



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

01/22/2013

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 001-12

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, January 31, 2013

This amendment was submitted to DLCD for review 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 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
Gordon Howard, DLCD Urban Planning Specialist
Patrick Wingard, DLCD Regional Representative
Matt Spangler, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JAN 14 2013

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within 20-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Cannon Beach**

Local file number: **CP 12-01**

Date of Adoption: **1/8/2013**

Date Mailed: **1/10/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/5/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amendment to the Comprehensive Plan Background Report, Appendix D: Presidential Streets Management Unit (Kramer Point to Harrison Street); Part II: Presidential Street Sand Management Strategy. The amendment adds two lots north of Washington Street into the Area II management unit.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **288 S. Laurel St. 264 S. Laurel St. 5-10-30AA**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

001-12 (19488) [17318]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon State Parks

Local Contact: **Rainmar Bartl**

Phone: (503) 436-8040 Extension:

Address: **PO Box 368**

Fax Number: **503-436-8041**

City: **Cannon Beach**

Zip: **97138**

E-mail Address: **bartl@ci.cannon-beach.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 6, 2012

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE)
COMPREHENSIVE PLAN, BACKGROUND)
REPORT, APPENDIX D, PRESIDENTIAL)
STREET MANAGEMENT UNIT)
)

ORDINANCE NO. 13-01

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Comprehensive Plan, Background Report, Appendix D: Presidential Street Management Unit (Kramer Point to Harrison Street); Part II: Presidential Streets Sand Management Strategy, Page 14, last paragraph to read as follows:

The recognition of individual areas within the overall management unit constitutes the framework of the proposed management strategy. Area I extends from Jackson Street to Harrison Street; Area II from Jackson Street to the north line of Tax Lot 700 & 15135, Map 51030AA, 100 feet north of Washington Street; and Area III from the north line of Tax Lot 700 & 15135, Map 51030AA to Kramer Point. Each area is distinguished by a combination of physical and social settings. For each area the relative priority of the management objectives identified above varies somewhat. The result is that different types of management practices are prescribed for the different areas (Table 3). Proposed management measures include: foredune grading; vegetative stabilization; drainage and access management; and monitoring and maintenance. Other than maintenance and enhancement of existing vegetation cover, little modification is envisioned for Area I. In Area II prescribed management practices will focus on foredune grading and vegetation stabilization. Special attention is given to drainage and access management needs within this area. Foredune grading and vegetative stabilization is also prescribed for Area III. Monitoring and maintenance of the entire area is to be conducted for at least the first two years following initial implementation. A detailed description of the setting, objectives, and prescribed management practices associated with each of the management areas is given below.

Section 2. Amend the Comprehensive Plan, Background Report, Appendix D: Presidential Street Management Unit (Kramer Point to Harrison Street); Part II: Presidential Streets Sand Management Strategy, Page 16, Area II header to read as follows:

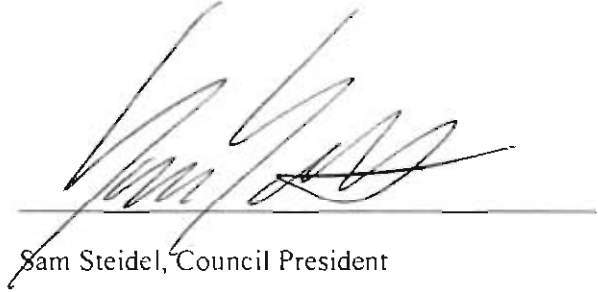
Area II: Jackson Street to the north line of Tax Lot 700 & 15135, Map 51030AA, 100 feet north of Washington Street

Section 3. Amend the Comprehensive Plan, Background Report, Appendix D: Presidential Street Management Unit (Kramer Point to Harrison Street); Part II: Presidential Streets Sand Management Strategy, Page 19, Area III header to read as follows:

Area III: North line of Tax Lot 700 & 15135, Map 51030AA, 100 feet north of Washington Street to Kramer Point

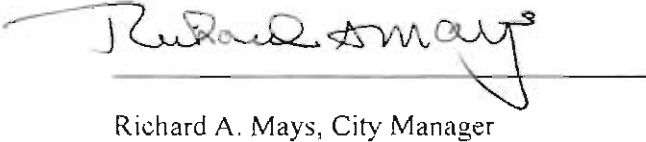
ADOPTED by the Common Council of the City of Cannon Beach this 8th day of January 2013.
by the following roll call vote:

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



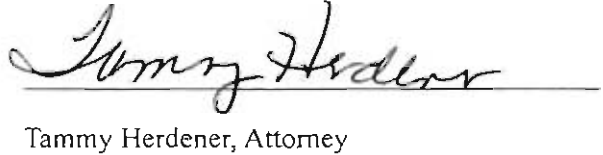
Sam Steidel, Council President

Attest:



Richard A. Mays, City Manager

Approved as to Form:



Tammy Heder, Attorney

FINDINGS OF FACT
CP12-01. DANIELS COMPREHENSIVE PLAN BACKGROUND REPORT AMENDMENT,
APPENDIX D, PRESIDENTIAL STREETS MANAGEMENT UNIT

BACKGROUND

The City's Comprehensive Plan Background Report includes a document outlining the City's approach to sand management within the City. This report is titled, "Cannon Beach: An Integrated Approach to Sand Management." This report includes an element titled, "Appendix D: Presidential Streets Management Unit (Kramer Point to Harrison Street)," which describes information pertinent to sand management on the portion of the City's ocean shore between Kramer Point and Harrison Street.

Two property owners, Norm Daniels and Warren Ulrich, are proposing to amend Appendix D, Part II: Presidential Street Sand Management Strategy to add their two properties, Tax Lot 700 & 800, Map 51030AA, immediately north of W. Washington Street, into the Area II management unit. These properties are presently in the Area III management unit. The proposed amendment is the first step in permitting foredune grading for view enhancement on these two properties, with that dune grading occurring in conformance with the grading strategy described in the plan for the Area II management unit. If the proposed plan amendment is approved, a conditional use application for foredune grading for view enhancement will be presented to the City, with that proposed grading including the two referenced properties.

At its October 25, 2012, meeting, the Planning Commission recommended approval.

The City Council held a public hearing on the application at its December 4, 2012, meeting.

ANALYSIS/INFORMATION

I. CRITERIA - STATEWIDE PLANNING GOALS

A. Goal 18 Beaches and Dunes, Implementation requirement 7 establishes standards for grading and sand movement necessary to maintain views and prevent sand inundation.

Finding: See findings below

II. CRITERIA – COMPREHENSIVE PLAN

A. Sand Dune Construction Policy 6 states, in part, "grading or sand movement necessary to maintain views or to prevent sand inundation may be allowed for structures in foredune areas only if the area is committed to development or is within an acknowledged urban growth boundary and only as part of an overall plan for managing foredune grading . . ."

Finding: The City has an overall plan for managing foredune grading, "Cannon Beach: An Integrated Approach to Sand Management." The proposal is to adjust the boundary between two areas in the Presidential Streets Management Unit, shifting two properties, Tax Lot 700 & 800, Map 51030AA, from Area III to Area II.



CITY OF CANNON BEACH

P.O. Box 368, OR 97110 • Fax: 503-436-2050 • TTY 503.436.8097 • Telephone: 503-436-1581

Website: <http://www.ci.cannon-beach.or.us> • Email: cityhall@ci.cannon-beach.or.us



January 10, 2013

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

DEPT OF

JAN 10 2013

LAND CONSERVATION
AND DEVELOPMENT

Dear Plan Amendment Specialist:

Please find the enclosed copy of the adopted amendments. CP 12-01 to amend the Comprehensive Plan Background Report, Appendix D: Presidential Streets Management Unit (Kramer Point to Harrison Street); Part II: Presidential Street Sand Management Strategy. The amendment adds two lots north of Washington Street into the Area II management unit, 288 S. Laurel St. 264 S. Laurel St. 5-10-30AA.

If you have questions or need anything further, please contact me at bradshaw@ci.cannon-beach.or.us or (503) 436-8048.

Thank you,

Jennifer Bradshaw
Administrative Assistant
Planning Departments

Appendix D. Part II: Presidential Street Sand Management Strategy, p14, last paragraph, states "the recognition of individual areas within the overall management unit constitutes the framework of the proposed management strategy, Area I extends from Jackson Street to Harrison Street; Area II from Washington Street to Jackson Street; Area III from Kramer Point to Washington Street. Each area is distinguished by a combination of physical and social settings." The management prescriptions, as described in Part II, are similar for both Area II and Area III. Thus the distinction between Area II and Area III is one of "social setting" and not the "physical setting." Property owners in Area II have proceeded with dune grading as outlined in Appendix D. Part II. Property owners in Area III have not. The property owners of the referenced properties wish to proceed with dune grading as part of the established program for Area II. The report prepared by Homing Geosciences, dated June 25, 2012, demonstrates that there is no geologic basis for not making the proposed amendment.

Conclusion: The proposed amendment is consistent with the City's overall sand management strategy and thus is in compliance with Sand Dune Construction Policy 6.

CONCLUSION

The application meets the relevant criteria.

cc\daep12-01\fin

CITY OF CANNON BEACH



P.O. Box 368 • Cannon Beach OR 97110



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01/10/2013
Mailed From 97110
US POSTAGE

Department of Land Conservation & Development
Attention: Plan Amendment Specialist
635 Capitol Street NE, Suite 150
Salem, OR 97301

DEPT OF

JAN 14 2013

LAND CONSERVATION
AND DEVELOPMENT

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