



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

9/16/2010

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 003-10

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: Thursday, September 30, 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, DLCD Regional Representative
Amanda Punton, DLCD 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: ZC 10-01

Date of Adoption: 9/7/2010 Date Mailed: 9/9/2010

Date original Notice of Proposed Amendment was mailed to DLCD: 5/7/10

- 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 Comprehensive Plan, Zoning designation and map of Tax Lot 101, Map 51032BC and Tax Lot 100, Map 51032CB from Residential Very Low Density (RVL) to Residential Medium Density (R2)

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: R2

Zone Map Changed from: RVL to: R2

Location: 20 East Surferest Acres Involved: 1.22

Specify Density: Previous: 1 acre New: 6-8 per acre

Applicable Statewide Planning Goals: None

Was and Exception Adopted? YES NO

DLCD File No.: 003-10 (18295) [16317]

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: 97110-0368 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 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

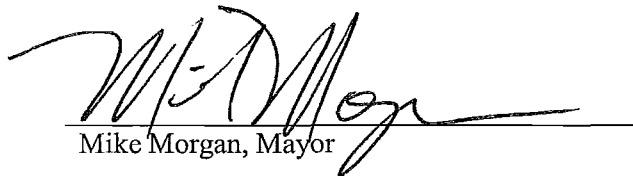
FOR THE PURPOSE OF A) ORDINANCE NO. 10-09
COMPREHENSIVE PLAN/ZONING)
ORDINANCE MAP AMENDMENT TO)
CHANGE THE MAP DESIGNATION OF)
TAX LOT 101, MAP 51032BC AND TAX)
LOT 100, MAP 51032CB FROM)
RESIDENTIAL VERY LOW DENSITY (RVL))
TO RESIDENTIAL MEDIUM DENSITY (R2))

The City of Cannon Beach does ordain as follows:

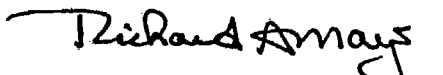
Section 1. Amend the Comprehensive Plan/Zoning Ordinance, Land Use and Zoning Map, to change the map designation of Tax Lot 101, Map 51032BC and Tax Lot 100, Map 51032CB from Residential Very Low Density (RVL) to Residential Medium Density (R2).

ADOPTED by the Common Council of the City of Cannon Beach this 7th day of September 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

ZC 10-01, MOON REQUEST FOR A ZONING/ COMPREHENSIVE PLAN MAP AMENDMENT TO CHANGE TAX LOT 101, MAP 51032BC AND TAX LOT 100, MAP 51032CB FROM (RVL) RESIDENTIAL VERY LOW DENSITY TO (R2) MEDIUM DENSITY RESIDENTIAL

BACKGROUND

The applicant, Steven Moon, is proposing a zoning/comprehensive plan map designation change for Tax Lot 101, Map 51032BC and Tax Lot 100, Map 51032BC from RVL, Residential Very Low Density to R-2, Residential Medium Density. The property is owned by the applicant. The affected property has an area of 1.22 acres. The site contains a single-family dwelling. The applicant is requesting the map amendment in order to provide a duplex on his property. Adjoining map designations are, to the north, RVL, Residential Very Low Density, to the south, across E. Surfcrest Avenue, R-2, Medium Density Residential, and to the east, Forest F-80, a Clatsop County map designation.

The property was annexed into the City in 2000. It is the general City policy, upon annexation of land, to rezone property from RVL, Very Low Density, to an urban density. Mr. Moon chose not to request a rezone to an urban density in 2000. He is requesting to do so now.

The Planning Commission held a public hearing on the application at its June 23, 2010, meeting. The Planning Commission recommended approval of the application.

The Council held a public hearing at its August 3, 2010, meeting.

ANALYSIS/INFORMATION

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 7 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 being proposed and is compatible with the designation of adjacent areas.

Finding: It is the general City policy, upon annexation of land, to rezone property from RVL, Very Low Density, to an urban density. Mr. Moon chose not to request a rezone of his property in 2000. It is consistent with the City's policy to rezone the property to R-2 now. As demonstrated by Findings A-3 and A-4 below, an R-2 map designation is consistent with the site's environmental characteristics. Providing additional areas within the City designed R-2 provides an increase in the opportunity for duplex development, which is permitted outright in the R-2 Zone. Relative to providing options for affordable housing, the City has identified duplexes as a needed housing type. The area to the south of E. Surfcrest Avenue was designated R-2 upon its annexation into the City in 2008.

Conclusion: The proposed meets this criterion.

2. “The amendment will either: satisfy land and water use needs; or meet transportation demands; or provide community facilities and services.”

Finding: The R-2 map designation will provide for an urban density residential development, which is appropriate for property located within the city limits. The R-2 map designation permits duplexes as an outright use. Duplexes are an identified needed housing type.

Conclusion: The proposal 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: The property has a moderate slope. The site’s soil type is not generally associated with potential geologic hazards. The property is not located in a flood zone. These site characteristics make the property suitable for the density of development that is permitted in the R-2 Zone.

Conclusion: The proposal meets this criterion.

4. “Resource lands, such as wetlands are protected.”

Finding: The site contains a small stream that is subject to the Wetland Overlay Zone. The stream will be protected from development in its vicinity through the application of the standards in the wetland overlay zone and stream corridor standards.

Conclusion: The proposal meets this criterion.

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

Finding: When the property to the south of E. Surfcrest Avenue was recently annexed into the City, the property was designated R-2, Medium Density Residential. Because the adjoining area is designated R-2, designating the subject property R-2, Medium Density Residential is compatible with the development pattern in the vicinity.

Conclusion: The proposal meets this criterion.

CONCLUSION

The application meets the criteria for a zoning/comprehensive plan map designation change.

CITY OF CANNON BEACH
PO BOX 368
CANNON BEACH OR 97110



HASLER

017H15517922

\$1.390

09/09/2010

Mailed From 97110

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