



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT PERMIT)	
FOR GRADING AND EXCAVATION IN)	
CONJUNCTION WITH RESIDENTIAL)	
CONSTRUCTION APPROVING THE REQUEST)	FINDINGS OF FACT,
AND ADOPTING FINDINGS)	CONCLUSIONS, AND
		ORDER DP#24-01

ZONE: Residential Moderate Density (R1)

APPLICANT: Tolovana Design LLC
P.O. Box 563
Cannon Beach, OR 97110


The above-named applicant applied to the City for review and approval of a permit for excavation and grading in conjunction with residential construction at 143 E. Tanana Ave. The project area exceeds 250 square feet and is located less than 100 feet from a delineated 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 file for this application, record 164-24-000003-PLNG can be reviewed at:

https://aca-oregon.accela.com/oregon/Cap/CapDetail.aspx?Module=Planning&TabName=Planning&capID1=24CAP&capID2=00000&capID3=0000R&agencyCode=CANNON_BEACH

This decision may be appealed to the Planning Commission by an affected party by filing an appeal with the City within fourteen days of the date of this decision. This permit becomes effective after the expiration of the appeal period as per CBMC 17.92.010(C)(2)(c).

DATED: February 26, 2024



Robert St. Clair
Planner

EXHIBIT "A"

FINDINGS OF FACT

Excavation and Grading for Residential Development – DP#24-01

PROPERTY DESCRIPTION: Taxlot# 51032BC00600
PROPERTY LOCATION: 143 E. Tanana Ave
APPLICANT: Tolovana Design LLC
PROPERTY OWNERS: Paul White
ACTION: Approved with Conditions

BACKGROUND

The project is excavation and grading in conjunction with a residential remodel and expansion. The project area exceeds 250 square feet and is less than 100 feet from a delineated wetland and its buffer area.

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 that any clearing, grading, filling, or excavation located within 100 feet of a stream or wetland requires a Type 2 development permit. The proposed work is within 100 feet of local wetland inventory site #26, however no work is proposed in the wetland or its five-foot buffer area. As no work will be within the delineated wetland and its buffer a conditional use permit is not required.

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.

(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.

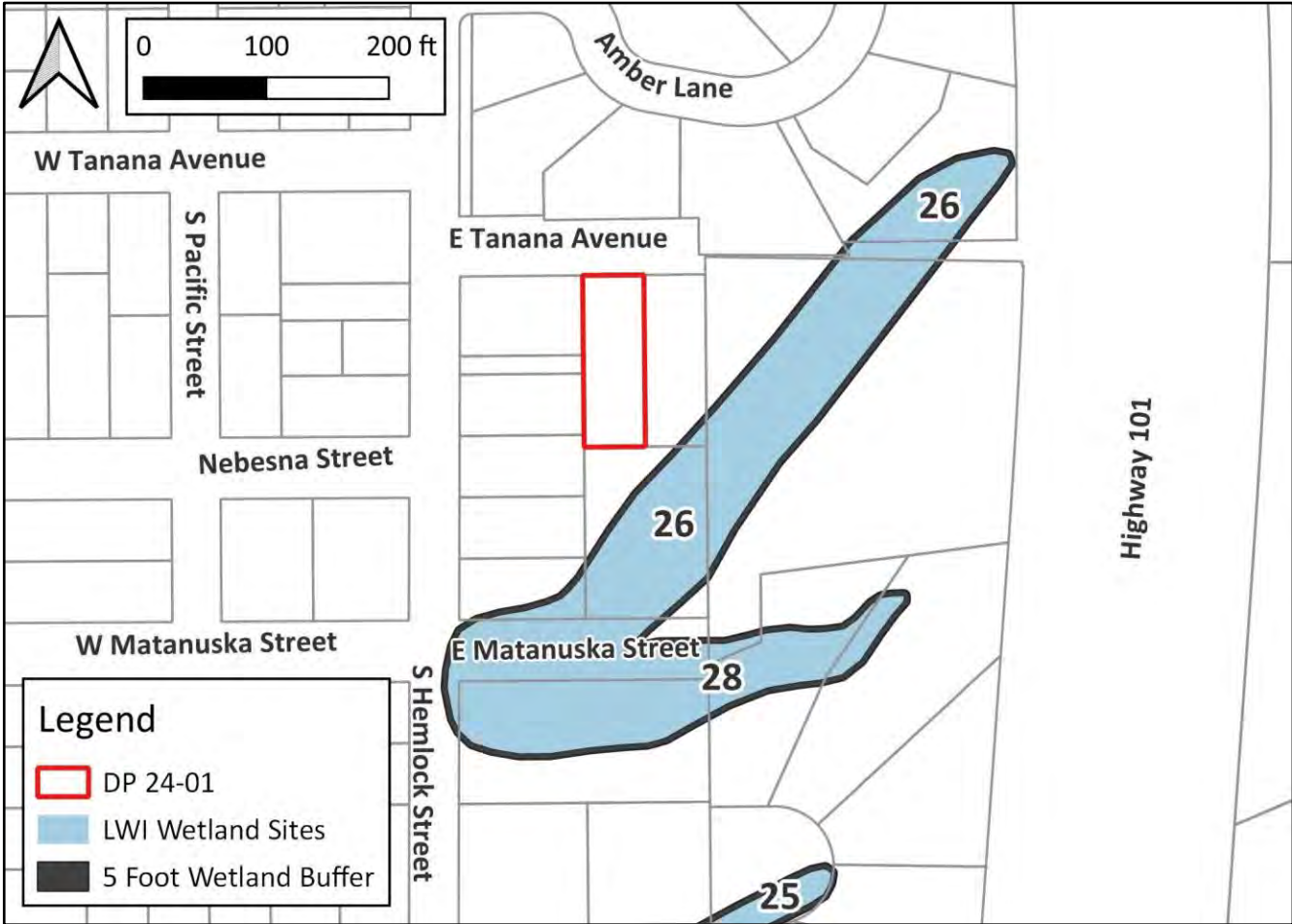
- b. A decision shall be made within twenty days of the receipt of a complete application.*
- c. The decision of the planning department shall be by signed written order. The order shall comply with Section 17.88.110(B). The written order is the final decision on the matter and the date of the order 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.*

DECISION

The Community Development Department has reviewed the application and determined that it meets the applicable criteria 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. Excavation and grading shall be carried out in a manner that conforms to the November 1, 2023 tree protection plan prepared by Arbor Care.
3. Erosion control fencing shall be installed prior to any excavation or grading. This fencing shall be maintained through construction.

Project Location – 143 E. Tanana Ave.





CITY OF CANNON BEACH

DEVELOPMENT PERMIT TYPE 2 APPLICATION GRADING, EROSION AND SEDIMENTATION CONTROL

Please fill out this form completely. Please type or print.

Applicant Name: TOLIVANA DESIGN, LLC JAY ORLOFF
Mailing Address: P.O. BOX 563
CANNON BEACH OR 97110
Email Address: TOLIVANA-DESIGN@GMAIL.COM
Telephone: 503.436.0519

Property-Owner Name: PAUL WHITE
(if other than applicant)

Mailing Address: P.O. BOX 726
CANNON BEACH, OR 97110

Telephone: _____

Property Location: 143 TANANAWA, CANNON BEACH OR 97110
(street address)

Map No.: S1032BC Tax Lot No.: 00600

Nature of the Request

Description of proposed action providing the information required by the Zoning Code Section 17.62.030.c
(Attach extra sheets as necessary)

NEW S.F.R. WITH DETACHED GARAGE.

Application Fee: \$100.00

Applicant Signature: [Signature] Date: 2024-02-01

Property Owner Signature: _____ Date: _____

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf. Please attach the name, address, phone number, and signature of any additional property owners. As Property Owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit for the purpose of follow-up inspection, observation, or measurement.

For Staff Use Only:

Received on: _____ By: _____

Fee Paid: _____ Receipt No.: _____

(Last revised March 2021)



City of Cannon Beach
163 E Gower St | PO Box 368
Cannon Beach, OR 97110
(503) 436-1581
cityhall@ci.cannonbeach.or.us

XBP Confirmation Number: 165573316

▶ Transaction detail for payment to City of Cannon Beach.		Date: 02/14/2024 - 4:00:33 PM MT	
Transaction Number: 213148137 Visa — XXXX-XXXX-XXXX-7917 Status: Successful			
Account #	Item	Quantity	Item Amount
DP Type 2 143 Tanan	Planning Fees DP Type 2 143 Tanan	1	\$100.00

TOTAL: \$100.00

Billing Information
Paul White
98666

Transaction taken by: Admin tpfundCaselle pfund



Tree preservation plan

Client: Paul White
Site: 143 E Tanana Ave Cannon
Tax/map #: 51032BC00600
Contact: pw412010@gmail.com
Date: 11/1/2023
Pages: 1-4

The large 50-inch DBH Sitka spruce north of the house footprint can be preserved if precautions during construction are adhered to. The attached site map will help orient described restrictions and locations. The drip line of the tree is depicted as a yellow circle. This area represents the critical root zone of the tree.

1. The Red box is an area where the grade should not be changed.
2. In the green box only hand digging shall be done. The green box represents the area of the covered porch. All digging in the green box shall be done by hand and roots larger than 3-inches in diameter shall be maintained. This applies to the placement of pier footings as well as any necessary grading. If a greater than 3-inch diameter root is found during digging, then a certified arborist shall be consulted if moving the pier by a few inches is not possible to alleviate the conflict.
3. Placement of the pathway to the porch should be suspended until after the completion of construction. The pathway should be constructed of pavers rather than pored concrete and the grade in the red box should not be changed to accommodate the path.
4. The driveway where it crossed over the red box should be of gravel or pavers placed on grade. It will not meet the objective of preservation if the area is graded because the stabilizing roots and fine roots of the spruce reside in the upper 32 inches of soil.
5. The area to the east of the spruce should be covered in an 8-inch-thick layer of wood chip. Wood chip can be obtained for free from most tree companies and sometimes municipal work crews. This wood chip layer will help dissipate the load and thereby minimize the compaction of foot traffic in the area. In



the event light equipment must cross this section, use of plywood under the wheels will dissipate load.
No heavy equipment.

6. Gravel should be installed south of the tree along the driveway prior to the beginning of construction. All vehicle access shall use this area to access the site. Vehicles should not access the site on exposed dirt as this will compact the soil and potentially harm roots.
7. A 10 x 10 feet metal fencing shall be constructed around the base of the tree with the trunk in the center. No material shall be stored within the fencing. (The easiest source for 10 x 6 feet sections of fencing are dog-kennel panels)
8. All the above precautionary actions should be done prior to the start of construction or the staging of material.

Austin Wienecke

ISA Board Certified Master Arborist PN-5890B
Certified Tree Climber Trainer USFS
ISA Tree Risk Assessment trained
General Manager: Arbor Care Tree Specialists Inc.
503-791-0853 austin@arborcarenw.com



A handwritten signature in blue ink that reads "Austin Wienecke". The signature is written in a cursive style with a large initial 'A'.

11-1-2023



Area to be hand dug marked in green (retain roots where found)

Area where no digging shall occur marked in red.

