



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

February 13, 2008

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 003-07



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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 29, 2008

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.**

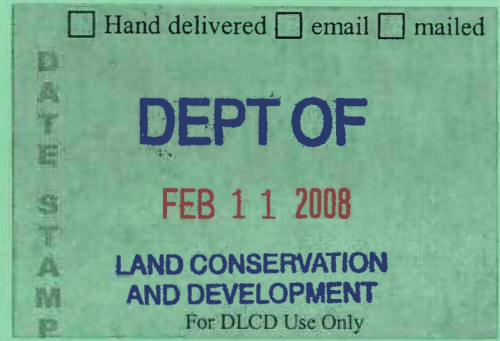
Cc: Doug White, DLCD Community Services Specialist
Laren Woolley, DLCD Regional Representative
Christine Shirley, FEMA Specialist
Amanda Punton, DLCD Natural Resource Specialist
Rainmar Bartl, City of Cannon Beach

<paa> ya/email

DLCD

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: Z007-01

Date of Adoption: 2/5/2008 Date Mailed: 2/8/2008

Date original Notice of Proposed Amendment was mailed to DLCD: 9/19/2007

- | | |
|-------------------------------------------------------------------|-----------------------------------------------------------|
| <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".

Miscellaneous zoning amendments regarding geological hazard overlay standards, wetland overlay standards, off-street parking standards, various conditional use and non-conforming use standards, residential uses and standards and an amendment to the subdivision ordinance establishing standards for building envelopes.

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".

Consideration of the miscellaneous zoning amendment regarding the flood hazard overlay zone standards was continued to provide staff with additional time to review, was tentatively approved at the 2/5/08 hearing, subject to final findings of fact and an ordinance.

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: 5, 7, 10

Was and Exception Adopted? YES NO

DLCD File No.: 003-07 (16410)

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) 436-1581 Extension: 118

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 AMENDING THE) ORDINANCE NO. 08-01
MUNICIPAL CODE, TITLE 17, ZONING,)
REGARDING MISCELLENEOUS)
AMENDMENTS)

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Municipal Code, Section 17.04.025, Definitions, Alley to read as follows:

“Alley” means a public or private way, no more than 20 feet in width, which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Section 2. Amend Municipal Code, Section 17.04.310, Definitions, Landscaping by deleting this section in its entirety.

Section 3. Amend Municipal Code, Section 17.04.330, Definitions, Lot, corner, to read as follows:

“Corner lot” means a lot abutting two streets, other than an alley, at their intersection.

Section 4. Amend Municipal Code, Section 17.04.340, Definitions, Lot depth, to read as follows:

“Lot depth” means the average horizontal distance between the front lot line and the rear lot line, where the average horizontal distance is established by utilizing ten-foot increments.

Section 5. Amend Municipal Code, Section 17.04.345, Definitions, Lot, interior, to read as follows:

“Interior lot” means a lot that abuts only one street, other than an alley.

Section 6. Amend Municipal Code, Section 17.04.355, Definitions, Lot line, front, to read as follows:

“Front lot line” means in the case of an interior lot, the lot line separating the lot from the street, other than an alley. In the case of a corner lot or through lot, the front lot line is the shortest line along a street, other than an alley. Where a lot does not abut a street, the lot line first crossed when gaining vehicular access to the lot from a street is the front lot line.

Section 7. Amend Municipal Code, Section 17.04.360, Definitions, Lot line, rear, to read as follows:

“Rear lot line” means a lot line opposite and most distant from the front lot line; and for an irregular or triangular shaped lot, a straight line ten feet in length, within the lot, that is parallel to and at the maximum distance from the front lot line.

Section 8. Amend Municipal Code, Section 17.04.365, Definitions, Lot line, side, to read as follows:

“Side lot line” means, for interior lots, a line separating one lot from the abutting lot or lots fronting on the same street; for corner lots or through lots, a line other than the front lot line separating the lot from the street or a line separating the lot from an abutting lot.

Section 9. Amend Municipal Code, Section 17.04.370, Definitions, Lot line, through, to read as follows:

“Through lot” means a lot abutting two or more streets, other than an alley, that is not a corner lot.

Section 10. Amend Municipal Code, Section 17.04.375, Definitions, Lot width to read as follows:

“Lot width” means the average horizontal distance between the side lot lines, as measured parallel to the front lot line, where the average horizontal distance is established by utilizing ten-foot increments.

Section 11. Amend Municipal Code, Section 17.04.410 Definitions, Nonconforming structure or use, by deleting this section in its entirety:

Section 12. Amend Municipal Code, Section 17.04.430 Definitions, Parking space by deleting this section in its entirety:

Section 13. Amend Municipal Code, Section 17.04.540, Definitions, Structure to read as follows:

“Structure” means any man-made assemblage of materials extending above the surface of the ground and permanently affixed or attached, or where not permanently affixed or attached to the ground not readily portable, but not including landscape improvements such as rock walls, retaining walls less than four feet in height, flag poles, and other minor incidental improvements similar to those described above.

Section 14. Amend Municipal Code, Chapter 17.04, Definitions by adding the following definitions:

“Assisted living facility” means a building designed for occupancy by elderly or disabled persons living independently of each other and where the facility provides certain defined services on a twenty-four hour basis. These services can include: meals, housekeeping, scheduled activities, transportation, personal care, and nursing care. A bedroom is the equivalent of a unit for the purpose of calculating the number of assisted living units.

“Group Housing” means a residential type building that contains sleeping rooms for unrelated individuals, but not including a residential facility or residential home.

“Office” means premises where services such as clerical, professional, or medical are provided.

“Retail” means premises in which goods or commodities are sold, rented or leased directly to the final consumer.

Section 15. Amend Municipal Code, Section 17.08.040.B, Residential Very Low Density (RVL) Zone, Standards, Lot Dimensions and Yard Requirements to read as follows:

There are no lot dimension requirements. For lots of more than ten thousand square feet in size, no structure shall be located within twenty feet of a lot line. For lots that are ten thousand square feet in size or less: a front yard shall be at least fifteen feet; a side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet; and a rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 16. Amend Municipal Code, Section 17.10.040.B.4, Residential Lower Density (RL) Zone, Standards, Lot Dimensions, Side Yard to read as follows:

A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.

Section 17. Amend Municipal Code, Section 17.10.040.B.5, Residential Lower Density (RL) Zone, Standards, Lot Dimensions, Rear Yard to read as follows:

A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 18. Amend Municipal Code, Section 17.10.040.D, Residential Lower Density (RL) Zone, Standards, Floor Area Ratio to read as follows:

The floor area ratio for a permitted or conditional use on a lot of six thousand square feet or more shall not exceed .5. The maximum gross floor area for a permitted or conditional use on a lot of more than 5,000 square feet, but less than 6,000 square feet, shall not exceed three thousand square feet. The floor area ratio for a permitted or conditional use on a lot with an area of five thousand square feet or less shall not exceed .6.

Section 19. Amend Municipal Code, Section 17.12.040.B.4, Residential Moderate Density (R1) Zone, Standards, Lot Dimensions, Side Yard to read as follows:

A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.

Section 20. Amend Municipal Code, Section 17.12.040.B.5, Residential Moderate Density (R1) Zone, Standards, Lot Dimensions, Rear Yard to read as follows:

A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 21. Amend Municipal Code, Section 17.14.040.B.4, Residential Medium Density (R2) Zone, Standards, Lot Dimensions, Side Yard to read as follows:

A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.

Section 22. Amend Municipal Code, Section 17.14.040.B.5, Residential Medium Density (R2) Zone, Standards, Lot Dimensions, Rear Yard to read as follows:

A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 23. Amend Section 17.16.030 Residential High Density (R3) Zone, Conditional uses permitted by adding a new subsection to read as follows:

H. Assisted living facility.

Section 24. Amend Municipal Code, Section 17.16.040.A Residential High Density (R3) Zone, Standards, Lot Size to read as follows:

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 limited triplexes shall be in conformance with Section 17.90.090. The density of multifamily dwellings 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, except that there is no density standard for multifamily dwellings used for long-term rental purposes (thirty-days or more) and where a deed restriction is recorded preventing the multifamily dwelling from conversion to condominium use, or similar individual ownership arrangement, or use as a short-term rental pursuant to Municipal Code, Chapter 17.77. The maximum density of motels and assisted living facilities shall be one unit per one thousand square feet of site area.

Section 25. Amend Municipal Code, Section 17.16.040.B.4, Residential High Density (R3) Zone, Standards, Lot Dimensions, Side Yard to read as follows:

A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.

Section 26. Amend Municipal Code, Section 17.16.040.B.5, Residential High Density (R3) Zone, Standards, Lot Dimensions, Rear Yard to read as follows:

A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 27. Amend Municipal Code, Section 17.16.040.D Residential High Density (R3) Zone, Standards, Floor Area Ratio to read as follows:

The floor area ratio for a permitted or conditional use, other than a multifamily dwelling or assisted living facility, shall not exceed .6.

Section 28. Amend Municipal Code, Section 17.18.030 Residential Alternative/Manufactured Dwelling (RAM) Zone, Conditional uses permitted by adding a new subsection to read as follows:

H. Assisted living facility.

Section 29. Amend Municipal Code, Section 17.18.040.A Residential Alternative/Manufactured Dwellings (RAM) Zone, Standards, Lot Size to read as follows:

The minimum lot size for a single-family dwelling, manufactured dwelling, modular home and a duplex shall be five thousand square feet. The density of multifamily dwellings 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, except that there is no density standard for multifamily dwellings used for long-term rental purposes (thirty-days or more) and where a deed restriction is recorded preventing the multifamily dwelling from conversion to condominium use, or similar individual ownership arrangement, or use as a short-term rental pursuant to Municipal Code, Chapter 17.77. The maximum density of assisted living facilities shall be one residential unit per one thousand square feet of site area.

Section 30. Amend Municipal Code, Section 17.18.040.B.4, Residential Alternative/Manufactured Dwelling (RAM) Zone, Standards, Lot Dimensions, Side Yard to read as follows:

A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.

Section 31. Amend Municipal Code, Section 17.18.040.B.5, Residential Alternative/Manufactured Dwelling (RAM) Zone, Standards, Lot Dimensions, Rear Yard to read as follows:

A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 32. Amend Municipal Code, Section 17.18.040.D, Residential Alternative/Manufactured Dwellings (RAM) Zone, Standards. Floor Area Ratio to read as follows:

The floor area ratio for a permitted or conditional use, other than a multifamily dwelling or assisted living facility, shall not exceed .6.

Section 33. Amend Municipal Code, Section 17.20.030, Residential Motel (RM) Zone, Conditional uses permitted by adding a new subsection to read as follows:

K. Assisted living facility

Section 34. Amend Municipal Code, Section 17.20.040.A Residential Motel (RM) Zone, Standards, Lot Size to read as follows:

Lot area shall be at least five thousand square feet, except that construction on lots less than five thousand square feet is 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 limited triplexes shall be in conformance with Section 17.90.090. The density of multifamily dwellings 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, except that there is no density standard for multifamily dwellings used for long-term rental purposes (thirty-days or more) and where a deed restriction is recorded preventing the multifamily dwelling from conversion to condominium use, or similar individual ownership arrangement, or use as a short-term rental pursuant to Municipal Code, Chapter 17.77. The maximum density of motels and assisted living facilities shall be one unit per one thousand square feet of site area. The density of a motel project that includes motel units and dwelling units, other than a manager's unit, shall be cumulative. Example: a three unit motel in conjunction with a three-unit multifamily dwelling requires ten thousand square feet for the multifamily dwelling and three thousand square feet for the motel units.

Section 35. Amend Municipal Code, Section 17.20.040.B.4, Residential Motel (RM) Zone, Standards, Lot Dimensions, Side Yard to read as follows:

A side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet.

Section 36. Amend Municipal Code, Section 17.20.040.B.5, Residential Motel (RM) Zone, Standards, Lot Dimensions, Rear Yard to read as follows:

A rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 37. Amend Municipal Code, Section 17.22.030 Limited Commercial (C1) Zone, Conditional uses permitted by adding a new subsection to read as follows:

N. Assisted living facility.

Section 38. Amend Municipal Code, Section 17.22.050.A Limited Commercial (C1) Zone, Standards, Lot Size to read as follows:

None, except that the density of multifamily dwellings 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, except that there is no density standard for multifamily dwellings used for long-term rental purposes (thirty-days or more) and where a

deed restriction is recorded preventing the multifamily dwelling from conversion to condominium use, or similar individual ownership arrangement, or use as a short-term rental pursuant to Municipal Code, Chapter 17.77; and the maximum density of assisted living facilities shall be one residential unit per one thousand square feet of site area.

Section 39. Amend Municipal Code, Section 17.26.040.B.1, Manufactured Dwelling and Recreational Vehicle Park (MP) Zone, Standards, Lot Dimensions, to read as follows:

Manufactured dwellings on an individual lot shall have a minimum lot width of forty feet and a minimum lot depth of eighty feet. The front yard shall be at least fifteen feet. The side yard shall be at least five feet, except on a corner or through lot the minimum side yard from the street shall be fifteen feet. The rear yard shall be at least fifteen feet, except on a corner or through lot it shall be a minimum of five feet, except where a rear lot line abuts a street, it shall be a minimum of fifteen feet.

Section 40. Amend Municipal Code, Section 17.43.020, Wetland Overlay (WO) Zone, Mapping to read as follows:

A. The maps delineating the WO zone boundaries shall be maintained and updated as necessary by the city. The Cannon Beach Local Wetland Inventory maps dated September 20, 1994, shall form the basis for the location of wetlands. The WO zone includes both wetland and wetland buffer areas which abut wetlands. The wetland buffer area has a width of five feet measured from the outer boundaries of the wetland.

B. Site-specific wetland delineations or determinations are required to determine the exact location of the WO zone boundary. Wetland determinations and delineations shall be conducted in accordance with the *1987 U.S. Army Corps of Engineers Wetlands Delineation Manual* along with any supporting technical or guidance documents issued by the Division of State Lands and applicable guidance issued by the U.S. Army Corps of Engineers for the area in which the wetlands are located.

C. Where a wetland delineation or determination is prepared, the mapping it contains shall replace that of the Cannon Beach Local Wetland Inventory. Wetland delineations or determinations shall remain valid for a period of not more than five years from the date of their acceptance by the Division of State Lands.

D. The continued reliance on a wetland delineation or determination that is more than five years old requires the following additional new information:

1. An onsite re-inspection of the site by a qualified individual to determine if there has been any change in circumstances.

2. If no change in circumstances is found, a short report noting or including:

a. A description of site conditions and any changes between the date of the original wetland determination or delineation and the date of the re-inspection;

b. Any additional maps, aerial photographs or other documents consulted; and

c. Conclusions regarding the accuracy of the original wetland delineation or determination.

3. If a change in circumstances is noted, the information in subsection (D)(2) of this section shall be provided along with:

a. Additional field data, including wetland determination data in conformance with Division of State Lands standards needed to verify and document any change in the status of the wetland area that were or were not identified and mapped as part of the original delineation or determination.

b. A revised wetland map.

c. Data, documentation, and other information as needed to establish the nature and timing of the activity or activities that resulted in the change in circumstances.

E. Protected wetlands that are legally filled under this chapter are no longer protected wetlands, but remain as wetland buffer areas under this overlay zone. Wetland buffer areas that are legally filled under this chapter remain as wetland buffer areas.

Section 41. Amend Municipal Code, Section 17.44.120.B Landscaping standards, Landscaping Defined to read as follows:

1. The required landscaping for duplexes, triplexes and multifamily dwellings described in Section 17.44.120.A shall consist of living plant material such as trees, shrubs, groundcover, flowers and lawn. Except for areas under roof eaves as defined by Section 17.90.070.A, an area designated as landscaping must be open to the sky; areas under covered walkways, sky bridges and similar covered structures are not be included in the calculation of landscaped area.

2. The required landscaping for nonresidential uses described in Section 17.44.120.A shall include any combination of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn; and hard surfaced materials such as benches, walkways, courtyards and outdoor seating areas. Living plant material shall constitute a minimum of fifty percent of the total required landscaping area. Except for areas under roof eaves as defined by Section 17.90.070.A, an area designated as living plant material must be open to the sky; areas under covered walkways, sky bridges and similar covered structures can not be included in the calculation of the landscaped area consisting of living plant material. Landscaped areas consisting of hard surfaced material, as described above, must also be open to the sky, except for areas under roof eaves as defined by Section 17.90.070.A. However, the area of a porch, defined as a structure that projects from the exterior wall of a building and is covered by a roof and is adjacent to a sidewalk, may be included in the computation of hard surfaced landscape area.

3. Landscaped areas shall have a minimum width of three feet.

Section 42. Amend Municipal Code, Section 17.44.120.D Landscaping standards, Parking Lots to read as follows:

Parking areas shall be landscaped in accordance with the requirements of Section 17.78.030.5-7.

Section 43. Amend Municipal Code, Section 17.50.040 Development Requirements For Potential Geologic Hazard Areas, Reports and plans required, by adding a new subsection 6 to read as follows:

6. A geologic site investigation report shall remain valid for a period of not more than five years from the date of its preparation. The continued reliance on a geologic site investigation report that is more than five years old requires the following additional new information:

a. An onsite re-inspection of the site by a qualified individual to determine if there has been any change in circumstances.

b. If no change in circumstances is found, a short report noting or including:

(1). A description of site conditions and any changes between the date of the original geologic site investigation report and the date of the re-inspection;

(2). Any additional maps, aerial photographs or other documents consulted; and

(3). Conclusions regarding the accuracy of the original geologic site investigation report.

c. If a change in circumstances is noted, the information in subsection (b) of this section shall be provided along with:

(1). Additional field data needed to verify and document any change in the status of the area;

(2). Revised mapping;

(3). Data, documentation, and other information as needed to define the existing geologic condition of the property; and

(4). Revised recommendations and conclusions based on the changed circumstances applicable to the property.

Section 44. Amend Municipal Code, Section 17.54.030A.1, Accessory structure or building to read as follows:

The structures or buildings do not have a total area of more than 120 square feet; and

Section 45. Amend Municipal Code, Section 17.54.030.A.3, Accessory structure or building to read as follows:

The structures or buildings do not exceed twelve feet in height, measured as the vertical distance from the average existing grade to the highest point of the roof surface; and

Section 46. Amend Municipal Code, Section 17.64.010, Setback Reduction, Provisions established to read as follows:

Section 17.64.010 Provisions established.

A. Reduction of setback requirements without variance procedure but following the procedures required by Chapter 17.88 of this code may be approved by the planning commission where the following criteria are met:

1. Total building coverage shall not exceed forty percent;
2. Significant views of the ocean, mountains or similar features from nearby properties will not be obstructed any more than would occur if the proposed structure were located as required by the zoning district;
3. The proposed building location will not interfere with solar access of buildings on adjoining property;
4. It is the purpose of setbacks to provide for a reasonable amount of privacy, drainage, light, air, noise reduction and fire safety between adjacent structures. Setback reduction permits may be granted where the planning commission finds that the above purposes are maintained, and one or more of the following are achieved by the reduction in setbacks:
 - a. Tree protection,
 - b. The protection of a neighboring property's views of the ocean, mountains or similar natural features,
 - c. The maintenance of a stream corridor or avoidance of geologic hazards or other difficult topography,
 - d. The provision of solar access,
 - e. Permitting construction on a lot with unusual configuration,
 - f. Rehabilitation of existing buildings where other reasonable alternatives do not exist,
 - g. Protection of a wetland or wetland buffer area; or
 - h. Permitting construction on an oceanfront lot where the effect of the application of the oceanfront setback requirement of Section 17.42.040.6 reduces the depth of the lot located within the required setbacks to less than 40% of the lot's depth. Under this standard, a reduction in the required setback shall be considered only in the setback opposite of the required oceanfront setback.
5. Adjacent rights-of-way have sufficient width for utility placement or other public purposes;
6. The reduction would not create traffic hazards; or impinge upon a public walkway or trail;
7. Any encroachment into the setback will not substantially reduce the amount of privacy which is or would be enjoyed by an abutting property; and
8. The proposed building location will not interfere with the ability to provide fire protection to the building or adjacent buildings.

B. 17.64.020 Conditions.

Conditions may be imposed in connection with the granting of the setback reduction where such conditions are deemed necessary to meet the setback reduction standards.

C. 17.64.030 Compliance with approved plans and conditions of approval.

Adherence to the submitted plans, as approved, is required. Compliance with conditions of approval is also required. Any departure from approved plans or conditions of approval constitutes a violation of the ordinances codified in this title, unless modified by the planning commission at a public hearing, pursuant to Chapter 17.88.

D. 17.64.040 Time limit for approved setback reductions.

Authorization of a setback reduction shall be void after one year, or such lesser time period as the approval may specify, unless a building permit has been issued. However, when requested, the planning commission, at a public hearing conducted pursuant to Chapter 17.88, may extend authorization for an additional period not to exceed one year.

Section 47. Amend Municipal Code, Chapter 17.78 to read as follows:

Off-street Parking

Section 48. Amend Chapter 17.78, Off-Street Parking to read as follows:

The following general provisions shall govern the application of off-street parking requirements:

- A. The provision and maintenance of off-street parking is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking. The subsequent use of property for which the building permit is issued is conditional upon the unqualified continuance and availability of the amount of off-street parking required by this chapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing required off-street parking, it shall be a violation of this chapter to begin or maintain such altered use until the required increase in off-street parking is provided.
- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission based upon the requirements of comparable uses listed.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless evidence is presented to the satisfaction of the city that the various uses will not be used simultaneously, thus not requiring that the required amount of off-street parking be the sum of the requirements of the several uses. Where the City determines that various uses will not be used simultaneously, the city shall determine the amount of off-street parking to be provided.
- D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking area where the amount of the off-street parking provided in such a joint use parking area is the sum of the required off-street parking for those several uses and where a deed restriction or covenant for the shared parking between the cooperating property owners is recorded with Clatsop County. The deed restriction or covenant shall be approved by the city and shall contain a provision that it cannot be modified or revoked without the approval of the city.
- E. Off-street parking spaces for one or two family dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than two hundred feet from the building or use they are required to serve measured in a straight line from the building, except that in the downtown commercial area the provisions of Section 17.22.050.E apply. For uses where parking is permitted within two hundred feet of the intended use, the parking must be located in a zone which permits the use for which the parking is to be provided.
- F. Required parking spaces shall be available for the parking of passenger vehicles of residents, customers and employees of the use and shall not be used for storage of vehicles or materials.
- G. A plan drawn to scale, indicating how the off-street parking requirements are to be met shall accompany an application for a building permit.
- H. It is unlawful to charge a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirements specified in Section 17.78.020 and Section 17.22.050(J)(1). Where such a fee was charged prior to the effective date of Ordinance 97-12, an amortization period of four months, from the effective date of Ordinance 97-25, is established. At the conclusion of the amortization period, charging a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirement specified in Section 17.78.020 and Section 17.22.050 (J)(1) shall be prohibited whether or not a fee was charged prior to the adoption of Ordinance 97-12.

Section 49. Amend Municipal Code, Section 17.78.020, Off-street parking requirements to read as follows:

A. At the time a structure is erected or enlarged or the use of a structure or parcel of land changes, off-street parking spaces shall be provided in accordance with this section and Section 17.78.010, Section 17.78.030 and Section 17.78.040.

B. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this section.

C. Where square feet are specified, the area measured shall be gross floor area, where gross floor area means the sum of the gross horizontal area of all floors of a building, as measured from the exterior walls of a building. Where employees are specified, persons counted shall be those working on the premises including the proprietors, during the largest shift at a peak season.

D. In determining the number of parking spaces required by this section, all fractions 0.5 or greater shall be rounded to the nearest whole number. (Example, if it is determined that 5.65 parking spaces are required, 6 off-street parking spaces must be provided. If it is determined that 5.25 parking spaces are required, 5 off-street parking spaces must be provided.)

Use	Parking spaces required
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Retail and office	Downtown
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a. For structures existing as of July 6, 1995, existing off-street parking spaces which were required to meet the off-street parking requirement (1.5 parking spaces per four hundred square feet of gross floor area), as per Ordinance 88-6, shall be retained;

b. At the time an existing structure containing retail or office use is replaced or enlarged, off-street parking spaces shall be required for the proposed building's gross floor area which exceeds the existing building's gross floor area. The additional required off-street parking spaces shall be provided in accordance with the standard of one parking space per four hundred square feet of gross floor area;

c. At the time a new structure is erected on a parcel of land which did not contain a commercial use as of July 6, 1995, one parking space per four hundred square feet of gross floor area shall be required;

d. At the time an existing structure, which was not used for commercial purposes as of July 6, 1995, is converted to retail or office use, one parking space per four hundred square feet of gross

floor area shall be required.

Midtown and Tolovana Park

a. For structures existing as of December 2, 2004, existing off-street parking spaces, which were required to meet the use's off-street parking requirement (1.5 parking spaces per four hundred square feet of gross floor area), as per Ordinance 88-6, shall be retained;

b. At the time an existing structure containing retail or office use is replaced or enlarged, off-street parking spaces shall be required for the proposed building's gross floor area which exceeds the existing building's gross floor area. The additional required off-street parking spaces shall be provided in accordance with the standard of one parking space per four hundred square feet of gross floor area;

c. At the time a new structure is erected on a parcel of land which did not contain a commercial use as of December 2, 2004, one parking space per four hundred square feet of gross floor area shall be required;

d. At the time an existing structure, which was not used for commercial purposes as of December 2, 2004, is converted to retail or office use, one parking space per four hundred square feet of gross floor area shall be required.

Motels and hotels

1-1/4 per unit and 2 for a manager's unit; 1 for each unit of 400 sq. ft. or less, as long as that unit has only 1 bedroom

Recreational vehicle park and campground

1 per employee

Residences a. Single-family dwelling, two-family dwelling and multiple family dwelling in condominium ownership: 2 per dwelling unit, except that 1 per dwelling unit is required for residences that are provided in conjunction with a commercial use where those residences constitute no more than 50% of the building area

b. Multiple-family dwellings in other than condominium ownership:

Studio 1 per dwelling unit

1 bedroom 1.25 per dwelling unit

2 bedroom 1.5 per dwelling unit

3 or more bedrooms 2 per dwelling unit

Group housing 1 per sleeping room

Assisted living 1 per 2 residential units

Schools, elementary 1 per employee or teacher

Restaurants, bar, or lounge Downtown

1.5 parking spaces per four hundred square feet of gross floor, except that one parking space per four hundred square feet of gross floor area shall be required for: (1) additions to a restaurant, bar or lounge after July 6, 1995; or (2) a restaurant, bar or lounge on a parcel of land which did not contain a commercial use as of July 6, 1995; or (3) a restaurant, bar or lounge in a structure which was not used for commercial purposes as of July 6, 1995.

Midtown

1.5 parking spaces per four hundred square feet of gross floor area shall be required.

Tolovana Park

	One parking space per one hundred square feet of gross floor area shall be required.
Meeting rooms	One parking space per one hundred square feet of gross floor area shall be required.
Limited manufacturing	1 per employee at the maximum shift
Transient rental, vacation home rental	Per Section 17.77.040.2.e
Similar uses or aggregate	To be evaluated on a case-by-case basis based on above standards

Section 50. Amend Municipal Code, Chapter 17.78 Off-street Parking, replacing Section 17.78.030 Off-street Loading requirement with Section, 17.78.030, Design standards to read as follows:

17.78.030 Design standards

- A. The following design requirements shall apply to an off-street parking area consisting of five or more parking spaces:
1. Parking area layouts shall provide parking spaces and aisle dimensions that meet the minimum dimensions contained in Figure A, Minimum Design Requirements.
 2. A parking space must be at least 9 feet by 18 feet. Where parallel parking spaces are provided, the minimum dimension is 9 feet by 22 feet.
 3. Parking spaces for disabled persons shall be in accordance with the requirements of the Oregon Structural Specialty Code. These standards control: dimensions of disabled person parking spaces and access aisles; the minimum number of disabled person parking spaces required; location of disabled person parking spaces and circulation routes; curb cuts and ramps including slope, width and location; and signage and pavement markings.
 4. All parking areas must be designed so that a vehicle may enter or exit without having to move another vehicle. Stacked or tandem parking is not permitted.
 5. At a minimum, 10 % of the area of the parking lot shall be landscaped. In determining the area of the parking lot and required landscaping the minimum area separation between the building and the parking lot described in section 17.78.030.A.6 shall not be included. The landscaped area of the parking lot shall contain at least one tree for every 175 square feet of landscaping provided. Areas that contain a tree shall have a minimum width of five feet. Any landscaped area shall have a minimum area of 50 square feet.
 6. An area with a minimum width of five feet shall separate the exterior wall of a building from the parking lot. The separation between the parking lot and the building can consist of landscaping material, a pedestrian walkway, or a combination of the two.
 7. Provide separation and screening of the parking area from the street and abutting property. The separation can be provided by either a fence or a landscaped planting area. Where landscaping is utilized, the planting area shall have a minimum width of three feet. The height of the fence or planting shall be sufficient to screen the parking facility, but without encroaching into the required clear vision area.
 8. When a parking area serving a multifamily, commercial, industrial or governmental use abuts a residential zone, buffering meeting the requirements of Chapter 17.66 shall be provided.
 9. The number of access points from the adjacent public street(s) to the parking area shall be limited to the minimum that will allow the property to accommodate the anticipated traffic. Access points shall be located on side streets or existing driveways wherever possible so as to avoid congestion of arterial or collector streets. The

width of the access point(s) to the parking area shall comply with the standards of Municipal Code, Section 12.08.040.

10. Maneuvering space (to prevent backing onto streets) shall be provided for all lots which provide access onto arterial streets (Hemlock Street, Sunset Boulevard, and US Highway 101.)

11. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points fifteen feet from their intersection.

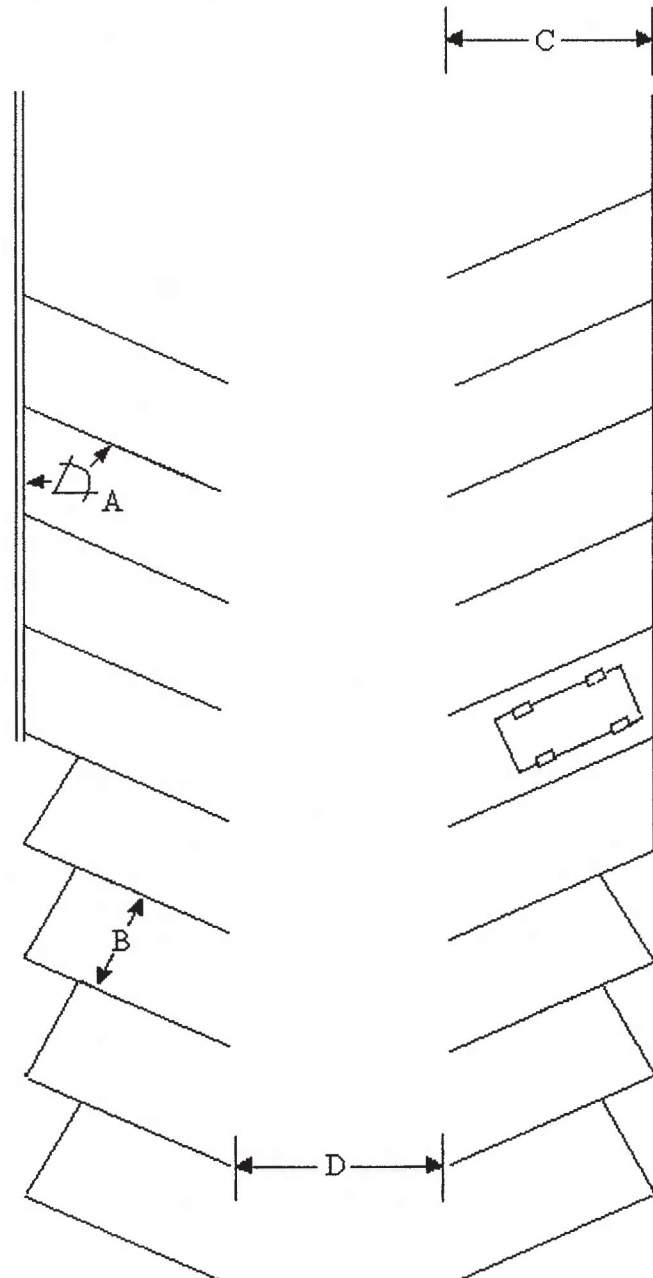
B. Areas for required off-street parking consisting of fewer than five parking spaces, which serve uses other than single-family dwellings, modular housing, manufactured homes, duplexes or triplexes, shall comply with the standards of Section 17.78.030.A 1-4, 7, 9 – 11.

C. Areas for required off-street parking associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes, shall comply with the standards of Section 17.78.030.A. 2, 9&10.

Parking Minimum Design Requirements

Parking Angle	Standards			
	Minimum Stall Width	Minimum Stall Depth	Minimum Aisle Width	
			One-way	Two-way
0°	22'0"	9'0"	10'10"	18'0"
30°	9'	17'0"	12'0"	20'0"
45°	9'	17'4"	12'3"	20'0"
60°	9'	18'10"	14'4"	20'0"
70°	9'	19'2"	16'0"	21'6"
90°	9'	18'	22'6"	22'6"
A	B	C	D	D

- A. Parking Angle
- B. Stall Width
- C. Stall Depth
- D. Aisle Width



Section 51. Amend Municipal Code, Chapter 17.78 Off-street Parking, to add a new section, 17.78.040, Improvement standards to read as follows:

17.78.040 Improvement standards

A. The following improvement standards shall apply to off-street parking areas, except for those associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes:

1. The surface material shall be an approved hard surface such as asphalt, concrete, or pavers.
2. The parking lot shall be clearly marked as to parking stalls, traffic flow and handicapped spaces.
3. Wheel stops shall be provided for each parking space.
4. Planting areas shall be defined by the use of curbing or other approved material.
5. A storm water runoff system approved by the Public Works Department shall be installed.
6. No pole mounted lighting shall exceed a height of fifteen feet. All lighting shall be shielded so that direct illumination is confined to the property boundaries of the light source.

Section 52. Amend Municipal Code, Section 17.80.080, Conditional Uses, Compliance with conditions of approval to read as follows:

Adherence to the submitted plans, as approved, is required. Compliance with conditions of approval is also required. Any departure from approved plans or conditions of approval constitutes a violation of the ordinances codified in this title, unless modified by the planning commission at a public hearing, pursuant to Chapter 17.80.070.

Section 53. Amend Municipal Code, Section 17.80.090, Conditional Uses, Application – Approval- Time limit to read as follows:

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless a building permit has been issued. However, when requested, the planning commission, at a public hearing conducted pursuant to Section 17.80.070, may extend authorization for an additional period not to exceed one year

Section 54. Amend Municipal Code, Section 17.82.010, Nonconforming Lots, Uses and Structures – Pre-existing Uses, Purpose to read as follows:

Within the districts established by the zoning code, or amendments that may later be adopted, there may exist lots, structures, uses of land and structures and characteristics of use which were lawful before the effective date of the zoning code or amendments thereto, but which would be prohibited, regulated, or restricted under the terms of this zoning code or future amendments thereto. The purpose of this chapter is to establish the legal status of such nonconforming uses, structures, lots, and other site improvements by creating provisions through the application of which such uses, structures, lots and other site improvements may be maintained, altered, reconstructed, expanded or abated.

Section 55. Amend Municipal Code, Section 17.82.030.A Nonconforming uses, Definition to read as follows:

“Nonconforming use” means a lawful use which existed prior to the adoption of Ordinance 79-4A on June 19, 1979, or ordinances adopted prior to Ordinance 79-4A and which does not conform to the use requirements of the zone in which it is located, and which does not qualify as a pre-existing use pursuant to Section 17.82.060.

Nonconforming uses are those that were made nonconforming by Ordinance 79-4A or ordinances adopted prior to Ordinance 79-4A.

Section 56. Amend Municipal Code, Section 17.84.080, Variances, Compliance with conditions of approval to read as follows:

Compliance with conditions imposed on the variance, and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of the ordinances codified in this title, unless modified by the planning commission at a public hearing, pursuant to Section 17.84.070.

Section 57. Amend Municipal Code, Section 17.84.090, Variances, Time limit for approved variances to read as follows:

Authorization of a variance shall be void after one year or such lesser time as the authorization may specify unless a building permit has been issued. However, when requested, the planning commission, at a public hearing conducted pursuant to Section 17.84.070, may extend authorization for an additional period not to exceed one year.

Section 58. Amend Municipal Code, Section 17.90.070.A, General Requirements and Regulations, Projections into required yards, to read as follows:

Cornices, eaves, window sills and similar incidental architectural features may project not more than eighteen inches into a yard required to be a minimum of five feet, or thirty-six inches into a yard required to be fifteen feet or more.

Section 59. Amend Municipal Code, Section 17.90.070.D, General Requirements and Regulations, Projections into required yards, to read as follows:

D. Building Entrances

1. Unroofed landings may project not more than thirty-six inches into a required front yard, rear yard or street side yard where they provide access to the first story of a dwelling, as the term story is defined by the building code and where the landing is limited to no more than ten lineal feet. Such a landing may be accessed by no more than three risers. Unroofed landings and stairs may not project into a required ocean yard.
2. A covered entry to a dwelling may project not more than thirty-six inches into a required front yard, rear yard or street side yard where the entry provides access to the first story of the dwelling, as the term story is defined in the building code. The covered entry is limited to no more than ten feet in length and shall be completely open on all sides. The entry may be accessed by no more than three risers. Covered entries and stairs may not project into a required ocean yard.

Section 60. Amend Municipal Code, Section 17.90.150.B, General Requirements and Regulations, Outdoor Merchandising, as follows:

B. All uses in the CI, C2 and RM zones shall be conducted entirely within a completely enclosed building except that the outdoor storage, display, sale or rental of merchandise or services may be permitted where the standards of subsection D of this section are met. The following uses and activities, subject to applicable conditions, are exempt from this prohibition:

1. The sale of living plant materials;
2. Outdoor seating in conjunction with a restaurant;

3. Christmas tree sales lot;
4. The dispensing of gasoline at a service station;
5. Newspaper vending machines subject to subsection (E)(1) of this section;
6. The sale of goods and services by a nonprofit organization subject to subsection (E)(2) of this section;
7. Automatic teller machines, subject to the design review requirements of Chapter 17.44;
8. Telephone booths, subject to the design review requirements of Chapter 17.44;
9. Live music and other outdoor performances, subject to subsection (E)(3) of this section; and
10. Farmers Market, subject to subsection (E)(4)

Section 61. Amend Municipal Code, Section 17.90.150.E, General Requirements and Regulations, Outdoor merchandising by adding a new subsection 4 to read as follows:

4. Farmers Market. The Farmers Market is approved by a site specific authorization made by the city manager after finding that the following standards are met:
 - a. The location will not unduly interfere with pedestrian or vehicular traffic;
 - b. The location will not unduly interfere with the operation of adjacent businesses;
 - c. The Farmers Market is conducted for a specified period of time, including hours of operation; and
 - d. The Farmers Market is limited to food and specific food related items.

Section 62. Amend Municipal Code Section 17.92.010.C.1, Administrative Provisions, Administrative Review of Development Permits to read as follows:

Administrative Review of Type 1 Development Permits. The building official shall issue a development permit to the applicant if the building official finds that the work described in an application for a development permit and the plans, specifications, and other data filed with the application conform to the requirements of this title, and any conditions imposed by a reviewing authority. A decision of the building official may be appealed to the planning commission in accordance with Section 17.88.140.

ADOPTED by the Common Council of the City of Cannon Beach this 5th day of February 2008, by the following roll call vote:

YEAS:
 NAYS:
 EXCUSED:

John Williams, Mayor

Attest:

Approved as to Form:

Richard A Mays, City Manager

William Canessa, Attorney

FINDINGS OF FACT
ZO 07-01, CITY OF CANNON BEACH, MISCELLANEOUS ZONING CODE
AMENDMENTS

BACKGROUND

The City of Cannon Beach is proposing miscellaneous amendments to the Zoning Code. The proposed amendments to the Zoning Code are:

1. Definitions of types of lots, lot width, lot depth, structure, retail, office and group housing.
2. Increasing the floor area ratio standard from .5 to .6 for lots of between 5,001 square feet and 6,000 square feet in the R-1 Zone.
3. Provision for assisted living facilities as a conditional use in the R-3, RAM, RM and C-1 zone.
4. Addition of a standard to the Wetland Overlay Zone that provides that a wetland delineation or wetland determination is valid for a period of five years.
5. Addition of a standard to the Potential Geologic Hazard Areas that provides that a site investigation report is valid for no more than five years.
6. Modifies the standard of what constitutes landscaping for both residential and nonresidential developments.
7. Limits the size of accessory structures permitted in a required rear yard in residential zones to no more than 120 square feet.
8. Modifies the criteria for granting a setback reduction, establishes standards for conditions attached to a setback reduction and sets a one year time limit for an approval.
9. Modifies the design and improvement standards for required off-street parking.
10. Modifies the standard for conditions applied as part of a conditional use approval; requires a public hearing on requests for time extensions of conditional use approvals.
11. Clarifies the distinction between nonconforming uses and preexisting uses.
12. Modifies the standards for conditions applied to the approval of a variance; requires a public hearing on requests for time extensions of variance approvals.
13. Modifies the standard for projections into required yards concerning building entrances and eave overhangs.
14. Eliminates the density standard for multi-family dwellings, except where those dwellings are in condominium ownership or similar ownership arrangement.
15. Modifies the outdoor merchandising provisions to permit a farmers market

The Planning Commission has held numerous work sessions to discuss the proposed amendments, beginning in November of 2006.

The Planning Commission held a public hearing on the proposed amendments on November 29, 2007 and continued the public hearing to its December 20, 2007, meeting.



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.”

The following policies are applicable to the proposed amendments:

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.”

Finding: The proposed amendment to Section 17.90.150.B, Outdoor Merchandising amends the City’s outdoor merchandising regulations in order to permit a farmers market where the items for sale are limited to food items. Such a modification is consistent with the policy’s limitation on outdoor merchandising in that a farmers market will not be detrimental to the community’s small town atmosphere and is consistent with other exemptions to the prohibition on outdoor merchandising in that a farmers market is traditionally operated outdoors.

Conclusion: The proposed amendment is consistent with General Development Policy 3.

General Development Policy 5 states that “the density of residential development throughout the City shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics. Density limits throughout the City shall generally be:

Net Density Standards

High **(R3), (RM)** - 15 dwellings per acre
Duplex or Medium **(R2), (RMa), (MP), (RAM)** - 11 dwellings per acre
Moderate Single-Family **(R1)** - 8 dwellings per acre
Low **(RL)** - 4 dwellings per acre
Very Low **(RVL)** - 1 dwelling unit per acre.”

Findings: The proposed amendment to Section 17.16.040.A, Residential High Density (R3) Zone, Lot Size, Section 17.18.040.A, Residential Alternative/Manufactured Dwelling (RAM) Zone, Lot Size, and Section 17.22 .050.A, Limited Commercial (C1) Zone, Lot Size eliminates the density for multi-family dwellings where those multi-family dwellings are intended to provide rental housing. This change is intended to facilitate the construction of rental work force housing in the City. The potential increase in the density of this type of multi-family housing is consistent with the net density standard established by the policy in that the policy language states that the density limits “shall generally be” as indicated. This wording of the policy permits the City to construe the density standard in a manner that allows some variability in the net density which results from the implementing zoning code standard, particularly where the

increase in density that is permitted by the zoning code standard is intended to meet another comprehensive plan policy, in this case Housing Policy 1, see discussion below.

Conclusion: The proposed amendments are consistent with General Development Policy 5.

General Development Policy 10 states that “when site investigations are required in areas of potential landslide hazard, a site specific investigation shall be prepared by a registered geologist. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the Building Official. When site investigations are required in areas of potential coastal erosion hazard, the site specific investigation shall be prepared by a registered geologist with expertise in shoreline processes. Based on the conclusions of this investigation, protective structures designed by a registered civil engineer may be required by the Building Official.

Site investigation reports shall meet the City's criteria for the content and format for geologic hazard reports.”

Finding: The proposed amendment to Section 17.50.040, Development Requirements for Potential Geologic Hazard Areas, Reports and plans required, requires that geologic site investigations that are more than five years old must be updated before they can be relied upon for construction in an identified geologic hazard area. By requiring that geologic site investigations are current, the proposed requirement ensures that future development in potentially hazardous geologic areas is constructed in a geologically sound manner.

Conclusion: The proposed amendment is consistent with General Development Policy 10.

General Development Policy 14 states that “to ensure that development is designed to preserve significant site features such as trees, streams and wetlands.”

Finding: The proposed amendment to Section 17.43.020, Wetland Overlay (WO) Zone, Mapping, requires that wetland delineations and wetland determinations that are more than five years old must be evaluated to determine if the wetland areas defined in the report are still current. This approach is consistent with the standard adopted by the Oregon Division of State Lands and ensures that the mapping that the City utilizes in applying its wetland overlay zone standards is current.

Conclusion: The proposed amendments are consistent with General Development Policy 14.

Housing Policy 1 states that “in order to maintain the city’s village character and its diverse population, the city will encourage the development of housing which meets the needs of a variety of age and income groups, as well as groups with special needs.”

Finding: The proposed amendment to Section 17.16.040.A, Residential High Density (R3) Zone, Lot Size, Section 17.18.040.A, Residential Alternative/Manufactured Dwelling (RAM) Zone, Lot Size, and Section 17.22 .050.A, Limited Commercial (C1) Zone, Lot Size eliminates the density for multi-family dwelling where those multi-family dwellings are intended to provide rental housing. This change is intended to facilitate the construction of rental work force housing in the City.

Conclusion: The proposed amendment implements Housing Policy 1.

Community Appearance & Design Policy 6 states that “new commercial, motel and government uses shall include landscaping and open spaces.”

Finding: The proposed amendments to Section 17.44.120.B, Landscaping standards, Landscaping defined, refines the definition of what constitutes landscaping with regard to commercial, motel and government uses. Landscaping areas continue to be required for all commercial and governmental development.

Conclusion: The proposed amendments are consistent with Community Appearance and Design Policy 6.

Community Appearance & Design Policy 7 states that “off-street parking areas shall be appropriately landscaped.”

Finding: The proposed amendments to Section 17.78.030, Off-street Parking and Loading, Design Standards, modifies the standard for the manner in which off-street parking areas are landscaped. However, the proposed standard continues to require that a substantial portion of off-street parking areas are landscaped.

Conclusion: The proposed amendment is consistent with Community Appearance and Design Policy 7.

Conclusion: The proposal meets this criterion.

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

Finding: The proposed modifications to the definition section of the zoning code will have no impact on the City’s ability to meet land or water use needs.

There are only a very limited number of lots in the RL Zone affected by the change in the floor area ratio standard for lots between 5,001 square feet and 6,000 square feet. As a consequence the change will not impact the City’s ability to meet land or water use needs.

Making provision for assisted living facilities in several zones creates an opportunity for this type of use in the City.

The amendments to the wetland overlay ordinance and geologic hazard overlay zone are technical in nature and do not impact the City’s ability to meet land or water use needs.

The city will continue to permit accessory structures in a required rear yard; the permitted structures will be smaller. As a consequence the change will not impact the City’s ability to meet land or water use needs.

Amendments to the conditional use, variance, setback reduction and nonconforming use section concern the criteria and procedures applicable to each type of action. As such the proposed modifications will have no impact on the City’s ability to meet land or water use needs.

Eliminating the density standard for rental multifamily dwellings has the potential to increase the number of rental housing units in Cannon Beach. Thus the proposed change can help the City meet its rental housing needs.

The proposed changes to landscaping standards, off-street parking standards, projections into required yards, development permit appeals, and outdoor merchandising standards will have no impact on the city's ability to meet land or water use needs.

Conclusion: The proposal meets this criterion.

CONCLUSION

The proposed amendments to the text of the zoning code meet the relevant criteria.

cc\cbzo07-01fin

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 08-02
MUNICIPAL CODE, TITLE 16,)
SUBDIVISIONS, AUTHORIZING THE)
ESTABLISHMENT OF BUILDING)
ENVELOPES AND RELATED)
REQUIREMENTS)

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Municipal Code, Section 16.04.050, Definitions, adding a new definition of building envelope to read as follows:

“Building envelope” means a delineated portion of a lot or parcel within which the entire building(s) and associated improvements must be constructed.

Section 2. Amend Municipal Code, Section 16.04.310, Lots, to add a new subsection E, to read as follows:

E. Building Envelopes.

1. The Planning Commission shall have the authority to require the designation of building envelopes on lots or parcels of land where it finds that the designation of building envelopes is necessary for the protection of significant natural resources, such as wetlands, stream corridors or trees. Building envelopes may also be designated to avoid construction in identified geologic hazard areas. The size and shape of the building envelope shall be that which the Planning Commission determines necessary to protect the identified resource.
2. Where a building envelope is designated, the building envelope shall identify and limit the location of principal and accessory structures, parking areas, and associated site development, excluding roads and driveways, to the building envelope. All the elements of principal structures and accessory structures shall be located within the designated envelope, including building elements such as roof overhangs, bay windows, chimneys, unroofed landings and decks attached to the building.
3. The Planning Commission may approve the modification of an approved building envelope where: a). it finds that the intent of the original building envelope designation is maintained by the proposed modification; and b). new facts, which were not available at the time of the original designation of the building envelope, about the characteristics of the site form the basis for the modification.
4. The Planning Commission shall hold a public hearing on the request for a modification to a designated building envelope pursuant to the requirements Section 16.04.080-16.04.125.

ADOPTED by the Common Council of the City of Cannon Beach this 5th day of February 2008, by the following roll call vote:

YEAS:
NAYS:
EXCUSED:

John Williams, Mayor

Attest:

Approved as to Form:

Richard A Mays, City Manager

William Canessa, Attorney

FINDINGS OF FACT
SUB 07-04, CITY OF CANNON BEACH, SUBDIVISION CODE AMENDMENTS

BACKGROUND

The City of Cannon Beach is proposing amendments to the subdivision code in order to specifically authorize the Planning Commission to require the designation of building envelopes and establishes standards for their application and modification.

The Planning Commission has held several work sessions to discuss the proposed amendments.

The Planning Commission held a public hearing on the proposed amendments on November 29, 2007 and continued the public hearing to its December 20, 2007, meeting.

ANALYSIS/INFORMATION

CRITERIA – COMPREHENSIVE PLAN

General Development Policy 14 states that “to ensure that development is designed to preserve significant site features such as trees, streams and wetlands.”

Finding: The authority for the Planning Commission to designate building envelopes as part of the partition and subdivision review process provides a regulatory tool for protecting significant site features, such as trees, streams and wetlands.”

Conclusion: The proposed amendments are consistent with General Development Policy 14.

CONCLUSION

The proposed amendments to the text of the subdivision code meet the relevant criteria.

cc\cbzo07-04fin



BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF REMOVING) ORDINANCE NO. 08-03
TAX LOT 12900, MAP51030AA FROM)
THE OCEANFRONT MANAGEMENT)
OVERLAY ZONE)

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Zoning Overlay Map titled "Oceanfront Management Overlay Zone, City of Cannon Beach" to delete Tax Lot 12900, Map 51030AA from the Oceanfront Management Overlay (OM) Zone.

ADOPTED by the Common Council of the City of Cannon Beach this 5th day of February 2008, by the following roll call vote:

YEAS:
NAYS:
EXCUSED:

John Williams, Mayor

Attest:

Approved as to Form:

Richard A Mays, City Manager

William Canessa, Attorney

FINDINGS OF FACT
ZO 07-02, CITY OF CANNON BEACH REQUEST TO REMOVE TAX LOT 12900, MAP
51030AA FROM THE OCEANFRONT MANAGEMENT OVERLAY (OM) ZONE

BACKGROUND

The City of Cannon Beach, as part of its miscellaneous amendments to the zoning code review process, is proposing to delete Tax Lot 12900, Map 51030AA from the oceanfront management overlay zone. The property is located at 187 W. Madison Street. The property is owned by Michael Spink and Joann Butler. The property is designated R-2, Medium Density Residential.

The Planning Commission held a public hearing on the proposed amendment on November 29, 2007.

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.”

Finding: The purpose of the Oceanfront Management Overlay Zone is to “regulate uses and activities in the affected areas in order to: ensure that development is consistent with the natural limitations of the oceanshore; to ensure that identified recreational, aesthetic, wildlife habitat and other resources are protected; to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of beach and dune areas; and to reduce the hazards to property and human life resulting from both natural events and development activities.” To meet this purpose the zone includes “beaches; active dunes; foredunes, including active foredunes and conditionally stable foredunes which are subject to ocean undercutting and wave overtopping; conditionally stable dunes; interdune areas that are subject to ocean flooding; deflation plains; younger and older stabilized dunes; conditionally stable open sand areas; and lots abutting the oceanshore.” Implementation of the standards of the overlay zone is the mechanism the City utilizes to address various comprehensive plan policies concerning the protection of beach and dune area.

At the time the oceanfront management overlay zone was established Tax Lot 12900 was part of a larger tract of land that included Lot 7, Block 7, Elk Creek Park (Tax Lot 12901). Since Lot 7, Block 7, Elk Creek Park is a lot abutting the oceanshore the property was included in the overlay zone. However, now that Tax Lot 12900 has been separated from Tax Lot 12901, Tax Lot 12900 is no longer a lot abutting the oceanshore. Therefore, it is appropriate to remove the lot from the oceanfront management overlay zone.

Conclusion: The application 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 proposed amendment has no impact of land or water use needs, nor does it affect transportation demands, or community facilities and services.

Conclusion: The application 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: Because Tax Lot 12900 no longer meets the criteria for incorporation into the oceanfront management overlay zone, it is appropriate to remove the lot from the overlay zone.

Conclusion: The application meets this criterion.

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

Finding: Tax Lot 12900 does not contain any resource lands such as beach and dune areas that are subject to the requirements of the oceanfront overlay zone.

Conclusion: The application meets this criterion.

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

Finding: The property is located in a residential neighborhood. Removing the property from the overlay zone has no impact on the land use development pattern in the area.

CONCLUSION

The application meets the criteria for a zoning ordinance map designation change.

Cc/cbzo07-02fin

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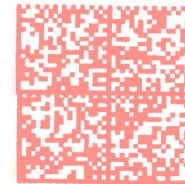
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