



**OCEAN SHORE  
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: March 28, 2005

Applicant: Cannon Beach Conservancy/ Mike Morgan, Agent

OPRD File Number: BA-597-05

County: Clatsop

Project Location: Jefferson Street to Jackson Streets, except for Rempfers at the corner of Jefferson and Ocean Ave., Cannon Beach. T 5-R 10-Sec 30AA Tax lots: 12400, 12506, 12503, 13000, 12900, 13100, 13200, 2200, 2300, 2400, 12600

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:**

This is Phase 2 of the dune grading program on Ocean Avenue in Cannon Beach. This application is from the Cannon Beach Conservancy, as opposed to the Ocean And Laurel Sand Management Association, which complete Phase 1. This represents 12 property owners along Ocean Avenue.

Approx. 5400 cubic yards of sand would be moved from the dunes on the ocean front between Jefferson and Jackson Streets in west of Ocean Avenue, Cannon Beach. Most of the sand would be deposited on the foredunes west of the zone line. Some of the sand would be removed to a disposal site as it is contaminated with Knotweed and other noxious vegetation. An excavator will be used to remove Japanese Knotweed and other vegetation from the dunes for disposal elsewhere. The dune will then be graded using a caterpillar or equivalent. The sand will be graded west of the Zone Line, and used to form dunes that emulate the natural landscape of the area. The new dunes and exposed area will then be planted with European and American Beach grass, recovered from project area, with clumps of 12-15 culms on 2 foot centers and fertilized with ammonia sulfate.

*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 3)

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 sand alteration.

Denies your application

Conditions:

1. Prior to construction, the Permittee 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 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. Prior to conducting work, the Permittees or subsequent land owners (collectively "Permittees" shall complete all of the required land use approvals as required by the City of Cannon Beach and obtain certification from the City of Cannon Beach Planning Department that the projects is consistent with the local comprehensive plan and land use ordinance.
3. Work shall be conducted in strict conformance with the Presidential Streets Sand Management Plan, Phase 2, and the plans submitted with the OPRD permit application, and the Comprehensive Plan of the City of Cannon Beach, all city land use actions requirements for conducting the dune management activities.
4. Existing Bond from Phase1 will be used for purposes of funding restoration of the dune in the event that title rests else where than with plaintiffs and the adjudged title holder seeks restoration of the area subject to this permit to the condition of area prior to work conducted under this permit.
5. Use of equipment or vehicles on the beach requires a 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 John Allen at 541-994-8152 prior to construction for the necessary permit.
6. While use of heavy equipment is occurring, personnel shall be available to ensure that onlookers are kept a safe distance away and that public safety is not compromised.
7. Applicant must submit a letter stating how they are disposing of invasive species (knotweed, etc) they will be digging up at project area and show a letter from property owner where it is being disposed and how it will be treated. Sand used in grading and reforming dunes shall be free of debris and vegetation.
8. If existing vegetative material is insufficient to fulfill the sand management plan, Permittee shall, prior to planting European beach grass, provide OPRD documentation from 3 nursery vendors demonstrating that American beach grass is unavailable for purchase.
9. The project shall be completed prior to June 1, 2005. If it appears that, due to unforeseen circumstances, the project cannot be completed by the expiration date, the Permittee, subsequent owner(s), or authorized representative(s), may request a permit extension. A time extension may be granted based on the submission of a revised construction schedule.
10. The Permittees shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project.

11. 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.
12. The Permittees shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.955 and OAR 736-051-0090 as these statutes and rules affect the discovery, excavation, salvage, removal and disposition of archaeological resources and the permit requirements for these activities as they affect archaeological sites on public and private land.
13. If the Permittees fail 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.
14. 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 Permittees, their officers, agents or employees, and arising out of the performance of any work or project covered by the granting of a permit.

**/s/ Tim Wood**

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Tim Wood  
Director  
Oregon Parks and Recreation Department

Cc:

**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*