



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT)	
PERMIT FOR GRADING AND EXCAVATION)	
IN CONJUNCTION WITH CONSTRUCTION AT)	
TAXLOT# 51029BC07003 APPROVING THE)	FINDINGS OF FACT,
REQUEST AND ADOPTING FINDINGS)	CONCLUSIONS, AND
		ORDER DP #23-16

ZONE: Residential Medium Density (R2)

APPLICANT: Maxwell Broderick
P.O. Box 423
Cannon Beach, OR 97110

The above-named applicant applied to the City for review and approval of a permit for grading and excavation in conjunction with the construction of a new single-family dwelling at 1064 S. Elm St., Taxlot# 51029BC07003. 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 13, 2023



Robert St. Clair
Planner



EXHIBIT "A"

FINDINGS OF FACT

EXCAVATION IN CONJUNCTION WITH CONSTRUCTION – DP#23-16

PROPERTY DESCRIPTION:	Taxlot# 51029BC07003
PROPERTY LOCATION:	1064 S. Elm St.
APPLICANT:	Maxwell Broderick
PROPERTY OWNER:	Maxwell Broderick
ACTION:	Approved

BACKGROUND

The project is excavation and grading in conjunction with the construction of a new single-family dwelling at 1064 S. Elm St.

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)(a) & (c) states that a development permit is required when the proposed clearing, grading, filling, or excavation is located within one hundred feet of a stream, watercourse, or wetland. The subject property is located approximately fifty feet from a delineated wetland at its closest extent and work being performed will be more than fifty feet but less than one hundred feet from the wetland perimeter. As the work being performed is not within a delineated wetland or wetland buffer area the provisions of the Wetland Overlay zone (Section 17.43) do not apply to this project.

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;



- 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 with Zoning Information, DP 23-16

