



## 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#24-05

ZONE: Residential Moderate Density (R1)

APPLICANT: Brian Maltman  
1635 SW Sarasota Ct.  
Redmond, OR 97756


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 4448 Logan Ln. The project area exceeds 250 square feet and is located more 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 is [164-24-000017-PLNG](#).

The E-Permitting file for the residential construction is [164-24-000058-DWL](#).

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: April 18, 2024

  
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Robert St. Clair  
Planner

## EXHIBIT "A"

### FINDINGS OF FACT

#### Excavation and Grading for Residential Development – DP#24-05

<b>PROPERTY DESCRIPTION:</b>	Taxlot# 41006CB02700
<b>PROPERTY LOCATION:</b>	4448 Logan Ln.
<b>APPLICANT:</b>	Brian Maltman, Maltman Homes LLC
<b>PROPERTY OWNERS:</b>	William Wright
<b>ACTION:</b>	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 more 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

### FINDINGS

- (1) Section 17.62.030(A)(1)(b) states that any clearing, grading, filling, or excavation exceeding 250 square feet located more than 100 feet of a stream or wetland 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.*

### 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. Erosion control fencing shall be installed prior to any excavation or grading. This fencing shall be maintained through construction.
3. Building permit to be issued prior to the start of work.

Project Location – 4448 Logan Ln.

