



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

05/17/2011

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 001-11

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 31, 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

Hand delivered email mailed



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

Date of Adoption: 5/3/2011 Date Mailed: 5/9/2011

Date original Notice of Proposed Amendment was mailed to DLCD: 1/27/2011

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

Amend the City's Zoning Ordinance, Off-Street Parking Requirements, Restaurants, in Tolovana Park, to require 1.5 parking spaces per four hundred square feet of gross floor area (from the current requirement of 1 per one hundred feet).

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 an Exception Adopted? YES NO

DLCD File No.: 001-11 (18695) [16643]

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 mara.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. 11-02
MUNICIPAL CODE, TITLE 17, ZONING,)
SECTION 17.78.020, OFF-STREET PARKING)
REQUIREMENTS, RESTAURANTS, BAR OR)
LOUNGE, TOLOVANA PARK)

The City of Cannon Beach does ordain as follows:

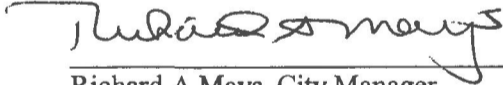
Section 1. Amend Zoning Code, Section 17.78.020, Off-street Parking Requirements, Restaurants Bar or Lounge to read as follows:


Use	Parking spaces required
Restaurants, bar or lounge	Tolovana Park 1.5 parking spaces per four hundred square feet of gross floor area shall be required.

ADOPTED by the Common Council of the City of Cannon Beach this 3rd day of May 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 11-02, VONADA, ZONING CODE TEXT AMENDMENT, OFF-STREET PARKING
REQUIREMENT FOR RESTAURANTS IN THE TOLOVANA PARK AREA

BACKGROUND

The applicant, David Vonada, on behalf of Mo's Restaurant, is proposing an amendment to the text of the Zoning Code regarding the off-street parking requirement for restaurants in the Tolovana Park area of Cannon Beach. Municipal Code, Section 17.78.020, Off-street Parking, Restaurants, bar or lounge, Tolovana Park, provides that the off-street parking standard for a restaurant, bar or lounge in the Tolovana Park area is one off-street parking space per one hundred square feet of gross floor area.

The proposed amendment is the result of preliminary design work which Mr. Vonada is doing on behalf of Mo's Restaurant. Mo's wishes to remodel and update their restaurant located 3400 S. Hemlock Street. In order to accomplish the design objectives of the remodeling, a small expansion of the gross square footage of the restaurant is required. The restaurant presently has an area of 5,368 square feet and provides 26 off-street parking spaces in conjunction with the restaurant. Pursuant to Section 17.78.020, Off-street Parking, Restaurants, bar or lounge, Tolovana Park, one off-street parking space per one hundred square feet of gross floor area is required for the restaurant. With the proposed building addition of 984 square feet, under the present off-street parking standards, Mo's would be required to provide 65 off-street parking spaces, or request a variance from the off-street parking standard.

Staff believes the best approach for addressing the off-street parking issue raised by the proposed Mo's remodeling is consideration of an amendment to the off-street parking standard for restaurants in the Tolovana Park area, rather than having Mo's apply for a variance from the off-street parking standard.

In 1995, the City adopted a number of amendments to the Zoning Code regarding the downtown Limited Commercial, C-1 Zone. These amendments included revisions to the off-street parking requirement for uses located in the downtown C-1 Zone. Prior to the adoption of the amendments, the off-street parking requirement for restaurants, bar and lounge in the downtown area was one off-street parking space per 100 square feet of gross floor area. After the adoption of the amendments, the standard for restaurants, bar and lounge was as follows:

1.5 parking spaces per four hundred square feet of gross floor, except that one parking space per four hundred square feet of gross floor area shall be required for: (1) additions to a restaurant, bar or lounge after July 6, 1995; or (2) a restaurant, bar or lounge on a parcel of land which did not contain a commercial use as of July 6, 1995; or (3) a restaurant, bar or lounge in a structure which was not used for commercial purposes as of July 6, 1995.

At that time, the City did not amend the off-street parking requirement for restaurants, bar and lounge in the Midtown or Tolovana Park area.

In 2004, the City adopted an amendment to the Zoning Code regarding the off-street parking requirement for restaurants, bar and lounge in the Midtown area, changing the off-street parking requirement from one off-street parking space per 100 square feet of gross floor area to the following:

1.5 parking spaces per four hundred square feet of gross floor area shall be required.



Although there was a discussion of doing so, at that time, the City did not amend the off-street parking requirement for restaurants, bar and lounge in the Tolovana Park area.

There appears to be no rational basis for the difference in the off-street parking standard for restaurants in the Tolovana Park area in comparison to the Midtown and Downtown area. The City objective of fostering compact commercial development that is pedestrian oriented applies equally to the Tolovana Park area. Requiring an off-street parking standard of 1 parking space per 100 square feet of gross floor area for restaurants has the effect of creating a fairly small commercial structure surrounded by a large parking lot; such a development pattern is antithetical to the objective of compact pedestrian oriented commercial development. For example, in the case of a restaurant the size of Mo's, approximately 27,000 square of surface area of parking would be required for a restaurant with an area of 6,400 square feet.

The Planning Commission held a public hearing on the application at its February 24, 2011, meeting.

The City Council held a public hearing on the application at its April 5, 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:

General Development Policy 8 states that "the density of commercial development shall be determined by the height, setback, parking and landscaping requirements, except as it may be modified through the design review process

Finding: For restaurants in the Tolovana Park area, these factors will continue to establish the density of any planned development or redevelopment. However, with the the adoption of the proposed amendment the standard for off-street parking for a restaurant will be equivalent to that in the City's other commercial areas. The reduction in the off-street parking standard will encourage a more compact pedestrian oriented commercial development by reducing the extensive site area that must be devoted to parking under the existing standard.

Tolovana Park Policy 2 states that "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 amendment to the off-street parking standard will permit the development and redevelopment of commercial uses, including restaurants, to occur in the Tolovana Park areas designated for commercial use in a manner that provides adequate off-street parking, without requiring large parking lots that detract from both the quality of the commercial development and surrounding residential areas.

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: The amendment will enhance the ability of commercial property owners in the Tolovana Park area to develop and redevelop their property in a manner that provides a balance between the City’s objectives of creating compact pedestrian oriented commercial areas and providing an adequate amount of off-street parking in conjunction with restaurants and related uses.

Conclusion: This standard is met.

CONCLUSION

The proposed amendment to the text of the Zoning Code meets the relevant criteria.

CITY OF CANNON BEACH

P.O. Box 368, OR 97110 • Fax: 503-436-2050 • TTY 503.436.8097 • Telephone: 503-436-1581
Website: <http://www.ci.cannon-beach.or.us> • Email: cityhall@ci.cannon-beach.or.us



May 9, 2011

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

MAY 10 2011

Dear Plan Amendment Specialist:

Please find enclosed (2) two copies of the adopted amendment for ZO 11-02.

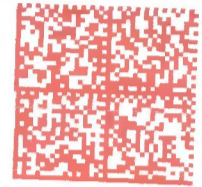
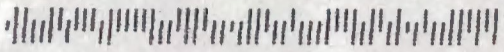
If you have questions or need anything further, please contact me at bbrien@ci.cannon-beach.or.us or (503) 436-8052.

Thank you,

Brandy Brien
Administrative Assistant
Executive and Planning Departments

CITY OF

P.O. Box 368
Cannon Beach, OR 97110



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05/09/2011
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MAY 10 2011

LAND CONSERVATION
& DEVELOPMENT

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