



**BEFORE THE CITY OF CANNON BEACH**

<b>IN THE MATTER OF A DEVELOPMENT PERMIT</b>	)	
<b>FOR VEGETATION MANAGEMENT ALONG</b>	)	
<b>THE FOREST LAWN ROAD PUBLIC RIGHT-OF-WAY</b>	)	
<b>APPROVING THE REQUEST AND ADOPTING</b>	)	<b>FINDINGS OF FACT,</b>
<b>FINDINGS</b>	)	<b>CONCLUSIONS, AND</b>
		<b>ORDER DP#23-30</b>

ZONE: Wetland Overlay Zone (WO)  
Public Right-of-Way

APPLICANT: City of Cannon Beach  
Public Works Department  
P.O. Box 368  
Cannon Beach, OR 97110

The above-named applicant applied to the City for review and approval of a permit for vegetation management along the Forest Lawn Road right-of-way adjacent to Taxlot #51030DA04100. The project area is within 100 feet of a delineated wetland and its buffer area, however it outside of the buffer area. The City of Cannon Beach orders that the request for a development permit for repairs is granted and adopts the following findings of fact, conclusions, and conditions contained in Exhibit A.

The E-Permitting record for this application can be reviewed here: [164-23-000101-PLNG](#)

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: August 16, 2023**




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Robert St. Clair  
Planner

**EXHIBIT "A"**  
**FINDINGS OF FACT**  
**FOREST LAWN RD RIGHT-OF-WAY VEGETATION MANAGEMENT – DP#23-30**

**PROPERTY DESCRIPTION:** Public Right-of-Way  
**PROPERTY LOCATION:** Forest Lawn Rd. adjacent to TL #51030DA04100  
**APPLICANT:** City of Cannon Beach Public Works Department  
**PROPERTY OWNERS:** City of Cannon Beach  
**ACTION:** Approved

**BACKGROUND**

The project is vegetation management to remove undergrowth that is intruding into the developed laneway of Forest Lawn Rd. A willow tree near 1603 Forest Lawn Rd. will also be pruned in order to remove an obstruction to visibility along the road. No regulated trees, defined as 6-inch diameter breast height (4 feet 6 inches above grade), are within the project area and no tree removal permit is required.

**APPLICABLE CRITERIA**

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

**(1) Section 17.62.030(A)(1)(a) – 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.*

Findings:

The project is within 100 feet of Local Wetland Inventory site #24 but is outside of the wetland and its five-foot buffer area. This project may be authorized under a Type 2 permit and a conditional use review is not required for this application. A portion of LWI site 24 and its buffer overlap the 60 foot wide right-of-way, however the developed portion of the roadway does not use the entirety of the right-of-way and the encroaching vegetation that will be removed is not in the wetland affected portion of the right-of-way.

**(2) Section 17.43.050(L)(2) – Standards, Wetland Overlay Zone**

*L. Vegetation Management. Vegetation in protected wetlands and in wetland buffer areas may be managed (including planting, mowing, pruning and removal) subject to the following standards:*

2. *Removal of vegetation, except trees covered by Chapter 17.70, in protected wetlands and in wetland buffer areas is permitted only if:*
  - a. *Necessary for placement of a structure for which a building permit has been issued (or for which a building permit is not needed); or*
  - b. *Necessary for maintenance of an existing structure, road or pathway; or*
  - c. *Necessary for correction or prevention of a hazardous situation; or*
  - d. *Necessary for completion of a land survey; or*
  - e. *Part of an approved restoration, enhancement or compensatory mitigation plan.*

*Vegetation removal permitted under subsections L2a through e in a protected wetland shall be the minimum necessary and in no case shall it substantially impair wetland functions and values. Vegetation removal permitted under subsections L2a through e in a wetland buffer area shall be the minimum necessary.*

Findings:

The project best fits criteria b and c above as it is for the maintenance of an existing roadway and will remove vegetation that is currently creating a visual obstruction to motorists on Forest Lawn Rd.

**CONCLUSIONS**

The Community Development Department has reviewed the application and determined that it meets the applicable criteria.

**DECISION**

The development permit vegetation clearing and grading has been approved subject to the following conditions:

1. 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, Development Permit #23-30

Project Location: Forest Lawn Rd. Public Right-of-Way

