



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



May 9, 2007

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 001-07

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: May 23, 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
Paul Klarin, DLCD Coastal Policy Analyst
Rainmar Bartl, City of Cannon Beach Planning Director

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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

DEPT OF LAND CONSERVATION AND DEVELOPMENT
MAY 03 2007
For DLCD Use Only

Jurisdiction: City of Cannon Beach Local file number: ZC 07-01

Date of Adoption: 5/1/2007 Date Mailed: 5/2/2007

Date original Notice of Proposed Amendment was mailed to DLCD: 1/25/2007

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

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

Amend Chapter 17.04, Definitions, by adding a new definition of maintenance foredune grading; Amend Section 17.04.252 adding new definition of foredune breaching; Amend Section 17.42.030, Oceanfront Management Overlay(OM) Zone to add new subsection 7, Maintenance of foredune grading; Amend Section 17.42.060 Oceanfront Management Overlay (OM) Zone, to add new subsection 10, Maintenance foredune grading.

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: to:

Zone Map Changed from: to:

Location: Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals: Goal 18 State of Oregon Beach Bill

Was and Exception Adopted? YES NO

DLCD File No.: 001-07(15823)

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:

Oregon State Parks

Local Contact: **Rainmar Bartl** Phone: **(503) 436-1581** Extension: **133**

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

Zip Code + 4: **97110-**

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 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.

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 07-03
MUNICIPAL CODE, TITLE 17, ZONING,)
REGARDING MAINTENANCE FOREDUNE)
GRADING)

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Municipal Code, Chapter 17.04, Definitions, by adding a new definition of maintenance foredune grading to read as follows:

Foredune grading, maintenance. "Maintenance foredune grading" means the limited alteration of active dunes that have previously been altered pursuant to an approved foredune grading plan.

Section 2. Amend Municipal Code, Section 17.04.252, Definitions, Foredune breaching, to read as follows:

Foredune breaching. "Foredune breaching" means the alteration of the crest of an active foredune or conditionally stable foredune where the alteration is not undertaken as part of a foredune grading plan, or as maintenance foredune grading.

Section 3. Amend Municipal Code, Section 17.42.030, Oceanfront Management Overlay (OM) Zone, Uses and activities permitted to add a new subsection 7, Maintenance foredune grading, to read as follows:

7. Maintenance foredune grading, subject to the provisions of Section 17.42.060(11).

Section 4. Amend Section 17.42.060 Oceanfront Management Overlay (OM) Zone, Specific standards, to add a new subsection 11, Maintenance Foredune Grading, to read as follows:

11. Maintenance Foredune Grading.

- a. The affected area was previously graded pursuant to an approved foredune grading plan.
- b. An annual monitoring report demonstrates the overall stability of the area proposed for grading.
- c. The cumulative volume of proposed grading, within an approved foredune grading management area, for which a conditional use permit was obtained, does not exceed 2,500 cubic yards. (Example: In year one a permit is issued to grade 750 cubic yards of material; 1,750 cubic yards of potential additional volume remain for maintenance grading. In year three a permit is issued to grade 1,000 cubic yards of material; 750 cubic yards of potential additional volume remain for maintenance grading. In year four it is proposed that 1,250 cubic yards of material be graded. This grading cannot be accomplished by means of a permit for maintenance grading because the cumulative grading would be 3,000 cubic yards, exceeding the maximum of 2,500 cubic yards. A conditional use permit for foredune grading would be required to implement this additional 1,250 cubic yards of grading.)
- d. The proposed sand deposition area will not impact views from adjoining property.
- e. The grading is conducted pursuant to the standards of Section 17.42.060 3(b) & (e).

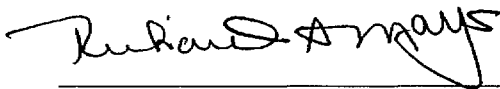
- f. The cross-sectional area of the dune area, as measured perpendicular to the shoreline and above the 100-year stillwater flood elevation and seaward of the dune crest, is at least 540 square feet.
- g. The graded area shall be contoured to avoid large expanses of flat surfaced area.
- h. The area is replanted in conformance with the standards in the approved foredune grading plan.
- i. Any necessary permits are obtained from the Oregon Parks and Recreation Department.
- j. Notification to adjoining property owners shall be those within 250 feet of the exterior boundary of the subject property, rather than the 100 feet specified in Section 17.92.010.C.2.d
- k. The Planning Commission shall be informed of development permits for maintenance grading that are issued.

ADOPTED by the Common Council of the City of Cannon Beach this 1st day of May 2007, by the following roll call vote:

YEAS: Councilors: Raskin, Giasson, Steidel, Arnold; Mayor Williams
NAYS: None
EXCUSED: None

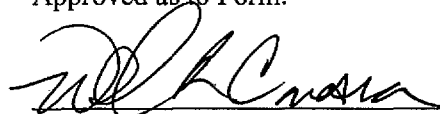

John Williams, Mayor

Attest:



Richard A Mays, City Manager

Approved as to Form:



William Canessa, Attorney