



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

5/18/2010

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 002-10

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: Tuesday, June 01, 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.

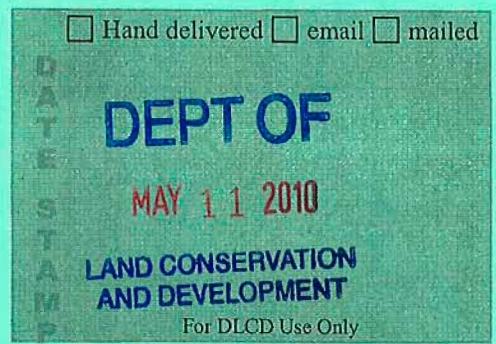
***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification 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

<paa> N

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 10-02
Date of Adoption: 5/4/2010 Date Mailed: 5/10/2010
Date original Notice of Proposed Amendment was mailed to DLCD: 2/4/2010

- | | |
|---|---|
| <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 Zoning Code to permit the sale of cut flowers in conjunction with the Farmers Market

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: N/A
Was and Exception Adopted? YES NO

DLCD File No.: 002-10 (18106) [16126]

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.

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. 10-05
MUNICIPAL CODE, TITLE 17, ZONING,)
MODIFICATIONS TO OUTDOOR)
MERCHANDISING STANDARDS TO)
PERMIT THE SALE OF CUT FLOWERS)

The City of Cannon Beach does ordain as follows:

Section 1. Amend Section 17.90.150.B.1, Outdoor merchandising to read as follows:

1. The sale of living plant materials and cut flowers:

Section 2. Amend Section 17.90.150.E.4.d Outdoor merchandising to read as follows:

- d. The farmers' market is limited to food, specific food related items, and cut flowers.

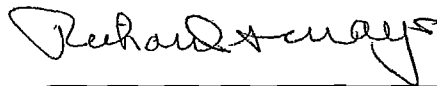
ADOPTED by the Common Council of the City of Cannon Beach this 4th day of May 2010, by the following roll call vote:

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



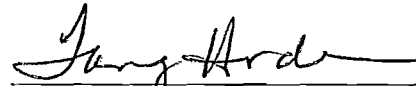
Mike Morgan, Mayor

Attest:



Richard A Mays, City Manager

Approved as to Form:



Tammy Herdener, Attorney

FINDINGS OF FACT
ZO 10-02, CANNON BEACH FARMERS MARKET COMMITTEE, ZONING CODE TEXT
AMENDMENT, MODIFICATION TO OUTDOOR MERCHANDISING STANDARDS TO PERMIT
THE SALE OF CUT FLOWERS

BACKGROUND

Robert Lundy, a member of the Farmer's Market Committee, is proposing an amendment to the Zoning Code standards regarding outdoor merchandising in order to permit the outdoor display and sale of cut flowers. Two amendments are proposed. The first would add cut flowers to the list of products and services that are exempt from the prohibition on outdoor merchandising. The second would add cut flowers to the items that can be sold at the Farmer's Market.

The Planning Commission held a public hearing on the proposed amendment at its February 25, 2010, meeting. The Planning Commission recommended that the proposed Zoning Code text amendments be adopted.

The Council held a public hearing on the proposed text amendment on April 6, 2010. The Council tentatively approved the proposed amendments subject to the preparation of final findings and an ordinance.

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 3 states that "Commercial uses which detract from the unique character of downtown, or are detrimental to the small town atmosphere of Cannon Beach shall be prohibited. These uses include formula food restaurants, drive-in restaurants, commercial amusement activities, and transient outdoor merchandising. Formula food restaurants are defined as businesses required by contractual or other arrangements to offer standardized menus, ingredients, food preparation, interior or exterior design, or uniforms."

The City has developed Zoning Code standards to implement the objective of prohibiting those forms of transient outdoor merchandising that are detrimental to the overall character of the community. These standards are contained in the Zoning Code, Section 17.90.150, Outdoor merchandising. These standards provide a number of exemptions to the prohibition on outdoor merchandising for the sales of goods and services that are normally conducted outdoors, or whose outdoor sale has been found to not be detrimental to the character of the City's commercial areas. Permitting the outdoor display and sale of cut flowers will not be detrimental to the character of the City's commercial areas and thus is consistent with General Development Policy 3.

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: Permitting the outdoor display and sale of cut flowers will have no impact on the City's ability to meet land use needs. The proposed exemption for cut flowers will apply to all businesses in the community, including the Farmer's Market.

A potential impact on water use needs is not applicable to the proposed amendment.

Conclusion: This standard is met.

CONCLUSION

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

cc\cbzo10-02fin

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



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