



**BEFORE THE CITY OF CANNON BEACH**

|  |   |                          |
|--|---|--------------------------|
| <b>IN THE MATTER OF A DEVELOPMENT</b>    | ) |                          |
| <b>PERMIT FOR REPAIRS TO AN EXISTING</b> | ) |                          |
| <b>SHORELINE STABILIZATION STRUCTURE</b> | ) |                          |
| <b>AT 258 W. UMPQUA ST., TAXLOT#</b>     | ) |                          |
| <b>51031DD02000 APPROVING THE</b>        | ) | <b>FINDINGS OF FACT,</b> |
| <b>REQUEST AND ADOPTING FINDINGS</b>     | ) | <b>CONCLUSIONS, AND</b>  |
|  |   | <b>ORDER DP #23-42</b>   |

ZONE: Residential Moderate Density (R1)  
APPLICANT: Bob McEwan Construction Inc.  
P.O. Box 2845  
Gearhart, OR 97138

The above-named applicant applied to the City for review and approval of a permit to repair an existing shoreline stabilization structure at 258 W. Umpqua St., Taxlot# 51031DD02000. 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: November 15, 2023**

  
\_\_\_\_\_  
Robert St. Clair  
Planner

**EXHIBIT "A"**  
**FINDINGS OF FACT**  
**SHORELINE STABILIZATION STRUCTURE REPAIR – DP#23-42**

**PROPERTY DESCRIPTION:** Taxlot# 51031DD02000  
**PROPERTY LOCATION:** 258 W. Umpqua St.  
**APPLICANT:** Bob McEwan Construction Inc.  
**PROPERTY OWNER:** Hossein Nowbar  
**ACTION:** Approved

**BACKGROUND**

The proposed project is the repair of non-vegetated rip-rap at an existing shoreline stabilization structure at 258 W. Umpqua St. This repair is intended to take place in preparation for upcoming seasonal tidal events during the winter months. The existing rip-rap structure will not be expanded or replaced.

**APPLICABLE CRITERIA**

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

- 17.42.030 – Uses and Activities Permitted, Oceanfront Management Zone
- 17.80.230 – Shoreline Stabilization, Conditional Uses

**FINDINGS**

(1) Section 17.42.030.A.2 states that the maintenance and repair of an existing shoreline stabilization structure is a permitted use in the Oceanfront Management Zone subject to the issuance of a development permit prior to the start of work.

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 an existing stabilization shall be reviewed to determine if the repair involves a major change in the extent of the stabilization and if so a Conditional Use Permit is required. For projects that do not involve a major change in the extent of the stabilization, such as routine maintenance that does not increase the footprint, a development permit is required.

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.

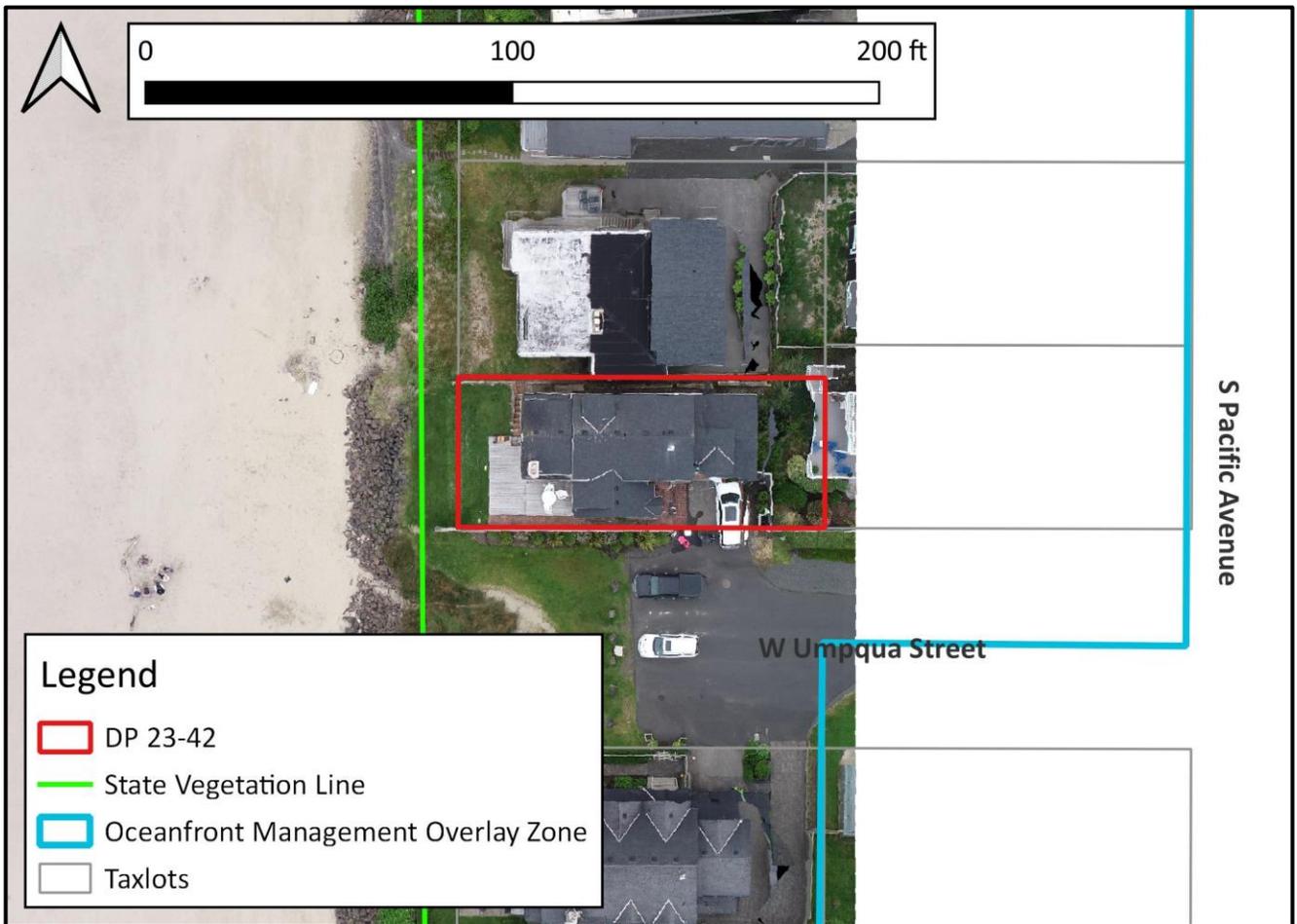
**CONCLUSIONS**

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

**CONDITIONS**

1. The applicant shall obtain necessary permits or exemptions, including a drive on beach permit, from Oregon Parks and Recreation Department prior to the start of work.
2. 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.
3. The project is limited to maintenance of the existing stabilization and shall not exceed the existing footprint.

**Site Map**



**Project Area, Aerial Photo – August 17, 2023**



**Site Photo, November 15, 2023**



