



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT)	
PERMIT FOR VEGETATION MANAGEMENT)	
IN THE PUBLIC RIGHT-OF-WAY ADJACENT)	
TO TAXLOT# 51020CB02400 APPROVING)	FINDINGS OF FACT,
THE REQUEST AND ADOPTING FINDINGS)	CONCLUSIONS, AND
		ORDER DP #23-04


ZONE: Residential Medium Density (R2)

APPLICANT: City of Cannon Beach – Public Works Department
163 E. Gower St.
Cannon Beach, OR 97110

The above-named applicant applied to the City for review and approval of a development permit for the purpose of clearing less than 10 cubic yards of vegetation from a stormwater drainage ditch and catch basin in the public right-of-way at the intersection of Fir and Beech Streets adjacent to Taxlot# 51020CB02400. The project area is located within 100 feet of delineated wetland. As per Cannon Beach Municipal Code Sections 17.43.030, *Uses Permitted Outright in Wetlands*, and 17.43.035, *Uses and Activities Permitted Outright in Wetland Buffer Areas*, vegetation management is permitted subject to the issuance of a development permit. 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: February 3, 2023



Robert St. Clair
Planner



EXHIBIT "A"

FINDINGS OF FACT

VEGETATION MANAGEMENT AT THE INTERSECTION OF FIR AND BEECH STREETS – DP#23-04

PROPERTY DESCRIPTION:	Public Right-of-Way Adjacent to Taxlot# 51020CB02400
PROPERTY LOCATION:	Intersection of Fir and Beech Streets
APPLICANT:	City of Cannon Beach – Public Works Department
PROPERTY OWNER:	City of Cannon Beach
ACTION:	Approved

BACKGROUND

The proposed project is the clearing of less than 10 years of vegetation from the catch basin and stormwater drainage ditch at the intersection of Fir and Beech Streets.

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
- 17.43.035 – Uses and Activities Permitted Outright in Wetland Buffer Areas
- 17.62.030 – Grading and Erosion Control Permit
- 17.92.010 – Development Permit
- 17.88.110 – Decision

FINDINGS

- (1) Section 17.43.030(C) states that underground or above ground utilities is an activity permitted outright in wetlands. The stormwater management system at the intersection of Fir and Beech Streets meets the definition of an underground utility. Item D of Section 30 states that vegetation management such as this project is permitted subject to the issuance of a development permit. Based on the best available information this project is not within a delineated wetland or wetland buffer area but is within 100 feet of one.

17.43.030 Uses and Activities Permitting Outright in Wetlands

The following uses and activities may per 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, and if permitted outright in the base zone:

- C. *Underground or above-ground utilities;*



D. Vegetation management (Ord. 21-05 § 2, Ord. 94-29 § 2)

- (2) Section 17.43.035(C) states that underground or above ground utilities is an activity permitted outright in wetlands. The stormwater management system at the intersection of Fir and Beech Streets meets the definition of an underground utility. Item D of Section 35 states that vegetation management such as this project is permitted subject to the issuance of a development permit. Based on the best available information this project is not within a delineated wetland or wetland buffer area but is within 100 feet of one.

17.43.035 Uses and Activities Permitted Outright in Wetland Buffer Areas

The following uses and activities may be permitted in wetland buffer areas 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.

C. Underground or above-ground utilities;

D. Vegetation management (Ord. 21-05 § 2, Ord. 94-29 § 2)

- (3) Section 17.62.030(A)(1)(a) states that a development permit is required for any amount of clearing, grading, filling within one hundred feet of a stream, watercourse, or wetland. Based on the best available information regarding the mapping of delineated wetlands this project is within one hundred feet of a delineated wetland and its buffer area.

17.62.030 Grading and Erosion Control Permit

A. Development Permit Required.

- 1. Persons proposing to clear, grade, excavate or fill land (regulated activities) shall obtain a development permit as prescribed by this chapter unless exempted by Section 17.62.040. A development permit is required where:*

- a. The proposed clearing, grading, filling, or excavation is located within one hundred feet of a stream, watercourse or wetland.*

- (4) Section 17.92.010.C.2 defines the administrative review procedure for Type 2 Development Permits.

1. 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.*

(5) Section 17.88.110 defines the decision-making process for land use applications.

Following the procedure described in Section 17.88.060, the hearing body shall approve, approve with conditions or deny the application or if the hearing is in the nature of an appeal, affirm, affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

A. The decision of the hearing body shall be by a written order signed by the chair or designee.

B. The order shall incorporate finding of facts and conclusions that include:

- 1. A statement of the applicable criteria and standards against which the proposal was tested;*
- 2. A statement of the facts which the hearing body relied upon in establishing compliance or noncompliance with each applicable criteria or standards and briefly state how those facts support the decision;*
- 3. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.*

C. 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. (Ord. 90-10 § 1 (Appx. A § 64); Ord. 89-3 § 1; Ord. 79-4 § 1 (10.070))

CONCLUSIONS

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

CONDITIONS

- 1. Work shall be completed prior to March 3, 2023.
- 2. The use of motorized equipment shall be limited to the hours of 7:00am and 7:00pm per Municipal Code Section 8.16.
- 3. Soil erosion fencing shall be placed prior to any land disturbance along the private property lines.



Site Map with Wetland and Stream Overlays

