



**OCEAN SHORE  
ALTERATION PERMIT**

Application Approved with Conditions:



Application Denied:



Date: June 8, 2014

Applicant: Management Unit 5-A (MU5-A) Homeowners

OPRD File Number: BA- 693-14

County: Lincoln

Project Location: Properties located at 302, 306, 310, 402, 406, 410, 502, 506, 510,514, 602 and 606 Oceania Drive. T13-R12-Section 24AA, Waldport, Oregon

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 seeks authorization to implement the Bayshore Dune Management Plan (BDMP) for 12 properties located in a subarea of Management Unit 5 (MU5). A "Subarea Committee" has been established for the project with the cooperation of 12 property owners and will be referred to as "MU5-A Homeowners" (MU5-A).

The BDMP was completed by Terra Firma Geologic Services in February, 2012, and was developed with the cooperation of the Bayshore Homeowners Association, Lincoln County Planning Department, Oregon Parks and Recreation Department, Department of Land Conservation and Development, Bayshore Road Maintenance District, Seal Rock Water District and underground utility providers. The plan was adopted as part of the Lincoln County Comprehensive Plan and is implemented through applicable sections of the Lincoln County Code.

The project is designed to remove sand deposition around existing homes, yards and driveways as well as vacant lots that are located within MU5-A and place it back on the ocean shore. Significant damage can occur to inundated homes and infrastructure, as well as public utilities within MU5-A, and ocean views of the subject properties have been blocked.

Dune grading will be conducted using a D-8 Caterpillar or equivalent. An estimated 10,000 cubic yards of material will be removed, transferred and placed on the ocean shore during the initial phase of the project. The sand will be graded west of the Statutory Vegetation Line (SVL), and placed on the upper beach area as described in the BDMP "Management Strategy" guidelines and specific activity plans developed by the MU5-A Subarea Committee. The new dunes and exposed areas will be planted with European Beach grass as required in the vegetation planting and maintenance plan found in Appendix 2 of the Bayshore Dune Management Plan "Management Strategy". Alternative sand control and planting methods may also be employed with appropriate review, planning and approval by the MU5-A Subarea Committee property owners, the Lincoln County Planning Department and OPRD.

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 4) 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 Sand Alteration.  Denies your application

Conditions:

1. Prior to conducting work, the Permittees or subsequent land owners (collectively "Permittees") shall receive all required land use permits and approvals as required by the Lincoln County Department of Planning and Development.
2. The proposed work and any subsequent maintenance activities shall be conducted in conformance with the management unit strategies as found in the Bayshore Dune Management Plan for Management Unit 5. Alternative management unit strategies may be implemented with the prior approval of the MU5-A Subarea Committee, Lincoln County Department of Planning and Development and OPRD.
3. Sand transferred onto the beach shall be free of debris and vegetation.
4. While use of heavy equipment is occurring, personnel shall be available to keep onlookers a safe distance away and to ensure that public safety is not compromised.
5. The Permittees or subsequent owners shall be responsible for obtaining any required permit approvals from the U.S. Army Corps of Engineers, if applicable to this project.
6. This permit is revocable by OPRD at any time pursuant to OAR 736-020-0032(2)(d). Otherwise, this permit shall remain valid as long as the Bayshore Dune Management Plan (Management Unit 5) remains in effect with the Lincoln County Department of Planning and Development.
7. 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. Contact Tony Stein at (541) 563-8504 prior to construction for the necessary permit. Individual permits for use of vehicles or equipment on the beach will be required for all future management activities within this management area.
8. This approval does not affect any obligation the Permittees may have to other persons or agencies, local, state or federal.
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 736-051-0060 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 archaeological 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
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.
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 sand alteration design, construction, or maintenance, except to approve the project's design and activities 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.

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Jim Morgan, Stewardship Program Manager  
Oregon Parks and Recreation Department

Cc: Onno Husing, Lincoln County Department of Planning and Development  
Laren Woolley, DLCD  
Carrie Landrum, DSL  
Deborah Henry, U.S. Army Corps of Engineers

#### **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*