



## OCEAN SHORE ALTERATION PERMIT

Application Approved with Conditions:



Application Denied:



Date: August 26, 2008

Applicant: Olivia Beach, LLC

OPRD File Number: BA-647-08

County: Lincoln

Project Location: 2673 SW Anchor Way, Lincoln City  
Lincoln County Assessor's Map #7-11-22CA, Tax Lots 1399, 2300 and 2400

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 is proposing to replace an existing gabion shoreline protection structure and incorporate a 5' X 6' concrete stairway within the gabion footprint. The applicant is also proposing to construct a public access stairway that will serve the Nelscott neighborhood and new residential properties within the Olivia Beach Development. The 5 foot wide stairway will be constructed of pressure treated lumber, concrete and steel, and will extend from the top of the bank down to the gabion revetment which was permitted under OPRD Permit BA # 185-78.

*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 5)

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 riprap revetment.



Denies your application

## Conditions:

1. Prior to construction, 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 your 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 project shall be completed prior to August 26, 2009. If it appears that, due to unforeseen circumstances, the project cannot be installed 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.
3. The project shall be constructed in accordance with the submitted plans and descriptions provided in the Permit Application.
4. Use of equipment or vehicles on the beach for construction or delivery of materials requires a separate permit from OPRD. Contact Tony Stein at (541) 265-9871 prior to construction for the necessary permit.
5. The Permittee or the Olivia Beach Homeowners Association shall be responsible for maintaining the gabion revetment and the stairway. Failure to maintain the gabion and stairway may cause appropriate legal action to be pursued to ensure compliance with this provision.
6. 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.
7. 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.
8. 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.
9. In issuing this permit, OPRD makes no representation regarding the quality or adequacy of the permitted revetment 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.

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Jeff Farm, Ocean Shore Program Manager  
Oregon Parks and Recreation Department

Cc: Richard Townsend, City of Lincoln City  
Steve Williams, DLCD  
OPRD/Region 1 Office

### **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