Emergency, [street address], [city]".
  - [Emergency Application Form](#).
  - Photos: see guidance in STEP 2 above
  - Location maps: one or more aerial photos and/or maps identifying the project location and the location of any equipment access points, haul routes, and extent of proposed work area for equipment use on the beach.
- Drawings: Plan view and cross section drawings that show the general configuration of the proposed work, materials used, and limits of excavation. These need to include reference points such as building corners, bluff edges, vegetation lines, property boundaries, and include dimensions and/or distances. These may be hand drawn so long as they are clear and descriptive.
- Plan for construction equipment access and staging of materials and equipment: Since the application form focuses on the primary project type, OPRD has prepared guidance on topics and information to consider and include with your application. These are outlined in the "Ocean Shores Construction Impacts, Staging, and Public Safety Plan Guidelines." [\[PDF\]](#). Failure to provide this information up front will likely require separate approvals and may delay your ability to respond to the emergency situation.
- Provide bond: Prior to issuance of a permit, OPRD may require a cash bond or other security to ensure permittee complies with the terms of the permit, including removal of material. Please work with OPRD staff to determine if this is required and discuss options.
- Agency Coordination: Prior to written authorization OPRD will coordinate with other agencies as required by rule. If due to urgency of the emergency situation this coordination is not able to be performed prior to approval, the applicant must recognize that the approval may no longer be valid or the applicant may

need to modify or remove all or part of the temporary work based on the results of this coordination. Refer to OAR 736-020-0060 for additional information.

- **Land ownership:** If any portion of the proposed work will occur on land not owned by the applicant, OPRD will need to be provided with documentation (easement, license, or other written authorization) from the other landowner before we can issue a permit.
- **Permit Conditions:** OPRD may impose conditions on the project size, design, and materials used in order to meet the objectives of the Permit Standards of ORS 390.655 and Beach Construction/Alteration Standards of OAR 736-020-0005 through 736-020-0030. To meet these standards OPRD staff may work with you to identify viable alternatives or options.

#### **STEP 4: Next Steps**

- **Read your permit conditions:** OPRD recommends you, your agent, and contractor read all conditions and if you have any questions or concerns please contact staff before starting work to avoid issues of non-compliance.
  - Conditions may include monitoring or reporting requirements to OPRD.
- **Proceed with construction and notify OPRD once work is completed.** Landowners will need to submit photos of the completed work and advise OPRD staff when the temporary structure has been built.
- **Remove or apply for a permanent shoreline protective structure permit.** Within one calendar year of emergency approval, landowners will need to complete permitting and construction of a permanent solution or remove the work completed under the emergency permit. Removal and restoration of the beach is at the landowner's expense.
  - OPRD recommends working with Ocean Shore staff as soon as possible to begin the permanent permitting process.
  - Failure to remove the structure may result in forfeiture of all or part of the bond or security and/or enforcement action including civil penalties.

#### **Other useful information**

- For more information on the regulation of, and options for, beachfront protective structures in Oregon please refer to the [Guidebook on Erosion Control Practices of the Oregon Coast](#).
- Goal 18 eligibility map. Applicants may view the draft eligibility status of their lot at <https://www.coastalatlantlas.net/oceanshores/>. Please be sure to also review the “help” and “about” tabs. This map should be used as a guide and does not represent an official determination for your property as those are made only by the local jurisdiction.
- The Oregon Administrative Rules (OAR) used for emergency permit review.
  - [736-020-0001](#) Scope and Purpose
  - [736-020-0002](#) Definitions
  - [736-020-0050](#) Eligibility for Emergency Permit
  - [736-020-0060](#) Review and Issuance of Emergency Permit
  - [736-020-0070](#) Terms and Conditions of Permit
  - [736-0200-0001 through 0120](#) covers all aspects of alteration permits on the Ocean Shore