



OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:

Application Denied:

Date: September 27, 2024

Applicant: SeaRidge Homeowners Association

OPRD File Number: 3051-24

County: Lincoln

Project Location: The project is located at 4175 N. Hwy 101, Depoe Bay, Oregon. The subject property is identified on Lincoln County Assessor's Map # 8-11-28-BA, tax lot 9000.

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: Construction of a concrete stairway and vegetated riprap structure, approximately 600 feet in length, along the oceanfront of the SeaRidge Condominiums. The proposed riprap revetment specifications are: top of riprap armor elevation near 30 feet NAVD, a slope of 2H:1V, an average width of 42 feet, with a total volume of approximately 8700 cubic yards of armor stone and backfill materials. Associated material and equipment staging for the project is proposed to occur on the SeaRidge Condominiums property.

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 line of established upland shore vegetation 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

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

Denies your application


Lisa Sumption, Director
Oregon Parks and Recreation Department

Copy: William Rasmussen, Miller Nash LLP
Onno Husing, Lincoln County
Rhiannon Bezore, DLCD

736-020-0120

Administrative Relief, Appeals, Judicial Review

(1) Where an application for an improvement permit required under ORS 390.640, or a permit for a pipeline, cable or conduit crossing of the ocean shore required under ORS 390.715, or a permit for removal of products from the ocean shore required under ORS 390.725, is denied, the applicant may request a hearing from the Director. Where a permit is issued under ORS 390.650, any person aggrieved by the issuance of the permit or conditions imposed on the permit, may request a hearing from the Director. The application denial or permit approval shall be considered the Director's original order.

(2) Requests for hearing described in section (1) of this rule shall be in writing and shall:

(a) Include a clear statement of the reason(s) for the request;

(b) If the request is being made by a person other than the applicant, include a clear statement of the person's legally protected interest and how that interest is adversely affected by the issuance of the permit; and

(c) Be received by the Director within 30 days of service of the order denying or granting the permit. The date of service shall be the date of delivery of the order in person, or the date of mailing.



**FINDINGS OF FACT
STAFF REPORT**

Date:	September 27, 2024	Ocean Shore Permit Coordinator:	Tyler Blanchette
County:	Lincoln		
OPRD File Numbers:	3051-24	Applicant:	SeaRidge Homeowners Association

Project Location: The project is located at 4175 N. Hwy 101, Depoe Bay, Oregon. The subject property is identified on Lincoln County Assessor’s Map # 8-11-28-BA, tax lot 9000.

Brief Project Description: Construction of a concrete stairway and vegetated riprap structure, approximately 600 feet in length, along the oceanfront of the SeaRidge Condominiums. The proposed riprap revetment specifications are: top of riprap armor elevation near 30 feet NAVD, a slope of 2H:1V, an average width of 42 feet, with a total volume of approximately 8700 cubic yards of armor stone and backfill materials. Associated material and equipment staging for the project is proposed to occur on the SeaRidge Condominiums property.

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 600 feet of oceanfront marine terrace fronted by a dune and bluff slope. According to Lincoln County records the project site is situated on tax lot 9000, identified as general common elements for the SeaRidge Condominiums, at 4175 N. Hwy 101, in Depoe Bay, Oregon.

Page 1 of the July 19, 2023 Engineering Geologic Investigation for Project #Y214577 report by H.G. Schlicker & Associates, Inc. (the “HGSA report”) states, “Based upon our investigation, historical, recent, and ongoing oceanfront erosion threatens the existing infrastructure at the subject property. Additionally, nonstructural solutions have previously been attempted but proved ineffective and only provided short-term and finite mitigation of erosion at the site. We have determined that the site would benefit from a shoreline protective structure and have provided designs and specifications for a riprap revetment. Also included herein are geotechnical design recommendations and structural engineering plans for a proposed concrete staircase integrated into the proposed revetment.”

Page 17 of the HGSA report states: “To mitigate future ocean wave erosion of the bluff and dune, support the oversteepened bluff and protect the critical utility infrastructure, we recommend constructing a riprap revetment at the subject site, as detailed in Figures 3 through 6.” The HGSA report then asserts on page 21 that “the oceanfront area of the subject site has experienced repeated severe erosion episodes that have removed the fronting dune and currently threaten to damage or destroy critical utilities for the SeaRidge Condominiums. Critical stormwater and sanitary sewer infrastructure are located as close as approximately 18 feet from the bluff edge (Figure 4).”

The applicant has requested a permit for the construction of a permanent and continuous riprap revetment approximately 42 feet wide and 600 feet in length fronting the entire beachfront of the subject property. The project would also include a concrete stairway through the riprap to provide access to the ocean shore from the upland property.

Considering the episodic erosion which threatens the existing infrastructure on the upland property as a result of the high-energy shoreline that fronts the subject site, the repeated attempts at non-structural solutions (p. 5-7 of the HGSA report), and the potential geotechnics of the site limiting relocation of the existing infrastructure (p. 24 of HGSA report), staff finds that the applicant has supported justification for some manner of erosion control (and community accessway) at the subject property; But the applicant has failed to adequately justify the need for this specific proposed erosion control technique, at this location, at this time.

Without balancing the need for an erosion control technique that would provide a reasonable degree of increased safety for the on-shore property while simultaneously giving consideration to the detrimental affects of the project to the ocean shore and its resources, the department cannot find that there is adequate justification for a project to occur on and alter the ocean shore area, as it is proposed. Therefore, OPRD is unable to determine that this standard is met.

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

The proposed structure will be located entirely on privately owned land that is subject to the public’s customary use of the ocean shore recreation area.

The presence of the shoreline armor and stairway would not affect public ownership or easement rights on the ocean shore; However, considering the projects proposed size, alignment, and placement, staff finds that the applicant has not demonstrated that the proposed project and associated impacts would not be a long-term detriment to public recreational customary use. The proposed revetment structure will occupy up to as much as “27,000 square foot area of the beach along the approximately 600 feet frontage of the privately owned tax lot” (HGSA report page 27) that is currently ocean shore (OAR 736-020-0002(13)) and available for recreational use. Because of the project’s proposed alignment and size, with approximately 100% of the proposed structure west of the line of established upland shore vegetation (OAR 736-020-0002(11)), and a project area of 27,000 square feet, the department finds this to be an inadequate level of protection to the public’s long term customary use and rights to recreation on the ocean shore. Therefore, OPRD is unable to determine that the application demonstrates compliance with this standard.

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

Per Lincoln County 01-LUPC-21, Ordinance 520, on March 19, 2021, SeaRidge Condominiums filed a land use application with Lincoln County requesting an amendment to the Lincoln County Comprehensive Plan adopting an exception to Goal 18. On September 15, 2021, the Lincoln County Board of Commissioners voted to approve the ordinance, thereby amending the Lincoln County Comprehensive Plan to allow for the placement of a beachfront protective structure(s) on the Exception Property. Therefore, the project is subject to an exception to the Statewide Planning Goal 18 criteria.

OPRD was provided with a signed Land Use Compatibility Statement from Lincoln County planning staff which determined that the project is “OK per 01-LUPC-21; Ordinance that adopted an Exception to Goal 18, and, therefore, makes a shoreline protective structure on Map and Tax Lot 08-11-28-BA-9000 consistent with Lincoln County’s Comprehensive plan is #520. Also, OK per Floodplain Development Permit Case File 30-FP-23.” The review of this permit application by OPRD should satisfy any State of Oregon requirements. The applicant claims no permit is required by any other agency.

Additionally, OAR 736-021-0090(4)(a)(D)(iii) provides: “A person may not remove wood embedded in the beach or in dune banks from the ocean shore state recreation area.” And OAR 736-021-0090(4)(a)(D)(iv): “A person may not disturb, cut, mutilate or remove ancient tree stumps, including but not limited to those found on the ocean shore state recreation area at the Neskowin “ghost forest.” [emphasis added] These rules give additional context to the Division 20 standards addressed herein and demonstrate the State’s interest in preserving and protecting the special value and uncommonness of the ancient tree stumps and forest remnants.

More information regarding the department’s findings on ancient forest remnants in Natural and Cultural Resource Standards (OAR 736-020-0030) on page 12 below.

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.

The HGSA report explores the history at the project site *before the property was eligible for structural shoreline armoring*. In the report on pages 5-7, from 1984 to present, the timeline shows that sand alteration to restore the dune and mitigate erosion occurred approximately 13 times and a curtain drain was installed between the dune and the upland infrastructure in 1999/2000 to better manage stormwater east of the ocean bluff.

On pages 22-24 of the HGSA report, the author explores a review of non-structural solutions. These measures include improving stormwater control, vegetation stabilization, slope stabilization by regrading, beach filling or nourishment, and dynamic structures. However, the author determined these methods to be infeasible or incapable of providing adequate protection to the upland property and infrastructure.

Following the public hearing, HGSA then provided a letter to OPRD titled “Response to Oregon Parks and Recreation Department's July 23, 2024, Notice of Public Hearing” (or “HGSA post-hearing letter”), highlighting the several attempts made by the applicant “to mitigate the erosion by implementing the nonstructural methods of beach scraping, beach nourishment and vegetative stabilization” prior to 2021 - when the engineering geologist of record completed an “Engineering Geologic Investigation For Goal 18 Exception Gleneden Beach and Lincoln Beach” report (“Project #Y204349” and dated March 18, 2021 or “HGSA March 2021 report”). This report was used to support a Goal 18 exception for oceanfront protection at the subject property (see “Compliance with LCDC Goals” below). Since the goal exception in 2021, there is no record of work conducted at the project site to mitigate the oceanfront erosion.

The HGSA report then concludes on page 24 that “relocation of the existing structures is not feasible due to their size, foundation design, and construction, although an evaluation by a structural engineer and contractors cost estimate has not been determined. The closest existing exposed critical infrastructure on the bluff is located approximately 18 feet east of the bluff edge. Additional separate and connected infrastructure elements and improvements occupy much of the space between the buildings and the bluff edge, limiting room for their potential relocation. Drain pipes associated with the stormwater infrastructure, at times, have been exposed along the bluff and dune slope”. As stated by the HGSA report, the application does not include information on relocation costs, nor was an evaluation by a structural engineer provided to OPRD.

During the public hearing, when asked why the threatened [sanitary sewer and stormwater catch basin] infrastructure cannot be moved (near the 38:00-minute recording mark), Adam Large (HGSA Principal) responded, “It services the entire development, *I suppose* you would have to have a civil engineer redesign the entire infrastructure system for the entire development.” [italics added]

Given this lack of supporting evidence and investigation by the applicant, the department is not persuaded to make the same conclusions as the applicant. Without conducting a thorough hazard avoidance analysis prior to submitting the application and investigating the feasibility of relocating the structures away from the ongoing bluff erosion: which would better protect and minimize the affects to the ocean shore and avoid long-term cost to the public (OAR 736-020-0003(2)(b) and OAR 736-020-0010(5)); the application does not adequately demonstrate compliance with this standard., Conclusory comments from the engineering geologist do not establish that there are not alterations or project modifications that would better the public rights, reduce or eliminate the detrimental affects on the ocean shore, or avoid long-term cost to the public

Following the hearing, the applicant submitted a post-hearing comment letter to OPRD. The post-hearing comment letter is part of the public record, and available upon request, from the department. In the letter (page 3-8), the applicant argues that “there are no reasonable design alternatives” for this project. Specifically:

- “A. The project engineering geologist’s conclusions regarding revetment size, slope, location, orientation to the beach, and design are based and expert knowledge and site-specific characteristics.”
- “B. The riprap cannot be moved farther east without compromising the performance and structural integrity of revetment and protected structures and infrastructure in violation of OAR 736-020-0025.”
- “C. The proposed revetment design and location complies with OPRD regulations.”

However, during the hearing (40:00-minute mark) Adam Large (HGSA Principal) stated, “Additionally, moving the bank to the east on the south, would necessitate cutting into the native soils there, which would further increase the potential to impact the neighbors to the south. I will mention later, when referring to the stumps, it is an option to do that, to avoid or minimize damage to the ancient forest remnants, but it’s certainly not a preferred method to then shift some of the burden to the adjacent neighbor.” This statement appears to be in conflict with the information submitted with the application materials and supported in the post-hearing comment letter. Also, there are no metrics provided for how soon, or how much, the neighboring property may be affected by this alternative design, but it is a method identified by the engineering geologist as an option to avoid or minimize damage to the ancient forest remnants.

Additionally, the application materials lack substantial evidence explaining the design justification for the project to extend the full (north-to-south) length of the property (approximately 600 feet) and does not explain why the project has been designed in such a way to “touch” the southern and northern property boundary lines. Based on information included on page 8 of the application narratives Executive Summary: “Erosion is very nonuniform across SeaRidge’s 600-foot-long berm” and “The northern portion of the SeaRidge berm is much less stable than the southern portion”. This information is rightly pointed out in post-hearing testimony from Peter and Jennifer Klammer. The Klammers state further, “If any approval is given, it should be limited to the identified problem area. That is, the northern half of the SR shoreline. This would limit the proposed revetment structure to the northern 1/2 of the SR shoreline (perhaps 300 ft) and terminate well away from the neighboring property to the south.” The department finds that the application does not demonstrate that this is not a reasonable project modification that, if implemented appropriately, could avoid or minimize ocean erosion or safety problems for neighboring properties by reducing some end affects to those properties that may unnecessarily be affected, particularly at this time. This may also achieve two standards with one action because as outlined in the HGSA report page 17, “Based on historical photos of the southern portion of the site and the material observed during test pit excavation, encountering ancient forest remnants is more likely to occur in the southern area of the proposed revetment (Appendix B)”, and thereby avoiding and minimizing risk to the ancient forest remnant where they are suspected to be most concentrated.

In summary, the applicant defends the need for the project to be permitted as proposed but fails to accurately address the applicable review standard and only provides anecdotal speculation that the ancient forest remnants “appear to be west of the proposed revetment, and thus will not be impacted by its construction.” However, no additional information is provided in the post-hearing comment letter, or the HGSA post-hearing letter, to affirmatively conclude that the project has been designed in such a way to minimize affects to the ocean shore resources (stumps) – only photographs which show there are existing stumps at the project site. No metrics or measurements are provided by the applicant. The applicant’s letter(s) instead focus on the need to protect the upland property with the proposed project but fails to substantively explain how there are no reasonable alternatives that would better protect the ocean shores values and resources, and still provide a reasonable degree of increased safety to the on-shore property.

Therefore, these application materials and subsequent post hearing materials do not provide substantial or consistent evidence that factually supports:

- 1) A comprehensive analysis of hazard avoidance and the relocation of the existing infrastructure is not a reasonable alternative, and
- 2) 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.

Because the applicant has failed to balance the need to provide a reasonable degree of increased safety for the on-shore property and simultaneously give consideration to reasonable design alternatives that would reduce or eliminate the detrimental affects on the ocean shore caused by the project, OPRD is unable to determine that this standard is met.

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.

There are no significant public financial costs to implement the project – as the applicant would pay all costs associated with the proposal. However, potential public costs as outlined in this administrative rule authorizing construction of a riprap structure include the loss of beach area, heavy equipment activity on the beach during construction, the visual presence of additional riprap, and likelihood that the project will negatively impact the

existing ancient forest remnants found within the project area.

While the applicant has provided a limited consideration of alternatives such as non-structural solutions, non-structural solutions have effectively abated the risk to the on-shore property since the first sand alteration project in 1984/1985 (HGSA report, page 5). Page 21 of the HGSA report assumes the life of the revetment to be 60 years, however there is no recommendation for the ultimate removal of the structure when it is no longer necessary or mitigation proposed for project damages to public interests, such as the ancient forest remnants. Without this information, OPRD is unable to determine that this standard is met.

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.

As outlined in Public Laws above, per Lincoln County 01-LUPC-21, Ordinance 520, on March 19, 2021, SeaRidge Condominiums filed a land use application with the County requesting an amendment to the Lincoln County Comprehensive Plan adopting an exception to Goal 18. On September 15, 2021, the Lincoln County Board of Commissioners voted to approve the ordinance, thereby amending the Lincoln County Comprehensive Plan to allow for the placement of a beachfront protective structure(s) on the Exception Property. Therefore, the project has an exception to Statewide Planning Goal 18 criteria.

Similarly, Lincoln County Planning Department has determined that the project complies with the County's 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; and Goal 18: Beaches and Dunes. 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 project area overlaps an area occupied by ancient forest remains. As described in the HGSA report on page 26, "Based on our review of previous investigations and select historical site photographs (Appendix B), after severe storms and erosion episodes, stumps and remains of an ancient forest have been temporarily exposed in the site area. However, typically the ancient forest remnants are covered with sand, not visible to the public, limiting their potential as a scenic attraction. The relative location and depth of individual stumps to the proposed revetment are unknown until they are exposed. We will work with the contractor during construction to minimize the impact to the scenic attraction of the ancient forest remains as required, if encountered."

The project involves excavation and the placement of armor stone to create a 600' revetment that extends approximately 50' (HGSA report, Figure 5, Slope Profile A-A') onto the ocean shore. By the very nature of this proposal, on the ocean shore there will be large amounts of excavation for the toe trench and installation of armor stone into the trench. Despite advisement from Department staff during the pre-application stage, the applicant did not provide substantive evidence in the application of any site investigation used during design or specific measures incorporated in the design to avoid or minimize impact to known natural features - ancient forest remains. The application included a general statement in the geologic report of "We will work with the contractor during construction to minimize the impact to the scenic attraction of the ancient forest remains as required, if encountered." However, no detailed information was included as to how this will be done or what specific measures would be implemented.

These ancient forest remnants, even though they may be typically buried, are a protected Natural Feature under OAR 736-020-0015(1). The Department disagrees with the applicant's statement that burial is "limiting their potential as a scenic attraction". OAR 736-020-0015 does not include criteria to "limit the potential" of a resource under the rule. In addition, the cycle of burial and exposure is a common and expected characteristic of these features along the coast. The cycle of random exposure is also part of what makes them a scenic attraction and valuable for recreation interests. Failure to protect these types of natural features while buried would be inconsistent with the ocean shore protections provided in OAR and ORS.

The public's opinion regarding this concern is illustrated by joint testimony following the public hearing from Phillip Johnson (Oregon Shores Conservation Coalition) and Kaia Hazard (Surfrider Foundation), which states:

"The applicant justifies the risk of this project to the ancient forest and its failure to do anything to truly avert that risk by claiming that because the ancient forests at issue are only visible after severe storms or erosion episodes, their potential as a scenic attraction is limited. However, the public's perception of the scenic value of resources like ancient forests can actually be magnified by such occasional appearances — like seeing the northern lights in Oregon. Further, as patterns of erosion continue to worsen due to sea level rise, it is possible that in the near future the ancient forest will be visible on an increasingly regular basis. These resources need to be protected not just for their value, but to preserve them for access by future generations of Oregonians."

Without a site investigation or specific knowledge of the location, depth, and extent of the ancient forest remains being used during design there is a high probability that remains will be encountered and damaged during construction activities. The application does not detail how discovery during construction would not be too late to avoid damage or substantively modify the design or location of the structure to avoid or minimize damage. The Department is unable to find that this proposal was "designed to minimize damage to the scenic attraction" (OAR 736-020-0015), or that "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" (OAR 736-020-0010).

In addition, the Department is unable to find that the application has demonstrated that the project will "retain the scenic attraction of key natural features, for example, ancient forest remains" as required by OAR 736-020-0015(1), as there is a high likelihood of direct impacts (*i.e.* excavation activities, burial with rock) and indirect impacts (*i.e.* changes in the shoreline and erosion patterns following construction of the revetment) that would likely change the characteristics of the natural feature now or into the future. The Department further finds that approving the application absent any specific design to minimize damage and proposed impacts to this natural feature on the ocean shore would be inconsistent with agency directives in statute, including ORS 390.610(4), 390.640(1) and 390.655. Therefore, OPRD is unable to determine that this standard is met.

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

There is currently minimal to no vegetation on the ocean shore at the project site because the existing dune and bluff slope has eroded to the line of established upland shore vegetation, which is the ocean shore jurisdictional boundary at this location.

The project site is situated in a developed and heavily shoreline armored area (although riprap is not contiguous to the project site). However, upland of the ocean shore, there is significant vegetation presently at the subject property. The design of the riprap structure includes the covering of sand and planting of new vegetation above 28 ft NAVD. The footprint of the structure is west of the vegetated bluff where currently no vegetation exists (reference Figure 3 and Figure 4 of HGSA report). This standard is met.

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 top of proposed riprap structure will match the existing bluff elevation, and the adjacent properties are situated at a higher elevation overlooking the beach. Since all components of the riprap structure will be located below the existing bluff, there will be no impact on ocean and beach views from the subject or adjacent properties. This standard is met.

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

Riprap shoreline armoring is not uncommon in the Gleneden Beach or Lincoln Beach area. According to page 20 of the HGSA March 2021 Report, “Approximately 75 percent of the shoreline along Gleneden Beach is currently armored with shoreline protective structures, predominately rip rap revetment, ...” The proposed riprap at the subject location is like 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. The proposed structure would not be dissimilar to the existing surrounding shoreline scenery and properties that are fronted with shoreline armoring in this stretch of coast. This standard is met.

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 proposed structure is located entirely on privately owned land that is subject to the public’s customary use rights. Out of the 600 feet of proposed shoreline armoring, approximately 450 feet (the northern end) will be located entirely east of the Statutory Vegetation Line. The remaining approximately 150 feet of the south end of the revetment, is proposed to extend west beyond the Statutory Vegetation Line. (Reference Figure 3 and Figure 4 of HGSA report).

During construction, heavy equipment operation and activities would impact the visual aesthetics and recreation use. As described below in Safety Standards, the applicant has developed a Construction, Staging and Safety Plan with emphasis on reducing recreation use impacts resulting from construction of the revetment.

However, considering the projects proposed size, alignment, and placement, staff finds the proposed project and associated impacts to be a long-term detriment to public recreation use. The proposed revetment structure will occupy up to as much as “27,000 square foot area of the beach along the approximately 600 feet frontage of the privately owned tax lot” (HGSA report page 27) that is currently ocean shore jurisdiction and available for recreational use. Because of the projects proposed alignment and size, with approximately 100% of the proposed structure west of the line of established upland shore vegetation, and a project area of 27,000 square feet, department staff find this to be an unreasonable level of impact and detriment to long term ocean shore recreation use opportunities.

The applicant has failed to balance the need to provide a reasonable degree of increased safety for the on-shore property and simultaneously give consideration to reasonable design alternatives that would reduce the detrimental affects to recreation use on the ocean shore caused by the project; Therefore, OPRD is unable to determine that this standard is met.

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.

The project area overlaps with the Oregon Coast Trail.

If the project were to be constructed, wave run up would reach the riprap structure during high tides and storm events and periods of low sand elevations; However, wave run up during storms and higher tides already reaches the base of the eroding bluff, which restricts north-south travel during these events, regardless of the placement of a shoreline protective structure. Nevertheless, the installation of the project, implementing a loss of 50 feet of beach width extending for 600 feet along the shoreline would further restrict this access, and could create a “peninsula affect” adjacent to the unarmored neighboring properties. (Policy Brief Coastal Adaptation, page 2, paragraph 1). This is also described by Melius and Caldwell: “Armoring...will ultimately result in the total loss of public beach seaward of the structure, limit beach access, and deny various forms of coastal recreation in the area influenced by the shoreline armoring.” (Melius, M. L., & Caldwell, M. R. (2015). California coastal armoring report: Managing coastal armoring and climate change adaptation in the 21st century. Environment and Natural Resources Law & Policy Program Working Paper.)

Considering the projects proposed size, alignment, and placement, staff finds the proposed project and associated impacts to be a long-term detriment to public recreation access along the ocean shore and Oregon Coast Trail. Because of the project’s proposed alignment and size, with approximately 100% of the proposed structure west of the line of established upland shore vegetation, and a project area of 27,000 square feet, department staff finds that the project will likely block off or obstruct north-south public access along the ocean shore and Oregon Coast Trail in the short term due to reduced beach width during times of mid-to-high tides and periods of low sand; And may potentially sever north-south access over the long term due to peninsula affects. “Armoring...will ultimately result in the total loss of public beach seaward of the structure, limit beach access, and deny various forms of coastal recreation in the area influenced by the shoreline armoring.” (Melius and Caldwell, 2015, p. 8)

The applicant has failed to balance the need to provide a reasonable degree of increased safety for the on-shore property and simultaneously give consideration to reasonable design alternatives that would reduce or avoid the detrimental affects to recreation access on the ocean shore caused by the project. OPRD is unable to determine that this standard is met.

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 proposed riprap revetment project was designed by a certified engineering geologist in the State of Oregon. The purpose of the project is to provide bank stability and protect the bluff from ocean caused erosion. The HGSA report recommends using strong, durable materials during construction. The proposed staircase was designed by an Oregon Professional Engineer. This standard is met.

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

The project area overlaps with the Oregon Coast Trail.

During normal summer conditions, the proposed riprap structure will likely not cause an obstruction to north-south public access along the shoreline today.

However, if the project were constructed, wave run up would reach the riprap structure during high tides and storm events and periods of low sand elevations; However, wave run up during storms and higher tides already reaches the base of the eroding bluff, which restricts north-south travel during these events, regardless of the placement of a shoreline protective structure. Nevertheless, the installation of the project, implementing a loss of 50 feet of beach width extending for 600 feet along the shoreline would further restrict this access, and could create a “peninsula affect” adjacent to the unarmored neighboring properties.

Considering the projects proposed size, alignment, and placement, staff finds that the applicant has not established that the proposed project and associated impacts minimize the long-term detriment to public recreation access along the ocean shore and Oregon Coast Trail. Because of the projects proposed alignment and size, with approximately 100% of the proposed structure west of the line of established upland shore vegetation, and a project area of 27,000 square feet, department staff finds that the project will likely block off or obstruct north-south public access along the ocean shore and Oregon Coast Trail in the short term due to reduced beach width during times of mid-to-high tides and periods of low sand.

While similar levels of encroachment have been found acceptable for other riprap projects, the applicant for this project has not submitted adequate information to justify the need or establish that the obstruction has been minimized. Since, the need has not been adequately justified at this time, the amount of obstruction that would be caused by the project onto the beach is unnecessary. The applicant has failed to balance the need to provide a reasonable degree of increased safety for the on-shore property and simultaneously give consideration to reasonable design alternatives that would reduce the obstructional hazard on the ocean shore caused by the project over time; Therefore, OPRD is unable to determine that this standard is met.

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

Page 29 of the HGSA Report address the effects of the project on neighboring properties. As described in the HGSA report, “the northern and southern ends of the proposed revetment are designed to wrap around and taper to the east along the property lines in order to avoid or minimize potential adverse impacts or safety problems to the adjoining properties. If the adjoining properties construct oceanfront protection structures in the future, we recommend that those new revetments be structurally tied into the revetment proposed herein.”

However, the application materials lack substantial evidence explaining the design justification for the project to extend the full (north-to-south) length of the property (approximately 600 feet) and does not explain why the project has been designed in such a way to “touch” the southern and northern property boundary lines. Based on information included on page 8 of the application narratives Executive Summary: “Erosion is very nonuniform across SeaRidge’s 600-foot-long berm” and “The northern portion of the SeaRidge berm is much less stable than the southern portion”. This information is rightly pointed out in post-hearing testimony from Peter and Jennifer Klammer. The Klammers state further, “If any approval is given, it should be limited to the identified problem area. That is, the northern half of the SR shoreline. This would limit the proposed revetment structure to the northern 1/2 of the SR shoreline (perhaps 300 ft) and terminate well away from the neighboring property to the south.” The department finds that the application does not demonstrate that this is not a reasonable project modification that, if implemented appropriately, could avoid or minimize ocean erosion or safety problems for neighboring properties by reducing some end affects to those properties that may unnecessarily be affected, particularly at this time. This may also achieve two standards with one action because as outlined in the HGSA report page 17, “Based on historical photos of the southern portion of the site and the material observed during test pit excavation, encountering ancient forest remnants is more likely to occur in the southern area of the proposed revetment (Appendix B)”, and thereby avoiding and minimizing risk to the ancient forest remnant where they are suspected to be most concentrated.

Regarding other design considerations, during the hearing (39:00 minute mark) Adam Large (HGSA Principal) stated, “In regards to the neighboring properties, it’s a standard practice when designing revetments, to taper in the ends of the revetments and to wrap it in to the bank to minimize the end effects on adjacent properties that are unprotected. It’s the best way to do it. It is successful all up and down the Oregon coast. And that’s pretty much it for end effects. The alternative would be to not do that, and then you’re going to have greater end affects. So, we opt for reducing the effects on the neighbors. In addition, there won’t be increased erosion. The mapped erosion rate will change – or will not change. The erosion on the beach is seasonal, and there are times when it can be extreme, there are times when it can be minimal, but there will not be a significant change to the mapped erosion rate.”

However, in the goal exception HGSA March 2021 report, the author states on page 20, “A negative feedback loop resulting from the proliferation of shorefront protective structures cuts off the sediment supply to the [Gleneden and Lincoln] beach, exacerbates the erosion in unprotected areas, and necessitates additional shoreline protective structures to mitigate erosion to protect the public and private infrastructure.” This testimony appears to be contrary to the testimony given during the hearing.

Furthermore, Griggs *et al.* found that, “Direct wave reflection from the end sections of seawalls is commonly observed. As a result of this increased wave energy at the downcoast or downdrift ends of seawalls, an arcuate zone of localized scour typically develops in the winter months which extends downcoast from 50 to a maximum of 150 m. The downcoast extent of this impact appears to depend upon wave height and wave period, or the arrival of the next wave bore, which tends to override and dissipate the reflected wave, the end geometry of the structure, the angle of wave approach, and tidal stage.” (Griggs, G. B., J. F. Tait and W. Corona. 1994. The interaction of seawalls and beaches: Seven years of monitoring, Monterey Bay, California. *Shore & Beach*, 62(3): 21-28)

Because the applicant has not substantively demonstrated why the project must extend the full ~600 foot length of the subject property, which would likely result in additional end affects on the neighboring property, OPRD is unable to determinethat this standard is met.

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.

Construction of the proposed riprap revetment would provide long-term protection to the subject property and its existing infrastructure using one of the strongest and most secure erosion control techniques available. The proposed shoreline armoring would surely improve the safety of the existing infrastructure. The standard is to design protection projects to “accomplish a reasonable degree of increased safety” for eligible properties. However, the applicant has failed to balance the need to provide a reasonable degree of increased safety for the on-shore property and simultaneously give consideration to design alternatives that would avoid or minimize safety hazards to the public and shoreline properties, particularly the neighboring properties, caused by the project over time; Therefore, OPRD is unable to determine that this standard is met.

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 applicant used the Oregon Department of Fish and Wildlife (ODFW) Compass website to search for conservation activities or sensitive resources. The applicant provided report did not show any conservation sites or activities of interest. ODFW did not comment on any reported significant fish and wildlife resources that will be impacted by the proposed project during the 30-day public review. This standard is met.

Estuarine values and navigation interests.

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

Historic, cultural and archeological sites.

Prior to submitting an application to OPRD, the applicant performed an archeological survey and consulted with the State Historic Preservation Office. No archeological material was found during the archeological investigation at the project site. The information from that survey is protected and cannot be included with this Findings of Fact nor is this information subject to disclosure in response to a public information request. OPRD has determined that the applicant has performed their due diligence to avoid and minimize impact to historic, cultural, and archeological resources. However, the resulting recommendation from the investigating archeologist was as follows: "If during construction, cultural materials are uncovered, then all work should be halted immediately, and crews should notify the OPRD regional archeologist". This standard is met.

Natural areas (vegetation or aquatic features).

The applicant used the ODFW Compass website to provide a report which shows impacts to natural resources. The report did not show any significant impact to vegetation or aquatic features. Furthermore, upon site inspection by OPRD, there appears to be no significant vegetation upon the ocean shore at this location that could be impacted by the proposed riprap and stairway project. The revetment design includes the covering of sand and planting of new beach grass over the riprap structure. This standard is met.

Air and water quality of the ocean shore area.

The project would result in protection of the ocean fronting bluff at the project site. The project narrative outlines that there are expected to be minimal impacts to air and water quality on the ocean shore; The applicant appeared to use EPA.gov to investigate these standards. Aside from exhaust fumes from heavy equipment during the alteration activities, air and water quality on the ocean shore would be unaffected. This standard is met.

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

The HGSA report on page 3 states, "During periods of severe erosion, stripping of the sand layer off of the beach has previously exposed the underlying organic-rich soil and mudstone and *ancient forest remnants* along this beach, *with a greater number of stumps observed in the southern project area than in the northern project area.* The ancient forest remnants vary in height from approximately 8 inches to 2 feet tall (Appendix B)." [italics added] This information demonstrates that the applicant is knowledgeable and aware that the stumps are within the proposed project area.

The HGSA report Page 7 then states, "2016 OPRD informed HGSA that the property owners had requested permission to move 500 cubic yards of sand, which would be deducted from the quantity of 2,000 cubic yards applied for with the current permit. During HGSA's July and August 2016 site visits, we observed that insufficient sand was available for pushing with sand depths of only 2 to 3 feet, and therefore *heavy equipment and grading activity had a substantial potential to damage the ancient stumps during the grading operation.* Due to extensive sand deficits on Oregon's beaches in 2016, including the area of the subject site, we *recommended sand for grading purposes to be brought in from off-site because insufficient sand had built up along the beach to be utilized for the dune repair.*" [emphasis added] This information demonstrates that the applicant's engineering geologist was previously aware that the protected stumps should be avoided, and that the previous sand alteration project was modified in such a way to avoid impact to the stumps. Furthermore, heavy equipment and grading activity has "a substantial potential to damage the ancient stumps".

The HGSA report Page 26 states, “Based on our review of previous investigations and select historical site photographs (Appendix B), after severe storms and erosion episodes, stumps and remains of an ancient forest have been temporarily exposed in the site area. However, typically the ancient forest remnants are covered with sand, not visible to the public, limiting their potential as a scenic attraction. The relative location and depth of individual stumps to the proposed revetment are unknown until they are exposed. We will work with the contractor during construction to minimize the impact to the scenic attraction of the ancient forest remains as required, if encountered.” No specific detail for “work with the contractor during construction” is given.

The HGSA report Page 29 states, “The proposed project lies in an area of the ocean shore known to be occupied by ancient forest remnants. These ancient forest remnants are typically buried by sand and were not exposed during our site visits for this investigation. If encountered during revetment construction, we will work with the contractor to avoid or minimize damage to ancient forest remnants. Based on conditions encountered during excavation, this may require alterations or modifications to the location or design of the revetment proposed herein. If substantial alterations or modifications to the location or design of the proposed revetment are necessary to avoid or minimize damage to ancient forest remains, we will provide you with As-Built figures for future reference.” This demonstrates that the project can potentially be redesigned.

Similarly, on page 26 of the impact minimization portion of the project narrative, the applicant addresses Areas of Geologic Interest: “HGSA dug test pits along the entire construction path to reduce the risk of finding any geologic material of interest during construction. Page 29 of the HGSA report states the awareness and importance of this. If we encounter any Geologic material during construction, HGSA states that they will work with the construction company to evaluate options to preserve the material. At this project stage, we can only act to minimize the probability of such an encounter.” However, there is no explanation for what the process or procedures would be for the applicant, should the contractor encounter the protected stumps.

OPRD finds the outlined “plan” in the event of a likely stump encounter which consists of: 1) “stop work” and 2) “evaluate options to preserve the material”, to be an insufficient plan, considering the known protected stumps are within the project site. This assessment is further demonstrated in photo 13 of Appendix A in the HGSA report; During the exploratory excavation within the project area, woody debris was encountered. As described in the written testimony received 8/19/24 from HGSA following the hearing (page 6), “Please note that photo 13 of Appendix A is a view of a test pit dug during exploratory excavation in the area of the proposed toe trench in which woody debris was encountered. At the time of encountering the woody debris, the excavator operator immediately stopped excavations to minimize potential impacts if the debris encountered was a protected resource. After inspection, *it appeared that the woody debris was a piece of driftwood*; however, excavations ceased in this location, and no other woody debris was encountered in 6 additional exploratory test pits in the area of the proposed toe trench.” [italics added]

Based upon this testimony, OPRD has determined two (2) things. One, there is “woody material” that may be a protected stump(s) within the proposed project area toe trench. Two, that the woody material was inspected by the project engineering geologist, but the type of woody material could not be determined with certainty; Only that “*it appeared that the woody debris was a piece of driftwood*”. Therefore, OPRD concludes that it may be difficult for an engineering geologist to determine if encountered buried woody debris is protected ancient stumps or only driftwood, at the time of excavation for the project.

OPRD requested more information about the location of the stumps early in the application process, but it was not provided. The timeline for that is as follows:

- On November 14, 2023, OPRD received pre-application documents from the applicant for review and comment.
- On December 5, 2023, OPRD provided a letter to the applicant requesting additional information (“RAI” letter) about the ancient forest remnants. Page 3 of the OPRD RAI letter to the applicant asks: “Page 29 of the HGSA report references ancient forest remnants. Specifically: *“These ancient forest*

remnants are typically buried by sand and were not exposed during our site visits for this investigation. If encountered during revetment construction, we will work with the contractor to avoid or minimize damage to ancient forest remnants. Based on conditions encountered during excavation, this may require alterations or modifications to the location or design of the revetment proposed herein". Please describe what measures will be taken to protect ancient forest remnants when encountered? Ideally, OPRD would prefer to avoid "encountering" these protected stumps. Are there any measures that can be done to locate the stumps before digging such as GPR or other subsurface locating instruments."

- Included in the application materials is a response from H.G. Schlicker and Associates, Inc. (HGSA) dated January 9, 2024; Subject: Response to Oregon Parks and Recreation Department's December 5, 2023 Letter. The HGSA response is silent to the concerns in the RAI letter regarding the ancient forest remnants. On March 10, 2024, the applicant submits another pre-application document for review and comment via email.
- On March 22, 2024, OPRD sends an email to the applicant and provides a highlighted copy of the RAI with the information that remains missing. OPRD states in the email: "I've attached the December 2023 OPRD RAI letter – *the remaining missing items have been highlighted in the RAI letter.*" [italics added]
- On May 17, 2024, the applicant submitted an application to the department via hard copy. On May 30, 2024, OPRD determines that the application is complete and began the 30-day public notice period.

After the hearing, the post-hearing letter and HGSA post-hearing letter both reference the issuance and successful construction of OPRD permit 2898, located approximately 400 feet south of the SeaRidge property. However, after careful review, OPRD records show that a pre-project land survey was conducted at a time when the stumps were exposed (and included in the engineering geologic report used to permit the project), and the spatial location of the stumps was documented and shown on the project plans. These plans demonstrated the number of stumps and their location in relation to the project area – which was seaward of the then-proposed 31-foot-wide riprap structure, an approximately 25 percent reduced design width versus the (~42 feet wide) subject project. Based on the above discussion, adverse impacts to the known ancient forest remnants is a significant issue, particularly due to the fact that the applicants have not determined the location(s) or number of stumps present on the site.

OPRD finds that the applicant has not provided sufficient evidence that the project can be conducted in such a way to avoid or minimize damage to the ancient forest remnants known to occupy the project site. The Department further finds that approving the application absent any specific design to avoid or minimize damage to this natural resource on the ocean shore would be inconsistent with agency directives in statute, including ORS 390.610(4), 390.640(1) and 390.655. Therefore, this standard is not met.

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 area, and there are no known protected native plant communities or fish and wildlife habitat on the subject property. The applicant plans to plant the project area with beach grass as described in *Shoreline Vegetation* section above. This standard is met.

VI. PUBLIC COMMENTS

Notice of the proposed project was posted at the site for thirty (30) days in accordance with ORS 390.650. Individual notification and a copy of the application were mailed to government agencies, tribes, and individuals on OPRD's Ocean Shore mailing list. In addition, notice of the application including a complete copy of the application materials was placed on OPRD's website. During the comment period, FOUR (4) requests for a

public hearing were received among a total of TWELVE (12) written comments. Of all written responses, ONE (1) comment was from SHPO (acknowledging receipt), ZERO (0) comments were in support of the permit application request, ZERO (0) comments were undeterminable, and ELEVEN (11) comments were in opposition to the permit application request.

Based on public comments and public hearing requests, the Director decided a public hearing was necessary to be held, prior to acting on the project application. Notice of the public hearing was posted for an additional thirty (30) days and an on-line, virtual public hearing was held on August 14, 2024. At the public hearing, a total of FORTY SIX (46) persons registered for the hearing, EIGHTEEN (18) registered persons did not attend. TWENTY TWO (22) persons provided oral testimony plus the applicant, their attorney, and engineering geologist who provided an overview of the project and addressed the concerns of the department outlined on the hearing notice. Of the TWENTY TWO (22) individuals who testified, ELEVEN (11) were in opposition to the request, NINE (9) were in support of the request, and TWO (2) others were neutral or ambiguous about their positions on the request.

After the close of the hearing, the record was held open until August 19, 2024, to allow the submittal of final written testimony and rebuttal to testimony given at the hearing. An additional 19 comments were submitted while the record was held open.

All public testimony, whether written or oral, is included in the case file record and is available for review upon request.

VII. FINDINGS SUMMARY

FACTORS EVALUATED; OAR 736-20-0005

(1) Each site on the ocean shore presents different conditions and applicants have varying project needs. Evaluations point up the relative significance of the general, scenic, recreational, safety, and other interests of the public. In acting on any application for an ocean shore permit under ORS 390.640, 390.715 or 390.725, the Department shall consider:

(a) Provisions necessary to protect the affected area from any use, activity or practice that is not in keeping with the conservation of natural resources or public recreation;

(b) The public need for healthful, safe, esthetic surroundings and conditions; the natural, scenic, recreational, economic and other resources of the area and the present and prospective need for conservation and development of those resources;

(c) The physical characteristics or the changes in the physical characteristics of the area, and the suitability of the area for particular uses and improvements (This may include bank alignments, topography, shoreline materials and stability, width of the beach, past erosion, storm water levels, sand movement, water currents, adjoining structures, beach access, land uses, etc.);

(d) The land uses, including public recreational use; the improvements in the area; the trends in land uses and improvements; the density of development; and the need for access to particular sites in the area.

(e) The need for recreation and other facilities and enterprises in the future development of the area and the need for access to particular sites in the area.

(2) Public opinion in response to public notice or hearings on an application shall be considered in evaluating each proposed ocean shore project.

(3) Considered together, and in accordance with the intent of the Legislature, the factors listed in sections (1) and (2) of this rule assist in the overall decision for granting an ocean shore permit, or denying, or modifying the ocean shore permit application when the level of impact is determined to be unacceptable.

Based on negative determinations for the above permit review standards, the recommendation for *this permit application is for denial*. This does not rule out the possibility that a new permit application could be approved in the future if site conditions change, or if new information is presented to allow affirmative findings to the OPRD permit review standards.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Structural Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protection of Public Rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Obstructional Hazards	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Laws	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neighboring Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alteration and Project Modifications	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Property Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Costs	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
Recreation Use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Use of Native Plant Species when Necessary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recreation Access	<input type="checkbox"/>	<input checked="" 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

Tyler Blanchette
 Ocean Shore Permit Coordinator