



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## 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 004-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at 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 prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE 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 DATE SPECIFIED ABOVE.**

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

<paa> ya

PROP **2**

# 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

Hand delivered  email  mailed

DATE  
STAMP

DEPT OF

FEB 11 2008

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Cannon Beach Local file number: ZC 07-02

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

Date original Notice of Proposed Amendment was mailed to DLCD: 11/9/2007

- |  |  |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" 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 Comprehensive Plan, Zoning designation and map of Tax Lot 300, Map 51032BC and Tax Lots 200, 300 and 306, Map 51032CB from Residential Very Low Density (RVL) to Residential Medium Density (R2)**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

**Original request was to change to Residential Moderate Density (R1)**

Plan Map Changed from: RVL to: R2

Zone Map Changed from: RVL to: R2

Location: East of Hwy 101, North of East Surfcrest Ave. & South of East Surfcrest Ave., East of Hwy 101 Acres Involved: 5.54

Specify Density: Previous: 1 acre New: 6 acre

Applicable Statewide Planning Goals: None

Was and Exception Adopted?  YES  NO

DLCD File No.: 004-07 (16524)



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: **133**

Address: **PO Box 368** City: **Cannon Beach**

Zip Code + 4: **97110-0368** Email Address: **bartl@ci.cannon-beach.or.us**

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF A ) ORDINANCE NO. 08-05  
COMPREHENSIVE PLAN/ZONING )  
ORDINANCE MAP AMENDMENT TO )  
CHANGE THE MAP DESIGNATION OF )  
TAX LOT 200, 300 AND 306, MAP 51032CB )  
AND TAX LOT 300, MAP 51032BC FROM )  
RESIDENTIAL VERY LOW DENSITY (RVL))  
TO RESIDENTIAL MEDIUM DENSITY (R2) )

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Comprehensive Plan/Zoning Ordinance, Land Use and Zoning Map, to change the map designation of Tax Lot 200, 300 and 306, Map 51032CB and Tax Lot 300, Map 51032BC from Residential Very Low Density (RVL) to Residential Medium Density (R2).

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  
ZC 07-02, HARBISON/SROUFE REQUEST FOR A COMPREHENSIVE PLAN /ZONING  
ORDINANCE MAP AMENDMENT TO CHANGE THE MAP DESIGNATION OF TAX LOT 200, 300  
AND 306, MAP 51032CB AND TAX LOT 300, MAP 51032BC FROM RESIDENTIAL VERY LOW  
DENSITY (RVL) TO RESIDENTIAL MEDIUM DENSITY (R2)

**BACKGROUND**

Robert and Darlene Harbison, the owners of Tax Lot 200, Map 51032CB, and Gerald Sroufe, the owner of Tax Lot 300 & 306, Map 51032CB and Tax Lot 300, Map 51032BC are proposing to change the Comprehensive Plan/Zoning Ordinance map designation for their property from RVL, Residential Very Low Density to R-1, Residential Moderate Density. The area to the north is designated RVL, Residential Very Low Density and RA-2, Residential-Agriculture-2, a Clatsop County map designation; the area to the east and south is RA-2 and F-80, a Clatsop County map designation. The area to the west, across Highway 101 is designated R-1, Residential Moderate Density and C-1, Limited Commercial.

Concurrent with the map designation amendment, the City is considering the annexation of the area into the City limits. At its January 8, 2008, meeting, the Council directed that the area be annexed into the City limits.

The Planning Commission held a hearing on the proposed map amendment on December 20, 2007, and recommended approval of the map designation amendment from RVL to R-1.

At its January 8, 2008, meeting, the Council directed that the area be designated R-2.

**ANALYSIS/INFORMATION**

CRITERIA - ZONING CODE

A. Section 17.86.070.B Amendment Criteria provides that “before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied”:

1. “The amendment is consistent with the comprehensive plan.”

Urban Growth Area Policy 7 states that “upon annexation to the City, an area shall be given a plan and zone designation that is consistent with the Comprehensive Plan, the site’s environmental characteristics, the uses proposed and is compatible with the designation of adjacent areas.”

Finding: The subject properties are being considered for annexation into the City. Pursuant to Urban Growth Area Policy 7, a change in the map designation to a zone that provides for urban densities is appropriate. There are no specific Tolovana Park area policies that address the potential residential zoning of property to the east of US Highway 101. The adjacent City residential areas to the west, across US Highway 101, are designated R-1, Residential Moderate Density. The R-1 Zone has the same minimum lot size requirement, 5,000 square feet, as the proposed R-2 Zone. A geologic analysis by Horning Geosciences, dated, August 25, 2007, has found that the site’s geologic



characteristics support a map designation of R-2. See also Finding A-3 and A-4 for the suitability of an R-2 map designation based on the site's environmental characteristics. See Finding A-5 for the compatibility of the R-2 map designation with zoning of adjacent areas.

Neighboring property owners, the Fraileys, have raised concerns about the proposed density of development that might occur as a result of an R-2, Medium Density designation and its impact on their property located in Clatsop County and designated RA-2. In response to their concerns we find the following facts to be relevant. It is the nature of the growth management process that results from the application of an urban growth boundary to have areas with an urban density of development adjacent to rural land and thus in this instance it is appropriate to have an R-2 designation, with a minimum lot size of 5,000 square feet, adjacent to a rural area with an RA-2 designation, which requires a minimum lot size of two acres.

Conclusion: The application is consistent with the comprehensive plan and meets this criterion.

2. "The amendment will either: (1) satisfy land and water use needs, (2) meet transportation demands, or (3) provide community facilities and services."

Finding: In annexing this area, the City Council found that the area was required to provide for future urban density residential development. The proposed map amendment will establish an urban density residential zone in an area that can accommodate urban development.

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: A geologic report, prepared by Horning Geosciences dated August 25, 2007, has been prepared for the area. The report concluded that with properly designed lots the area was suitable for urban level residential densities. Specifically, in reference to northern parcel, Tax Lot 300, the report concluded that "approximately 30 percent of the northern property block is unsuitable for home construction, due to the steep gully and setbacks from it. That leaves a block of land that is about 120 ft. wide and nearly 300 feet deep, on which one house has already been constructed at the west end, and on which slopes are inclined at 20 to 35 percent to the west. The land suitable for construction can be zoned RL or R2, based on the geologic conditions." With reference to the southern parcels, Tax Lot 200, 300 & 306, the report reached the following conclusion. "The southern property block is entirely suitable for construction, subject to avoidance of the drainage rill in the middle of the property. The land can support RL and R2 housing densities from the geologic standpoint."

Given that the geologic hazard report concluded that either an R-2 designation or an RL designation is supportable from a geologic standpoint, it is appropriate to designate the area R-2 and rely on the required slopes/ density standard of Municipal Code Section 16.04.220, that is applied to partitions and subdivisions, to require larger lot sizes where it is determined that parcels have steeper slopes that require a lower density. For parcels with steeper slopes, the application of



the slope/density standard will result in larger lot sizes and these larger lot sizes, where warranted by steeper slopes, will serve to mitigate the potential impacts of extensive cut and fill to create useable lots.

The geologic report also identifies areas that are unsuitable for development such as overly steep slopes. The identification of these areas can be utilized in the site design of subsequent development to ensure that development avoids these hazard areas.

The County's Flood Insurance Rate Map does not identify this area as subject to flood hazards.

In summary, the land is suitable for development at the density permitted by the R-2, Residential Medium Density Zone.

Conclusion: The application meets this criterion.

4. Resource lands, such as wetlands are protected.

Finding: The Cannon Beach Local Wetland Inventory identifies two potential wetland sites, in conjunction with stream corridors, in the subject area. These sites are identified as Site #31 and Site #32. The City protects identified wetland areas with an overlay zone. Because it is an overlay zone, the standards of the wetland overlay zone are not dependent on the underlying residential zone. Similarly, the City's stream corridor protection standards apply regardless of the properties zoning designation. Therefore, changing the map designation from RVL to R2 will not impact the wetland resource protection standards and stream corridor standards as they are applied to properties in the area of the map designation change.

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 adjacent residential areas to the west of US Highway 101 are designated R-1, Residential Moderate Density, with a minimum lot size requirement of 5,000 square feet. Thus an R-2 designation for the subject area will be compatible with the residential development pattern west of Highway 101 since it has a 5,000 square foot minimum lot size requirement. There is one parcel north of E. Surfcrest Avenue, Tax Lot 101, Map 510 32BC and Tax Lot 100, Map 510 32CB, that is within the City limits and is designated RVL. The property retains its RVL designation because the property owner chose not to apply for a higher urban density at the time of annexation. It is our determination that at an appropriate time this area will also be designated for a higher urban density consistent with the comprehensive plan's Urban Development Policy #7. Thus an R-2 designation for the subject area will be compatible with the residential development on Tax Lot 100 and Tax Lot 101. The remaining area to the north and south is outside of the City's urban growth boundary and is zoned for two acre residential lots by Clatsop County. It is the nature of an urban growth boundary and the transition from urbanizable to urban land that there will be areas of the City that have urban densities that abut much lower density rural residential areas that are located outside of the urban

growth boundary. Eventually, these adjoining areas will be added to the urban growth boundary and also annexed to the City. Because of these facts, it is concluded that an R-2 designation for the subject area will be compatible with the residential development pattern in the adjoining County area zoned RA-2. A portion of the area to the east has a Clatsop County zoning designation of F-80, which is a forest zone. It is the nature of the implementation of an urban growth boundary that urban density residential development will abut resource zones and for this reason it is concluded that an R-2 designation for the subject area will be compatible with the adjacent forest zone.

Conclusion: The application meets this criterion.

B. Section 17.08.040.K Residential Very Low Density (RVL) Zone, Standards, Zone Changes provides that “upon request of property owners, or their representatives, the planning commission may consider the change of an area of the RVL zone to another zone in order to obtain more intensive usage or higher densities where it is demonstrated by the applicant that:”

1. “A favorable geologic investigation indicates that the area will support more intensive development;”

Finding: A geologic report, prepared by Horning Geosciences and dated August 25, 2007, has been prepared for the area. The report concluded that with properly designed lots the area was suitable for urban level residential densities. Specifically, in reference to northern parcel, Tax Lot 300, the report concluded that “approximately 30 percent of the northern property block is unsuitable for home construction, due to the steep gully and setbacks from it. That leaves a block of land that is about 120 ft. wide and nearly 300 feet deep, on which one house has already been constructed at the west end, and on which slopes are inclined at 20 to 35 percent to the west. The land suitable for construction can be zoned RL or R2, based on the geologic conditions.” With reference to the southern parcels, Tax Lot 200, 300 & 306, the report reached the following conclusions. “The southern property block is entirely suitable for construction, subject to avoidance of the drainage rill in the middle of the property. The land can support RL and R2 housing densities from the geologic standpoint.”

Given that the geologic hazard report concluded that either an R-2 Zone or an RL Zone is supportable from a geologic standpoint, it is appropriate to designate the area R-2 and rely on the slope/ density standard of Municipal Code Section 16.04.220, as it is applied to partitions and subdivisions, to require larger lot sizes where it is determined that parcels have steeper slopes that require a lower density.

The geologic report also identifies areas that are unsuitable for development such as overly steep slopes. The identification of these areas can be utilized in the site design of subsequent development to ensure that development avoids these hazard areas.

Conclusion: The application meets this criterion.



2. "City services are available, or will be provided, including adequate water pressure, sewer and water system capacity and street width;"

Finding:

Sewer and water system capacity. The City has recently made operational a new wastewater treatment facility. With this recent upgrade in the sanitary sewer system, the City has adequate capacity to accommodate the development that will occur on the subject properties at the densities proposed.

The Public Works Director has stated that the City's water system has the overall capacity to accommodate the development that will occur on the subject properties.

Sanitary Sewer Collection System

An eight inch sanitary sewer line is located at US Highway 101 and E. Surfcrest Avenue. The Public Works Director has stated that this line has the capacity to support the higher density of development that will result from the proposed map amendment from RVL to R2. The sewer collection system for the area is supported by the Matanuska pump station. The City has recently upgraded the capacity of the Matanuska pump station so that it has the capacity to support the higher density of development that will result from the proposed map amendment from RVL to R2.

Water Service

An eight inch water line is located at US Highway 101 and E. Surfcrest Avenue. The Public Works Director has stated that this line has the capacity to support the higher density of development that will result from the proposed map amendment from RVL to R2.

Streets

Future lots created by the partition or subdivision of Tax Lot 200, 300 & 306 will be accessed by E. Surfcrest Avenue. East Surfcrest Avenue has a right-of-way width of 50 feet. A street of this width is adequate to accommodate the additional vehicular traffic generated by the higher density of development that will result from the proposed map amendment from RVL to R2. E. Surfcrest Avenue has been reviewed with personnel from the Oregon Department of Transportation. Their conclusion was that additional development on properties adjacent to E. Surfcrest Avenue at urban level densities, and the vehicular traffic that development will generate, will not create a safety hazard, nor adversely impact traffic on US Highway 101.

According to the Oregon Department of Transportation, Tax Lot 300 is not subject to access control onto Highway 101 and has been granted an access permit at the location of the existing access road. Given these facts, with appropriate approval of the Oregon Department of Transportation, a road of sufficient width to accommodate future residential development at an R-2 density can be provided for.

Conclusion: The application meets this criterion.

3. "Traffic circulation patterns will not place a burden on neighborhood streets;"

Finding: Vehicular access from the subject parcels will be onto US Highway 101. US Highway 101 is not a neighborhood street, but rather a major arterial. As a major arterial, US Highway 101 has the capacity to accommodate the higher density of development that will result from the proposed map amendment from RVL to R-2.

Conclusion: The application meets this criterion.

4. "The county planning commission has been given adequate opportunity to review the proposal and provide comment to the city."

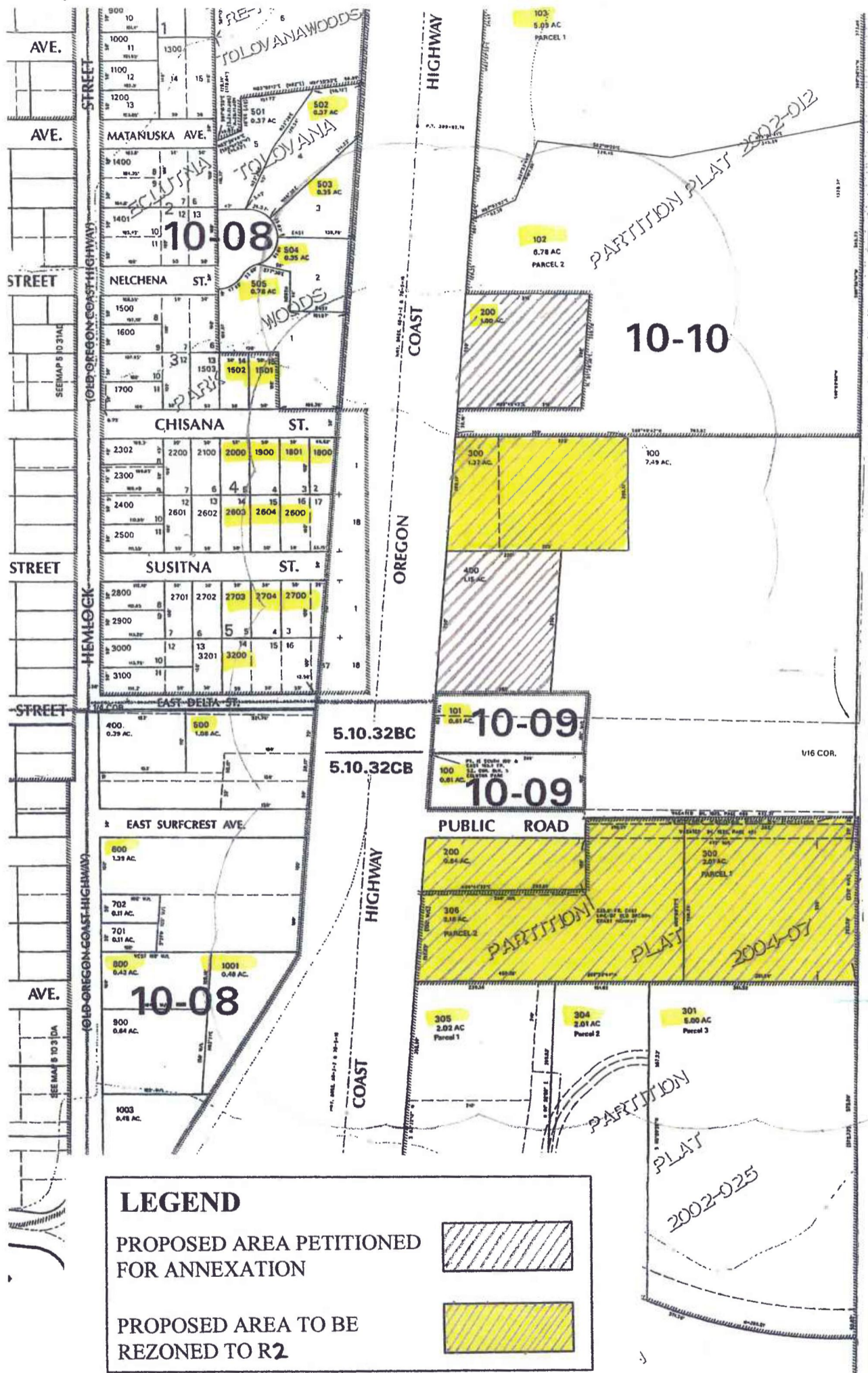
Finding: Clatsop County has been notified of the proposed map amendments.

#### CONCLUSION

The application meets the applicable criteria.

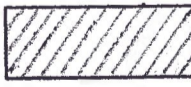
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Map	Tax Lot
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5 10 32 C B	00600
5 10 32 C B	00800
5 10 32 C B	01001

**LEGEND**

PROPOSED AREA PETITIONED FOR ANNEXATION 

PROPOSED AREA TO BE REZONED TO R2 

of Cannon Beach  
PO Box 368  
Cannon Beach, Or 97110

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



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