



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT)	
PERMIT FOR REPAIRS TO AN EXISTING)	
NON-STRUCTURAL SHORELINE)	FINDINGS OF FACT,
STABILIZATION AT TAXLOT# 41006BC06300)	CONCLUSIONS, AND
APPROVING THE REQUEST AND)	ORDER DP #23-05
ADOPTING FINDINGS)	


ZONE: Residential Moderate Density (R1)

APPLICANT: Marilyn Epstein
 2323 SW Park Pl. #1001
 Portland, OR 97205

The above-named applicant applied to the City for review and approval of a permit to repair an existing non-structural shoreline stabilization project at 4007 Ocean Ln., Taxlot# 41006BC06300. 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

NON-STRUCTURAL SHORELINE STABILIZATION REPAIR – DP#23-05

PROPERTY DESCRIPTION:	Taxlot# 41006BC06300
PROPERTY LOCATION:	4007 Ocean Ave.
APPLICANT:	Michael Morgan
PROPERTY OWNER:	Marilyn Epstein
ACTION:	Approved

BACKGROUND

The proposed project is the repair of a non-structural shoreline stabilization project at 4007 Ocean Ave. that was authorized by Conditional Use Permit CU 22-04 and installed in December 2022. The stabilization has been affected by seasonal storm surges and king tides. The shoreline stabilization 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
- 17.92.010 – Development Permit

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. Although the existing stabilization is non-structural it is not appropriate to require the applicant to obtain a new Conditional Use Permit to perform maintenance. Based on observed conditions the majority of the work will be to replace sand and vegetation that was stripped away by tidal action.

- 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.

(3) 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.*

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 the repair of existing stabilization project and shall not exceed the current footprint.

SITE MAP



Subject Property



PROJECT AREA

Staff photo – February 1, 2023

