



Oregon

Theodore R. Kulongoski, 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

March 21, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment
DLCD File Number 002-06 B



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: April 9, 2007

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Patrick Wingard, Clatsop County

<paa> ya

FORM 2

DEPT OF

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

MAR 19 2007

LAND CONSERVATION
AND DEVELOPMENT

(See reverse side for submittal requirements)

Jurisdiction: CLATSOP COUNTY Local File No.: ORD. NO. 07-04
(If no number, use none)

Date of Adoption: 3-14-07 Date Mailed: 3-19-07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 8-25-06

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: CITY OF CANNON BEACH - CLATSOP COUNTY URBAN GROWTH JOINT MGT. AGREEMENT
(Please Specify Type of Action)

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

AMEND THE CITY OF CANNON BEACH - CLATSOP COUNTY
URBAN GROWTH BOUNDARY JOINT MGT. AGREEMENT THAT IS
ADOPTED AS PART OF THE COUNTY COMPREHENSIVE PLAN

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: 2+14

Was an Exception Adopted? Yes: No:

DLCD File No.: 002-06 B (15497)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: Clatsop County,
CITY OF CANNON BEACH, DLCD

Local Contact: PATRICK WINGARD Area Code + Phone Number: 503-325-8611

Address: 800 EXCHANGE ST., SUITE 100 City: ASTORIA

Zip Code+4: 97103 Email Address: pwingard@clatsop.or.us

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 Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

RECORDED

MAR 16 2007

IN THE BOARD OF COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

2007030022

AN ORDINANCE AMENDING THE)
CLATSOP COUNTY- CITY OF CANNON)
BEACH URBAN GROWTH BOUNDARY)
JOINT MANAGEMENT AGREEMENT)

ORDINANCE NO. 07-04

WHEREAS, on August 1, 2006 the City of Cannon Beach adopted Ordinance No. 06-11 which amended the Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement, part of the Clatsop County Comprehensive Plan.

WHEREAS, on August 4, 2006 the City of Cannon Beach notified Clatsop County of the amendments.

WHEREAS, the application was considered by the Planning Commission at a public hearing on November 14, 2006 and the Commission unanimously recommended approval, which recommendation is attached as Exhibit "PC"; and

WHEREAS, consideration for this ordinance complies with the Post Acknowledgement rules of the Oregon Land Conservation and Development Commission and the Clatsop County – City of Cannon Beach Urban Growth Boundary Area Joint Management Agreement. The Clatsop County Planning Commission has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060, and the Board of Commissioners received and considered the Planning Commission's recommendations on this request and held a public hearing on this ordinance pursuant to law on February 28, 2007; and

WHEREAS, public notice has been provided pursuant to law; now therefore,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

SECTION 1. The Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement is hereby amended as shown in attached Exhibit A.


SECTION 2. The Board of Commissioners hereby approves the application and findings of fact contained in the Exhibit "PC" Planning Commission recommendation.

SECTION 3. In support of this ordinance, the Board adopts the November 7, 2006 Staff Report and recommendation attached as Exhibit "PC".

Approved this 14th day of March, 2007

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By 
Richard Lee, Chair

By 
Recording Secretary

ORDINANCE NO. 07-04

EXHIBIT A

PROPOSED AMENDMENTS

New words and phrases to be added to the text are in **bold and underlined**.

~~Words and phrases to be deleted from the existing text are struck out~~

CITY OF CANNON BEACH
URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT
AGREEMENT WITH CLATSOP COUNTY

SECTION 1. INTRODUCTION.

1. The parties to the Joint Management Agreement shall be the City of Cannon Beach, Oregon, hereinafter referred to as the City, and Clatsop County, Oregon, hereinafter referred to as the County.
2. The terms of the Joint Management Agreement shall be applicable to the city's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary Area shall be defined as that area of land extending from the City's corporate limits to the City's Urban Growth Boundary as referenced and mapped in the City's Comprehensive Plan, and hereby incorporated into and made a part of this document.

SECTION 2. DEFINITIONS.

1. Words and phrases used in this joint agreement and not defined herein shall be construed in accordance with ORS Chapters 92, 197, 215 and 227 and applicable Oregon Statewide Planning Goals unless otherwise specified. In the event of two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.
2. Urban Area: Those lands which lie within the designated Urban Growth Boundary, either within or without the city.
3. Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the city.
4. Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the city.

5. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.
6. Land-use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by ORS 197.015 (10). The following are land use actions: conditional use permit, variance, actions affecting a nonconforming use or structure, design review plan approval, subdivision, ~~and major partition, and minor partition.~~
7. Development Permit: A permit which is issued administratively for a development which is in compliance with the standards of the zone in which it is located.

SECTION 3. INTENT OF AGREEMENT.

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance amendments, land use actions, building permits, land use enforcement actions and other related matters.

SECTION 4. APPLICABLE DOCUMENTS.

1. The Cannon Beach Comprehensive Plan shall serve as the comprehensive plan for the Urban Area.
2. The Cannon Beach Zoning Ordinance and Subdivision Ordinance shall provide the criteria for acting on proposed land use actions and development permits in the Urban Area.

SECTION 5. LAND USE REGULATORY PROCEDURES.

Cannon Beach shall serve as the lead agency for all development requests within the urban area. The following procedures shall be followed:

1. Land use actions shall be processed according to the following procedure:
 - (a) All applications shall be submitted to Cannon Beach and shall be on forms provided by the City.
 - (b) Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered.
 - (c) The application shall be reviewed by the Cannon Beach Planning Commission or Design Review Board as provided for in the Cannon Beach Zoning Ordinance and/or Cannon Beach Subdivision Ordinance.
 - (d) The County shall have standing to participate in the public hearing.

- (e) The City shall notify the County of the decision of the Cannon Beach Planning Commission or Design Review Board within five (5) working days of the decision.
 - (f) The decision of the Cannon Beach Planning Commission or Design Review Board shall be final unless appealed by a party to the public hearing.
 - (g) An appeal of a decision of the Cannon Beach Planning Commission or Design Review Board shall be to the Clatsop County Board of Commissioners.
 - (h) The review of the appeal shall be pursuant to procedures set forth in the Clatsop County Land Development and Use Ordinance (Ordinance 80-14 as amended).
 - (i) Cannon Beach shall have standing to participate in the appeal.
 - (j) Clatsop County shall notify Cannon Beach of its final decision on an appeal within five (5) working days of the decision.
2. Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure.
- (a) Application shall be submitted to Cannon Beach on forms provided by the city.
 - (b) Upon receipt of a complete application the city shall notify the County Department of Planning and Development of the hearing date, at which the matter will be considered before the Cannon Beach Planning Commission and City Council.
 - (c) The County shall have standing to participate in the public hearing before the Planning Commission and City Council.
 - (d) Cannon Beach shall hold public hearing(s) in accordance with the procedures specified in the Cannon Beach Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance.
 - (e) The City shall notify the County of the recommendation of the Cannon Beach Planning Commission within five (5) working days of the recommendation.
 - (f) If the Cannon Beach City Council approves the application, it shall do so by ordinance. If the City Council denies the application, the decision may be appealed to the Land Use Board of Appeals.
 - (g) The city shall notify the County of its final action within five (5) working days of adoption of an ordinance or the denial of the application.
 - (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development Use Ordinance (Ordinance 80-14, as amended).
 - (i) Clatsop County shall notify Cannon Beach of its final decision within five (5) working days of its decision.
3. Permitted uses shall be processed according to the following procedure:

- (a) The City shall be responsible for issuing building permits and development permits in the Urban Growth Area.
 - (b) The City shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements and water rights statements.
 - (c) Notice of all permits and compatibility statements issued under this section shall be submitted to the Clatsop County Department of Planning and Development within ten(10) working days of issuance.
4. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area, according to the provision of section 87(2).

SECTION 6. ANNEXATION.

- 1. Annexation within the Cannon Beach Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon law and the policies of the Cannon Beach Comprehensive Plan and Zoning Ordinance.
- 2. The City and County agree that the City shall assume responsibility for and jurisdiction over all County roads (or portions thereof) that abut the property that is being annexed.

SECTION 7. CLAIMS FOR COMPENSATION UNDER ORS 197.352

- 1. A demand for compensation filed pursuant to ORS 197.352 shall be acted on by both the City and the County. The City and County will make every effort to ensure that the final action taken by both parties is consistent. City and County action on a demand may be acted on concurrently so that final action on the demand can be taken within 180-days of the filing of the demand.

SECTION 7. 8 ADMINISTRATION.

- 1. The city shall be responsible for issuing all land use and development permits and land use determinations on compatibility statements in the Urban Growth Area.
- 2. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area including any costs associated therewith; provided however that no formal proceedings to abate a violation may be initiated in state court or before any Planning Commission or City Council without first obtaining the written consent of the County.
- 3. The City shall issue addresses for all buildings within the Urban Growth Area.
- 4. The City shall maintain records of all land use and development permits and compatibility statements within the Urban Growth Area.

SECTION 8. 9 TERMS OF AGREEMENT.

This agreement, as amended, is effective as of October 4, 1990.

This agreement shall be reviewed and amended at the time established for Cannon Beach's periodic review or at by mutual consent of both parties.

EXHIBIT "PC"

BEFORE THE PLANNING COMMISSION
FOR CLATSOP COUNTY, OREGON

In the matter of amendments to the
Clatsop County – City of Cannon Beach
Urban Growth Boundary Joint
Management Agreement

RESOLUTION AND ORDER

NO. 06-11-07

RECITALS

A. Pursuant to Article 2 of the Clatsop County Land and Water Development and Use Ordinance, the City of Cannon Beach applied for amendments to the Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement (Exhibit 2 of attached Exhibit A) on August 4, 2006,

B. Pursuant to County Procedures for Land Use Applications, staff examined the application and submitted a report dated November 7, 2006 regarding the request. The Staff Report is attached as Exhibit A.

C. Pursuant to County procedures, a hearing was held on the Exhibit A matter on October 10, 2006 and November 14, 2006 for which appropriate notice was provided.

WHEREFORE, the Planning Commission finds and resolves:

1. That the Director is directed to present the Planning Commission's recommendation to approve the request, in part, as shown in Exhibit 1 of attached Exhibit A, to the Board of Commissioners for their consideration.

2. That the Exhibit A Staff Report is adopted by reference in support of this recommendation.

SO ORDERED this 14th day of November 2006.

PLANNING COMMISSION FOR
CLATSOP COUNTY, OREGON



Bruce Francis, Commission Chair



Exhibit A

STAFF REPORT

Date: November 7, 2006

Applicant: City of Cannon Beach
PO Box 368
Cannon Beach, OR 97110

Request: Legislative (text) amendments to the Clatsop County Comprehensive Plan relating to revisions to the Clatsop County – City of Cannon Beach Urban Growth Boundary Area Joint Management Agreement

Hearing Dates: October 10, 2006 and November 14, 2006

Hearing Body: Planning Commission

Exhibits:

1. Clatsop County/City of Cannon Beach Urban Growth Boundary Joint Management Agreement (with proposed edits shown)
2. City of Cannon Beach Ordinance No. 06-11

Application Description:

The applicant, City of Cannon Beach, requests legislative (text) amendments to the Clatsop County Comprehensive Plan pursuant to the City's adoption of Ordinance No. 06-11 (attached, Exhibit 2). As explained later in this report, the proposed amendments shown in Exhibit 1 do not include all of the amendments approved by the City of Cannon Beach in City Ordinance No. 06-11.

Procedural Requirements:

The Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement (UGMA) is adopted, by reference¹, as part of the Goal 2 (Land Use Planning) and Goal 14 (Urbanization) elements of the Clatsop County Comprehensive Plan.

UGMA Section 5.2 states, "Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by

¹ Comprehensive Plan Goal 2 Policy 1.b & Goal 14 Policy, Urban Growth Boundary Management Agreement

ordinance by both Cannon Beach and Clatsop County according to the following procedure: (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development and Use Ordinance (ordinance 80-14, as amended)".

I. APPLICABLE REVIEW CODES AND POLICIES:

Clatsop County Land and Water Development and Use Ordinance (LWDUO - Ord. No. 80-14):

Section 2.300 (Legislation)

Clatsop County Standards Document (Ord. No. 80-14):

Not applicable to the application.

Clatsop County Comprehensive Plan:

Goal 2 – Land Use Planning
Goal 14 – Urbanization

Clatsop County/City of Cannon Beach Urban Growth Area Joint Management Agreement

Section 5. Land Use Regulatory Procedures

II. APPLICABLE REVIEW CRITERIA (LWDUO):

Section 2.300 Legislation

Description of Amendments to the Clatsop County/City of Cannon Beach Urban Growth Boundary Area Joint Management Agreement

The crux of the amendments is to shift the responsibility for issuing development and building permits in the Cannon Beach Urban Growth Area (UGA) from the City of Cannon Beach to Clatsop County. The proposed amendments are shown in attached Exhibit 2.

Finding: The City of Cannon Beach notified Clatsop County on August 4, 2006 of the proposed legislative (text) amendments to the Clatsop County – City of Cannon Beach Urban Growth Boundary Management Agreement that were adopted by the City on August 1, 2006 (City of Cannon Beach Ordinance No. 06-11; attached, Exhibit 2).

The Department Director set an October 10, 2006 public hearing date for this matter before the Planning Commission. The hearing was continued to November 14, 2006 to resolve conflicting information regarding current practices for issuance of development permits and building permits in the Urban Growth Area. Notice of the proposed amendments was mailed to the Oregon Department of Land Conservation and Development on August 25, 2006. Notice of the public hearing was mailed to all

affected governmental agencies on September 20, 2006. Notice of the public hearing was published in the Daily Astorian on September 22, 2006 and November 3, 2006.

Over the past few weeks, the City of Cannon Beach City Planner and Clatsop County Community Development Supervisor reviewed existing procedures for issuance of development permits and building permits in the Cannon Beach Urban Growth Area. The discussions resulted in County staff deleting certain amendments to the UGMA being proposed by the City that would transfer responsibility of development permit and building permit reviews from the City to the County. Exhibit 1 shows only those edits being proposed by Clatsop County and does not include the amendments that were originally proposed by the City (and adopted by its City Council) in August 2006. Consequently, if the County approves amendments to the UGMA that differ from the amendments that were approved by the Cannon Beach City Council on August 1, 23006 (City Ordinance No. 06-11), the City of Cannon Beach will have to reconvene a public hearing to consider the proposed changes, as reflected in Exhibit 1, not Exhibit 2.

The County finds no compelling reason to change the current status of development permit and building permit reviews in the Cannon Beach Urban Growth Area from the City to the County. The responsibility for review and issuance of these permits should remain with the City of Cannon Beach, as is the current practice in all cities in Clatsop County, including Astoria, Gearhart, Seaside, and Warrenton.

This Type IV application has been processed in accordance with all applicable procedural requirements of LWDUO Section 2.300.

III. APPLICABLE REVIEW CRITERIA (Comprehensive Plan):

Goal 2 – Land Use Planning

The County's land and water have been placed in one of six (6) Plan designations. They are:

1. Development. Development areas are those with a combination of physical, biological, and social/economic characteristics which make them necessary and suitable for residential, commercial, or industrial development and includes those which can be adequately served by existing or planned urban services and facilities.

b. Urban Growth Boundaries. See land use plans of Astoria, Cannon Beach Gearhart, Seaside, and Warrenton. Clatsop County has adopted each of the city's land use plans for areas outside the city limits and inside the urban growth boundary. The cities and the County have adopted Urban Growth Boundary Management Agreements. Clatsop County has turned over all administration and enforcement with Cannon Beach's urban growth boundary to Cannon Beach and Astoria's urban growth boundary to Astoria. Currently, Clatsop County administers and performs enforcement for areas outside the city limits inside the urban growth boundaries of Gearhart, Seaside, and Warrenton².

² This sentence is incorrect. The cities of Gearhart, Seaside, and Warrenton enforce their respective city development standards in the Urban Growth Area, not Clatsop County. The County is in the process of correcting this error.

Goal 14 – Urbanization

Urban Growth Boundary Management Agreements

Each City and the County have adopted the UGB management agreements. As of June 1996, through the adopted UGB agreements the cities of Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton are administering and enforcing the UGB Comprehensive Plan and Zoning Ordinances inside the UGB outside the City.

Policy:

The County shall review these agreements every three to six years, or as needed and update accordingly.

See respective City's Urban Growth Boundary Plan:

- Astoria
- Cannon Beach
- Gearhart
- Seaside
- Warrenton

Clatsop County has adopted each of the UGB plan and zoning for each of the above. They are contained in separate documents in the Clatsop County Community Development Department or respective City Hall.

Finding:

The City of Cannon Beach proposes amendments to the Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement that constitute amendments to Clatsop County Comprehensive Plan.

Finding:

The cities of Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton currently take the lead on review and issuance of development permits and building permits in the respective City Urban Growth Areas. Exhibit 1 reflects text amendments to the UGMA that are acceptable to Clatsop County. Exhibit 2 (City of Cannon Beach Ordinance No. 06-11) reflects amendments to the UGMA that are not fully ratified by Clatsop County. As previously stated, Clatsop County finds no compelling reason to transfer responsibility of the development permit and building permit reviews from Cannon Beach to Clatsop County in the Cannon Beach Urban Growth Area.

IV. APPLICABLE REVIEW CRITERIA (Clatsop County/City of Gearhart Urban Growth Area Joint Management Agreement):

Section 5. Land Use Regulatory Procedures

2. Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure: (h) Clatsop County

shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development and Use Ordinance (ordinance 80-14, as amended).

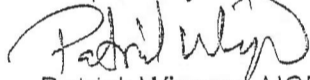
Finding:

Clatsop County has conducted a public hearing for this matter, in accordance with Section 5.2 of the Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement, and the applicable procedures of the Clatsop County Land and Water Development and Use Ordinance.

Recommendation to Planning Commission:

► Suggested Motion: Recommend to the Board of Commissioners text amendments to Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement, as shown in Exhibit 1. Adopt the findings of this report in support of the proposed amendments and authorize the Planning Commission Chair's signature on the attached Resolution and Order.

Respectfully submitted,



Patrick Wingard AICP
Community Development Supervisor
November 7, 2006

EXHIBIT 1

ORDINANCE 90-15

PROPOSED EDITS
SHOWN.

AN ORDINANCE ADOPTING THE CITY OF CANNON BEACH
URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT
AGREEMENT WITH CLATSOP COUNTY

The City of Cannon Beach does ordain as follows:

Section 1. The Urban Growth Boundary Area Joint Management Agreement with Clatsop County attached hereto and referred to as "Appendix A" is hereby adopted.

This Ordinance shall become effective on November 1, 1990.

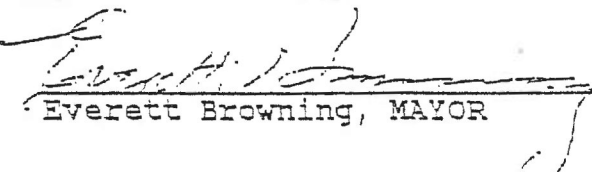
PASSED by the Common Council of the City of Cannon Beach this 2nd day of October, 1990, by the following vote:

YEAS: Mayor Browning; Councillors Beers, Fraser and Jack

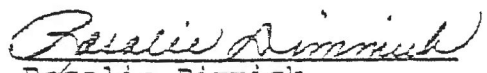
NAYS: None

ABSENT: Councillor Niebuhr

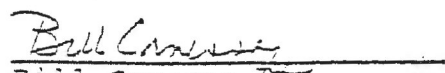
SUBMITTED to the Mayor this 4th day of October, 1990,
and APPROVED by the Mayor this 4th day of October, 1990.


Everett Browning, MAYOR

Attest:


Rosalie Dimmick
City Recorder/Treasurer

Approved:


Bill Canessa
City Attorney

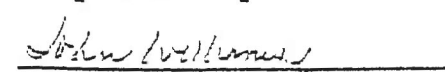

John Williams
City Manager

EXHIBIT "A"

CITY OF CANNON BEACH

URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT
AGREEMENT WITH CLATSOP COUNTY

SECTION 1. INTRODUCTION.

1. The parties to the Joint Management Agreement shall be the City of Cannon Beach, Oregon, hereinafter referred to as the City, and Clatsop County, Oregon, hereinafter referred to as the County.
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5. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.
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EDIT →

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2. The Cannon Beach Zoning Ordinance and Subdivision Ordinance shall provide the criteria for acting on proposed land use actions and development permits in the Urban Area.

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Cannon Beach shall serve as the lead agency for all development requests within the urban area. The following procedures shall be followed:

1. Land use actions shall be processed according to the following procedure:
 - (a) All applications shall be submitted to Cannon Beach and shall be on forms provided by the City.
 - (b) Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered.
 - (c) The application shall be reviewed by the Cannon Beach Planning Commission or Design Review Board as provided for in the Cannon Beach Zoning Ordinance and/or Cannon Beach Subdivision Ordinance.

- (d) The County shall have standing to participate in the public hearing.
- (e) The City shall notify the County of the decision of the Cannon Beach Planning Commission or Design Review Board within five (5) working days of the decision.
- (f) The decision of the Cannon Beach Planning Commission or Design Review Board shall be final unless appealed by a party to the public hearing.
- (g) An appeal of a decision of the Cannon Beach Planning Commission or Design Review Board shall be to the Clatsop County Board of Commissioners.
- (h) The review of the appeal shall be pursuant to procedures set forth in the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14 as amended).
- (i) Cannon Beach shall have standing to participate in the appeal.
- (j) Clatsop County shall notify Cannon Beach of its final decision on an appeal within five (5) working days of the decision.

2. Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure.

- (a) Application shall be submitted to Cannon Beach on forms provided by the City.
- (b) Upon receipt of a complete application the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered before the Cannon Beach Planning Commission and City Council.
- (c) The County shall have standing to participate in the public hearing before the Planning Commission and City Council.
- (d) Cannon Beach shall hold public hearing(s) in accordance with the procedures specified in the Cannon Beach Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance.

- (a) The City shall notify the County of the recommendation of the Cannon Beach Planning Commission within five (5) working days of the recommendation.
 - (f) If the Cannon Beach City Council approves the application, it shall do so by ordinance. If the City Council denies the application, the decision may be appealed to the Land Use Board of Appeals.
 - (g) The City shall notify the County of its final action within five (5) working days of adoption of an ordinance or the denial of the application.
 - (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development Use Ordinance (Ordinance 80-14, as amended).
 - (i) Clatsop County shall notify Cannon Beach of its final decision within five (5) working days of its decision.
3. Permitted uses shall be processed according to the following procedure:
- (a) The City shall be responsible for issuing development permits in the Urban Growth Area.
 - (b) The City shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements and water rights statements.
 - (c) Notice of all permits and compatibility statements issued under this section shall be submitted to the Clatsop County Department of Planning and Development within ten (10) working days of issuance.
4. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area, according to the provision of Section 7(2).

EDIT →

SECTION 6. ANNEXATION.

- 1. Annexation within the Cannon Beach Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon law and the policies of the Cannon Beach Comprehensive Plan and Zoning Ordinance.
- 2. The City and County agree that the City shall assume responsibility for and jurisdiction over all County roads (or

1-5

EDIT

(NEW SECTION TO BE INSERTED INTO AGREEMENT)

SECTION 7. CLAIMS FOR COMPENSATION UNDER ORS 197.352

1. A demand for compensation filed pursuant to Ors 197.352 shall be acted on by both the City and the County. The City and County will make every effort to ensure that the final action taken by both parties is consistent. City and County action on a demand may be acted on concurrently so that final action on the demand can be taken within 180-days of the filing of the demand.

portions thereof) that abut the property that is being annexed.

SECTION 7.8. ADMINISTRATION.

1. The City shall be responsible for issuing all land use and development permits and land use determinations on compatibility statements in the Urban Growth Area.
2. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area including any costs associated therewith; provided however that no formal proceedings to abate a violation may be initiated in state court or before any Planning Commission or City Council, without first obtaining the written consent of the County.
3. The City shall issue addresses for all buildings within the Urban Growth Area.
4. The City shall maintain records of all land use and development permits and compatibility statements within the Urban Growth Area.

SECTION 8.9. TERMS OF AGREEMENT.

This agreement becomes effective as of _____, 19____. This agreement shall be reviewed and amended at the time established for Cannon Beach's periodic review or at any other time by mutual consent of both parties.

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed this 4th day of October, 1990.

[Handwritten Signature]
MAYOR, City of Cannon Beach

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed this ____ day of _____, 19____.

CHAIR, Board of County Commissioners for Clatsop County

1-7

EXHIBIT 2

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING)
CITY OF CANNON BEACH URBAN)
GROWTH BOUNDARY AREA JOINT)
MANAGEMENT AGREEMENT WITH)
CLATSOP COUNTY)

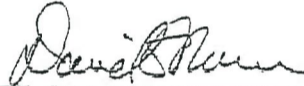
ORDINANCE NO. 06-11

The City of Cannon Beach does ordain as follows:

Section 1. The City of Cannon Beach Urban Growth Boundary Area Joint Management Agreement with Clatsop County is amended as described in Exhibit A-Ordinance 06-11.

ADOPTED by the Common Council of the City of Cannon Beach this 1st day of August 2006, by the following roll call vote:

YEAS: Councilors: Dooley, Swigart, Williams, Raskin; Mayor Rouse
NAYS: None
EXCUSED: None



David S. Rouse, Mayor

Attest:



Richard A. Mays, City Manager

Approved as to Form:



William Canessa, Attorney

CITY OF CANNON BEACH
URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT
AGREEMENT WITH CLATSOP COUNTY

SECTION 1. INTRODUCTION.

1. The parties to the Joint Management Agreement shall be the City of Cannon Beach, Oregon, hereinafter referred to as the City, and Clatsop County, Oregon, hereinafter referred to as the County.
2. The terms of the Joint Management Agreement shall be applicable to the city's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary Area shall be defined as that area of land extending from the City's corporate limits to the City's Urban Growth Boundary as referenced and mapped in the City's Comprehensive Plan, and hereby incorporated into and made a part of this document.

SECTION 2. DEFINITIONS.

1. Words and phrases used in this joint agreement and not defined herein shall be construed in accordance with ORS Chapters 92, 197, 215 and 227 and applicable Oregon statewide Planning Goals unless otherwise specified. In the event of two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.
2. Urban Area: Those lands which lie within the designated Urban Growth Boundary, either within or without the city.
3. Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the city.
4. Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the city.
5. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area: (2) can be served by public facilities and services: (3) are needed for the expansion of an urban area.
6. Land-use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by ORS 197.015 (10). The following are land use actions: conditional use permit, variance, actions affecting a nonconforming use or structure, design review plan approval, subdivision and partition approval.
7. Development Permit: A permit which is issued administratively for a development which is in compliance with the standards of the zone in which it is located.

SECTION 3. INTENT OF AGREEMENT.

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance amendments, land use actions, building permits, land use enforcement actions and other related matters.

SECTION 4. APPLICABLE DOCUMENTS.

1. The Cannon Beach Comprehensive Plan shall serve as the comprehensive plan for the Urban Area.
2. The Cannon Beach Zoning Ordinance and Subdivision Ordinance shall provide the criteria for acting on proposed land use actions and development permits in the Urban Area.

SECTION 5. LAND USE REGULATORY PROCEDURES.

Cannon Beach shall serve as the lead agency for all development requests within the urban area. The following procedures shall be followed:

1. Land use actions shall be processed according to the following procedure:
 - (a) All applications shall be submitted to Cannon Beach and shall be on forms provided by the City.
 - (b) Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered.
 - (c) The application shall be reviewed by the Cannon Beach Planning Commission or Design Review Board as provided for in the Cannon Beach Zoning Ordinance and/or Cannon Beach Subdivision Ordinance.
 - (d) The County shall have standing to participate in the public hearing.
 - (e) The City shall notify the County of the decision of the Cannon Beach Planning Commission or Design Review Board within five (5) working days of the decision.
 - (f) The decision of the Cannon Beach Planning Commission or Design Review Board shall be final unless appealed by a party to the public hearing.
 - (g) An appeal of a decision of the Cannon Beach Planning Commission or Design Review Board shall be to the Clatsop County Board of Commissioners.
 - (h) The review of the appeal shall be pursuant to procedures set forth in the Clatsop County Land Development and Use Ordinance (Ordinance 80-14 as amended).
 - (i) Cannon Beach shall have standing to participate in the appeal.
 - (j) Clatsop County shall notify Cannon Beach of its final decision on an appeal within five (5) working days of the decision.
2. Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure.
 - (a) Application shall be submitted to Cannon Beach on forms provided by the city.

- (b) Upon receipt of a complete application the city shall notify the County Department of Planning and Development of the hearing date, at which the matter will be considered before the Cannon Beach Planning Commission and City Council.
 - (c) The County shall have standing to participate in the public hearing before the Planning Commission and City Council.
 - (d) Cannon Beach shall hold public hearing(s) in accordance with the procedures specified in the Cannon Beach Comprehensive Plan, Zoning ordinance, or Subdivision Ordinance.
 - (e) The city shall notify the County of the recommendation of the Cannon Beach Planning Commission within five (5) working days of the recommendation.
 - (f) If the Cannon Beach City Council approves the application, it shall do so by ordinance. If the City Council denies the application, the decision may be appealed to the Land Use Board of Appeals.
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 - (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development Use Ordinance (Ordinance 80-14, as amended).
 - (i) Clatsop County shall notify Cannon Beach of its final decision within five (5) working days of its decision.
3. Permitted uses shall be processed according to the following procedure:
- (a) The County shall be responsible for issuing building permits and development permits in the Urban Growth Area.
 - (b) The County shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements and water rights statements.
4. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area, according to the provision of Section 8(2).

SECTION 6. ANNEXATION.

- 1. Annexation within the Cannon Beach Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon law and the policies of the Cannon Beach Comprehensive Plan and Zoning Ordinance.
- 2. The City and County agree that the City shall assume responsibility for and jurisdiction over all County roads (or portions thereof) that abut the property that is being annexed.

SECTION 7. CLAIMS FOR COMPENSATION UNDER ORS 197.352

- 1. A demand for compensation filed pursuant to Ors 197.352 shall be acted on by both the City and the County. The City and County will make every effort to ensure that the final action taken by both parties is consistent. City and County action on a demand may be acted on concurrently so that final action on the demand can be taken within 180-days of the filing of the demand.

SECTION 8. ADMINISTRATION.

1. The city shall be responsible for issuing all land use permits. The County shall be responsible for issuing building permits, development permits and land use determinations on compatibility statements in the Urban Growth Area.
2. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area including any costs associated therewith; provided however that no formal proceedings to abate a violation may be initiated in state court or before any Planning Commission or City Council without first obtaining the written consent of the County.
3. The City shall issue addresses for all buildings within the Urban Growth Area.

SECTION 9. TERMS OF AGREEMENT.

This agreement becomes effective as of _____, 20____.
This agreement shall be reviewed and amended by mutual consent of both parties.

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed the _____ day of _____, 20____.

MAYOR, City of Cannon Beach

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed the _____ day of _____, 20____.

CHAIR, Board of County Commissioners for
Clatsop County

New words and phrases to be added to the text are in bold

~~Words and phrases to be deleted from the existing text are struck out~~

PROPOSED AMENDMENTS

CITY OF CANNON BEACH
URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT
AGREEMENT WITH CLATSOP COUNTY

SECTION 1. INTRODUCTION.

1. The parties to the Joint Management Agreement shall be the City of Cannon Beach, Oregon, hereinafter referred to as the City, and Clatsop County, Oregon, hereinafter referred to as the County.
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This agreement becomes effective as of

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