



**BEFORE THE CITY OF CANNON BEACH**

<b>IN THE MATTER OF A DEVELOPMENT</b>	)	
<b>PERMIT FOR THE PLACEMENT OF A</b>	)	
<b>BEACH ACCESS STAIRCASE AT TAXLOT#</b>	)	
<b>51031DD05900 APPROVING THE REQUEST</b>	)	<b>FINDINGS OF FACT,</b>
<b>AND ADOPTING FINDINGS</b>	)	<b>CONCLUSIONS, AND</b>
		<b>ORDER DP #23-15</b>


ZONE: Residential Moderate Density (R1)

APPLICANT: Kevin Birusingh  
4115 Timberwood Dr.  
West Des Moines, IA 50265

The above-named applicant applied to the City for review and approval of a permit for the placement of a private beach access stairway at 3764 S. Pacific Ave., Taxlot# 51031DD05900. 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: April 5, 2023**

  
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Robert St. Clair  
Planner



## EXHIBIT "A"

### FINDINGS OF FACT

#### CONSTRUCTION OF A NEW PRIVATE BEACH ACCESS – DP#23-15

<b>PROPERTY DESCRIPTION:</b>	Taxlot# 51031DD05900
<b>PROPERTY LOCATION:</b>	3764 S. Pacific Ave
<b>APPLICANT:</b>	Kevin Birusingh
<b>PROPERTY OWNER:</b>	Kevin and Linsey Birusingh
<b>ACTION:</b>	Approved

#### BACKGROUND

The project is the construction of a private beach access stairway across a vegetated shoreline stabilization structure. An unpermitted stairway was installed in 2022 and this permit is a corrective action. The shoreline stabilization structure has been evaluated by Pali Consulting and a geotechnical evaluation letter stating that the current staircase has been constructed in a manner that does not compromise its integrity has been submitted with the application for this permit.

#### 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
- 17.42.060 – Specific Standards, Oceanfront Management Overlay Zone
- 17.92.010 – Development Permit

#### FINDINGS

(1) Section 17.42.030(A)(4) states that private beach access improvements are a permitted use in the Oceanfront Management Overlay Zone subject to development permitting requirements.

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:*

1. *Private beach access improvements, including stairs, subject to the provisions of Section 17.42.060(A)(7);*



- (2) Section 17.42.060(A)(6) states that the City may require the planting of stabilizing vegetation in order to minimize the potential for erosion that may be caused by the use of beach access. Stabilizing vegetation is not required with this project as the access stairs are being placed over a vegetated stabilization structure.
- A. *The uses and activities permitted in all areas contained in the OM zone are subject to the following specific standards:*
1. *Beach Access. The city may require the planting of stabilizing vegetation, fencing or signage in order to minimize the potential for wind erosion that may be caused by the use of the beach access on adjacent areas.*
- (3) Section 17.42.060(A)(9)(a) states that beach access stairs are permitted in an ocean yard.
- A. *The uses and activities permitted in all areas contained in the OM zone are subject to the following specific standards:*
9. *Structures in the Ocean Yard. The following structures are permitted in an ocean yard:*
    - a. *Beach access stairs subject to Section 17.42.030(A)(5) and (D)(1).*
- (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.*



## 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 permits from Oregon Parks and Recreation Department be obtained.

## SITE MAP

