



**BEFORE THE CITY OF CANNON BEACH**

<b>IN THE MATTER OF A DEVELOPMENT PERMIT</b>	)	
<b>FOR REPAIRS TO AN EXISTING SHORELINE</b>	)	
<b>STABILIZATION STRUCTURE AT 3188 S. PACIFIC</b>	)	
<b>ST., TAXLOT 51031DA02200 APPROVING</b>	)	<b>FINDINGS OF FACT,</b>
<b>THE REQUEST AND ADOPTING FINDINGS</b>	)	<b>CONCLUSIONS, AND</b>
		<b>ORDER DP#23-21</b>

ZONE: Residential Moderate Density (R1)  
Oceanfront Management Overlay (OM)  
Flood Hazard Overlay (FHO)

APPLICANT: Steve Michaelis  
5615 SE Scenic Ln. #301  
Vancouver, WA 98661

The above-named applicant applied to the City for review and approval of a permit to perform repairs to an existing shoreline stabilization structure at 3188 S. Pacific St. The City of Cannon Beach orders that the request for a development permit for repairs is granted and adopts the following findings of fact, conclusions, and conditions contained in Exhibit 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. This permit is effective after the fourteen-day appeal period has expired.

**DATED: June 1, 2023**

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Robert St. Clair  
Planner

**EXHIBIT “A”**  
**FINDINGS OF FACT**  
**SHORELINE STABILIZATION STRUCTURE REPAIRS – DP#23-19**

**PROPERTY DESCRIPTION:** Taxlot# 51031DA02200  
**PROPERTY LOCATION:** 3188 S. Pacific St.  
**APPLICANT:** Steve Michaelis  
**PROPERTY OWNERS:** S4 Investments, LLC  
**ACTION:** Approved

**BACKGROUND**

The project is the replacement of the outer sand layer on an existing “burrito style” shoreline stabilization structure. The replacement outer sand layer will then be revegetated with beach grasses. The material being added to the stabilization structure is to replace sand that has been lost to erosion since the time of construction.

**APPLICABLE CRITERIA**

The following sections of the Cannon Beach Municipal Code are applicable to this application:

- 17.42 – Oceanfront Management Overlay Zone
- 17.80.230 – Shoreline Stabilization
- 17.92.010 – Development Permit

**FINDINGS**

(1) Section 17.42.030(A)(2) allows for maintenance and repair of an existing shoreline stabilization structure as a permitted activity in the Oceanfront Management Overlay zone. The shoreline stabilization at 3188 S. Pacific was authorized by the City’s Planning Commission through the approval of Conditional Use Permit CU#20-03 in May 2020.

A. *For lots or right-of-way that consist of the beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding the following uses and activities are permitted subject to provisions of Section 17.92.010, Development permits:*

2. *Maintenance and repair of an existing shoreline stabilization structure, subject to the provisions of Section 17.80.230(K);*

(2) Section 17.80.230(K) states that proposals to repair existing shoreline stabilization structures shall be reviewed to determine if the proposed repair involves a major change in the extent of the structure. Based on the application materials it has been determined that the proposed repair does not constitute a major change in the structure’s extent and that the work will restore it to a condition and extent similar to that of its initial construction.

K. *Proposals to repair existing rip-rap, bulkheads or seawalls shall be reviewed by the building official. If the building official determines the proposed repair involves a major change in the extent of rip-rap,*

*bulkheading or the seawall, the proposal shall be reviewed by the planning commission as a conditional use. If the proposed repair is determined to not involve a major change, a development permit is required. Repairs to rip-rap shall conform to the city's design criteria for rip-rap.*

- (3) Section 17.92.010(A)(1)(b) states the requirements for specifically listed activity or structure types requiring a development permit.

*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.)*

- (4) Section 19.92.101(C)(2) defines the administrative review procedure for Type 2 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.*

## **CONCLUSIONS**

The Community Development Department has reviewed the application and determined that it meets the applicable criteria.

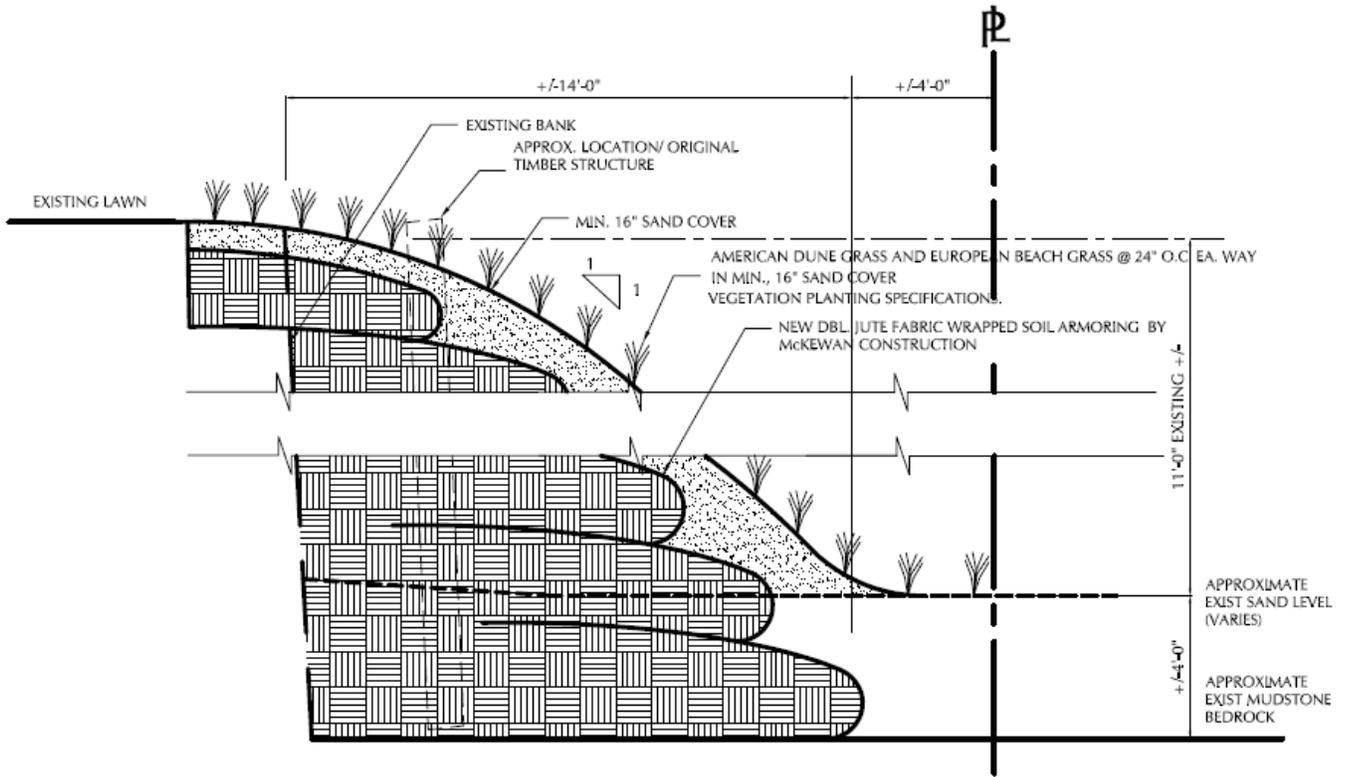
## **DECISION**

The development permit to repair an existing shoreline stabilization structure has been approved subject to the following conditions:

1. The applicant shall coordinate this project with Oregon Parks and Recreation Department and obtain all permits required for this work including beach access for vehicles.
2. The project shall not expand the stabilization structure beyond the extent authorized by CU#20-03.
3. The completed work shall be reviewed by the City of Cannon Beach to confirm that the repair does not constitute a major change of character.

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.

**Cross Section Diagram of Approved Shoreline Stabilization Structure, CU#20-03**

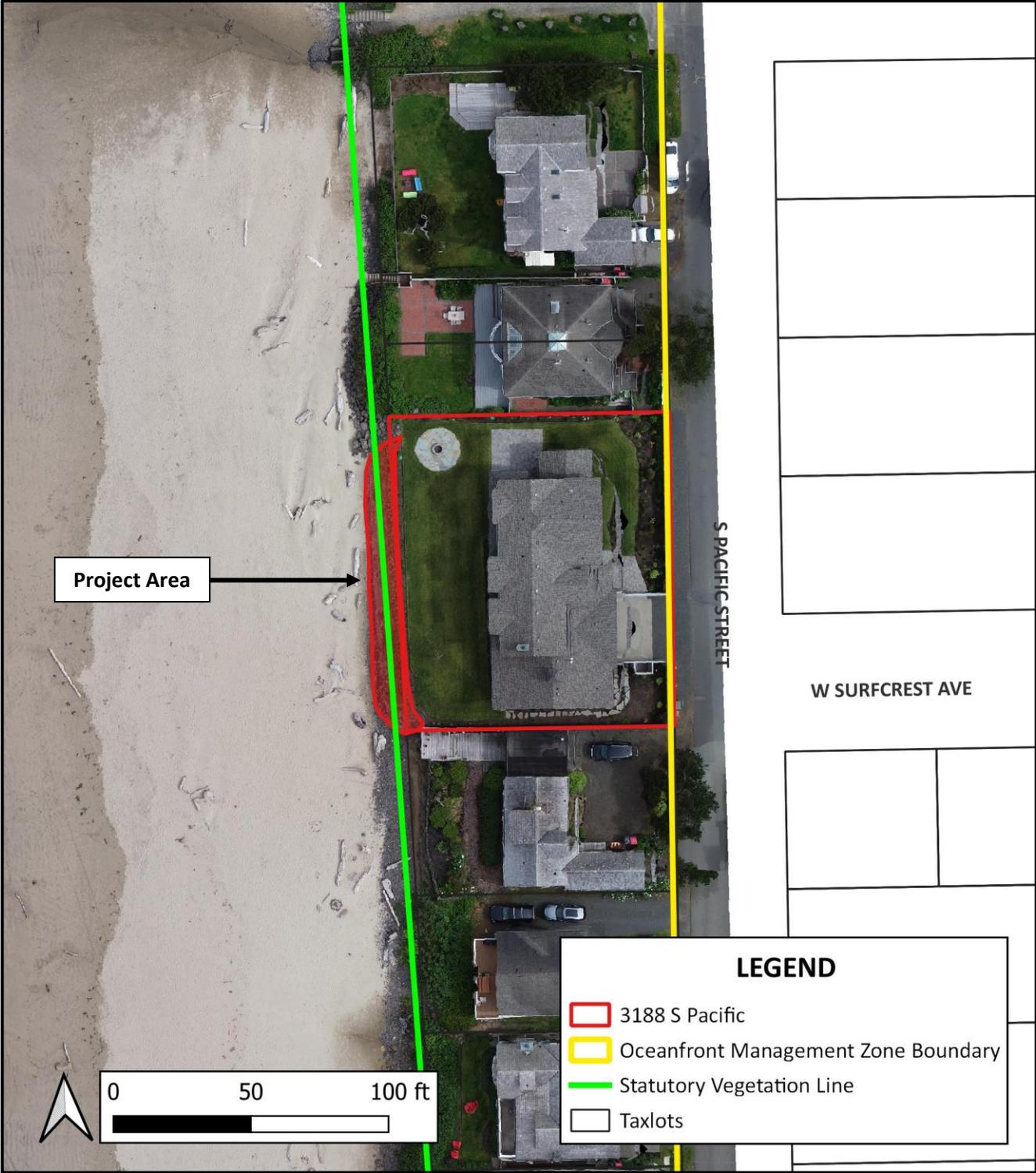


Site Photograph, May 31, 2023



# Site Map, Development Permit #23-21

Project Location: 3188 S. Pacific St., Taxlot# 51031DA02200



Taxlot and zoning information taken from City of Cannon Beach GIS records. Aerial imagery dated June 2022 taken from City of Cannon Beach Records.

This map is for reference only and is not a survey product.