



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

## NOTICE OF ADOPTED AMENDMENT

August 14, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Cannon Beach Plan Amendment  
DLCD File Number 002-06



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: August 28, 2006**

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.

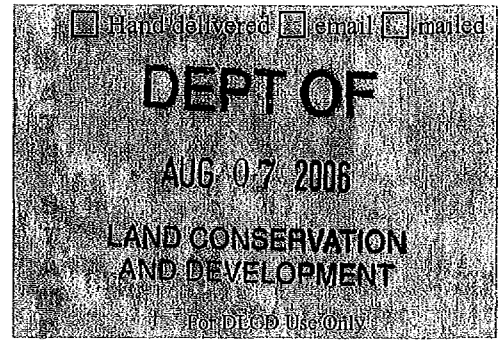
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Laren Woolley, DLCD Regional Representative  
Rainmar Bartl, City of Cannon Beach

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# 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 06-02  
 Date of Adoption: 8/1/2006 Date Mailed: 8/4/2006  
 Date original Notice of Proposed Amendment was mailed to DLCD: 4/4/2006

- |   |   |
|---|---|
| <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 Ordinance, Chapter 17.26, Manufactured Dwelling and Recreation Vehicle Park (MP) Zone to make existing Conditional uses permitted as Uses permitted outright.**

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: \_\_\_\_\_

Zone Map Changed from: N/A to: \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: None

Was and Exception Adopted?  YES  NO

DLCD File No.: 002-06 (15131)

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, City Planner Phone: (503) 436-1581 Extension: 133

Address: City of Cannon Beach City: Cannon Beach

PO Box 368

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](mailto: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. 06-08  
MUNICIPAL CODE, CHAPTER 17.26, )  
MANUFACTURED DWELLING AND )  
RECREATIONAL VEHICLE PARK (MP) )  
ZONE AND ASSOCIATED SECTIONS OF )  
THE MUNICIPAL CODE )

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Zoning Code, Chapter 17.04, Definitions, by adding a new definition of campground to read as follows:

Campground. "Campground" means an area of land developed without hook-up facilities for recreational use in temporary occupancy by tents or recreational vehicles.

Section 2. Amend Section 17.26.020, Manufactured Dwelling and Recreational Vehicle Park Zone, Uses permitted outright to read as follows:

17.26.020 Uses permitted outright.

The following uses are permitted outright in an MP zone:

- A. Recreational vehicle park, including the following accessory uses, grocery store, gift shop and snack bar where the total area of these uses does not exceed 800 square feet, meeting and multi-use rooms whose total area does not exceed 35 square feet per each approved recreational vehicle space, laundry, restrooms, and recreational facilities, where these accessory uses are intended to provide services for the guests of the recreational vehicle park, subject to the standards of Section 17.80.210;
- B. Manufactured dwelling park, including the following accessory uses, meeting and multi-use rooms and recreational facilities intended to serve residents of the manufactured dwelling park, subject to the standards of Section 17.80.180;
- C. Public park or publicly owned recreation area and their accessory uses;
- D. Utility lines necessary for public service;
- E. Manufactured dwelling on an individual lot and their accessory uses;
- F. A manufactured dwelling or recreational vehicle not exceeding three hundred square feet in area used temporarily during the construction period of a permitted use for which a building permit has been issued, but not to exceed one year.

Section 3. Amend Section 17.26.030, Manufactured Dwelling and Recreational Vehicle Park Zone, Conditional uses permitted to read as follows:

17.26.030 Conditional uses permitted.

In an MP zone the following uses are permitted subject to the provisions of Chapter 17.80:

- A. Meeting and multi-use rooms, in conjunction with a recreational vehicle park, whose total area exceeds 35 square feet per each approved recreational vehicle space in the recreational vehicle park;
- B. Grocery store, gift shop and snack bar in conjunction with a recreational vehicle park, where the total area of these uses exceeds 800 square feet;
- C. Other uses accessory to a recreational vehicle park not specifically listed in Section 17.26.020.A;
- D. Other uses accessory to a manufactured dwelling park not specifically listed in Section 17.26.020.B.
- E. Campground and their accessory uses;
- F. Structural shoreline stabilization: riprap, bulkhead or seawall consistent with Section 17.80.230;

Section 4. Amend Section 17.80.180 Manufactured dwelling parks, introductory paragraph to read as follows:


The following specific standards shall apply to manufactured dwelling parks:

Section 5. Amend Section 17.80.210 Recreational vehicle parks, introductory paragraph, to read as follows:

The following specific standards shall apply to recreational vehicle parks:

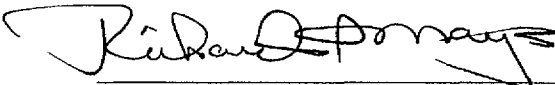
ADOPTED by the Common Council of the City of Cannon Beach this 1st day of August 2006, by the following roll call vote:

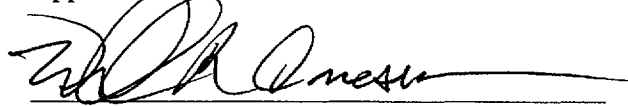
YEAS:	Councilors: Dooley, Williams, Raskin; Mayor Rouse
NAYS:	None
EXCUSED:	Swigart

  
\_\_\_\_\_  
David S. Rouse, Mayor

Attest:

Approved as to Form:

  
\_\_\_\_\_  
Richard A. Mays, City Manager

  
\_\_\_\_\_  
William Canessa, Attorney

FINDINGS OF FACT  
ZO 06-02, SWIGART REQUEST FOR AN AMENDMENT TO THE MUNICIPAL CODE,  
CHAPTER 17.26, MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARK  
(MP) ZONE

**BACKGROUND**

Carmen and Terry Swigart are requesting a change to the text of the zoning ordinance. The proposed change would make the following uses outright uses, rather than conditional uses, in the Manufactured Dwelling and Recreational Vehicle Park, MP Zone, recreational vehicle parks, campgrounds, manufactured dwelling parks, and manufactured dwelling on an individual lot. The proposed amendment would also establish permitted accessory uses in conjunction with a recreational vehicle park and a manufactured dwelling park.

There are two area of the City designated MP, the Sea Ranch Resort and the RV Resort at Cannon Beach.

The Planning Commission held a public hearing on the application at its May 25, 2006, meeting. The Planning Commission requested that staff prepare modifications to the proposed text amendment to the MP Zone which would:

- Specify a size limit for the proposed accessory use described as meeting area and multi-use rooms, in conjunction with a recreational vehicle park or manufactured dwelling park, in a manner that is similar to the standard for motels in the RM zone;
- Specify a size limit for other commercial uses, i.e. grocery store, gift shop and snack bar;
- Refine the phrase “including accessory uses” so that it is not an “open-ended” use category; and
- Define campground and establish standards.

The proposed modifications to address these issues are as follows:

Meeting Rooms and Multi-Use Rooms

Meeting rooms and multi-purpose rooms whose total area does not exceed 35 square feet per each approved recreational vehicle space are permitted outright.

Meeting rooms and multi-purpose rooms whose total area exceeds 35 square feet per each approved recreational vehicle space are permitted as a conditional use.

Example: A 100 space recreational vehicle park is permitted a total meeting room/multi-purpose room area of 3,500 square feet as an outright use. If the area of these facilities exceeds 3,500 square feet, a conditional use permit is required.

Grocery Store/Snack Bar/Gift Shop

Commercial uses, e.g., grocery store, snack bar and gift shop, whose area does not exceed 800 square feet is permitted as an outright use.

Commercial uses, e.g., grocery store, snack bar and gift shop, whose area exceeds 800 square feet, are permitted as a conditional use.

The size of the store at the RV Resort at Cannon Beach is 795 square feet.

Accessory Uses, Generally

If an accessory use in conjunction with a recreational vehicle park is specifically listed in Section 17.26.020, Uses permitted outright, it is a permitted use.

If an accessory use in conjunction with a recreational vehicle park is not specifically listed in Section 17.26.020, Uses permitted outright, it is a conditional use.

Campgrounds

The Zoning Code does not have a definition of campground. A campground is a listed use in the MP Zone. The purpose of the proposed definition of a “campground” is to distinguish it from a recreational vehicle park. The proposed definition does this by limiting the use of a “campground” to tents or recreational vehicles without hook-up facilities. This definition covers Wright’s for Camping, which is in the OSR Zone. The OSR Zone lists privately owned campground as a conditional use.

Within the context of the proposed amendment, staff does not have the time to develop standards for a campground. Therefore, it is proposed that a campground continue as a conditional use in the MP zone.

At its June 22, 2006, meeting the Planning Commission recommended approval of the proposed amendment with the above referenced modifications.

The Council held a public hearing on the application at a special meeting on June 27, 2006.

**ANALYSIS/INFORMATION**

I. CRITERIA - ZONING ORDINANCE

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.”

Findings:

**Northside Policy 1** states that “the Northside area, the area north of Ecola Creek, shall remain primarily residential in character. Development should take place only in a manner that is compatible with sensitive lands, steep slopes, active foredunes, areas subject to flooding, wetlands and stream banks.

Finding: The Sea Ranch Resort is an existing recreational vehicle park that is located in the Northside area. Northside Policy 1 recognizes that there are some non-residential uses on the Northside. Changing a recreational vehicle park from a conditional use to an outright use in the MP zone will not impact the policy’s objective of maintaining the Northside as a primarily residential area. The change will not expand the area designated for nonresidential use. Similarly, permitting some additional commercial uses accessory to a recreational vehicle park will not affect the overall residential character of the Northside because all such uses will be located in an existing zone, the MP zone, which permits a commercial use, i.e. a recreational vehicle park. In addition, requiring projects that incorporate larger scale commercial accessory uses to be subject to the

conditional use review process provides a review mechanism to ensure such commercial activities are compatible with adjacent residential areas.

**Midtown Policy 4** states that “the area north of Elk Creek Road on the east side of U.S. Highway 101 (south of the Ecola Creek Wetlands) shall be designated for residential and recreational vehicle park use with an emphasis on low-income housing alternatives, which could include mobile homes.

Finding: The RV Resort at Cannon Beach is located in the area of Midtown referenced by Midtown Policy 4. Changing a recreational vehicle park from a conditional use to an outright use will not impact the policy’s objective of having a recreational vehicle park located in this portion of the City.

Conclusion: The proposed amendment meets this criterion.

2. “The amendment will not adversely affect the ability of the city to satisfy land and water use needs.”

Findings: The proposed amendment will have no adverse impact on the city’s ability to satisfy a land use need, in this instance providing for a type of tourist accommodation, a recreational vehicle park because it changes this use from a conditional use to an outright use. Permitting a variety of accessory uses in conjunction with a recreational vehicle park will enhance the ability of recreational vehicle park owners to provide services desired by users of recreational vehicle parks.

The proposed amendment will have no adverse impact on the city’s ability to satisfy a land use need, in this instance, a manufactured dwelling park or manufactured dwelling on an individual, because the will make these uses outright uses rather than conditional uses.

The proposed amendment will have no impact on the City’s ability to provide for a water use need.

Conclusion: The proposed amendment meets this criterion

## II. CONCLUSION

The application meets the criteria for an amendment to the text of the zoning ordinance.

cc\swzo06-02fin