



CANNON BEACH COMMUNITY DEVELOPMENT

163 E. GOWER ST.

PO Box 368

CANNON BEACH, OR 97110

MEMORANDUM

RE: New Stormwater Management System

1063 Forest Lawn Rd.

Taxlot # 51030DA04104

November 29, 2022

Dear Property Owner,

This is to notify you of the attached land use action by the City of Cannon Beach, which has received an application from Bob McEwan Construction Inc. on behalf of Quails Cove LLC for a permit to install a new stormwater management system servicing 1603 Forest Lawn Rd. The City of Cannon Beach considered this request, and approved the work based on the conditions provided below:

1. Work shall be restricted to upland portions of the subject property and not take place within the delineated wetland on Taxlot 4100 or its buffer area;
2. A site plan of the erosion control measures shall be approved by the Public Works Director prior to ground disturbance;
3. Any tree removal applications or any tree protection zone fencing which may be required shall be approved and established prior to ground disturbance;
4. Work shall be completed prior to January 1, 2023, where possible, and any ground disturbance of exposed surfaces during the wet season (November 1 through April 30) should be temporarily planted with grasses, or protected with erosion control blankets, hydro-mulch, or hand broadcast straw a minimum of 3 inches thick and punched into the soil;
5. The use of motorized equipment shall be limited to the hours of 7:00am and 7:00pm per Municipal Code Section 8.16.

Please find attached the findings of fact, conclusions, and conditions. The written order is the final decision on the matter and the date of the order is the date that it is signed. All affected parties have an opportunity to appeal the decision within fourteen days of the written order.

Please let us know if you have any questions.

Sincerely,

Robert St. Clair
Planner



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT)	
PERMIT FOR A STORMWATER MANAGEMENT)	
SYSTEM AT TAXLOT# 51030DA04104)	
APPROVING THE REQUEST AND ADOPTING)	FINDINGS OF FACT,
FINDINGS)	CONCLUSIONS, AND
		ORDER DP #22-17

ZONE: Residential Medium Density (R2)


APPLICANT: Bob McEwan Construction Inc.
P.O. Box 2845
Gearhart, OR 97138

The above-named applicant applied to the City for review and approval of a development permit for the purpose of installing a stormwater management system servicing 1603 Forest Lawn Rd., Taxlot 51030DA04104.

The project area is adjacent to a delineated wetland, however the submitted plans indicate that work will take place outside of the wetland or its buffer area. 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: November 29, 2022



Robert St. Clair
Planner



EXHIBIT "A"

FINDINGS OF FACT

1603 FOREST LAWN RD. STORMWATER MANAGEMENT SYSTEM – DP#22-17

PROPERTY DESCRIPTION:	Taxlot# 51030DA04104
PROPERTY LOCATION:	1603 Forest Lawn Rd.
APPLICANT:	Bob McEwan Construction Inc.
PROPERTY OWNER:	Quails Cove LLC
ACTION:	Approved

BACKGROUND

The approved project is the installation of approximately 100 linear feet of subsurface stormwater distribution piping and its connection to the City of Cannon Beach's stormwater management system. The purpose of this project is to resolve identified stormwater management issues at the subject property and prevent unpermitted discharge onto adjacent properties. No material will be removed as a result of this project and any displaced soils will be used to cover newly installed piping.

APPLICABLE CRITERIA

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

- 17.43.045 – Uses and Activities Permitted Outright in Wetland Buffer Areas
- 17.63.030 – Grading and Erosion Control Permit
- 17.92.010 – Development Permit
- 17.88.110 – Decision

FINDINGS

- (1) Section 17.43.030(C) states that underground or above ground utilities are an activity permitted outright in wetlands. The stormwater management system at 1603 Forest Lawn Rd. meets the definition of an underground utility. Based on the best available information provided in the Pacific Habitat Service's recent wetland study, dated March 19, 2021, for the adjacent property to the north, this project is not within a delineated wetland or wetland buffer area.

17.43.035 Uses and Activities Permitted Outright in Wetland Buffer Areas

The following uses and activities may be permitted in wetland buffer areas of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, if permitted outright in the base zone.

- C. *Underground or above-ground utilities.*



- (2) Section 17.62.030(A)(1)(a) states that a development permit is required for any amount of clearing, grading, filling within one hundred feet of a stream, watercourse, or wetland. Based on a wetland delineation prepared for Taxlot 51030DA04100, immediately to the north of the subject property, this project will be within 100 feet of a wetland and its buffer area.

17.62.030 Grading and Erosion Control Permit

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.*

- (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.*

- (4) 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. Work shall be restricted to upland portions of the subject property and not take place within the delineated wetland on Taxlot 4100 or its buffer area;
2. A site plan of the erosion control measures shall be approved by the Public Works Director prior to ground disturbance;
3. Any tree removal applications or any tree protection zone fencing which may be required shall be approved and established prior to ground disturbance;
4. Work shall be completed prior to January 1, 2023, where possible, and any ground disturbance of exposed surfaces during the wet season (November 1 through April 30) should be temporarily planted with grasses, or protected with erosion control blankets, hydro-mulch, or hand broadcast straw a minimum of 3 inches thick and punched into the soil;
5. The use of motorized equipment shall be limited to the hours of 7:00am and 7:00pm per Municipal Code Section 8.16.



Site Map

