



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT PERMIT)	
FOR THE CLEARING OF VEGETATION FOR THE)	
RE-ESTABLISHMENT OF APPROXIMATELY 1,000)	FINDINGS OF FACT,
LINEAR FEET OF LOGGING ROAD APPROVING)	CONCLUSIONS, AND
THE REQUEST AND ADOPTING FINDINGS)	ORDER DP#23-27

ZONE: Institutional Reserve (IR)

APPLICANT: City of Cannon Beach
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 clearing in order to re-establish approximately 1,000 linear feet of disused logging road on Taxlot# 41006B000100 in order to access the Public Works spoils site on that property. The project area exceeds 250 square feet and is located more than 100 feet from a delineated stream or wetland and its 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.

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 28, 2023

Robert St. Clair
Planner

EXHIBIT "A"

FINDINGS OF FACT

TL 41006B000100 VEGETATION CLEARING FOR ROAD ACCESS – DP#23-27

PROPERTY DESCRIPTION:	Taxlot# 41006B000100
PROPERTY LOCATION:	Undeveloped parcel accessed from intersection of U.S. Highway 101 and Tolovana Mainline Road.
APPLICANT:	City of Cannon Beach – Public Works Department
PROPERTY OWNERS:	City of Cannon Beach
ACTION:	Approved

BACKGROUND

The project is the clearance of vegetation from a disused logging road on Taxlot# 41006B000100 which is located east of U.S. Highway 101 and accessed via the intersection of the highway and Tolovana Mainline Rd. The area of vegetation to be cleared is approximately 1,000 linear feet. Vegetation to be removed primarily includes vining plants such as blackberries and other undergrowth species. 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. The largest trees observed by Community Development staff that may be affected by this project are approximately 1-inch DBH.

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) Section 17.62.030(A)(1)(b) states clearing, grading, filling, or excavation located more than 100 feet from a stream or wetland with an affected area exceeding 250 square feet requires a Type 2 development permit.

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:

b. The proposed clearing, grading, filling, or excavation is located more than one hundred feet from a stream or watercourse or wetland and the affected area exceeds two hundred fifty square feet;

(2) Section 19.92.101(C)(2) defines the administrative review procedure for Type 2 development permits.

2. 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.

DECISION

The development permit to repair an existing shoreline stabilization structure 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.
2. Work shall be conducted in conformance with Industrial Fire Protection Level regulations established by the Oregon Department of Forestry.

Site Map, Development Permit #23-27

Project Location: Taxlot# 41006B000100



