



Oregon

Theodore R. Kulonowski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/20/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cannon Beach Plan Amendment
DLCD File Number 005-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, May 03, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Rainmar Bartl, City of Cannon Beach
Gloria Gardiner, DLCD Urban Planning Specialist
Matt Spangler, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: City of Cannon Beach Local file number: ZO 11-01

Date of Adoption: 4/5/2010 Date Mailed: 4/12/2011

Date original Notice of Proposed Amendment was mailed to DLCD: 12/9/2010

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Zoning Code, Limited Commerical (C1) Zone, to permit musuems as an outright use in the C1 Zone.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

SAME

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: None

Was and Exception Adopted? ☐ YES ☒ NO

DLCD File No.: 005-10 (18639) [16604]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? ☒ **Yes** ☐ **No**

If no, do the statewide planning goals apply? ☐ **Yes** ☐ **No**

If no, did Emergency Circumstances require immediate adoption? ☐ **Yes** ☐ **No**

Affected State or Federal Agencies, Local Governments or Special Districts:

None

Local Contact: **Rainmar Bartl** Phone: **(503) 436-8040** Extension: _____

Address: **PO Box 368** City: **Cannon Beach**

Zip Code + 4: **97110-368** Email Address: **bartl@ci.cannon-beach.or.**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 11-01
MUNICIPAL CODE, TITLE 17, ZONING,)
SECTION 17.22.020, LIMITED)
COMMERCIAL ZONE (C1), USES)
PERMITTED OUTRIGHT)

The City of Cannon Beach does ordain as follows:

Section 1. Amend Zoning Code, Section 17.22.020, Uses Permitted outright, to add a new subsection R to read as follows:

R. Museums

ADOPTED by the Common Council of the City of Cannon Beach this 5th day of April 2011, by the following roll call vote:

YEAS: Councilors: Giasson, Cadwallader, Higgins and Mayor Morgan
NAYS: None
EXCUSED: None

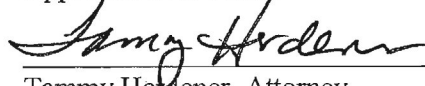

Mike Morgan, Mayor

Attest:



Richard A Mays, City Manager

Approved as to Form:



Tammy Herdener, Attorney

FINDINGS OF FACT
ZO 11-01, CHENEVERT REQUEST FOR A ZONING ORDINANCE TEXT AMENDMENT TO
CHAPTER 17.22 LIMITED COMMERCIAL (C1) ZONE, SECTION 17.22.020 USES PERMITTED
OUTRIGHT, TO PERMIT A MUSEUM AS AN OUTRIGHT USE IN THE C1 ZONE.

BACKGROUND

The applicant, Melodie Chenevert, is proposing to convert a portion of an existing mixed use building located at 3285 S. Hemlock Street, in her ownership, into a small nursing museum. The portion of the building proposed for conversion to the museum was previously used as a retail commercial space and a portion of the associated dwelling. The property is described as Tax Lot 702, Map 51032CB and is located in a C-1, Limited Commercial Zone.

The C-1, Limited Commercial Zone does not list a museum as either a use permitted outright or conditional use. The only City zone that presently permits museums is the IN, Institutional.

The proposed museum would have an area of approximately 1,000 square feet. The applicant has stated that the museum would have limited hours of operation, with the museum being open a portion of a day during the summer months and during special events, such as the Sandcastle Contest.

The Planning Commission held a public hearing on the application at its January 27, 2011, meeting.

The Council held a public hearing at its March 1, 2011, meeting.

ANALYSIS/INFORMATION

CRITERIA - ZONING CODE

A. Section 17.86.070 Criteria provides that "before an amendment to the text of the ordinance codified in this title is approved, findings will be made that the following criteria are satisfied":

1. "The amendment is consistent with the comprehensive plan."

Finding:

Tolovana Park Policy 2 states "the expansion of motels and commercial uses shall be allowed only within the areas presently designated for commercial or motel use. Such expansion shall be architecturally compatible with surrounding residential uses. No additional land shall be zoned for commercial or motel use."

Finding: The proposal will allow an additional use in the C-1, Limited Commercial Zone; in the Tolovana Park area, that is similar to other commercial uses permitted outright in the in that zone. The applicant's proposed museum will utilize a portion of an existing building located in the C-1 Zone. Therefore, the proposal is consistent with the portion of the policy that states that the expansion of commercial uses shall only be allowed within the area presently designated for commercial use.

Learning Opportunities Policy 1 states that “the City shall cooperate with educational institutions at all levels in order to enhance the learning experience of both residents and visitors.”

Finding: Although the applicant is not an “educational institution”, the proposed text amendment will permit the location of a museum regarding the history of nursing that will provide both residents and visitors that are interested in the history of nursing an educational opportunity.

Conclusion: This standard is met.

2. “The amendment will not adversely affect the ability of the city to satisfy land and water use needs.”

Finding: Permitting museums in the C-1, Limited Commercial Zone will not adversely affect the ability of the City to meet future land use needs for commercial development. It is anticipated that the number of future museums located in the C-1 Zone will be very limited both in occurrence and scope. In fact, the applicant’s proposed museum may be the only museum located in the C-1 Zone.

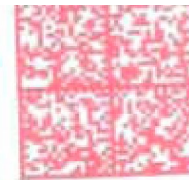
Conclusion: This standard is met.

CONCLUSION

The proposed amendment meets the relevant criteria.

CITY OF CANNON BEACH
P.O. Box 368
Cannon Beach, OR 97110

Attention: Plan Amendment Specialist
Dept. of Land Conservation & Develop.
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540



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04/12/2011
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