



BEFORE THE CITY OF CANNON BEACH

**IN THE MATTER OF A DEVELOPMENT)
PERMIT FOR TAXLOT# 51030AA04402)
FOR CONSTRUCTION OF A MIXED-USE DEVELOPMENT)
IN CONJUNCTION WITH A BUILDING PERMIT)**

**FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER DP# 23-10**

IN ZONE: C1
APPLICANT: David Vonada
PO Box 563
Cannon Beach, OR 97110

The above-named applicant applied to the City for review and approval of a type I development permit in conjunction with a building permit (**164-22-000264 DWL**) for the development of a mixed-use development under the provisions of Chapter 17.92.010 of the Cannon Beach Municipal Code. The Community Development Department considered the above entitled matter and approved, with conditions, the development permit on March 6, 2023. The City of Cannon Beach orders that this request for approval of a development permit is granted subject to conditions, and adopts the findings of fact, conclusions and conditions contained in attachment A.

This decision may be appealed to the Planning Commission by an affected party by filing an appeal with the City within fourteen days of this date.

DATED: March 6, 2023

Robert St. Clair
Planner



Attachment "A"

FINDINGS OF FACT

DAVIDSPRUCE LLC – DP#23-10

PROPERTY DESCRIPTION: Taxlot# 51030AA04402

PROPERTY LOCATION: Unaddressed

SUMMARY: Applicant, David Vonada, on behalf of Davidspruce LLC, is requesting to construct a mixed-use development, at Tax lot# 51030AA04402, in the C1 Limited Commercial zone. The development permit conditionally authorizes the development of the mixed-use structure for the property.

The First & Spruce Mixed-Use Development is a 9,110 square foot (SF) office/retail and residential structure on a 18,402 SF lot in the downtown, C1 Limited Commercial zone. The property is also a wetland lot of record, which has had a recent, state-approved, wetlands delineation, by Critical Areas Consulting, dated July 19, 2022.

The property has also submitted a tree plan for the removal of 14 trees and the retention of 23 trees, by Todd Prager & Associates, LLC, dated September 21, 2022. A Geotechnical Investigation Report, was provided March 31, 2022 and revised April 18, 2022.

The project is comprised of three second floor residential apartments, two two-story townhouses and 4,560 SF of office and retail space.

CRITERIA:

Chapter 17.43 WETLANDS OVERLAY (WO) ZONE

17.43.010 Purpose.

The purpose of the wetlands overlay zone is to protect wetland areas identified in the city's comprehensive plan from uses and activities that are inconsistent with the maintenance of the wetland functions and values identified for those sites. (Ord. 94-29 § 2)

17.43.020 Mapping.

A. The maps delineating the WO zone boundaries shall be maintained and updated as necessary by the city. The Cannon Beach Local Wetland Inventory maps dated September 20, 1994, shall form the basis for the location of wetlands. The WO zone includes both wetland and wetland buffer areas which abut wetlands. The wetland buffer area has a width of five feet measured from the outer boundaries of the wetland.

B. Site-specific wetland delineations or determinations are required to determine the exact location of the WO zone boundary. Wetland determinations and delineations shall be conducted in accordance with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual along with any supporting technical or guidance Cannon Beach Community Development | Development Permit# 23-10



documents issued by the Division of State Lands and applicable guidance issued by the U.S. Army Corps of Engineers for the area in which the wetlands are located.

C. Where a wetland delineation or determination is prepared, the mapping it contains shall replace that of the Cannon Beach Local Wetland Inventory. Wetland delineations or determinations shall remain valid for a period of not more than five years from the date of their acceptance by the Division of State Lands.

D. The continued reliance on a wetland delineation or determination that is more than five years old requires the following additional new information:

1. An onsite re-inspection of the site by a qualified individual to determine if there has been any change in circumstances;
2. If no change in circumstances is found, a short report noting or including:
 - a. A description of site conditions and any changes between the date of the original wetland determination or delineation and the date of the re-inspection,
 - b. Any additional maps, aerial photographs or other documents consulted, and
 - c. Conclusions regarding the accuracy of the original wetland delineation or determination;
3. If a change in circumstances is noted, the information in subsection (D)(2) of this section shall be provided along with:
 - a. Additional field data, including wetland determination data in conformance with Division of State Lands standards needed to verify and document any change in the status of the wetland area that were or were not identified and mapped as part of the original delineation or determination,
 - b. A revised wetland map,
 - c. Data, documentation, and other information as needed to establish the nature and timing of the activity or activities that resulted in the change in circumstances.

E. Protected wetlands that are legally filled under this chapter are no longer protected wetlands, but remain as wetland buffer areas under this overlay zone. Wetland buffer areas that are legally filled under this chapter remain as wetland buffer areas. (Ord. 08-1 § 40; Ord. 94-29 § 2)

17.43.025 Wetland lot-of-record.

A wetland lot-of-record is a lot or contiguous lots held in common ownership on August 4, 1993, that are subject to the provisions of this chapter. A wetland lot-of-record includes upland portions of the contiguous property that are not subject to the provisions of the wetlands overlay zone. "Contiguous" means lots that have a common boundary, and includes lots separated by public streets. A lot-of-record is subject to the provisions of this overlay zone if all or a portion of the lot is in the overlay zone. The objective of the wetland lot-of-record provision is to permit a property owner a minimum of one dwelling unit on a wetland lot-of-record. A dwelling can be constructed on the wetland portion of a wetland lot-of-record only where there are no upland portions of the wetland lot-of-record that can accommodate a dwelling. The following examples illustrate how the wetland lot-of-record provisions of Section 17.43.030A and Section 17.43.035A are to be applied.

FINDING: The property is a wetland lot of record and had a wetland delineation conducted by Critical Areas Consulting, dated July 19, 2022. A letter of concurrence was provided by Peter Ryan, SPWS, Aquatic Resource



Specialist, Oregon Department of State Lands, WD# 2022-0212, dated July 19, 2022. The project remains in the upland portion of the site. Erosion control conforming to CBMC 17.62.050 and tree protection fencing conforming to CBMC 17.70.030, along the Wetland Overlay Zone buffer, will be required as a condition of approval before land disturbance.

Chapter 17.22 LIMITED COMMERCIAL (C1) ZONE

17.22.020 Uses permitted outright.

In a C 1 zone the following uses and their accessory uses are permitted outright:

- A. Retail trade establishment, such as a food store, drug store, gift shop, variety or appliance store;
- B. Repair and maintenance service of the type of goods to be found in the above permitted retail trade establishment, provided such service is performed within an enclosed building;
- C. Arts and crafts gallery and studio;
- D. Business or professional office;
- E. Garden store;
- F. Financial institution;
- G. Eating and drinking establishment, except those prohibited by Section [17.22.040](#);
- H. Personal business service, including, but not limited to, barber shop, tailoring, printing, laundry and dry cleaning, or other service establishment;
- I. Theater, but not including a drive-in;
- J. Wholesale business in conjunction with a retail trade establishment on the same premises;
- K. A residential use in conjunction with a permitted use where the residential use does not exceed fifty percent of the building's floor area;

FINDING: Cannon Beach Municipal Code (CBMC) 17.22.020(K) permits outright residential use in conjunction with a permitted use where the residential use does not exceed fifty percent of the building's floor area. The 4,550 SF of residential accounts for 49.9% of the permitted uses. Meets criteria.

17.22.050 Standards.

In a C1 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter [17.44](#):

A. Lot Size. None, except that the density of multifamily dwellings shall be five thousand square feet for the first unit of the multifamily dwelling plus two thousand five hundred square feet for each additional unit, except that there is no density standard for multifamily dwellings used for long-term rental purposes (thirty days or more) and where a deed restriction is recorded preventing the multifamily dwelling from conversion to condominium use, or similar individual ownership arrangement, or use as a short-term rental pursuant to Chapter [17.77](#); and the maximum density of assisted living facilities shall be one residential unit per one thousand square feet of site area.

B. Lot Dimension.

- 1. Lot Width and Depth. None.
- 2. Yards. None, except where a lot is adjacent to an R1, R2, R3, or MP zone, the same yard as in the abutting residential zone shall apply.
- 3. Yard Abutting the Ocean Shore. For all lots abutting the ocean shore any yard abutting the ocean shore shall conform to the requirements of Section [17.42.050\(A\)\(6\)](#), Oceanfront setback.

C. Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a



mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.

D. Signs. As allowed by Chapter [17.56](#).

E. Parking. As required by Section [17.78.020](#). The required off-street parking spaces can be provided anywhere within the downtown commercial district, as identified in Figure 1 (at the end of this chapter).

F. Design Review. Design review requirements of Chapter [17.44](#) shall be met.

G. Geologic or Soils Engineering Study. As required by Chapter [17.50](#).

H. Outdoor Merchandising. As allowed by Section [17.90.150](#).

I. A minimum landscaping border of three feet shall be provided between the sidewalk and the frontage of all buildings facing the street. The planning commission may grant exceptions to this standard for doors and entries to buildings or where a combination of seating and landscaping is provided. Such landscaping may be part of the required landscaping specified in Section [17.44.120](#).

J. Floor Area Ratio. The floor area ratio for buildings located in the downtown commercial district, as identified in Figure 1 (at the end of this chapter) shall not exceed .7, except that buildings existing as of June 1, 1995, which exceed a floor area ratio of .7, may be replaced with a building(s) with a floor area ratio equivalent to that which existed on June 1, 1995.

K. Vehicular Access. In the downtown commercial district, as identified in Figure 1 (at the end of this chapter), no new vehicular access onto Hemlock Street shall be permitted. Vehicular access which existed as of July 6, 1995 may continue to be utilized, including modifications thereto.

L. Claims for Compensation Under ORS 197.352. The standards of Sections [17.08.040](#)(A) through (K), Standards, shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.

FINDING: The five residential units require five-thousand square feet for the first unit and two-thousand five hundred square feet for each additional unit, accounting for 17,500 SF, with no lot size dimensional requirements for the retail or office uses, per CBMC 17.22.050(A).

The property requires no dimensional requirements, as it does not abut a residentially zoned district or the ocean shore. Building height is limited to 24' from existing grade, per CBMC 17.22.050(C) and any signage must meet the requirements of chapter 17.56. The Development Permit will be conditioned upon the approval of the Design Review Board, according to the requirements of Chapter 17.44.

The applicant has attached the Geo-Technical Investigation and shall supply any need updates to meet building requirements upon condition of approval. A three-foot landscape buffer between building and street is provided, per CBMC 17.22.050(I), while landscape plan will be a condition of approval. The City of Cannon requires ten percent of the property to be in soft-scape landscaping, where the project provides 5,379 SF, or 29%. Chapter 17.44, which will also be subject to Design Review, requires twenty percent of the property to be landscaped, including hard and soft-scaping, where the project provides 6,564 SF, or 36%, meeting criteria.

The Floor Area Ratio of downtown properties is .7, or 12,881 SF. The proposed 9,110 SF mixed-use structure meets criteria. Proposed vehicular access, via First St., also meets criteria.

Chapter 17.78 OFF-STREET PARKING

17.78.010 Requirements generally.



The following general provisions shall govern the application of off-street parking requirements:

A. The provision and maintenance of off-street parking is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking. The subsequent use of property for which the building permit is issued is conditional upon the unqualified continuance and availability of the amount of off-street parking required by this chapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing required off-street parking, it shall be a violation of this chapter to begin or maintain such altered use until the required increase in off-street parking is provided.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission based upon the requirements of comparable uses listed.

C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless evidence is presented to the satisfaction of the city that the various uses will not be used simultaneously, thus not requiring that the required amount of off-street parking be the sum of the requirements of the several uses. Where the city determines that various uses will not be used simultaneously, the city shall determine the amount of off-street parking to be provided.

D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking area where the amount of the off-street parking provided in such a joint use parking area is the sum of the required off-street parking for those several uses and where a deed restriction or covenant for the shared parking between the cooperating property owners is recorded with Clatsop County. The deed restriction or covenant shall be approved by the city and shall contain a provision that it cannot be modified or revoked without the approval of the city.

E. Off-street parking spaces for one or two-family dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than two hundred feet from the building or use they are required to serve measured in a straight line from the building, except that in the downtown commercial area the provisions of Section [17.22.050](#)(E) apply. For uses where parking is permitted within two hundred feet of the intended use, the parking must be located in a zone which permits the use for which the parking is to be provided.

F. Required parking spaces shall be available for the parking of passenger vehicles of residents, customers and employees of the use and shall not be used for storage of vehicles or materials.

G. A plan drawn to scale, indicating how the off-street parking requirements are to be met shall accompany an application for a building permit.

H. It is unlawful to charge a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirements specified in Sections [17.78.020](#) and [17.22.050](#)(J)(1). Where such a fee was charged prior to the effective date of Ordinance 97-12, an amortization period of four months, from the effective date of Ordinance 97-25, is established. At the conclusion of the amortization period, charging a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirement specified in Sections [17.78.020](#) and [17.22.050](#) (J)(1) shall be prohibited whether or not a fee was charged prior to the adoption of Ordinance 97-12.

17.78.020 Off-street parking requirements.

A. At the time a structure is erected or enlarged or the use of a structure or parcel of land changes, off-street parking spaces shall be provided in accordance with this section and Sections [17.78.010](#), [17.78.030](#) and [17.78.040](#).

B. If parking space has been provided in connection with an existing use, the parking space shall not be



eliminated if it would result in less than is required by this section.

C. Where square feet are specified, the area measured shall be gross floor area, where gross floor area means the sum of the gross horizontal area of all floors of a building, as measured from the exterior walls of a building. Where employees are specified, persons counted shall be those working on the premises including the proprietors, during the largest shift at a peak season.

D. In determining the number of parking spaces required by this section, all fractions 0.5 or greater shall be rounded to the nearest whole number. (Example, if it is determined that 5.65 parking spaces are required, six off-street parking spaces must be provided. If it is determined that 5.25 parking spaces are required, five off-street parking spaces must be provided.)

Use

Parking spaces required

Retail and office

Downtown

a. For structures existing as of July 6, 1995, existing off-street parking spaces which were required to meet the off-street parking requirement (1.5 parking spaces per four hundred square feet of gross floor area), as per Ordinance 88-6, shall be retained;

b. At the time an existing structure containing retail or office use is replaced or enlarged, off-street parking spaces shall be required for the proposed building's gross floor area which exceeds the existing building's gross floor area. The additional required off-street parking spaces shall be provided in accordance with the standard of one parking space per four hundred square feet of gross floor area;

c. At the time a new structure is erected on a parcel of land which did not contain a commercial use as of July 6, 1995, one parking space per four hundred square feet of gross floor area shall be required;

d. At the time an existing structure, which was not used for commercial purposes as of July 6, 1995, is converted to retail or office use, one parking space per four hundred square feet of gross floor area shall be required.

Midtown and Tolovana Park

a. For structures existing as of December 2, 2004, existing off-street parking spaces, which were required to meet the use's off-street parking requirement (1.5 parking spaces per four hundred square feet of gross floor area), as per Ordinance 88-6, shall be retained;

b. At the time an existing structure containing retail or office use is replaced or enlarged, off-street parking spaces shall be required



Use

Parking spaces required

for the proposed building's gross floor area which exceeds the existing building's gross floor area. The additional required off-street parking spaces shall be provided in accordance with the standard of one parking space per four hundred square feet of gross floor area;

c. At the time a new structure is erected on a parcel of land which did not contain a commercial use as of December 2, 2004, one parking space per four hundred square feet of gross floor area shall be required;

d. At the time an existing structure, which was not used for commercial purposes as of December 2, 2004, is converted to retail or office use, one parking space per four hundred square feet of gross floor area shall be required.

Motels and hotels

1-1/4 per unit and 2 for a manager's unit; 1 for each unit of 400 sq. ft. or less, as long as that unit has only 1 bedroom

Recreational vehicle park and campground

1 per employee

Residences

a. Single-family dwelling, two-family dwelling and multiple family dwelling in condominium ownership: 2 per dwelling unit, except that 1 per dwelling unit is required for residences that are provided in conjunction with a commercial use where those residences constitute no more than 50% of the building area.

b. Multiple-family dwellings in other than condominium ownership:

Studio	1 per dwelling unit
1 bedroom	1.25 per dwelling unit
2 bedroom	1.5 per dwelling unit
3 or more bedrooms	2 per dwelling unit

Group housing

1 per sleeping room

Assisted living

1 per 2 residential units

Schools, elementary

1 per employee or teacher



Use	Parking spaces required
Restaurants, bar, or lounge	<p>Downtown 1.5 parking spaces per four hundred square feet of gross floor, except that one parking space per four hundred square feet of gross floor area shall be required for: (1) additions to a restaurant, bar or lounge after July 6, 1995; or (2) a restaurant, bar or lounge on a parcel of land which did not contain a commercial use as of July 6, 1995; or (3) a restaurant, bar or lounge in a structure which was not used for commercial purposes as of July 6, 1995.</p> <p>Midtown 1.5 parking spaces per four hundred square feet of gross floor area shall be required.</p> <p>Tolovana Park 1.5 parking spaces per four hundred square feet of gross floor area shall be required.</p>
Meeting rooms	One parking space per one hundred square feet of gross floor area shall be required.
Limited manufacturing	1 per employee at the maximum shift.
Transient rental, vacation home rental	Per Section 17.77.040(A)(2)(e) .
Similar uses or aggregate	To be evaluated on a case-by-case basis based on above standards.

A. The following design requirements shall apply to an off-street parking area consisting of five or more parking spaces:

1. Parking area layouts shall provide parking spaces and aisle dimensions that meet the minimum dimensions contained in Figure A, Minimum Design Requirements.
2. A parking space must be at least nine feet by eighteen feet. Where parallel parking spaces are provided, the minimum dimension is nine feet by twenty-two feet.
3. Parking spaces for disabled persons shall be in accordance with the requirements of the Oregon Structural Specialty Code. These standards control: dimensions of disabled person parking spaces and access aisles; the minimum number of disabled person parking spaces required; location of disabled person parking spaces and circulation routes; curb cuts and ramps including slope, width and location; and signage and pavement markings.
4. All parking areas must be designed so that a vehicle may enter or exit without having to move another vehicle. Stacked or tandem parking is not permitted.
5. At a minimum, ten percent of the area of the parking lot shall be landscaped. In determining the area of the parking lot and required landscaping the minimum area separation between the building and the parking lot described in subsection (A)(6) of this section shall not be included. The landscaped area of the parking lot shall contain at least one tree for every one hundred seventy-five square feet of landscaping provided. Areas that contain a tree shall have a minimum width of five feet. Any landscaped area shall have a minimum area of



fifty square feet.

6. An area with a minimum width of five feet shall separate the exterior wall of a building from the parking lot. The separation between the parking lot and the building can consist of landscaping material, a pedestrian walkway, or a combination of the two.

7. Provide separation and screening of the parking area from the street and abutting property. The separation can be provided by either a fence or a landscaped planting area. Where landscaping is utilized, the planting area shall have a minimum width of three feet. The height of the fence or planting shall be sufficient to screen the parking facility, but without encroaching into the required clear vision area.

8. When a parking area serving a multifamily, commercial, industrial or governmental use abuts a residential zone, buffering meeting the requirements of Chapter [17.66](#) shall be provided.

9. The number of access points from the adjacent public street(s) to the parking area shall be limited to the minimum that will allow the property to accommodate the anticipated traffic. Access points shall be located on side streets or existing driveways wherever possible so as to avoid congestion of arterial or collector streets. The width of the access point(s) to the parking area shall comply with the standards of Municipal Code Section [12.08.040](#).

10. Maneuvering space (to prevent backing onto streets) shall be provided for all lots which provide access onto arterial streets (Hemlock Street, Sunset Boulevard, and US Highway 101).

11. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen feet from their intersection.

B. Areas for required off-street parking consisting of fewer than five parking spaces, which serve uses other than single-family dwellings, modular housing, manufactured homes, duplexes or triplexes, shall comply with the standards of Section [17.78.030](#)(A)(1)—(4), (7), (9)—(11).

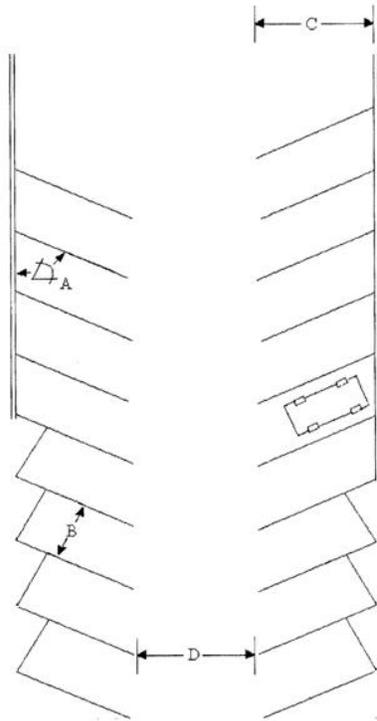
C. Areas for required off-street parking associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes, shall comply with the standards of Section [17.78.030](#)(A)(2), (9), (10).

Parking Minimum Design Requirements

Parking Angle	Standards			
	Minimum Stall Width	Minimum Stall Depth	Minimum Aisle Width	
			One-way	Two-way
0°	22'0"	9'0"	10'10"	18'0"
30°	9'	17'0"	12'0"	20'0"
45°	9'	17'4"	12'3"	20'0"
60°	9'	18'10"	14'4"	20'0"
70°	9'	19'2"	16'0"	21'6"
90°	9'	18'	22'6"	22'6"
A	B	C	D	D



- A. Parking Angle
- B. Stall Width
- C. Stall Depth
- D. Aisle Width



17.78.040 Improvement standards.

A. The following improvement standards shall apply to off-street parking areas, except for those associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes:

1. The surface material shall be an approved hard surface such as asphalt, concrete, or pavers.
2. The parking lot shall be clearly marked as to parking stalls, traffic flow and handicapped spaces.
3. Wheel stops shall be provided for each parking space.
4. Planting areas shall be defined by the use of curbing or other approved material.
5. A stormwater runoff system approved by the public works department shall be installed.
6. No pole mounted lighting shall exceed a height of fifteen feet. All lighting shall be shielded so that direct illumination is confined to the property boundaries of the light source. (Ord. 08-1 § 51)

FINDING: The application requires one parking space for every 400 SF of retail space, where 4,645 SF of retail requires 12 parking spaces; the applicant states that one and a quarter spaces are required for each of the three one-bedroom apartments, equating to four required spaces; one and half spaces are required for each of the two two-bedroom units, accounting for a required three spaces, or a total of nineteen spaces, where they have provided twenty. However, CBMC 17.78.020 states that “2 per dwelling unit, except that 1 per dwelling unit is required for residences that are provided in conjunction with a commercial use where those residences constitute no more than 50% of the building area,” so that only five spaces would be required for the residential portion, or seventeen total spaces. It should be noted that if any of these units are converted to condominium and individual ownership, they would then need be required to provide the spaces defined above and would be required to provide and record a condominium plat with the County per ORS 100.115.



Either way, criteria are met.

All parking are improved hard surface asphalt, concrete or of pavers, marked, with adequate stall width and depth. Wheel stops shall be provided for each space, the landscaped areas provide at least ten percent of the parking area, while the five-foot setback from buildings have been met. Access and maneuverings show that at least 24-feet of aisle area for the 90-degree parking stalls exceed the required twenty-two and half feet required and the ADA stall meets criteria. Bike parking and other outdoor site furniture, including lighting features, will be conditioned upon DRB approval, along with the stormwater runoff system.

Chapter 17.92 ADMINISTRATIVE PROVISIONS

17.92.010 Development permits.

A. Permit Required.

1. A development permit is required for:

a. The construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any structure or building which requires a building permit pursuant to either the State of Oregon, One and Two Family Dwelling Code, or the State of Oregon, Structural Specialty Code. (For the purpose of this section, these are referred to as Type 1 development permits.); or

b. An activity or structure specifically listed in this title as requiring a development permit. (For the purpose of this section, these are referred to as Type 2 or Type 3 development permits.)

2. In the case of a structure or building requiring a building permit, the development permit may be part of the building permit.

B. Application. A property owner or their designated representative may initiate a request for a development permit by filing an application with the city using forms provided by the city.

C. Administrative Review of Development Permits.

1. Administrative Review of Type 1 Development Permits. The building official shall issue a development permit to the applicant if the building official finds that the work described in an application for a development permit and the plans, specifications, and other data filed with the application conform to the requirements of this title, and any conditions imposed by a reviewing authority. A decision of the building official may be appealed to the planning commission in accordance with Section 17.88.140.

FINDING: The development conditionally approves a multi-use commercial-residential development on the upland portion of the wetland lot of record.

CONCLUSIONS

The Community Development Department has reviewed the application, visited the site, and determined that the application meets the applicable criteria, upon the following conditions:

CONDITIONS

1. Design Review Board approval per CBMC 17.54.080 and 17.44 prior to building permit, including site, architectural and landscape (with exterior lighting) plans.



2. A Tree Protection Zone fencing shall be in place, as indicated on plans, meeting City Arborist approval prior to building permit.
3. Stormwater drainage plans approved by the Public Works Director.
4. Cannon Beach Building Permit approved by the Cannon Beach Building Official according to Title 15 of the Cannon Beach Municipal Code and the Oregon Structural Specialty Code and all other applicable State and Federal Codes.
5. Surveyed elevation points at time of structural inspection, conforming to CBMC 17.90.070 and 17.10.040(E).
6. Erosion control fencing, in place, to Public Works Department standards, along wetland buffer delineation, prior to building permit.
7. Exposed sloped areas steeper than 3 horizontal-to-1 vertical should be protected with a straw erosion control blanket (North American Green S150, or equivalent) to provide erosion protection until permanent vegetation can be established. Erosion control blankets should be installed as per the manufacturer's recommendations;
8. The use of motorized equipment shall be limited to the hours between 7:00 AM and 7:00 PM per Municipal Code Section 8.18.040(F);