



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT)	
PERMIT FOR RESTORATION OF A)	
SHORELINE STABILIZATION AT TAXLOT#)	
51031DD05900 APPROVING THE)	FINDINGS OF FACT,
REQUEST AND ADOPTING FINDINGS)	CONCLUSIONS, AND
		ORDER DP #22-15

ZONE: Residential Moderate Density (R1), Oceanfront Management Overlay (OM)

APPLICANT: Carlos Lopez
287 SW Birch Ct.
Warrenton, OR 97146

The above-named applicant applied to the City for review and approval of a development permit for the purpose of restoring a structural shoreline revetment after the installation of an unpermitted staircase. The project area is within the Oceanfront Management zone and repairs to existing shoreline revetments are a permitted activity subject to permitting requirements within that zone as per Municipal Code 17.42.030(A)(2). 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 the date of this decision.

DATED: March 6, 2023



Robert St. Clair
Planner



EXHIBIT "A"

FINDINGS OF FACT

SHORELINE STABILIZATION RESTORATION – DP#22-15

PROPERTY DESCRIPTION:	Taxlot# 51031DD05900
PROPERTY LOCATION:	3764 Pacific St.
APPLICANT:	Carlos Lopez, Vista Homes Construction
PROPERTY OWNER:	Kevin & Linsey Birusingh
ACTION:	Approved

BACKGROUND

The proposed project is the restoration of a structural shoreline stabilization revetment that was affected by the unpermitted installation of a beach access stairway. A geotechnical report prepared by Pali Consulting, dated February 2, 2023, stated that modifications made by the stair construction have reduced the structural integrity of the revetment and recommended that it be returned to its pre-staircase condition.

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 Overlay Zone
- 17.92.010 – Development Permit
- 17.88.110 – Decision

FINDINGS

(1) Section 17.42.030(A)(2) states that maintenance and repair of an existing shoreline stabilization structure is a permitted activity subject to the provisions of Section 17.92.010, Development Permits. The proposed project meets the criteria of repair to an existing stabilization structure. This activity will restore the capability of the revetment to reduce the rate of shoreline erosion that can result from seasonal erosion and storm surge events.

17.43.030 Uses and Activities Permitted – Oceanfront Management Overlay Zone

A. *For lots or right-of-way that consist of beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping and ocean undercutting, or interdune areas that are subject to ocean flooding the following uses and activities are permitted subject to the 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 17.92.010.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.*

(3) 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. All necessary permitting shall be obtained from Oregon Parks and Recreation Department.

SITE MAP

