



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A REQUEST FOR A)	
TYPE 2 DEVELOPMENT PERMIT FOR A)	FINDINGS OF FACT,
RETAINING WALL IN THE OCEAN YARD)	CONCLUSIONS, AND
AT 288 S LAUREL ST APPROVING THE)	ORDER NO. DP 22-07
REQUEST AND ADOPTING FINDINGS)	

ZONE: Residential Medium Density (R2)
Oceanfront Management (OM)

APPLICANT: Willow House LLC

The above-named applicant applied to the City for a Type 2 Development Permit for a retaining wall for the purposes of erosion control at 288 S. Laurel St., Taxlot 51030AA00800. The Community Development Department considered the above entitled matter and approved the development permit on May 5, 2022.

The City of Cannon Beach orders that this request for approval of a development permit is granted and adopts the findings of fact, conclusions, and conditions 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: May 5, 2022

Robert St. Clair
Planner

EXHIBIT "A"
FINDINGS OF FACT
TYPE 2 DEVELOPMENT PERMIT (DP# 22-07)

PROPERTY DESCRIPTION: 51030AA00800

PROPERTY LOCATION: 288 S. Laurel St.

APPLICANT: Warren Ulrich

PROPERTY OWNERS: Willow House LLC

BACKGROUND

Applicant, Warren Ulrich on behalf of Willow House LLC, is requesting to construct a retaining wall for the purpose of erosion control on the west side of the house. The subject property is zoned R2 Residential Medium Density and is in the Oceanfront Management overlay zone. The proposed retaining wall is not a shoreline stabilization structure.

APPLICABLE CRITERIA

Cannon Beach Municipal Code chapter 17.62.030(A)(4) Grading and Erosion Control Permit and 17.92.010(A), (B), (C)(2) Development Permits are applicable to this request.

FINDINGS

The City finds that the application meets the following relevant criteria of Municipal Code Section 17.62.030(A)(4), Grading and Erosion Control Permit:

A development permit for regulated activities not in conjunction with building permit, subdivision, or partition shall be reviewed pursuant to Section 17.92.010(A), (B) and (C)(2). However, notice to adjacent property owners, as specified by Section 17.92.010(C)(2)(d), is not required.

The City finds that the application meets the following relevant criteria of Municipal Code Section 17.62.030(A), (B), (C)(2) Development Permits:

A. Permit Required.

1. A development permit is required for:
 - a. The construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any structure or building which requires a building permit pursuant to either the State of Oregon, One and Two Family Dwelling Code, or the State of Oregon, Structural Specialty Code. (For the purpose of this section, these are referred to as Type 1 development permits.); or

b. 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.)

2. In the case of a structure or building requiring a building permit, the development permit may be part of the building permit.

B. Application. A property owner or their designated representative may initiate a request for a development permit by filing an application with the city using forms provided by the city.

C. Administrative Review of 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.

DECISION

The Type 2 Development Permit for the placement of a retaining wall is approved subject to the following conditions:

1. The wooden wall is as described for landscape purposes.
2. The wall remains below four feet in height from the base to the top.
3. The wall will remain east of the north-south fence line, of the southernmost portion of the decking structure on the property, not the most westerly.