



**BEFORE THE CITY OF CANNON BEACH**

|   |   |  |
|---|---|--|
| <b>IN THE MATTER OF A DEVELOPMENT PERMIT</b>              | ) |  |
| <b>FOR TIDE GATE MAINTENANCE ON E. 2<sup>ND</sup> ST.</b> | ) |  |
| <b>ADJACENT TO THE CANNON BEACH SKATE</b>                 | ) |  |
| <b>PARK, TAXLOT 51020CC00201 APPROVING</b>                | ) |  |
| <b>THE REQUEST AND ADOPTING FINDINGS</b>                  | ) | <b>FINDINGS OF FACT,<br/>CONCLUSIONS, AND<br/>ORDER DP#23-22</b> |

ZONE: Open Space (OS)  
Wetlands Overlay (WO)

APPLICANT: City of Cannon Beach  
P.O. Box 368  
Cannon Beach, OR 97110

The above-named applicant applied to the City for review and approval of a permit to conduct general maintenance to the existing tide gate located adjacent to the Skate Park on E. 2<sup>nd</sup> St. This maintenance will require the removal of less than 10 cubic yards of accumulated material in order to ensure proper function of the tide gate. 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.

The project area is not within a delineated wetland; however it is in close proximity to site 10A of the Local Wetland inventory. Based on site conditions the provisions of the Wetlands Overlay zone are being applied to this application.

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 7, 2023**




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Robert St. Clair  
Planner

**EXHIBIT "A"**

**FINDINGS OF FACT**

**West 2<sup>nd</sup> Street Tide Gate Maintenance – DP#23-22**

|                              |  |
|------------------------------|--|
| <b>PROPERTY DESCRIPTION:</b> | Taxlot# 51020CC00201                                 |
| <b>PROPERTY LOCATION:</b>    | West 2 <sup>nd</sup> St., adjacent to the skate park |
| <b>APPLICANT:</b>            | City of Cannon Beach – Public Works Department       |
| <b>PROPERTY OWNERS:</b>      | City of Cannon Beach                                 |
| <b>ACTION:</b>               | Approved   |

**BACKGROUND**

The project is the removal of less than 10 cubic yards of accumulated vegetation debris in order to ensure the continued proper functioning of the tide gate located at W. 2<sup>nd</sup> St. No excavation will be carried out as part of this project.

**APPLICABLE CRITERIA**

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

- 17.43.030 – Uses and Activities Permitted Outright in Wetlands
- 17.92.010 – Development Permit

**FINDINGS**

(1) Section 17.43.030(D) states that vegetation management is an activity permitted outright in wetlands. The City proposes to clear up to 10 cubic yards of accumulated debris from the tide gate area, no excavation is proposed as part of this project.

*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, if permitted outright in the base zone.*

*D. Vegetation management.*

(2) 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 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.

**Site Photograph, May 31, 2023**



**Site Map, Development Permit #23-22**

*Project Location: E. 2<sup>nd</sup> St., Adjacent to Skate Park*

