



OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:



Application Denied:



Date: June 15, 2016

Applicant: James and Kelly Young

OPRD File Number: 1669-16

County: Lincoln

Project Location: 105 SW 68th Drive, Newport, OR
Lincoln County Assessor's Map # T11, R11, Section 30AD, Tax Lot 201

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 applicant has submitted an after-the-fact access way proposal requesting the permanent placement of a private beach stairway in the community of South Beach. The project involves the replacement of a private wooden beach access stairway destroyed by large surf and High tides during the winter of 2015-2016, with a concrete and wood stairway in the same location. The proposed stairway has a width of 3 ½ feet and a 4-foot wide concrete landing on the ocean shore, with a length of approximately 8 feet. A stainless steel removable handrail is also proposed for the safety of users. The proposed stairway would make the private beach access safe, available and negotiable for the owner and visitors. .

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

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 beach stairway.



Denies your application

Conditions:

1. The Permittee or subsequent owner (collectively, "Permittee") shall file with the Lincoln County Clerk, a Declaration of Conditions and Restrictions. A form is attached for use in satisfying this condition. The permittee shall pay any filing and recording costs. Upon recordation, a certified copy 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. An approved after-the-fact building permit for the subject stairway will be required from the Lincoln County Department of Planning and Development. The Permittee shall contact a Permit Specialist at the Lincoln County Department of Planning and Development at (541) 265-4192 for an Application for Building Permit.
3. The Permittee shall be responsible for maintaining the stairway as described in the permit application. The Permittee shall also be responsible for maintaining the stairway, or removing it, if in the opinion of OPRD, the structure becomes in disrepair, constitutes a safety hazard, or is in any other way deleterious to ocean shore resources. Failure to maintain the stairway, or remove it if necessary due to public safety or other reasons, may cause appropriate legal action to be pursued to ensure compliance with this provision.
4. 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.
5. The Permittee shall comply with the provisions of ORS 390.235 through 390.240, ORS 358.905 through 358.955 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.
6. If the Permittee fails 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.
7. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted stairway 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.
8. The Permittee 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.

Trevor Taylor, Stewardship Section Manager
Oregon Parks and Recreation Department

cc:

Laren Woolley, DLCD
U.S. Army Corps of Engineers, Portland Office
Al Eames, Lincoln County Building Official

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