



**OCEAN SHORE
ALTERATION PERMIT**

Application Approved with Conditions:

Application Denied:

Date: March 28, 2005

Applicant: Breakers Point Homeowners Association
Mike Morgan

OPRD File Number: BA-596-05

County: Clatsop

Project Location: Building 40 & 50 on North Breakers Point Court and Bldg. 506 & 508 at 524 No. Ash Street, Cannon Beach, Clatop County. C;atasp[County Assessor's Map T 5 R10 Sec 19, 19AC tax lots 2400,2500,2600, 2700. 19DA tax lots 90000, 90001.

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:

Breakers Point and Shirley Gittlesohn propose to conduct foredune grading of approx. 9500 cu. yds. of sand on both the north and south sides of Fifth Steeet in Cannon Beach. The sand would be pushed westwad to form new dunes and immediately revegetated with European and American beach grasses.

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 sand alteration.

Denies your application

Conditions:

1. Prior to construction, the Permittees 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. Work shall be conducted in strict conformance to the sand management plan, Cannon Beach, Integrated Approach to Sand Management, the Comprehensive Plan of the City of Cannon Beach, all city land use actions requirements for conducting the dune management activities.
3. 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.
4. 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.
5. 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.
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. 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.
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. 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.
10. 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.

11. 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 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.

/s/ Tim Wood

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