



OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:

Application Denied:

Date: August 10, 2006

Applicant: M. Rudy and Opal Powell

OPRD File Number: BA-608-06

County: Lincoln

Project Location: 5735 Highway 101 North
Lincoln County Assessor's Map # T14, R12, Section 11, CD, tax lot 1500

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 project involves the construction of a wood and concrete beach access stairway with a small concrete landing, to provide private access over a 15-foot-high bluff.

The permit application is for construction of a
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.

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 beach access stairway.

Denies your application

Conditions:

1. The Permittees or subsequent owners (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. The stairway shall be maintained in accordance with the submitted plans and descriptions provided in the Permit Application.
3. The Permittee shall 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 project 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.

/s/ Dave Wright

Dave Wright
Assistant Director of Operations
Oregon Parks and Recreation Department

Cc: Steve Williams, DLCD
OPRD/Area 1 Office
Matt Spangler, Lincoln County Planning Department

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