



**NOTICE OF ADOPTED AMENDMENT**

September 16, 2010

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

FROM: Angela Houck, Plan Amendment Program Specialist

SUBJECT: City of Cannon Beach Plan Amendment  
DLCD File Number 004-10



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.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, September 30, 2010**

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. 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: Rainmar Bartl, City of Cannon Beach  
Matt Spangler, DLCD Regional Representative  
Gloria Gardiner, DLCD Urban Planning Specialist  
Chris Shirley, FEMA Specialist

<paa> YA



FORM 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

Jurisdiction: City of Cannon Beach Local file number: ZO 10-03

Date of Adoption: 9/7/2010 Date Mailed: 9/9/2010

Date original Notice of Proposed Amendment was mailed to DLCD: 5/10/2010

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other: _____                     |

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

**Amend the Zoning Code, Flood Hazard Overlay (FHO) Zone, to ensure that the flood regulations are in conformance with requirements and language of the National Flood Insurance Program.**

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

**SAME**

Plan Map Changed from: N/A to: N/A

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

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable Statewide Planning Goals: None

Was and Exception Adopted?  YES  NO

DLCD File No.: 004-10 (18296) [16318]

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) 436-8040 Extension: \_\_\_\_\_

Address: PO Box 368 City: Cannon Beach

Zip Code + 4: 97110-368 Email Address: bartl@ci.cannon-beach.or.us

## ADOPTION SUBMITTAL REQUIREMENTS

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

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

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

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE ) ORDINANCE NO. 10-10  
MUNICIPAL CODE, TITLE 17, ZONING, )  
CHAPTER 17.38, FLOOD HAZARD )  
OVERLAY ZONE (FHO) AND DECLARING )  
AN EMERGENCY )

The City of Cannon Beach does ordain as follows:

Section 1. Amend Zoning Code, Section 17.38.030, Definitions, Start of Construction, to read as follows:

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

Section 2. Amend Zoning Code, Section 17.38.030, Definitions, Substantial damage, to read as follows:

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of its market value before the damage occurred.

Section 3. Amend Zoning Code, Section 17.38.050, Basis for establishment of special flood hazard areas, to read as follows:

The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled “The Flood Insurance Study for Clatsop County, Oregon and Incorporated Areas,” dated September 17, 2010, with accompanying Flood Insurance Rate Maps and Flood Boundary Maps and any revision thereto, is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the city hall.

Section 4. Amend Zoning Code, Section 17.38.090.A.1, Duties and responsibilities, Duties of the Building Official, to read as follows:

1. Review of all development permits to determine that the permit requirements and conditions of this chapter have been satisfied;

Section 5. Amend Zoning Code, Section 17.38.090.C.1, Information to be Obtained and Maintained, to read as follows:

1. Verify and record actual elevation (in relation to mean sea level) of the lowest floor (including basements and below grade crawlspaces) of all new or substantially improved structures and whether or not the structure contains a basement;

Section 6. Amend Zoning Code, Section 17.38.140.C, Utilities, to read as follows:

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

Section 7. Amend Zoning Code, Section 17.38.160, Review of building permits, to read as follows:

Where elevation data is not available either through the flood insurance study or from another authoritative source (Section 17.38.090(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high-water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two feet above the natural grade in these zones may result in higher insurance rates.

Section 8. Amend Zoning Code, Section 17.38.190.A, Nonresidential construction, to read as follows.

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated according to Table 2-1 the American Society of Civil Engineers, Flood Resistant Design and Construction Standard (ASCE 24); or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specification and plans. Such certifications shall be provided to the official as set forth in Section 17.38.090(C)(2)(b).

Section 9. Amend Zoning Code, Section 17.38.200.A, Manufactured homes, to read as follows:

17.38.200 Manufactured homes.

All manufactured homes to be placed or substantially improved within zones on the FIRM shall comply with the following:

A. The ground area reserved for the placement of a manufactured dwelling shall be a minimum of 12 inches above BFE unless the foundation walls are designed to automatically equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot above grade, and;
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above base flood elevation.

C. The manufactured dwelling shall be anchored to prevent flotation collapse and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

D. Electrical crossover connections shall be a minimum of 12 inches above the base flood elevation.

Section 10. Amend Zoning Code, Section 17.38.205, Recreation vehicles, to read as follows:

Recreational vehicles placed on sites within zone AE on the FIRM shall either:

1. Be on the site for fewer than one hundred eighty consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of Section 17.38.200 and the elevation and anchoring requirements for manufactured homes.

Section 11. Amend Zoning Code, Section 17.38.210.A.1, Coastal high-hazard areas, to read as follows:

A. 1. In all new construction and substantial improvements in VE zones shall be elevated on pilings and columns so that:

- a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated a minimum of one foot above the base flood level, and
- b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval);

Section 12. Amend Zoning Code, Section 17.38.210.B, Coastal high-hazard areas, to read as follows:

B. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially

improved structures in VE zones and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.

Section 13. Amend Zoning Code, Section 17.38.210.H, Coastal high-hazard areas, to read as follows:

H. All manufactured homes to be placed or substantially improved within VE zones shall meet the standards of Section 17.38.210(A) through (G).

Section 14. Amend Zoning Code, Section 17.38.210. I, Coastal high-hazard areas, to read as follows:

I. Recreational vehicles placed on sites within VE zones on the FIRM shall either:

1. Be on the site for fewer than one hundred eighty consecutive days;
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the requirements of Section 17.38.210(A) through (G) and a permit, pursuant to Section 17.38.080, is obtained.

Section 15. Amend Zoning Code, Section 17.38.220.A, Areas of shallow flooding, to read as follows:

A. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified);

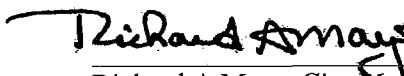
Section 16. Emergency clause. This ordinance, being necessary for the preservation of the health, safety and general welfare of the City, and more specifically, the necessity to have the Federal Emergency Management Agency map titled "The Flood Insurance Study for Clatsop County, Oregon and Incorporated Areas," dated September 17, 2010, and related floodplain management measures, in effect on September 17, 2010 in order for property owners within the City of Cannon Beach to be able to continue to participate in the Federal flood insurance program, an emergency is declared and this ordinance shall take effect upon its adoption.

ADOPTED by the Common Council of the City of Cannon Beach this 7th day of September 2010, by the following roll call vote:

YEAS: Councillors Steidel, Giasson, Cadwallader, Higgins and Mayor Morgan  
NAYS: None  
EXCUSED: None

  
Mike Morgan, Mayor

Attest:

  
Richard A Mays, City Manager

Approved as to Form:

  
Tammy Herdener, Attorney

FINDINGS OF FACT  
PUBLIC HEARING AND CONSIDERATION OF ZO10-03, CITY OF CANNON BEACH  
AMENDMENTS TO THE FLOOD HAZARD OVERLAY ZONE

**BACKGROUND**

The Federal Emergency Management Agency (FEMA) has recently completed a re-evaluation of flood hazards in Clatsop County, including Cannon Beach. Based on this re-evaluation, a new Flood Insurance Rate Map (FIRM) for Cannon Beach will become effective on September 17, 2010. In Cannon Beach, there has been no change in the areas of mapped flood hazard. The new flood hazard maps identify mapped flood hazard areas on an aerial photograph of Cannon Beach.

As a condition of continued eligibility in the National Flood Insurance Program, and as part of the flood hazard evaluation process, the City is required to ensure that its flood hazard standards are in conformance current National Flood Insurance regulations. The City undertook a major revision of the standards in its flood hazard overlay zone in 2008, when it adopted Ordinance 08-06 March of 2008.

In addition to modifying the City's Flood Hazard Overlay Zone to incorporate the new effective date of the FIRM, September 17, 2010, several additional modifications are required to ensure that the City's regulations conform to the current National Flood Insurance Program standards.

The Planning Commission held a public hearing on the proposed amendments at its June 24, 2010, meeting. The Planning Commission recommended approval of the proposed amendments.

The Council held a public hearing on the proposed amendments at its August 3, 2010, 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:

**Flood Hazard Policy 1** states that "the City shall continue its participation in the Federal Flood Insurance Program, through the enforcement of the Flood Hazard Overlay portion of the Zoning Ordinance. All new construction and substantial improvements shall be planned to minimize flood damage."

Finding: The proposed amendments to Chapter 17.38, Flood Hazard Overlay Zone, ensure that the text of the City's flood hazard regulations are in conformance with the latest National Flood Insurance Program standards, which is a requirement of the City's continued participation in the Federal flood insurance program.

Conclusion: The proposed amendments are consistent with Flood Hazard Policy 1.



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

Finding: The amendments to the flood hazard overlay ordinance are technical in nature and do not impact the City’s ability to meet land or water use needs. The amendments are also a requirement of the City’s continued participation in the Federal flood insurance program.

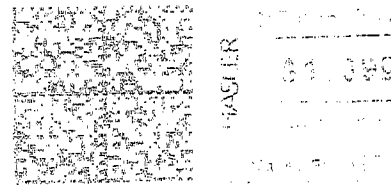
Conclusion: The proposal meets this criterion.

## CONCLUSION

The application meets the applicable criteria.

cc\cbzo10-03fin

CITY OF CANNON BEACH  
PO BOX 368  
CANNON BEACH OR 97110



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