



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

MEMORANDUM

**RE: Grading, Erosion and Sedimentation Control
Forest Lawn Right of Way (ROW)
Taxlot # 51030DA04100 (ROW)**

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 in the right of way in front of taxlot 51030DA04100 on Forest Lawn Rd. 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 cut, removed or filled by this action;
3. The use of motorized equipment shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.040;
4. Erosion control fencing shall be in place along taxlot 51030DA4100 to contain run-off during project.

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 PERMIT
FOR THE FOREST LAWN RIGHT-OF-WAY
FOR STORMWATER PIPE EXTENSION UNDER
CHAPTER 17.62 GRADING, EROSION AND
SEDIMENTATION CONTROL

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FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER DP21-23

IN ZONE: R2
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 17.62 Grading, Erosion and Sedimentation Control of the Cannon Beach Municipal Code, subsection 17.62.030. 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#21-23

PROPERTY DESCRIPTION: Forest Lawn Right-of-Way;
PROPERTY LOCATION: Forest Lawn, from 51030DA4300 to 4100

SUMMARY: Applicant, City of Cannon Beach, is requesting to extend the stormwater line approximately 130' north, along the Forest Lawn right-of-way, from taxlot 51030DA4300 to 4100. Cannon Beach Municipal Code permits utility lines outright in the R2 district and grading, cuts and fills, under the Grading, Erosion and Sedimentation chapter through a development permit.

CRITERIA:

17.62.040 Grading standards.

A. The review and approval of development permits involving grading shall be based on the conformance of the proposed development plans with the following standards. Conditions of approval may be imposed to assure that the development plan meets the appropriate standards.

1. Cuts.

- a. Designs shall minimize the need for cuts;
- b. The slope of cut surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a cut at a steeper slope will be stable and not create a hazard to public or private property;
- c. Cuts shall not remove the toe of any slope where a potential land slide exists;
- d. Cuts shall be set back from property lines so as not to endanger or disturb adjoining property;
- e. Retaining walls shall be constructed in accordance with Section 2308(b) of the Oregon State Structural Specialty Code.

2. Fills.

- a. Designs shall minimize the need for fills;
- b. The slope of fill surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a steeper slope will be stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical;
- c. Fills shall be set back from property lines so as not to endanger or disturb adjoining property;



d. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and scarifying to provide a bond with the new fill;

e. Any structural fill shall be designed by a registered engineer, in accordance with standard engineering practices.

3. Drainage.

a. Proposed grading shall not alter drainage patterns so that additional storm water is directed onto adjoining property;

b. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability. (Ord. 98-5 § 1)

FINDING:

The application proposes approximately 130-feet of stormwater trench work, starting at taxlot 51030DA4300, crossing under Forest Lawn, and extending the line north along Forest Lawn right-of-way to deposit water to the ditch along taxlot 51030DA4100. The project will employ erosion control fencing along the eastern property line of 4100 to contain runoff during construction. Meets standards with conditions.

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:

CONDITIONS

1. Work shall be completed prior to November 31, 2021;
2. No more than 50 Cubic Feet can be cut, removed or filled by this action;
3. The use of motorized equipment shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.040;
4. Erosion control fencing shall be in place along taxlot 51030DA4100 to contain run-off during project.

DP #21-23

City of Cannon Beach

Forest Lawn Right-of-Way



DP #21-23

City of Cannon Beach
Forest Lawn ROW

TAXLOTKEY	SITUS_ADDR	OWNER_LINE	STREET_ADD	CITY	STATE	ZIP_CODE
51030DA02400	1400 S Hemlock St	Hay Family Limited Partnership	5 Centerpointe Dr #590	Lake Oswego	OR	97035
51030DA04100		Patrick/Dave LLC	3514 NE US Grant Pl	Portland	OR	97212
51030DA04104	1603 Forest Lawn Rd	Quails Cove LLC	4955 NW 162nd Ter	Portland	OR	97229
51030DA04105	1625 Forest Lawn Rd	Snyder Ryan C/Stephanie	PO Box 219	Cannon Beach	OR	97110-0219
51030DA04200	1510 Forest Lawn Rd	Reiersgaard William L	2600 SE Ellsworth Rd	Vancouver	WA	98664
51030DA04204	1540 Forest Lawn Rd	Hanna Judith K Revocable Trust	24451 SW Valley View Rd	West Linn	OR	97068
51030DA04400	1616 Forest Lawn Rd	Riverdale Investment LLC	2600 SE Ellsworth Rd	Vancouver	WA	98664-5357
51030DA04500	1624 Forest Lawn Rd	Nicholson Drake	1802 Black Lake Blvd SW #301	Olympia	WA	98512
51030DA04600	1658 Forest Lawn Rd	Klonoff Robert	PO Box 902	Cannon Beach	OR	97110



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: City of Cannon Beach
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 (Forest Lawn Row)
(if other than applicant)

Mailing Address: _____

Telephone: _____

Property Location: Forest Lawn Row

Map No.: 51030DA (street address)
Tax Lot No.: Row (4100)



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)

Move storm pipe 130' north
see map for details

Application Fee: \$100.00

Applicant Signature: [Signature] Date: 10/12/21

Property Owner Signature: [Signature] Date: 10/14/21

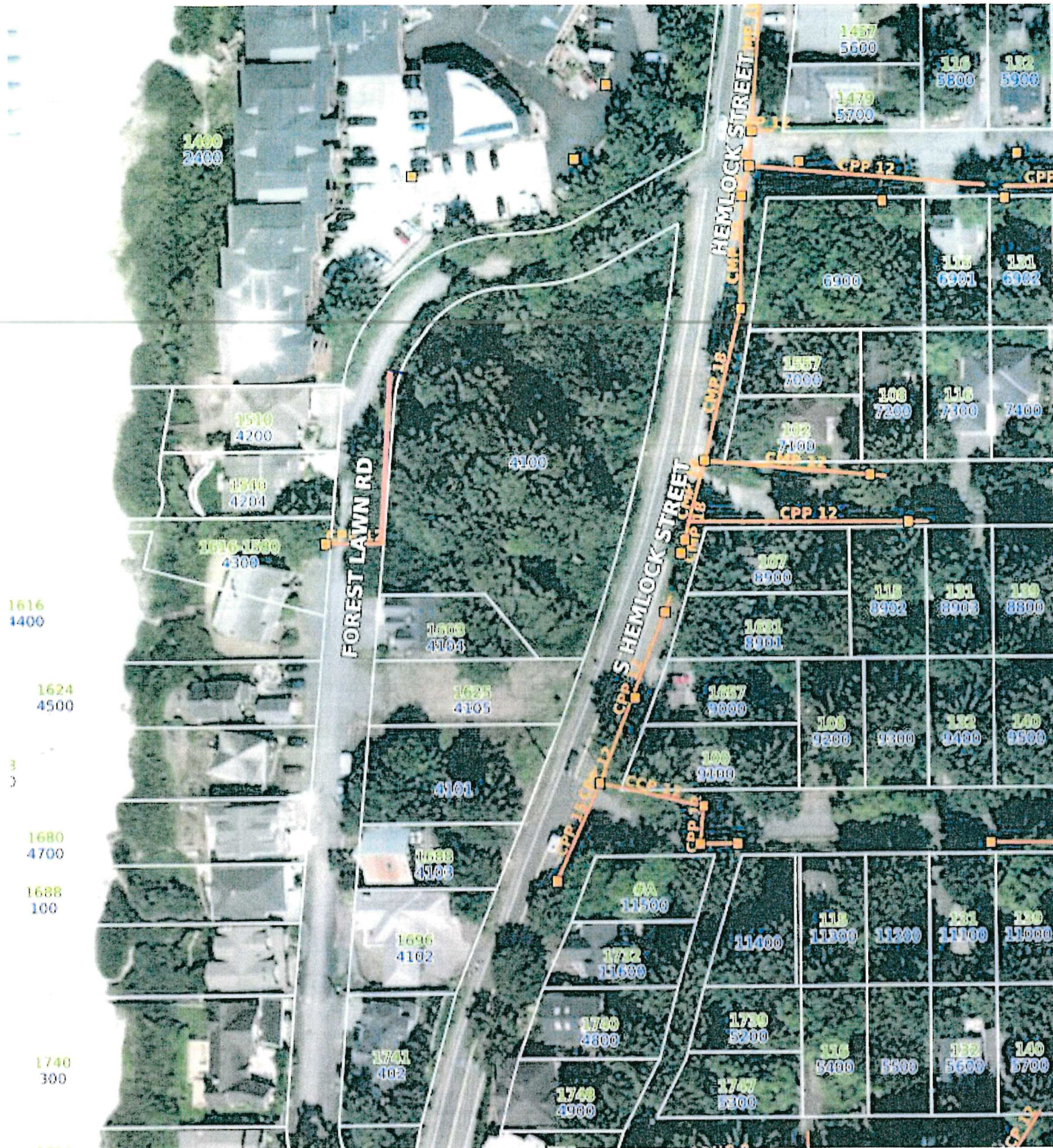
If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly 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)



Orange line move 130' North