



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT PERMIT)	
FOR REMEDIAL DUNE GRADING AT 1316,)	
S. PACIFIC ST, TAXLOT 51030DA03400)	
APPROVING THE REQUEST AND)	FINDINGS OF FACT,
ADOPTING FINDINGS)	CONCLUSIONS, AND
		ORDER DP#24-07

ZONE: Residential Medium Density (R2)
Oceanfront Management Overlay (OM)
Flood Hazard Overlay (FHO)

APPLICANT: Bob McEwan Construction
P.O. Box 2845
Gearhart, OR 97138

The above-named applicant applied to the City for review and approval of a permit to perform remedial dune grading to manage sand encroachment at 1316 S. Pacific St. The City of Cannon Beach orders that the request for remedial dune grading 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.

DATED: April 11, 2024



Robert St. Clair
Planner

EXHIBIT "A"
FINDINGS OF FACT
REMEDIAL DUNE GRADING – DP#24-07

PROPERTY DESCRIPTION: Taxlot# 51030DA03400
PROPERTY LOCATION: 1316 S. Pacific Dr.
APPLICANT: Bob McEwan Construction
PROPERTY OWNERS: Stacy Niedermeyer
ACTION: Approved

BACKGROUND

The project is the remedial grading of sand adjacent to the western property line of the subject property for the purpose of managing sand encroachment. No material will be added to or removed from the beach by this project.

APPLICABLE CRITERIA

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

- 17.42 – Oceanfront Management Overlay Zone

FINDINGS

- (1) Section 17.42.030(D)(3) allows remedial dune grading as a permitted activity in the Oceanfront Management Overlay zone.

D. For lots or right-of-way that do not consist of a 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: in addition to the uses permitted in the underlying zone, the following uses and activities are permitted subject to provisions of Section 17.92.101, Development permits:

- 3. Remedial dune grading.*

- (2) Section 17.42.060(A)(4) defines specific standards for remedial dune grading in the Oceanfront Management Overlay zone.

Remedial Dune Grading. "Remedial grading" is the clearing of sand necessary to maintain the function of a structure and includes the removal of sand that has built up against exterior walls, doors, or windows of a structure and that blocks access to a residential or commercial structure, or any public facility, utility or infrastructure. Permits for remedial grading may be approved subject to the following requirements:

- a. Rear yard sand may be removed to the level of the top sill of the foundation, as measured from within thirty-five feet of the habitable structure. From the ten-foot line, the graded area shall slope upward to the elevation of the fronting foredune. This slope shall not exceed fifty percent.*
- b. Side yard sand that is landward of the structure may be removed to the top of the sill of the foundations, provided grading in this area does not create a slope in excess of fifty percent with adjacent properties.*

- c. *Where the front yard is seaward of the structure, sand may be removed to the level of the top sill of the foundation, as measured from within thirty-five feet of the habitable structure. From the ten-foot line, the graded area shall slope upward of the elevation of the fronting foredune. This slope shall not exceed fifty percent.*
- d. *Grading shall not lower the front yard below the level of adjacent streets or roads, except to clear sidewalks or driveways.*

Areas graded more than three feet in height shall be immediately replanted and fertilized. All graded sand must remain within the littoral cell. Graded sand should be used to fill adjacent low dune areas. Graded sand may also be used to nourish identified areas as needed. The height of the foredune shall not be lowered. Fire-resistant species are the preferred stabilizing vegetation within twenty-five feet of existing dwellings or structures. Fire-resistant vegetation shall only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.

CONCLUSIONS

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

DECISION

The remedial dune grading 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 adhere to the specific standards for remedial dune grading defined in CBMC Section 17.42.040(A)(4).
3. The completed work shall be reviewed by the City of Cannon Beach to confirm that the remedial grading 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.

Site Photograph: 1316 S. Pacific – April 1, 2024



Site Map

