



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#23-46

ZONE: Residential Medium Density (R2)

APPLICANT: Jamie Lerma
Red Crow LLC
P.O. Box 825
Cannon Beach, OR 97110

The above-named party applied to the City for review and approval of a permit for excavation and grading in conjunction with new residential construction on an undeveloped parcel on Forest Lawn Rd., Taxlot# 51030DA04100. 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.

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 3, 2024

Robert St. Clair
Planner

EXHIBIT "A"

FINDINGS OF FACT

Excavation and Grading for Residential Development – DP#23-46

PROPERTY DESCRIPTION: Taxlot# 51030DA04100
PROPERTY LOCATION: North end of Forest Lawn Rd.
APPLICANT: Jamie Lerma/Red Crow LLC
PROPERTY OWNERS: Patrick/Dave LLC
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

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 #24, however no work authorized by this permit is proposed in the wetland or its five-foot buffer area. Additional work to be conducted within the delineated wetland buffer area has been reviewed by the Planning Commission and approved through Conditional Use Permit CU#23-04. The City has not received any appeals to CU#23-04.

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.

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 conditions of approval for Conditional Use Permit CU#23-04.
3. Erosion control fencing shall be installed prior to any excavation or grading. This fencing shall be maintained through construction.

Project Location – Forest Lawn Rd.

