



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT)	
PERMIT FOR GRADING AND EXCAVATION)	
IN CONJUNCTION WITH CONSTRUCTION AT)	
TAXLOT# 51030DA06801 APPROVING THE)	FINDINGS OF FACT,
REQUEST AND ADOPTING FINDINGS)	CONCLUSIONS, AND
		ORDER DP #23-14


ZONE: Residential Medium Density (R2)

APPLICANT: Denise Wilson
P.O. Box 1232
Cannon Beach, OR 97110

The above-named applicant applied to the City for review and approval of a permit for excavation and driveway grading in conjunction with a remodel project at 155 E. Elliot Way Ave., Taxlot# 51030DA06801. 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: March 30, 2023



Robert St. Clair
Planner



EXHIBIT "A"

FINDINGS OF FACT

EXCAVATION IN CONJUNCTION WITH CONSTRUCTION – DP#23-14

PROPERTY DESCRIPTION:	Taxlot# 51030DA06801
PROPERTY LOCATION:	155 Elliott Way
APPLICANT:	Denise Wilson
PROPERTY OWNER:	Denise Wilson
ACTION:	Approved

BACKGROUND

The project is excavation and driveway grading in conjunction with a remodel at 155 E. Elliott Way. Electrical utilities must be moved underground. No change in the structure's footprint is authorized by this permit.

APPLICABLE CRITERIA

The following sections of the Cannon Beach Municipal Code are applicable to this application:

- 17.62.030 – Grading and Erosion Control Permit
- 17.92.010 – Development Permit

FINDINGS

(1) Sections 17.62.030(A)(1)(b) & (c) state that a development permit is required when the proposed clearing, grading, filling, or excavation is more than 100 feet from a riparian area and has an area of more than 250 square feet or a volume of more the 10 cubic yards.

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:*
 - b. The proposed clearing, grading, filling, or excavation is located more than one hundred feet from a stream or watercourse or wetland and the affected area exceeds two hundred fifty square feet; or*
 - c. The proposed volume of excavation, fill or any combination of excavation and fill exceeds ten cubic yards in a calendar year.*



(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.*

CONCLUSIONS

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

CONDITIONS

1. Erosion control measures shall be installed and approved prior to ground disturbance.
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.



SITE MAP

