



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

March 21, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Clatsop County Plan Amendment
DLCD File Number 002-06 A



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: April 9, 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
Patrick Wingard, Clatsop County

<paa> ya

FORM 2

DEPT OF

MAR 20 2007

DLCD NOTICE OF ADOPTION

LAND CONSERVATION AND DEVELOPMENT

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)

Jurisdiction: CLATSOP COUNTY Local File No.: Ord. No. 07-03
(If no number, use none)
Date of Adoption: 3-14-07 Date Mailed: 3-19-07
(Must be filled in) (Date mailed or sent to DLCD)
Date the Notice of Proposed Amendment was mailed to DLCD: 8-25-06

- 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 CLATSOP COUNTY COMPREHENSIVE TO CLARIFY THAT ALL CITIES ADMINISTER AND ENFORCE LAND USE REGULATIONS IN THEIR RESPECTIVE URBAN GROWTH AREAS. THE COUNTY RE-ADOPTED THE CURRENT CANNON BEACH ZONING ORDINANCE AND LAND USE / ZONING MAP.

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: 2 + 14

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 002-06A (15497)

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: CITY OF

CANNON BEACH, CLATSOP COUNTY, DLCD

Local Contact: PATRICK WINGARD Area Code + Phone Number: 503-325-8611

Address: 800 EXCHANGE ST., SUITE 100 City: ASTORIA, OR

Zip Code+4: 97103 Email Address: pwingard@co.clatsop.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.

RECORDED

MAR 16 2007

IN THE BOARD OF COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

Doc # 2007030021

AN ORDINANCE AMENDING THE)
CLATSOP COUNTY COMPREHENSIVE)
PLAN AND CLATSOP COUNTY LAND)
AND WATER DEVELOPMENT AND USE)
ORDINANCE)

ORDINANCE NO. 07-03

WHEREAS, on August 1, 2006 the City of Cannon Beach adopted Ordinance No. 06-10 which amended development standards in various residential zones in the Cannon Beach Urban Growth Area.

WHEREAS, on August 4, 2006 the City of Cannon Beach notified Clatsop County of the zoning ordinance amendments adopted by the City on August 1, 2006 and requested Clatsop County readopt the Cannon Beach Zoning Ordinance in its entirety, as amended through City of Cannon Beach Ordinance No. 06-10.

WHEREAS, the application was considered by the Planning Commission at a public hearing on November 14, 2006 and the Commission unanimously recommended approval, which recommendation is attached as Exhibit "PC"; and

WHEREAS, consideration for this ordinance complies with the Post Acknowledgement rules of the Oregon Land Conservation and Development Commission and the Clatsop County – City of Cannon Beach Urban Growth Boundary Area Joint Management Agreement. The Clatsop County Planning Commission has sought review and comment and has conducted the public hearing process pursuant to the requirements of ORS 215.050 and 215.060, and the Board of Commissioners received and considered the Planning Commission's recommendations on this request and held a public hearing on this

ordinance pursuant to law on February 28, 2007; and

WHEREAS, public notice has been provided pursuant to law; now therefore,

THE BOARD OF COMMISSIONERS OF CLATSOP COUNTY ORDAIN AS FOLLOWS:

SECTION 1. The Clatsop County Comprehensive Plan is hereby amended as shown in attached Exhibit A.

SECTION 2. The Board of Commissioners hereby adopts the City of Cannon Beach Zoning Ordinance including the City of Cannon Beach Land Use and Zoning Map, amended through City of Cannon Beach Ordinance No. 06-10, as it applies in the Cannon Beach Urban Growth Area.

SECTION 3. The Board of Commissioners hereby approves the application and findings of fact contained in the Exhibit "PC" Planning Commission recommendation.

SECTION 4. In support of this ordinance, the Board adopts the November 7, 2006 Staff Report and recommendation attached as Exhibit "PC".

Approved this 14th day of March, 2007

THE BOARD OF COUNTY COMMISSIONERS
FOR CLATSOP COUNTY, OREGON

By Richard H. Lee
Richard Lee, Chair

By Valerie Crawford
Recording Secretary

ORDINANCE NO. 07-03

EXHIBIT A

Amend Section 1 (b) of the Goal 2, Land Use Planning, Element of the Clatsop County Comprehensive Plan as follows (new text is **underlined and bold**, deleted text is ~~striked~~):

Urban Growth Boundaries. See land use plans of Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton. Clatsop County has adopted each of the city's land use plans for areas outside the city limits and inside the urban growth boundary (**referred to as the urban growth area**). The cities and the county have adopted Urban Growth Boundary Management Agreements. ~~Clatsop County has turned over all administration and enforcement with Cannon Beach's urban growth boundary to Cannon Beach and Astoria's urban growth boundary to Astoria. Currently, Clatsop County administers and performs enforcement for areas outside the city limits inside the urban growth boundaries of Gearhart, Seaside, and Warrenton.~~ **Currently, all cities administer and enforce land use regulations in their respective urban growth areas.**

EXHIBIT "PC"

BEFORE THE PLANNING COMMISSION
FOR CLATSOP COUNTY, OREGON

In the matter of amendments to the
Clatsop County Land and Water
Development and Use Ordinance and the
Clatsop County Comprehensive Plan

RESOLUTION AND ORDER

NO. 06-11-06

RECITALS

A. Pursuant to Article 2 of the Clatsop County Land and Water Development and Use Ordinance, the City of Cannon Beach applied for amendments to the Clatsop County Land and Water Use and Development Ordinance and the Clatsop County Comprehensive Plan (Exhibit 1 of attached Exhibit A) on August 4, 2006, regarding development standards for accessory dwellings, lot area and size, nonconforming lot status, and duplex standards as these standards would apply to development in the City's various residential zones (RVL, RL, R1, R2, R3, and RM) in the Cannon Beach Urban Growth Area.

B. Pursuant to Article 2 of the Clatsop County Land and Water Development and Use Ordinance, the City of Cannon Beach requested that Clatsop County amend the Clatsop County Land and Water Use and Development Ordinance and the Clatsop County Comprehensive Plan by readopting the Cannon Beach Zoning Ordinance in its entirety, as amended through City of Cannon Beach Ordinance No. 06-10.

C. Pursuant to County Procedures for Land Use Applications, staff examined the applications and submitted a report dated November 7, 2006 regarding the requests. The Staff Report is attached as Exhibit A.

D. Pursuant to County procedures, a hearing was held on the Exhibit A matter on October 10, 2006 and November 14, 2006 for which appropriate notice was provided.

WHEREFORE, the Planning Commission finds and resolves:

1. That the Director is directed to present the Planning Commission's recommendation to approve the requests to the Board of Commissioners for their consideration.
2. That the Exhibit A Staff Report is adopted by reference in support of this recommendation.

SO ORDERED this 14th day of November 2006.

PLANNING COMMISSION FOR
CLATSOP COUNTY, OREGON

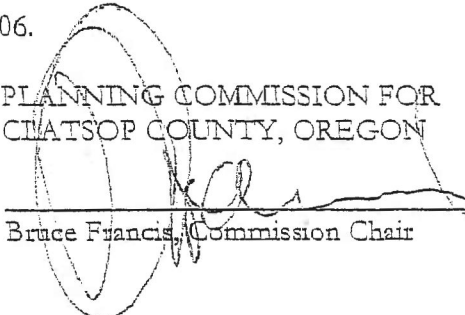

Bruce Francis, Commission Chair



Exhibit A

STAFF REPORT

Date: November 7, 2006

Applicant: City of Cannon Beach
PO Box 368
Cannon Beach, OR 97110

Requests:

1. Legislative (text) amendments to the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance (LWDUO) pertaining to residential development standards in the Cannon Beach Urban Growth Area
2. Legislative (text) amendments to the Clatsop County Comprehensive Plan and LWDUO pertaining to the re-adoption of the Cannon Beach Zoning Ordinance, including the Cannon Beach Land Use & Zoning Map

Hearing Dates: October 10, 2006 and November 14, 2006

Hearing Body: Planning Commission

Exhibits:

1. City of Cannon Beach Ordinance No. 06-10
2. Clatsop County/City of Cannon Beach Urban Growth Boundary Joint Management Agreement
3. Cannon Beach Zoning Ordinance (by reference (due to size); cover page only)

Application Descriptions:

The applicant, City of Cannon Beach, requests legislative (text) amendments to the Clatsop County Comprehensive Plan and Land and Water Development and Use Ordinance (LWDUO) pursuant to the City's adoption of Ordinance No. 06-10 (attached, Exhibit 1). The City also requests that Clatsop County readopt the Cannon Beach Zoning Ordinance, in its entirety, as amended through City Ordinance No. 06-10 (attached, Exhibit 3).

Procedural Requirements:

The Cannon Beach Zoning Ordinance, as it applies in the Cannon Beach Urban Growth Area (lands outside of the city limits and inside the urban growth boundary), is adopted, by

reference¹, as part of the Clatsop County Land and Water Development and Use Ordinance (LWDUO) and Comprehensive Plan.

The Clatsop County/City of Cannon Beach Urban Growth Boundary Joint Management Agreement (UGMA) (attached, Exhibit 2), requires amendments to the City of Cannon Beach Zoning Ordinance (as it applies to lands located within the Cannon Beach Urban Growth Area) to be co-adopted by Clatsop County.

UGMA Section 5.2 states, "Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure: (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development and Use Ordinance (ordinance 80-14, as amended)".

I. APPLICABLE REVIEW CODES AND POLICIES:

Clatsop County Land and Water Development and Use Ordinance (LWDUO - Ord. No. 80-14):

Section 2.300 (Legislation)

Clatsop County Standards Document (Ord. No. 80-14):

Not applicable to the application.

Clatsop County Comprehensive Plan:

Goal 2 – Land Use Planning
Goal 14 – Urbanization

Clatsop County/City of Cannon Beach Urban Growth Area Joint Management Agreement

Section 5. Land Use Regulatory Procedures

II. APPLICABLE REVIEW CRITERIA (LWDUO):

Section 2.300 Legislation

Finding: The City of Cannon Beach notified Clatsop County on August 4, 2006 of the legislative (text) amendments to the Cannon Beach Zoning Ordinance adopted by the City on August 1, 2006 (City of Cannon Beach Ordinance No. 06-10). The City also requested that Clatsop County re-adopt the most current version of the Cannon Beach Zoning Ordinance to ensure consistency between the City and County as it coordinates its efforts in the Cannon Beach Urban Growth Area.

¹ LWDUO § 3.480 and Comprehensive Plan Goal 2 Policy 1.b.

The Department Director set an October 10, 2006 public hearing date for these matters before the Planning Commission. The hearing was continued to November 14, 2006. Notice of the proposed amendments was mailed to the Oregon Department of Land Conservation and Development on August 25, 2006. Notice of the public hearing was mailed to all affected governmental agencies on September 20, 2006. Notice of the public hearing was published in the Daily Astorian on September 22, 2006 and November 3, 2006.

These Type IV applications have been processed in accordance with all applicable procedural requirements of LWDUO Sections 2.300.

III. APPLICABLE REVIEW CRITERIA (Comprehensive Plan):

Goal 2 – Land Use Planning

The County's land and water have been placed in one of six (6) Plan designations. They are:

1. Development. Development areas are those with a combination of physical, biological, and social/economic characteristics which make them necessary and suitable for residential, commercial, or industrial development and includes those which can be adequately served by existing or planned urban services and facilities.

b. Urban Growth Boundaries. See land use plans of Astoria, Cannon Beach Gearhart, Seaside, and Warrenton. Clatsop County has adopted each of the city's land use plans for areas outside the city limits and inside the urban growth boundary. The cities and the County have adopted Urban Growth Boundary Management Agreements. Clatsop County has turned over all administration and enforcement with Cannon Beach's urban growth boundary to Cannon Beach and Astoria's urban growth boundary to Astoria. Currently, Clatsop County administers and performs enforcement for areas outside the city limits inside the urban growth boundaries of Gearhart, Seaside, and Warrenton².

Goal 14 – Urbanization

Urban Growth Boundary Management Agreements

Each City and the County have adopted the UGB management agreements. As of June 1996, through the adopted UGB agreements the cities of Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton are administering and enforcing the UGB Comprehensive Plan and Zoning Ordinances inside the UGB outside the City.

Policy:

The County shall review these agreements every three to six years, or as needed and update accordingly.

See respective City's Urban Growth Boundary Plan:

Astoria
Cannon Beach
Gearhart

² This sentence is incorrect. The cities of Gearhart, Seaside, and Warrenton enforce their respective city development standards in the Urban Growth Area, not Clatsop County. The County will use this legislative amendment process to remedy this error in the Goal 2 element of the Clatsop County Comprehensive Plan.

Seaside
Warrenton

Clatsop County has adopted each of the UGB plan and zoning for each of the above. They are contained in separate documents in the Clatsop County Community Development Department or respective City Hall.

Finding:

The City of Cannon Beach proposes amendments to the Cannon Beach Zoning Ordinance (Ord. 06-10; attached Exhibit 1). The Cannon Beach Zoning Ordinance, as it applies in the Cannon Beach Urban Growth Area, is adopted, by reference, in the Clatsop County Land and Water Development and Use Ordinance (§ 3.480) and the Clatsop County Comprehensive Plan (Goal 2, Policy 1.b.). Thus, these amendments constitute amendments to the Goal 2 and Goal 14 elements of the Clatsop County Comprehensive Plan.

Finding:

The Goal 2 element of the County Comprehensive Plan explains that the County takes the lead on enforcement of development standards in the Gearhart, Seaside, and Warrenton Urban Growth Areas. This is incorrect. To ensure consistency between the Goal 2 and Goal 14 elements of the Comprehensive Plan, and the respective Urban Growth Management Agreements, references in the Goal 2 element shall be amended to reflect that all cities take the lead in enforcing development standards in the Urban Growth Areas, not Clatsop County.

Description of Amendments to the Cannon Beach Zoning Ordinance

As described in City of Cannon Beach Ordinance No. 06-10 (attached Exhibit 1), the City proposes amendments to an assortment of development standards in the City's various residential zoning districts (RVL, RL, R1, R2, R3, and RM). The amendments pertain to standards for accessory dwellings, lot area and size, nonconforming lot status, and duplex standards.

Finding:

The City of Cannon Beach has undertaken significant research and analysis (see 2005 City of Cannon Beach Urban Growth Boundary Review document (Exhibit to City Ord. 06-09)) to determine appropriate residential development standards that reflect community needs and values based on current and anticipated demographics. The City has involved the public and affected government agencies (i.e., DLCD) in its deliberations on Ordinance No. 06-10, including public hearings before the Cannon Beach Planning Commission and City Council. Clatsop County acknowledges the City's reasons for the proposed zoning ordinance text amendments and consents to the text amendments, as they would apply to development in the Cannon Beach Urban Growth Area.

IV. APPLICABLE REVIEW CRITERIA (Clatsop County/City of Gearhart Urban Growth Area Joint Management Agreement):

Section 5. Land Use Regulatory Procedures

2. Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon

Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure: (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development and Use Ordinance (ordinance 80-14, as amended).

Finding:

Clatsop County has conducted a public hearing for this matter, in accordance with Section 5.2 of the Clatsop County – City of Cannon Beach Urban Growth Boundary Joint Management Agreement, and the applicable procedures of the Clatsop County Land and Water Development and Use Ordinance. To ensure consistency between the City and County as it coordinates its efforts in the Cannon Beach Urban Growth Area, the County adopts, by this reference, the most current version of the City of Cannon Beach Zoning Ordinance, as amended through City Ordinance No. 06-10.

Recommendations to Planning Commission:

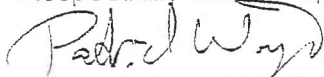
NOTE: Since this report covers three separate matters: (1) Cannon Beach Zoning Ordinance text amendments; (2) Re-adoption of the Cannon Beach Zoning Ordinance; and, (3) Correcting an error in the Goal 2 element of the Comprehensive Plan, three separate motions are listed below, in order, for the Planning Commission's consideration:

► Suggested Motion #1: Recommend to the Board of Commissioners approval of the proposed legislative (text) amendments to the Clatsop County Land and Water Development and Use Ordinance and Clatsop County Comprehensive Plan reflective of the City of Cannon Beach's proposed Zoning Ordinance text amendments included in City Ordinance No. 06-10. Adopt the findings of this report that support the text amendments.

► Suggested Motion #2: Recommend to the Board of Commissioners re-adoption of the Cannon Beach Zoning Ordinance, in its entirety, as adopted through City Ordinance No. 06-10. Adopt the findings of this report that support re-adoption of the Cannon Beach Zoning Ordinance.

► Suggested Motion #3: Recommend to the Board of Commissioners text amendments to the Goal 2 element of the Clatsop County that clarifies that all cities, not Clatsop County, take the lead in enforcing city development standards in the respective urban growth areas. Adopt the findings of this report that spell out the necessary corrections in the Goal 2 element of the Plan and authorize the Planning Commission Chair's signature on the attached Resolution and Order.

Respectfully submitted,



Patrick Wingard AICP
Community Development Supervisor
November 7, 2006

EXHIBIT 1

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING)
MUNICIPAL CODE, TITLE 17, ZONING,)
TO IMPLEMENT REVISIONS IN)
CONJUNCTION WITH THE REVIEW OF)
THE URBAN GROWTH BOUNDARY)
ORDINANCE NO. 06-10

The City of Cannon Beach does ordain as follows:

Section 1. Amend Municipal Code, Section 17.08.020 Residential Very Low Density (RVL) Zone, Uses permitted outright by adding a new subsection H to read as follows:

H. Accessory dwelling which satisfies the requirements of Section 17.54.080.

Section 2. Amend Municipal Code, Section 17.08.030 Residential Very Low Density (RVL) Zone, Conditional uses permitted by deleting subsection F in its entirety.

Section 3. Amend Municipal Code, Section 17.10.020 Residential Lower Density (RL) Zone, Uses permitted outright by adding a new subsection H to read as follows:

H. Accessory dwelling which satisfies the requirements of Section 17.54.080.

Section 4. Amend Municipal Code, Section 17.10.030 Residential Lower Density (RL) Zone, Conditional uses permitted by deleting subsection F in its entirety.

Section 5. Amend Municipal Code, Section 17.12.020 Residential Medium Density (R1) Zone, Uses permitted outright by adding a new subsection H to read as follows:

H. Accessory dwelling which satisfies the requirements of Section 17.54.080.

Section 6. Amend Municipal Code, Section 17.12.030 Residential Medium Density (R1) Zone, Conditional uses permitted by deleting subsection F in its entirety.

Section 7. Amend Municipal Code, Section 17.12.040.A Residential Moderate Density (R1) Zone, Standards to read as follows:

A. Lot Size. Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to the standards of Section 17.82.020.

Section 8. Amend Municipal Code, Section 17.14.040.A Residential Medium Density (R2) Zone, Standards to read as follows:

A. Lot Size. Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to the standards of Section 17.82.020. The minimum lot size for a two-family dwelling shall be five thousand square feet.

1-1

Section 9. Amend Municipal Code, Section 17.16.040.A Residential High Density (R3) Zone, Standards to read as follows:

A. Lot Size. Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to the standards of Section 17.82.020. The minimum lot size for a two-family dwelling shall be five thousand square feet. The density of multifamily dwellings, other than limited triplexes, shall be five thousand square feet for the first unit of the multifamily dwelling plus two thousand five hundred square feet for each additional unit. The density of limited triplexes shall be in conformance with Section 17.90.090. The maximum density of motels shall be one unit per one thousand square feet of site area.

Section 10. Amend Municipal Code, Amend Section 17.20.040.A Residential Motel (RM) Zone, Standards to read as follows:

A. Lot Size. Lot area shall be at least five thousand square feet, except that construction on lots of less than five thousand square feet is permitted subject to the standards of Section 17.82.020. The minimum lot size for a two-family dwelling shall be five thousand square feet. The density of multifamily dwellings, other than limited triplexes, shall be five thousand square feet for the first unit of the multifamily dwelling plus two thousand five hundred square feet for each additional unit. The density of limited triplexes shall be in conformance with Section 17.90.090. The maximum density of motels shall be one unit per one thousand square feet of site area.

Section 11. Amend Municipal Code, Section 17.82.020 Nonconforming lots to read as follows:


1. If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the county clerk at the time of the passage of the ordinance codified in this chapter has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or the aggregate of contiguous lots may be occupied by a use permitted in the zones, subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling.

2. In the R-1, R-2, R-3 and RM Zone, where two contiguous lots, which were created prior to the effective date of Ordinance 79-4A, are held in a single ownership and one of the lots has a minimum lot area of at least 4,000 square feet and the other lot has a minimum lot area of at least 2,500 square feet, both the lots may be occupied by a single-family dwelling so long as the total building coverage on the lot does not exceed forty percent.

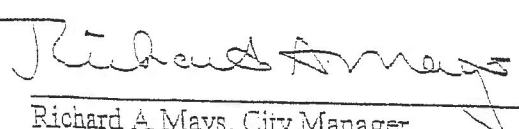
Section 12. Amend Municipal Code, Section 17.90.170.A.1 Duplex standards by deleting this section in its entirety.

ADOPTED by the Common Council of the City of Cannon Beach this 1st day of August 2006,
by the following roll call vote:

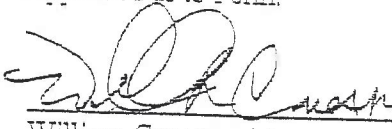
YEAS: Councilors: Dooley, Williams, Raskin
NAYS: Swigart, Mayor Rouse
EXCUSED: None


David S. Rouse, Mayor

Attest:


Richard A. Mays, City Manager

Approved as to Form:


William Canessa, Attorney

1-3

EXHIBIT 2

ORDINANCE 90-15

AN ORDINANCE ADOPTING THE CITY OF CANNON BEACH
URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT
AGREEMENT WITH CLATSOP COUNTY

The City of Cannon Beach does ordain as follows:

Section 1. The Urban Growth Boundary Area Joint Management Agreement with Clatsop County attached hereto and referred to as "Appendix A" is hereby adopted.

This Ordinance shall become effective on November 1, 1990.

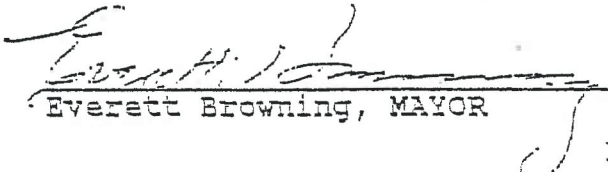
PASSED by the Common Council of the City of Cannon Beach this 2nd day of October, 1990, by the following vote:

YEAS: Mayor Browning; Councillors Beers, Fraser and Jack


NAYS: None

ABSENT: Councillor Niebuhr

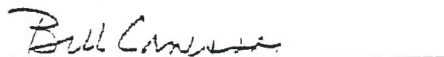
SUBMITTED to the Mayor this 4th day of October, 1990,
and APPROVED by the Mayor this 4th day of October, 1990.


Everett Browning, MAYOR

Attest:


Rosalie Dimmick
City Recorder/Treasurer

Approved:


Bill Canessa
City Attorney

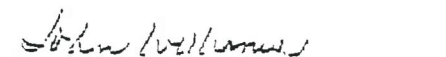

John Williams
City Manager

EXHIBIT "A"

CITY OF CANNON BEACH

URBAN GROWTH BOUNDARY AREA JOINT MANAGEMENT
AGREEMENT WITH CLATSOP COUNTY

SECTION 1. INTRODUCTION.

1. The parties to the Joint Management Agreement shall be the City of Cannon Beach, Oregon, hereinafter referred to as the City, and Clatsop County, Oregon, hereinafter referred to as the County.
2. The terms of the Joint Management Agreement shall be applicable to the City's Urban Growth Boundary Area. For the purposes of this Agreement, the Urban Growth Boundary Area shall be defined as that area of land extending from the City's corporate limits to the City's Urban Growth Boundary as referenced and mapped in the City's Comprehensive Plan, and hereby incorporated into and made a part of this document.

SECTION 2. DEFINITIONS.

1. Words and phrases used in this joint agreement and not defined herein shall be construed in accordance with ORS Chapters 92, 197, 215 and 227 and applicable Oregon Statewide Planning Goals unless otherwise specified. In the event of two or more definitions are provided for a single word or phrase, the most restrictive definition shall be utilized in construing this Agreement.
2. Urban Area: Those lands which lie within the designated Urban Growth Boundary, either within or without the City.
3. Urban Growth Area: That portion of the Urban Area which is outside of the incorporated limits of the City.
4. Urban Growth Boundary: The line drawn around the Urban Area which separates rural from urbanizable land, as identified within the Comprehensive Plan for the City.
5. Urbanizable Land: Urbanizable lands are those lands within the Urban Growth Boundary which are identified and (1) determined to be necessary and suitable for future urban area; (2) can be served by public facilities and services; (3) are needed for the expansion of an urban area.
6. Land-use Actions: Land use actions consist of the discretionary approval of a proposed development of land as defined by

ORS 197.015(10). The following are land use actions: conditional use permit, variance, actions affecting a nonconforming use or structure, design review plan approval, subdivision, major partition, and minor partition.

7. Development Permit: A permit which is issued administratively for a development which is in compliance with the standards of the zone in which it is located.

SECTION 3. INTENT OF AGREEMENT.

1. The provisions of this agreement shall establish the procedure for review and action on Comprehensive Plan amendments, Zoning Ordinance and Subdivision Ordinance amendments, land use actions, land use enforcement actions and other related matters.

SECTION 4. APPLICABLE DOCUMENTS.

1. The Cannon Beach Comprehensive Plan shall serve as the comprehensive plan for the Urban Area.
2. The Cannon Beach Zoning Ordinance and Subdivision Ordinance shall provide the criteria for acting on proposed land use actions and development permits in the Urban Area.

SECTION 5. LAND USE REGULATORY PROCEDURES.

Cannon Beach shall serve as the lead agency for all development requests within the urban area. The following procedures shall be followed:

1. Land use actions shall be processed according to the following procedure:
 - (a) All applications shall be submitted to Cannon Beach and shall be on forms provided by the City.
 - (b) Upon receipt of a complete application, the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered.
 - (c) The application shall be reviewed by the Cannon Beach Planning Commission or Design Review Board as provided for in the Cannon Beach Zoning Ordinance and/or Cannon Beach Subdivision Ordinance.

- (d) The County shall have standing to participate in the public hearing.
- (e) The City shall notify the County of the decision of the Cannon Beach Planning Commission or Design Review Board within five (5) working days of the decision.
- (f) The decision of the Cannon Beach Planning Commission or Design Review Board shall be final unless appealed by a party to the public hearing.
- (g) An appeal of a decision of the Cannon Beach Planning Commission or Design Review Board shall be to the Clatsop County Board of Commissioners.
- (h) The review of the appeal shall be pursuant to procedures set forth in the Clatsop County Land and Water Development and Use Ordinance (Ordinance 80-14 as amended).
- (i) Cannon Beach shall have standing to participate in the appeal.
- (j) Clatsop County shall notify Cannon Beach of its final decision on an appeal within five (5) working days of the decision.

2. Amendments to the Cannon Beach Comprehensive Plan, including the Urban Growth Boundary and Plan Map, Cannon Beach Zoning Ordinance map and text and the Cannon Beach Subdivision Ordinance shall be adopted by ordinance by both Cannon Beach and Clatsop County according to the following procedure.

- (a) Application shall be submitted to Cannon Beach on forms provided by the City.
- (b) Upon receipt of a complete application the City shall notify the County Department of Planning and Development of the hearing date at which the matter will be considered before the Cannon Beach Planning Commission and City Council.
- (c) The County shall have standing to participate in the public hearing before the Planning Commission and City Council.
- (d) Cannon Beach shall hold public hearing(s) in accordance with the procedures specified in the Cannon Beach Comprehensive Plan, Zoning Ordinance, or Subdivision Ordinance.

- (e) The City shall notify the County of the recommendation of the Cannon Beach Planning Commission within five (5) working days of the recommendation.
 - (f) If the Cannon Beach City Council approves the application, it shall do so by ordinance. If the City Council denies the application, the decision may be appealed to the Land Use Board of Appeals.
 - (g) The City shall notify the County of its final action within five (5) working days of adoption of an ordinance or the denial of the application.
 - (h) Clatsop County shall hold a public hearing on applications approved by Cannon Beach, according to procedures established in the Clatsop County Comprehensive Plan or Clatsop County Land and Water Development Use Ordinance (Ordinance 80-14, as amended).
 - (i) Clatsop County shall notify Cannon Beach of its final decision within five (5) working days of its decision.
3. Permitted uses shall be processed according to the following procedure:
- (a) The City shall be responsible for issuing development permits in the Urban Growth Area.
 - (b) The City shall be responsible for issuing and recording septic compatibility statements, electrical compatibility statements and water rights statements.
 - (c) Notice of all permits and compatibility statements issued under this section shall be submitted to the Clatsop County Department of Planning and Development within ten (10) working days of issuance.
4. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area, according to the provision of Section 7(2).

SECTION 6. ANNEXATION.

- 1. Annexation within the Cannon Beach Urban Growth Boundary shall be in accordance with relevant annexation procedures under Oregon law and the policies of the Cannon Beach Comprehensive Plan and Zoning Ordinance.
- 2. The City and County agree that the City shall assume responsibility for and jurisdiction over all County roads (or

portions thereof) that about the property that is being annexed.

SECTION 7. ADMINISTRATION.

1. The City shall be responsible for issuing all land use and development permits and land use determinations on compatibility statements in the Urban Growth Area.
2. The City shall be responsible for the enforcement of the provisions of the Zoning Ordinance and Subdivision Ordinance in the Urban Growth Area including any costs associated therewith; provided however that no formal proceedings to abate a violation may be initiated in state court or before any Planning Commission or City Council, without first obtaining the written consent of the County.
3. The City shall issue addresses for all buildings within the Urban Growth Area.
4. The City shall maintain records of all land use and development permits and compatibility statements within the Urban Growth Area.

SECTION 8. TERMS OF AGREEMENT.

This agreement becomes effective as of _____, 19____. This agreement shall be reviewed and amended at the time established for Cannon Beach's periodic review or at any other time by mutual consent of both parties.

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed this 4th day of October, 1990.


MAYOR, City of Cannon Beach

IN WITNESS WHEREOF, This Urban Growth Boundary Area Joint Management Agreement is signed and executed this ____ day of _____, 19____.

CHAIR, Board of County
Commissioners for Clatsop County

EXHIBIT 3

**Zoning Ordinance
of the
City of Cannon Beach**