



**OCEAN SHORE  
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: December 1, 2004

Applicant: Lincoln County Public Works Department

OPRD File Number: BA-593-04

County: Lincoln

Project Location: Ocean View Drive between 2<sup>nd</sup> and 6<sup>th</sup> Streets in Yachats.  
Lincoln County Assessor's Map #14-12-27DA county right-of-way and tax lot 1200,  
and Lincoln County Assessor's May #14-12-27AC tax lot 5300.

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 project involves the construction of a riprap revetment, approximately 550 feet in length (450 feet, as modified), with the main portion extending along the shoreline between 4<sup>th</sup> and 6<sup>th</sup> Streets. Plans for the project indicate that the riprap, backed with smaller rock material and filter fabric, will be placed at a slope of 1.5H to 1V up to a height of approximately 19 feet above beach level. The riprap will project out beyond the existing bluff toe approximately 25 feet. Existing riprap is in place along 360 feet of the project area. This existing riprap will be repaired and fortified with new material to meet the current design specifications. A second small segment (approximately 20 feet in length) of riprap is proposed below the drainage culvert just south of 3<sup>rd</sup> Street.

The project is part of an overall project by Lincoln County and the City of Yachats to maintain Ocean View Drive, (also known as the 804 Trail) and construct a pedestrian trail along the shoreline from Marine Drive south through the Yachats State Recreation Area.

*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 2)

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, "Permittees") shall hire a professional archeologist to conduct a cultural resource survey, identifying the location, boundaries and significance of any cultural remains within the project area, including areas used for access of heavy equipment to the ocean shore. A written report from the archeologist must be submitted, and approved by the State Historic Preservation Office prior to commencement of any ground disturbing activities. If archeological materials are discovered within the project area, work may not proceed until an archeological permit is issued in accordance with ORS 390.235.
2. The Permittees shall construct the project in accordance with the submitted plans and descriptions provided in the permit application, and comply with the location, dimensions of the riprap, and materials specified in the plans and descriptions, with the following modification: The main portion of the riprap revetment shall be terminated at least 100 feet north of the submitted riprap design, so that the riprap tapers into the natural bluff slope at or north of the westward extension of the northern right-of-way boundary of 4<sup>th</sup> Street. See attached plans, with modifications noted.
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. Permittees or their contractors shall contact Steve Williams at (541) 867-3340 prior to construction for the necessary permit.
4. The Permittees shall complete construction prior to December 1, 2005. If it appears that, due to unforeseen circumstances, the project cannot be installed during this construction period, the Permittees or authorized representative(s) may request a permit extension. OPRD may grant a time extension based on the Permittees' submission of a revised construction schedule.
5. Upon completion of the project, the Permittees shall clear the beach of all debris associated with the riprap construction.
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. In addition to the requirements of Condition #1, the Permittees shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.961 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.

10. This approval does not affect any obligation the Permittees might have to other persons or agencies, local, state or federal.
11. If the Permittees fail to comply with the conditions provided herein and otherwise imposed by OPRD, OPRD shall exercise its authority under ORS 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 Permittees 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, to the extent permissible under federal law.
12. 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.
13. 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.

***/s/ Tim Wood***

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Tim Wood  
Director  
Oregon Parks and Recreation Department

Cc: Larry Lewis, City of Yachats  
Paul Klarin, DLCD  
Mark Everett, U.S. Army Corps of Engineers  
OPRD/Area 3 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*