

**BEFORE THE CITY OF CANNON BEACH**

**IN THE MATTER OF A REQUEST FOR )  
REMEDIAL DUNE GRADING PERMIT )  
FOR SOUTH LAUREL ST. PROPERTY )  
OWNERS APPROVING THE REQUEST )  
AND ADOPTING FINDINGS )**      **FINDINGS OF FACT,  
CONCLUSIONS, AND  
ORDER NO. DP 21-18**

**ZONE:**            Residential Moderate Density (R1)  
                      Oceanfront Management Overlay (OM)  
                      Flood Hazard Overlay (FHO)

**APPLICANT:** Bob McEwan, on behalf of the S. Laurel St. Homeowners listed below

51030AA00100	118 S. Laurel	DP 95-05
51030AA00200	132 S. Laurel	DP 96-07
51030AA00300	164 S. Laurel	DP 97-01
51030AA00400	188 S. Laurel	DP 94-01
51030AA00500	216 S. Laurel	DP 95-01
51030AA00600	232 S. Laurel	DP 95-03
51030AA00700	264 S. Laurel	DP 96-03

The above-named applicant applied to the City for review and approval of a permit to perform remedial dune grading on portions of the listed properties. Each property has been previously approved for remedial dune grading, with the latest renewal granted in 2020. The Community Development Director considered this request and approved the remedial dune grading as proposed, subject to approval conditions, on July 14, 2021. The City of Cannon Beach orders that the request for remedial dune grading be granted and adopts the findings of fact, conclusions, and conditions contained in Exhibit “C”.

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:** July 14, 2021



Jeffrey S. Adams, PhD  
Community Development Director

**EXHIBIT “A”**  
**FINDINGS OF FACT**  
**REMEDIAL DUNE GRADING (DP# 21-18)**

**PROPERTY DESCRIPTION:** 51030AA00100  
51030AA00200  
51030AA00300  
51030AA00400  
51030AA00500  
51030AA00600  
51030AA00700

**PROPERTY LOCATION:** South Laurel Street, along the west side, between First Street and Washington Street

**APPLICANT:** S. Laurel Street Property Owners

**PROPERTY OWNERS:** See attached contact sheet

**ACTION:** Approved with conditions

**BACKGROUND**

Sand accumulation has occurred in this area. The City has previously approved remedial sand grading in this area, most recently in 2020. The City has reviewed the request and reviewed the accumulation at the above locations and concurs that remedial sand removal is again appropriate in this area. Attached is the Findings of Fact, “Exhibit A”, a site map, labelled “Exhibit B”, a set of conditions, marked “Attachment C”, and a which are in effect with the granting of this approval.

**APPLICABLE CRITERIA**

Cannon Beach Municipal Code chapter 17.42, Oceanfront Management Overlay zone, is applicable to this request.

**FINDINGS**

(1) Section 17.42.030.D.3 allows remedial dune grading as a permitted activity in the Oceanfront Management Overlay zone:

*D. For lots or right-of-way that do not consist of a 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: in addition to the uses permitted in the underlying zone, the following uses and activities are permitted subject to provisions of Section 17.92.010, Development permits:*

- 1. Private beach access improvements, subject to the provisions of Section 17.42.060(A)(7);*
- 2. Maintenance and repair to existing shoreline stabilization structure, subject to the provisions of Section 17.80.230(K);*
- 3. Remedial dune grading.*

(2) “Remedial dune grading” is defined in 17.42.060(A)(4):

*Remedial Dune Grading. "Remedial grading" is the clearing of sand necessary to maintain the function of a structure and includes the removal of sand that has built up against exterior walls, doors, or windows of a structure and that blocks access to a residential or commercial structure, or any public facility, utility or infrastructure. Permits for remedial grading may be approved subject to the following requirements:*

(3) Section 17.42.060.A.4 establishes four standards for remedial dune grading, as follows:

*Permits for remedial grading may be approved subject to the following requirements:*

*a. Rear yard sand may be removed to the level of the top sill of the foundation, as measured from within thirty-five feet of the habitable structure. From the ten-foot line, the graded area shall slope upward to the elevation of the fronting foredune. This slope shall not exceed fifty percent.*

*b. Side yard sand that is landward of the structure may be removed to the top of the sill of the foundations, provided grading in this area does not create a slope in excess of fifty percent with adjacent properties.*

*c. Where the front yard is seaward of the structure, sand may be removed to the level of the top sill of the foundation, as measured from within thirty-five feet of the habitable structure. From the ten-foot line, the graded area shall slope upward to the elevation of the fronting foredune. This slope shall not exceed fifty percent.*

*d. Grading shall not lower the front yard below the level of adjacent streets or roads, except to clear sidewalks or driveways.*

*Areas graded more than three feet in height shall be immediately replanted and fertilized. All graded sand must remain within the littoral cell. Graded sand should be used to fill adjacent low dune areas. Graded sand may also be used to nourish identified areas as needed. The height of the foredune shall not be lowered. Fire-resistant species are the preferred stabilizing vegetation within twenty-five feet of existing dwellings or structures. Fire-resistant vegetation shall only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.*

The proposal is for the relief of these properties, by the attached consent of the property owners, where sand deposits are inundating the associated structures of the homes along the identified stretch of Laurel. The limitations of the remedial grading is limited to the areas within 35 feet of the structure's foundation, which can be met with an approval condition: see condition 1.

Based on this, the proposed remedial dune grading meets or can be conditioned to meet the requirements of 17.42.060.A.4.

The application provides the place for sand relocation, as defined on Exhibit B.

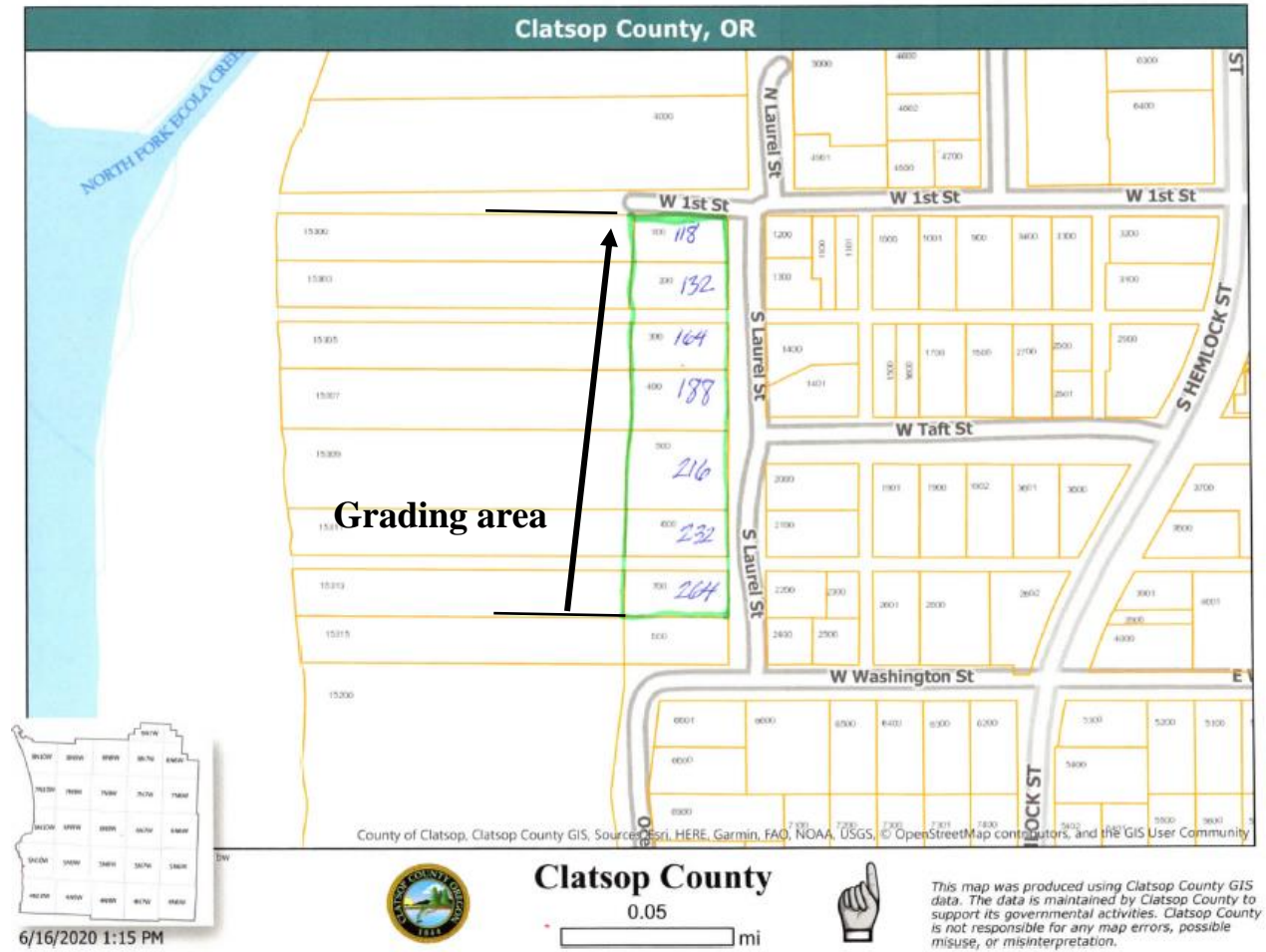
## **DECISION**

The proposed remedial dune grading is approved subject to the following conditions:

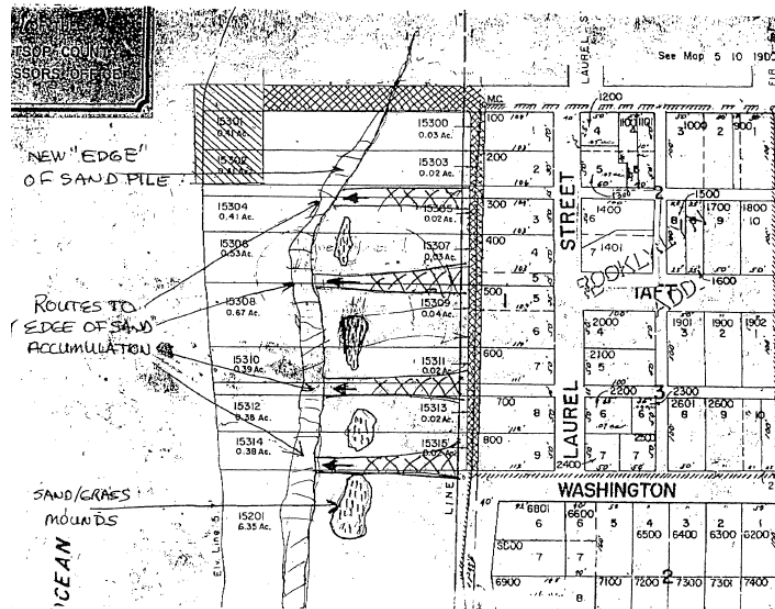
- (1) Areas of sand removal covered under this permit are ocean front and side yards within 35 feet of the foundation of the structure and an area of no more than 12 feet in width west of the established fence line west of the established fence line west of the structure to allow use of heavy equipment for sand removal.
- (2) Sand removed from this area to be placed back in the sand/beach system in the areas indicated on the attached map. The intent of this requirement is to place sand over the edge of the sand bluff onto the tide washed area of the beach.
- (3) Sands which are mixed with soils, gravel or non-beach vegetation are to be removed from the area and disposed of off-site.

- (4) Moving of sand to the placement area shall take place along routes between the sand/grass mounds indicated. Routes of travel should be in a manner which does not damage existing beach grass or disturb areas west of the 12-foot removal area.
- (5) Before any work is performed with power equipment in the above area the City shall be given at least 48-hours notice prior to commencing work. Any vehicle access permits for operation west of the zone line shall be obtained.
- (6) When hand or manual removal of more than 5 yards is to take place the City shall be given at least 48-hours notice prior to commencing work and City will have on-site representation for monitoring activities.

# Exhibit B



# Deposit Area Map



## Exhibit C

### FINDINGS OF FACT OCEANFRONT MANAGEMENT OVERLAY ZONE USES AND ACTIVITIES

#### CONDITIONS APPLIED TO THE PERMIT TO ENSURE THAT PERTINENT STANDARDS ARE MET:

The conditions of this permit are subject to review by the City or at the request of the applicant. Failure to adhere to these conditions shall cause written notice that permit has been revoked. NOTE: A COPY OF THESE CONDITIONS AND MAP SHOULD BE AVAILABLE DURING REMOVAL OPERATIONS.

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