



# Oregon

Theodore R. Kubongski, 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

3/16/2010

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 001-10

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

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, March 29, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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, Regional Representative

<paa> YA

Notice of Adoption



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

Jurisdiction: City of Cannon Beach Local file number: ZO 10-01  
 Date of Adoption: 3/2/2010 Date Mailed: 3/5/2010  
 Date original Notice of Proposed Amendment was mailed to DLCD: 1/6/2010

- 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 the Zoning Code to add a new conditional use in the Park Management (PK) Zone to permit a governmental or municipal structure.

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".  
The original proposal was to add a new outright use rather than the adopted conditional use

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: N/A

Was an Exception Adopted?  YES  NO

DLCD File No.: 001-09 (18046) [16038]

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: City of Cannon Beach

Zip Code + 4: 97110-368 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.
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. 10-03  
MUNICIPAL CODE, TITLE 17, ZONING, )  
SECTION 17.32.030, PARK MANAGEMENT )  
(PK) ZONE, CONDITIONAL USES )  
PERMITTED )


The City of Cannon Beach does ordain as follows:

Section 1. Amend Section 17.32.030 Park Management (PK) Zone, Conditional uses permitted to add governmental or municipal structures as a conditional uses as follow:

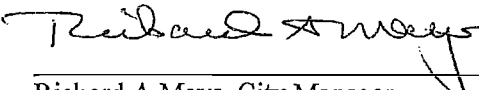
B. Governmental or municipal structure.

ADOPTED by the Common Council of the City of Cannon Beach this 2nd day of March 2010, by the following roll call vote:

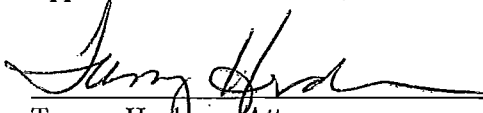
YEAS: Councilors Steidel, Giasson, Cadwallader, Higgins and Mayor Morgan  
NAYS: None  
EXCUSED: None

  
Mike Morgan, Mayor

Attest:

  
Richard A Mays, City Manager

Approved as to Form:

  
Tammy Herlinger, Attorney

FINDINGS OF FACT  
ZO 10-01, CITY OF CANNON BEACH, ZONING CODE TEXT AMENDMENT, PERMITTING  
GOVERNMENTAL OR MUNICIPAL STRUCTURES IN THE PARK MANAGEMENT ZONE

**BACKGROUND**

The City of Cannon Beach is proposing an amendment to the Zoning Code, Section 17.32.020 Park Management (PK) Zone, Uses permitted outright to permit governmental or municipal structures as an outright use in the PK Zone. Presently, the PK Zone permits only park uses. With very few exceptions, City zoning districts permit governmental and municipal structures within a specific zone. The immediate reason for the proposed amendment is that the City is in the process of locating three emergency supply caches in the City, one on the Northside, one in Midtown and one in Tolovana Park. To order to effectively perform its function in the broadest range of emergencies, the emergency cache needs to be sited at a location that is outside of the the 99% tsunami inundation zone, as determined by the recent tsunami inundation study completed by the Oregon Department of Geology and Mineral Industries (DOGAMI). In the Tolovana Park area there is only one site, in City ownership, that has a site elevation such that it is located outside of the tsunami inundation zone. That parcel is located east of Highway 101 and north of the Tolovana Mainline Road. That property is zoned PK. In order to locate an emergency cache on this property, the Zoning Code must be amended to provide for a municipal structure.

The Planning Commission held a public hearing on the proposed amendment at its January 28, 2010, meeting. The Planning Commission recommended that the PK Zone be amended to permit governmental or municipal structures as a conditional use.

The Council held a public hearing on the proposed text amendment on February 2, 2010.

**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: Generally, City zoning districts make specific provision for governmental and municipal structures. The Park Management (PK) Zone is an exception in that it only permits park uses. The proposed amendment will bring the Park Management Zone into conformance with how municipal and governmental structures are treated in other City zones. Given the limited availability of publicly owned land in Cannon Beach, it may be necessary to site a given governmental or municipal structure within a Park Management Zone. The proposed amendment will permit such a facility siting to occur in the PK Zone when such a siting is determined to be necessary. For example, the City is presently seeking to site an emergency supply cache to serve the Tolovana Park area. The key design criterion in siting the cache is a site that is located outside of



the most conservative tsunami inundation zone estimates. The site that best fits this criterion is a City owned property designated PK located on the eastside of Highway 101, north of the Tolovana Mainline. Providing a Zoning Code use standard in the PK Zone that permits the implementation an element of the City's emergency preparedness plan is consistent with a comprehensive plan's objective of providing for a safe community.

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: Through the use of the conditional use process, the City can ensure that the utilization of a portion of a property designated as Park Management for municipal and governmental structures that are not park related will not adversely affect the ability of the City to meet park needs. It is anticipated that the need to utilize park land for non-park governmental uses will be limited both in occurrence and scope. For example, the need to site a structure to house an emergency supply cache will occupy approximately 1,080 square feet on a 2.3 acres site.

Conclusion: This standard is met.

## CONCLUSION

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

cc\cbzo10-01 fin

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

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



HASLER

\$1.05

03/09/2010

Postnet Price: \$7.10

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