

BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A REQUEST FOR A)
SHORELINE STABILIZATION STRUCTURE)
REPAIR PERMIT FOR EL-MANSY FAMILY LLC) **FINDINGS OF FACT,**
PROPERTY AT 4632 LOGAN LN APPROVING) **CONCLUSIONS, AND**
THE REQUEST AND ADOPTING FINDINGS) **ORDER NO. DP 22-01**

ZONE: Residential Low Density (RL)
Oceanfront Management Overlay (OM)
Flood Hazard Overlay (FHO)

APPLICANT: Mike Morgan

The above-named applicant applied to the City for review and approval of a permit to perform a shoreline stabilization structure repair at the subject property at 41006CB03409. The City of Cannon Beach orders that the request for repair of the existing shoreline stabilization structure is granted and adopts the following findings of fact, conclusions, and conditions contained in Exhibit C.

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: January 21, 2022



Robert St. Clair
Planner

EXHIBIT “A”
FINDINGS OF FACT
SHORELINE STABILIZATION MAINTENANCE (DP# 22-01)

PROPERTY DESCRIPTION: 41006CB03409

PROPERTY LOCATION: 4632 Logan Ln.

APPLICANT: Mike Morgan

PROPERTY OWNERS: El-Mansy Family LLC

ACTION: Approved with conditions

BACKGROUND

The existing log and cobble shoreline stabilization structure sustained damage during the 2021-2022 King Tides. The contractor, McEwan Construction, will use approximately 50 yards of four to eight inch cobbles in front of the log and in gaps behind it, and replant with willow stakes as was done in 2019.

APPLICABLE CRITERIA

Cannon Beach Municipal Code chapter 17.42, Oceanfront Management Overlay zone and 17.92.010, Development Permits are applicable to this request.

FINDINGS

(1) Section 17.42.030.A.2 allows maintenance and repair of existing shoreline stabilization structures as a permitted activity in the Oceanfront Management Overlay zone:

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) requires that the building official review proposed repairs to determine if it involves a major change in the extent of the structure. Any repair determined to be a major change shall be subject to conditional use approval. This project has been determined to not involve a major change in the extent or character of the existing shoreline stabilization.

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 requirement 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 17.92.010.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, visited the site and determined that the application meets the applicable criteria, upon the following conditions:

DECISION

The shoreline stabilization repair has been approved subject to the following conditions:

- (1) The repair shall only serve to stabilize the existing seawall and not increase its size, height, or other characteristics.
- (2) 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.
- (3) Oregon Parks and Recreation Department and the Oregon Division of State Lands shall be notified of the repair and any state required inspections completed.
- (4) Approval from and any permitting required by Oregon Parks and Recreation Department shall be obtained if the project exceeds 50 cubic yards of fill material or uses cobble in excess of four to eight inches.

Exhibit B

Repair Area Map



Exhibit C

FINDINGS OF FACT OCEANFRONT MANAGEMENT OVERLAY ZONE USES AND ACTIVITIES

CONDITIONS APPLIED TO THE PERMIT TO ENSURE THAT PERTINENT STANDARDS ARE MET:

The conditions of this permit are subject to review by the City or at the request of the applicant. Failure to adhere to these conditions shall cause written notice that permit has been revoked.

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