



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A DEVELOPMENT PERMIT FOR THE FOREST LAWN RIGHT-OF-WAY FOR STORMWATER PIPE EXTENSION UNDER CHAPTER 17.62 GRADING, EROSION AND SEDIMENTATION CONTROL)))))	FINDINGS OF FACT, CONCLUSIONS, AND ORDER DP21-23
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IN ZONE: R2

APPLICANT: City of Cannon Beach
Department of Public Works
Attn: Trevor Mount
163 E. Gower St.
Cannon Beach, OR 97001

The above-named applicant applied to the City for review and approval of a development permit described above under Chapter 17.62 Grading, Erosion and Sedimentation Control of the Cannon Beach Municipal Code, subsection 17.62.030. The Community Development Director considered the above entitled matter and approved the development permit on 11/05/2021. The City of Cannon Beach orders that this request for approval of a development permit is granted subject to conditions, and adopts the findings of fact, conclusions and conditions contained in attachment 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: 11/05/2021

Jeffrey S. Adams, PhD
Community Development Director



Attachment "A"

FINDINGS OF FACT

CITY OF CANNON BEACH – DP#21-23

PROPERTY DESCRIPTION: Forest Lawn Right-of-Way;
PROPERTY LOCATION: Forest Lawn, from 51030DA4300 to 4100

SUMMARY: Applicant, City of Cannon Beach, is requesting to extend the stormwater line approximately 130' north, along the Forest Lawn right-of-way, from taxlot 51030DA4300 to 4100. Cannon Beach Municipal Code permits utility lines outright in the R2 district and grading, cuts and fills, under the Grading, Erosion and Sedimentation chapter through a development permit.

CRITERIA:

17.62.040 Grading standards.

A. The review and approval of development permits involving grading shall be based on the conformance of the proposed development plans with the following standards. Conditions of approval may be imposed to assure that the development plan meets the appropriate standards.

1. Cuts.

a. Designs shall minimize the need for cuts;

b. The slope of cut surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a cut at a steeper slope will be stable and not create a hazard to public or private property;

c. Cuts shall not remove the toe of any slope where a potential land slide exists;

d. Cuts shall be set back from property lines so as not to endanger or disturb adjoining property;

e. Retaining walls shall be constructed in accordance with Section 2308(b) of the Oregon State Structural Specialty Code.

2. Fills.

a. Designs shall minimize the need for fills;

b. The slope of fill surfaces shall not be steeper than is safe for the intended use and shall not be steeper than two horizontal to one vertical unless an engineering report finds that a steeper slope will be stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical;

c. Fills shall be set back from property lines so as not to endanger or disturb adjoining property;



d. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil and other unsuitable materials, and scarifying to provide a bond with the new fill;

e. Any structural fill shall be designed by a registered engineer, in accordance with standard engineering practices.

3. Drainage.

a. Proposed grading shall not alter drainage patterns so that additional storm water is directed onto adjoining property;

b. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability. (Ord. 98-5 § 1)

FINDING:

The application proposes approximately 130-feet of stormwater trench work, starting at taxlot 51030DA4300, crossing under Forest Lawn, and extending the line north along Forest Lawn right-of-way to deposit water to the ditch along taxlot 51030DA4100. The project will employ erosion control fencing along the eastern property line of 4100 to contain runoff during construction. Meets standards with conditions.

17.92.010 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.

17.88.110 Decision.

Following the procedure described in Section 17.88.060, the hearing body shall approve, approve with conditions or deny the application or if the hearing is in the nature of an appeal, affirm, affirm with modifications or additional conditions, reverse or remand the decision that is on appeal.

A. The decision of the hearing body shall be by a written order signed by the chair or designee.



B. The order shall incorporate finding of facts and conclusions that include:

1. A statement of the applicable criteria and standards against which the proposal was tested;
2. A statement of the facts which the hearing body relied upon in establishing compliance or noncompliance with each applicable criteria or standards and briefly state how those facts support the decision;
3. In the case of a denial, it shall be sufficient to address only those criteria upon which the applicant failed to carry the burden of proof or, when appropriate, the facts in the record that support denial.

C. 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.

CONCLUSIONS

The Community Development Department has reviewed the application, visited the site and determined that the application meets the applicable criteria, upon the following conditions:

CONDITIONS

1. Work shall be completed prior to November 31, 2021;
2. No more than 50 Cubic Feet can be cut, removed or filled by this action;
3. The use of motorized equipment shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.040;
4. Erosion control fencing shall be in place along taxlot 51030DA4100 to contain run-off during project.