



**CANNON BEACH COMMUNITY DEVELOPMENT**

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

## MEMORANDUM

**RE: Grading, Erosion and Sedimentation Control**

**Location: 295 E 2<sup>nd</sup> St.**

**Taxlot #51020CC00201**

November 5, 2021

Dear Property Owner,

This is to notify you of the attached land use action by the City of Cannon Beach, which has been granted approval for a permit to perform grading, erosion and sedimentation control at 295 E. 2<sup>nd</sup> Street, Taxlot 51030DA04100. The City of Cannon Beach considered this request, and approved the work based on the conditions provided below:

1. Work shall be completed prior to November 31, 2021;
2. No more than 50 Cubic Feet can be removed by this action;
3. Applicant shall abide by any other conditions placed on the JAP by state or federal regulations;
4. The use of motorized equipment shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.

Please find attached the findings of fact, conclusions, and conditions. The written order is the final decision on the matter and the date of the order is the date that it is signed. All affected parties have an opportunity to appeal the decision within fourteen days of the written order.

Please let us know if you have any questions.

Sincerely,

Kathryn Hillenhagen  
Administrative Assistant





## BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT	)	FINDINGS OF FACT,
PERMIT FOR TAXLOT# 51020CC00201	)	CONCLUSIONS, AND
FOR STORMWATER DITCH MAINTENANCE	)	ORDER DP21-22
CHAPTER 17.43 WETLANDS OVERLAY	)	

IN ZONE: IN/WO

APPLICANT: City of Cannon Beach  
Department of Public Works  
Attn: Trevor Mount  
163 E. Gower St.  
Cannon Beach, OR 97001

The above-named applicant applied to the City for review and approval of a development permit described above under Chapter 17.43 Wetlands Overlay of the Cannon Beach Municipal Code, subsection 17.43.030. The Community Development Director considered the above entitled matter and approved the development permit on 11/05/2021. 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: 11/05/2021

Jeffrey S. Adams, PhD  
Community Development Director



## **Attachment "A"**

### **FINDINGS OF FACT**

#### **CITY OF CANNON BEACH – DP#21-22**

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**PROPERTY DESCRIPTION:** Taxlot# 51020CC00201;

**PROPERTY LOCATION:** Little Pompey Stormwater Ditch

**SUMMARY:** Applicant, City of Cannon Beach, is requesting to remove accumulated sediment in the Little Pompey stormwater ditch, near the corner of N. Spruce and E. 2<sup>nd</sup> St. Cannon Beach Municipal Code permits vegetation management as an outright use in the Wetlands Overlay district.

#### **CRITERIA:**

##### **17.43.030 Uses and activities permitted outright in wetlands.**

The following uses and activities may be permitted in the wetlands portion of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;
- B. Accessory structure or building, as provided for by Section 17.54.030;
- C. Roads or driveways, including an expansion of an existing right-of-way;
- D. Underground or above-ground utilities;
- E. Vegetation management. (Ord. 94-29 § 2)

Applicant has provided a U.S. Army Corps of Engineers and Oregon Department of State Lands joint permit application (JPA) for vegetative management of the subject site. The state has determined, by attached letter, that the activities proposed would be exempt from Removal-Fill requirements under OAR 141-085-0530(4). The JPA identifies the ditch as an important element of the City's stormwater drainage system, in continuous operation since the late 1970s.

The City proposes to clean the Little Pompey ditch of approximately 600 linear-feet of accumulated vegetation, less than 10-cubic yards, to the originally constructed depth of four-feet to balance flows through the tide gate, allowing stormwater discharge. The action is a pre-cautionary measure to prevent overflow into city streets and surrounding properties.



#### **17.92.010 Development permits.**

2. Administrative review of Type 2 development permits shall follow the following procedure:
  - a. The development permit application shall be reviewed by planning department against the applicable standards contained in this title and the application shall either be approved, approved with conditions, or denied.
  - b. A decision shall be made within twenty days of the receipt of a complete application.
  - c. The decision of the planning department shall be by signed written order. The order shall comply with Section 17.88.110(B). The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed.
  - d. The applicant shall be notified of the decision in accordance with the provisions of Section 17.88.130. Property owners within one hundred feet of the exterior boundary of the subject property shall likewise be notified.
  - e. A decision on the development permit may be appealed to the planning commission in accordance with Section 17.88.140.

#### **17.88.110 Decision.**

Following the procedure described in Section 17.88.060, the hearing body shall approve, approve with conditions or deny the application or if the hearing is in the nature of an appeal, affirm, affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

- A. The decision of the hearing body shall be by a written order signed by the chair or designee.
- B. The order shall incorporate finding of facts and conclusions that include:
  1. A statement of the applicable criteria and standards against which the proposal was tested;
  2. A statement of the facts which the hearing body relied upon in establishing compliance or noncompliance with each applicable criteria or standards and briefly state how those facts support the decision;
  3. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.
- C. The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed



## 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:

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## CONDITIONS

1. Work shall be completed prior to November 31, 2021;
2. No more than 50 Cubic Feet can be removed by this action;
3. Applicant shall abide by any other conditions placed on the JAP by state or federal regulations;
4. The use of motorized equipment shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.



DP #21-22

City of Cannon Beach, 295 E. 2<sup>nd</sup> St.

Taxlot 51020CC00201







DP 21-22  
City of Cannon Beach  
295 E. 2nd St.

TAXLOTKEY	SITUS_ADDR	OWNER_LINE	STREET_ADD	CITY	STATE	ZIP_CODE
51019DD00500	240 N Spruce St	Lulloc LLC	5420 Rainier Ave S	Seattle	WA	98118
51019DD00600	232 N Spruce St #A-B-C-D	232 N Spruce LLC	2004 NE 42nd Ave. #Su D-254	Portland	OR	97213
51019DD00700	208 N Spruce St	Beckman Cindy Rev Liv Trust	PO Box 1159	Cannon Beach	OR	97110-1159
51019DD07000	195 N Hemlock St	Wiese Douglas R Rev Trust	89082 Manion Dr	Warrenton	OR	97146-7142
51019DD07001		H & W Beach Development Co	PO Box 21	Cannon Beach	OR	97110-0021
51019DD07100		Cannon Beach City of	PO Box 368	Cannon Beach	OR	97110-0368
51020CA00300		Oregon Dept of Transportation	355 Capitol St NE #420	Salem	OR	97301-3871
51020CC00100	100 E 3rd St	Cannon Beach Conference	PO Box 398	Cannon Beach	OR	97110-0398
51020CC00201	207 N Spruce St	Cannon Beach Chamber/Commer	PO Box 64	Cannon Beach	OR	97110-0064
51020CC00300		Swigart Carmen R	PO Box 214	Cannon Beach	OR	97110-0214
5.1029E+11	315 S Spruce St #A	Cannon Beach City Of	999 NW 51st St #100	Boca Raton	FL	33431
5.1029E+11	315 S Spruce St #B	Verizon Wireless	PO Box 2549	Addison	TX	75001
5.1029E+11	315 S Spruce St #A	New Cingular Wireless PCS LLC	754 Peachtree St NE #16th Floor	Atlanta	GA	30308
51030AA04402		Coaster Properties LLC	9775 SW Barnes Rd	Portland	OR	97225





# CITY OF CANNON BEACH

## DEVELOPMENT PERMIT TYPE 2 APPLICATION GRADING, EROSION AND SEDIMENTATION CONTROL

Please fill out this form completely. Please type or print.

Applicant Name: Trevor Mount  
Mailing Address: PO Box 368  
Cannon Beach OR, 97110  
Email Address: mount@ci.cannon-beach.or.us  
Telephone: 503-436-8066



Property-Owner Name: City of Cannon Beach  
(if other than applicant)  
Mailing Address: PO Box 368  
Cannon Beach OR, 97110  
Telephone: 503-436-8066  
Property Location: 295 E. 2nd Street / Little Pompey  
(street address)  
Map No.: 5.10.20CC Tax Lot No.: 201

### Nature of the Request

Description of proposed action providing the information required by the Zoning Code Section 17.62.030.c  
(Attach extra sheets as necessary)

Work will be performed on the western edge of tax lot 51020CC 201 / Little Pompey  
clearing approximately 600' of vegetation from city storm ditch line.  
Removing any invasive species also.  
Less than 10 cubic yard removal. See attached for map.

Application Fee: **\$100.00**

Applicant Signature: [Signature] Date: 10/11/21

Property Owner Signature: [Signature] Date: 10/11/21

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

For Staff Use Only:

Received on: \_\_\_\_\_ By: \_\_\_\_\_

Fee Paid: \_\_\_\_\_ Receipt No.: \_\_\_\_\_

(Last revised March 2021)







location



