



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

April 11, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Cannon Beach Plan Amendment
DLCD File Number 004-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 25, 2006

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Rainmar Bartl, City of Cannon Beach

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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

(See reverse side for submittal requirements)

DEPT OF

APR 07 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Cannon Beach Local File No.: ZC 05-01
(If no number, use none)

Date of Adoption: 04/04/06 Date Mailed: 04/06/06
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 12/12/05

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other: _____

(Please Specify Type of Action)

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

Amend the Comprehensive Plan and zoning map designation of Tax Lots 100, 105, 110, 500, 502 & 503, Map 51020BC from Residential Very Low (RVL) density to Residential Lower (RL) density.
Amend the zoning designation of Tax Lots 101 & 104, Map 51020BC from Residential Very Low (RVL) density to Residential Medium (R-2) density.

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: RVL to RL and R-2

Zone Map Changed from: RVL to RL and R-2
generally located north of 6th Street between

Location: Ecola Park Road and Old Cannon Beach Road Acres Involved: 28.06

Specify Density: Previous: 1 du per acre New: 4 and 6 du per acre

Applicable Statewide Planning Goals: None

Was an Exception Adopted? Yes: No:

DLCD # 004-05 (14872)

DLCD File No.: _____

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: None

Local Contact: Rainmar Bartl, Planner Area Code + Phone Number: (503) 436-1581 x 133

Address: PO Box 368 City: Cannon Beach

Zip Code+4: 97110-0368 Email Address: bartl@ci.cannon-beach.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 ANotice of Adoption≅ is sent to DLCD.
6. In addition to sending the ANotice 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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

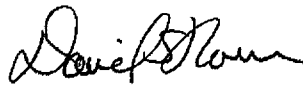
FOR THE PURPOSE OF AMENDING THE)	ORDINANCE NO. 06-02
COMPREHENSIVE PLAN AND ZONING)	
ORDINANCE MAP DESIGNATION OF TAX)	
LOTS 100, 105, 110, 500, 502, & 503, MAP)	
51020BC FROM RESIDENTIAL VERY LOW)	
DENSITY (RVL) TO RESIDENTIAL LOWER)	
DENSITY (RL) AND TO CHANGE THE MAP)	
DESIGNATION OF TAX LOTS 101 & 104, MAP)	
51020BC FROM RESIDENTIAL VERY LOW)	
DENSITY (RVL) TO RESIDENTIAL MEDIUM)	
DENSITY (R-2).)	

THE COMMON COUNCIL OF THE CITY OF CANNON BEACH ORDAINS AS FOLLOWS:

Section 1. The Land Use and Zoning Map, which is part of the City of Cannon Beach's Comprehensive Plan and Zoning Ordinance, is amended to change the designation of Tax Lots 100, 105, 110, 500, 502 and 503, Map 51020BC, from Residential Very Low Density (RVL) to Residential Lower Density (RL) and of Tax Lots 101 and 104, Map 51020BC from Residential Very Low Density (RVL) to Residential Medium Density (R-2).

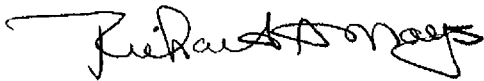
ADOPTED by the Common Council of the City of Cannon Beach this 4th day of April 2006, by the following roll call vote:

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




 David S. Rouse, Mayor

Attest:



 Richard A. Mays, City Manager

Approved as to Form:



 William Canessa, Attorney

FINDINGS OF FACT
ZC 05-01, CITY OF CANNON BEACH REQUEST FOR A ZONING
ORDINANCE/COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE THE MAP
DESIGNATION OF TAX LOT 100, 105, 110, 500, 502, & 503, MAP 51020BC FROM RESIDENTIAL
VERY LOW DENSITY (RVL) TO RESIDENTIAL LOWER DENSITY (RL) AND TO CHANGE THE
MAP DESIGNATION OF TAX LOTS 101 & 104, MAP 51020BC FROM RESIDENTIAL VERY LOW
DENSITY (RVL) TO RESIDENTIAL MEDIUM DENSITY (R-2).

BACKGROUND

The City of Cannon Beach is proposing to change the Comprehensive Plan/Zoning Ordinance map designation for the Northside Annexation area from RVL, Residential Very Low Density to Lower Density Residential, RL and Medium Density Residential, R-2. The proposal is to change the designation of the following tax lots to RL: 100, 105, 110, 500, 502 and 503, Map 510 20BC and the designations of the following tax lots to R-2: 101 and 104, Map 51020BC. The area to the south of the Northside Annexation area is designated R-2, Medium Density Residential. The area to the west, across Ecola park Road and south of 7th Street is designated R-2 and the area north of 7th Street is designated RL.

The Planning Commission held a public hearing on the application at its January 26, 2006, meeting. The Planning Commission recommended approval of the application.

The Council held a public hearing on the application at its March 7, 2006, meeting.

ANALYSIS/INFORMATION

I. CRITERIA - ZONING CODE

A. Section 17.86.070.B Amendment Criteria provides that "before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied":

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

Urban Growth Area Policy 6 states that "upon annexation to the City, an area shall be given a plan and zone designation that is consistent with the Comprehensive Plan, the site's environmental characteristics, the uses proposed and is compatible with the designation of adjacent areas."

Finding: The Northside area was recently annexed into the City. Pursuant to Policy 6, a change in the map designation to a zone that provides for urban densities is appropriate. The adjacent areas are residential, with a map designation of R-2 for areas to the south and R-2 and RL for areas west of Ecola Park Road. The purpose of the RL zone is to "provide an area of lower density (four dwelling units per net acre) in areas with steeper slopes, poor drainage or identified geologic hazard." Tax Lots 100, 105, 110, 500, 502 and 503 are generally characterized as areas with steeper slopes, containing stream corridors and associated wetlands, as well as land forms that have the potential for geologic hazard. Given the purpose of the RL zone, an RL designation is appropriate for these areas. The purpose of the R2 zone is "to provide an area of moderate density (eleven dwelling units per net acre) in areas with stable soils, lower slopes and mixed neighborhood character." Tax Lot 101 and 104 contain existing single-family dwellings. The tax lots site characteristics are similar to



those described in the purpose statement of the R-2 Zone. Therefore, it is appropriate to designate these parcels R-2. The properties adjacent to these tax lots are also designated R-2.

Northside Policy 1 states that “the Northside area, the area extending from Fifth Street to Ninth Street, shall remain primarily residential in character. Development should take place in a manner that is compatible with sensitive lands, steep slopes, active foredunes, areas subject to flooding, wetlands and steam banks.”

Finding: The proposed map designation change from RVL to RL and R2 will retain the area in residential use. Designating the majority of the area RL, whose purpose is to provide for lower density residential development in areas with steeper slopes, poor drainage or identified geologic hazard, will ensure that the density of future residential development is such that future residential development in these areas can be designed in a manner that protects sensitive lands such as wetlands, stream corridors and avoids areas that represent a potential geologic hazard.

Conclusion: The application meets this criterion.

2. “The amendment will either: (1) satisfy land and water use needs, (2) meet transportation demands, or (3) provide community facilities and services.”

Finding: In annexing this area, the City Council found that the area was required to provide for future residential development. The proposed map amendment will establish urban density residential zones in an area that can accommodate urban development.

Conclusion: The application meets this criterion.

3. “The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.”

Finding: A geologic report, prepared by Horning Geosciences and dated November 25, 2005, has been prepared for the area. The report concluded that “properly designed lots of 10,000 square feet can be adequately developed without increasing geologic hazards or exposing property and lives to unacceptable risks from landslide, coastal erosion, weak foundation soils, and other hazards. In addition, lots of 5,000 square feet can be developed on Tax Lot 101 and 104, but should have site-specific geologic investigations as a condition of development.”

The geologic report also identifies areas that are unsuitable for development such as overly steep slopes, wetlands, and slopes prone to erosion along wetland edges. The identification of these areas can be utilized in the site design of subsequent development to ensure that development avoids these hazard areas.

The City’s Flood Insurance Rate Map does not include this area. Based on the site’s topography, it is assumed that there is the potential for localized flooding in association with Logan Creek. These areas of potential flooding correspond to the location of wetland areas associated with Logan Creek. The three parcels adjacent to Logan Creek TL 100, 502 and 503 are sufficiently large in size so that their future development can be designed to avoid these areas of potential localized flooding.

In summary, the land is suitable for development at the residential densities proposed.

Conclusion: The application meets this criterion.

4. Resource lands, such as wetlands are protected.

Finding: The City's Wetland Inventory identifies one wetland site within the area of the proposed map designation change, Site #20. The City protects identified wetland areas with an overlay zone. Because it is an overlay zone, the standards of the wetland overlay zone are not dependent on the underlying residential zone. Therefore, changing the map designation from RVL to RL and R-2 will not impact the wetland resource protection standards of the wetland overlay zone, as it is applied to properties in the area of the map designation change.

Conclusion: The application meets this criterion.

5. "The amendment is compatible with the land use development pattern in the vicinity of the request."

Finding: Adjacent areas to the west and south are designated for residential use, these areas are primarily designated R-2, with the area north of 7th Street, west of Ecola Park Road, designated R-L. Therefore, the proposed map designation change will be compatible with the existing land use pattern in the vicinity.

Conclusion: The application meets this criterion.

B. Section 17.08.040.K Residential Very Low Density (RVL) Zone, Standards, Zone Changes provides that "upon request of property owners, or their representatives, the planning commission may consider the change of an area of the RVL zone to another zone in order to obtain more intensive usage or higher densities where it is demonstrated by the applicant that:"

1. "A favorable geologic investigation indicates that the area will support more intensive development;"

Finding: A geologic report, prepared by Horning Geosciences and dated November 25, 2005, has been prepared for the area. The report concluded that "properly designed lots of 10,000 square feet can be adequately developed without increasing geologic hazards or exposing property and lives to unacceptable risks from landslide, coastal erosion, weak foundation soils, and other hazards. In addition, lots of 5,000 square feet can be developed on Tax Lot 101 and 104, but should have site-specific geologic investigations as a condition of development."

The geologic report also identifies areas that are unsuitable for development such as overly steep slopes, wetlands, and slopes prone to erosion along wetland edges. The identification of these areas can be utilized in the site design of subsequent development to ensure that development avoids these hazard areas.

Conclusion: The application meets this criterion.

2. "City services are available, or will be provided, including adequate water pressure, sewer and water system capacity and street width;"

Finding:

Sewer and water system capacity. The following is pertinent to the overall capacity of the sewer and water system to accommodate the additional development that will result from the proposed higher density residential zones.

On July 3, 2001, The City was issued a new National Pollution Discharge Elimination System (NPDES) waste discharge permit for its waste water treatment system. In conjunction with the issuance of the NPDES permit, the City entered into a Mutual Agreement and Order (MAO) with the Department of Environmental Quality (DEQ). The MAO recognizes that the City cannot meet the effluent discharge standards of the new NPDES permit with its existing wastewater treatment system and that upgrades to the system will be required. The MAO sets out milestones to assure that permit effluent limits for the City's wastewater treatment facility can be met in the future. The City is making substantial progress toward meeting the MAO requirements. The City has completed a Wastewater Treatment Master Plan Update which has been accepted by the DEQ and the City Council. The City has also received approval on the design of the upgrade and implementation of the plan which will allow the City to meet its waste discharge permit requirements over the next twenty years. In developing the treatment system design for the next twenty years, the Master Plan made provision for development within the existing City urban growth boundary as well as areas adjacent to the urban growth boundary. The City has passed a bond levy to finance necessary system improvements and is presently completing the final design for a new waste water treatment facility. It is projected that the new facility will be operational in 2007.

The MAO provides the DEQ with the authority to place a connection moratorium on the City if the City fails to make adequate progress in implementing the MAO. The DEQ has not compelled the City to issue a connection moratorium. Given the progress the City has made toward the required wastewater treatment plant improvements and the time line for making the new system operational, representatives from the DEQ have stated that extension of sewer service to the area of the proposed map designation change is consistent with the MAO and is acceptable to the DEQ.

Based, on the above facts, it is concluded that the City's sewer system has the capacity to accommodate future development of the area at the higher residential densities that will result from the map designation change.

The City's 2001 Water Master Plan provides an evaluation of the overall water system's capacity to provide for anticipated growth for a twenty-year planning period. System design for the twenty year period included planning for development within the existing City urban growth boundary and areas adjacent to the urban growth boundary. The plan includes a finding that the City's combined water sources have more than adequate capacity to meet growth projections in the planning period. The plan also includes a finding that the City will not require additional water storage until well beyond the 20-year planning period. The 2001 Master Plan estimated that the City's water use represented 3150 Equivalent Dwelling Units (EDUs). More current estimates of the water use are not available. Utilizing the 2001 water use figure of 3150 EDUs, indicates that the potential buildable out of the area of approximately 28 dwelling units, assuming the densities permitted by the proposed map designation change,

represents less than 1% of the City's total water demand. It is concluded that the City's water system has the capacity to accommodate future development of the area proposed for annexation.

Sanitary Sewer Collection System

The sewer collection system for the area of the proposed map amendment is supported by the Ecola Pump Station and the Main Pump Station. The Public Works Director has stated that each pump station has sufficient capacity to accommodate the higher density of development that will result from the proposed map amendment from RVL to RL and R2.

The Public Works Director has stated that sanitary sewer gravity lines that are located adjacent to the area of the proposed map amendment have additional capacity that can support the higher density of development that will result from the proposed map amendment from RVL to RL and R2. The primary service lines are located in the Ecola Park Road right-of-way, north of 6th Street and 6th Street right-of-way between Beech Street and Old Cannon Beach Road.

Water Service

The Public Works Director has stated that water mains that are located adjacent to the area of the proposed map amendment have additional capacity that can support the higher density of development that will result from the proposed map amendment from RVL to RL and R2. The primary service lines are located in the Ecola Park Road right-of-way, north of 6th Street and the 6th Street right-of-way between Elm Street and Cherry Street.

The water system capacity is such that water service can be provided, with adequate water pressure, for all areas located below 135 feet elevation. The area of the proposed map amendment within which development is likely to occur is located below an elevation of 135 feet. The existing dwelling located on Tax Lot 500 is located above an elevation of 135 feet and may require additional owner financed improvements to the water system to serve that dwelling.

Streets

Future subdivisions and partitions in the area of the proposed map designation change will be required to provide street that conform to the City's road standards for residential streets. The City's residential street standards are intended to result in a street that can accommodate the traffic generated by the adjacent residential development.

Conclusion: The application meets this criterion.

3. "Traffic circulation patterns will not place a burden on neighborhood streets;"

Finding: It is assumed that the map amendment, from RVL to RL, for Tax Lot 500 and 503 will result in approximately five additional lots. Primary access to future development of Tax Lot 500 and 503 will be from Ecola Park Road. The approximately 50 additional vehicle trips a day generated by the added residential density permitted by the proposed map designation change represents an insignificant change in the average daily traffic on Ecola Park Road.

The map amendment from RVL to RL for Tax Lot 502 may result in one additional lot with access onto Antler Avenue in the vicinity of Sixth Street. The addition of the traffic generated by one additional dwelling with access onto Antler Avenue will not place a burden on Antler Avenue's ability to accommodate traffic generated by adjoining properties.

It is assumed that the map amendment, from RVL to RL, for Tax Lot 100, 101 and 104 will result in approximately 12 additional lots. Access to the development of Tax Lot 100, 101 and 104 will be provided by extensions from Beech Street and Elm Street, north of Sixth Street. Both Beech and Elm Street have platted right-of-way widths 50 feet. The improved roadway area of both streets has roadway travel lanes with a width of 16-19 feet, with variably improved shoulders between 2 and 6 feet (total on both sides of the travel lanes). This road configuration is comparable to many residential streets in the City. Based on the assumed density of development of Tax Lot 100, 101 and 104 and the configuration of Beech and Elm Street, the Public Works Director has stated that these streets have the capacity to accommodate the additional traffic generated by the anticipated development of the aforementioned parcels.

There is poor visibility at the intersection of Beech Street and Fir Street. However, City records of vehicular accidents indicate that there have been no accidents at this intersection. Based on the potential volume of increased traffic from the development of Tax Lots 100, 101 and 104 and the lack of a history of accidents at the intersection of Beech and Fir Street, there is no basis for concluding that the intersection cannot accommodate the additional traffic in a safe manner. The Public Works Director has stated that the City will monitor and assess the impact of the additional traffic generated by the development on Tax Lots 100, 101 and 104 on the intersection of Beech and Fir Street. Based on the outcome of this monitoring and assessment, future improvements of the intersection of Beech and Fir Street and adjoining streets may be required.

It is assumed that the map amendment from RVL to RL for Tax Lot 105 and 110 will result in an additional two lots with access onto Old Cannon Beach Road. The addition of the vehicular traffic generated by two additional dwellings with access onto Old Cannon Beach Road will not place a burden on Old Cannon Beach Road's ability to accommodate traffic generated by adjoining properties.

Conclusion: The application meets this criterion.

4. "The county planning commission has been given adequate opportunity to review the proposal and provide comment to the city."

Finding: Clatsop County has been notified of the proposed map amendments.

II. CONCLUSION

The application meets the applicable criteria.

ACTION

That the proposed amendment be adopted.

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