



**BEFORE THE CITY OF CANNON BEACH**

<b>IN THE MATTER OF A DEVELOPMENT PERMIT</b>	)	
<b>FOR EXCAVATION IN CONJUNCTION WITH</b>	)	
<b>PHASE 1 OF THE CITY OF CANNON BEACH</b>	)	
<b>WATER REILIENCY PROJECT APPROVING</b>	)	<b>FINDINGS OF FACT,</b>
<b>THE REQUEST AND ADOPTING FINDINGS</b>	)	<b>CONCLUSIONS, AND</b>
		<b>ORDER DP#23-41</b>

ZONE: Open Space Recreational (OSR)


APPLICANT: Public Works Department  
City of Cannon Beach  
163 E. Gower Ave.  
Cannon Beach, OR 97110

The above-named applicant applied to the City for review of a permit for excavation at the City’s main water reservoir on Taxlot# 51029CA00400 in conjunction with Phase 1 seismic improvements of the City’s Water Resiliency Project. 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 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 at: [164-23-000131-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: November 1, 2023**




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Robert St. Clair  
Planner

**EXHIBIT "A"**

**FINDINGS OF FACT**

**Excavation and Grading for Residential Development – DP#23-41**

<b>PROPERTY DESCRIPTION:</b>	Taxlot# 51029CA00400
<b>PROPERTY LOCATION:</b>	Undeveloped parcel south of Elk Creek Rd.
<b>APPLICANT:</b>	Public Works Department, City of Cannon Beach
<b>PROPERTY OWNERS:</b>	Cannon Beach Conference Center
<b>ACTION:</b>	Approved

**BACKGROUND**

The project is excavation at the City’s main water reservoir in conjunction with Phase 1 seismic improvements of the City’s Water Resiliency Project. The project area exceeds 250 square feet and is more than 100 feet from a delineated stream or wetland and its buffer area. The subject property is zoned Open Space/Recreation (OSR) and utility lines necessary for a public service are a permitted use in that zone. Work will take place within an existing utility easement on the subject property.

**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 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.

**Project Location – Taxlot# 51029CA00400**

