



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/13/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cannon Beach Plan Amendment
DLCD File Number 004-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, April 30, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Rainmar Bartl, City of Cannon Beach
Angela Lazarean, DLCD Urban Planner
Matt Spangler, DLCD Regional Representative

<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

Hand delivered email mailed

DEPT OF

APR 10 2012

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **City of Cannon Beach**

Local file number: **CP 11-01**

Date of Adoption: **4/3/2012**

Date Mailed: **4/9/2012**

Date original Notice of Proposed Amendment was mailed to DLCD: **11/22/2011**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend the Comprehensive Plan, Downtown Policy 12, to allow for consideration to be given to site improvements for uses such a multi-use trail.

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: **Goal #16**

Was an Exception Adopted? YES X NO

DLCD File No.: _____

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?	<input checked="" type="checkbox"/>	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:
Oregon Division of State Lands & US Army Corps of Engineers

Local Contact: **Rainmar Bartl (bb)**

Phone: **(503) 436-8040** Extension:

Address: **P.O. Box 368**

City: **Cannon Beach, OR** Zip: **97110**

Fax Number: **503-436-8053**

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)
COMPREHENSIVE PLAN, DOWNTOWN)
POLICY 12, REGARDING PERMITTED USES)
OF ECOLA CREEK PARK)

ORDINANCE NO. 12-01

The City of Cannon Beach does ordain as follows:

Section 1. Amend the Comprehensive Plan, Downtown Policy 12 to read as follows:

12. Ecola Creek Park shall be maintained as a passive use site. Consideration may be given to limited site improvements for uses such as launching of non-motorized boats and a multi-use trail.

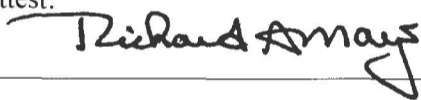
ADOPTED by the Common Council of the City of Cannon Beach this 3rd day of April 2012, by the following roll call vote:

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



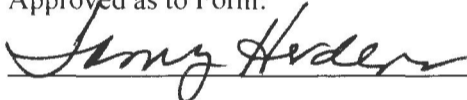
Mike Morgan, Mayor

Attest:



Richard A. Mays, City Manager

Approved as to Form:



Tammy Herdener, Attorney

FINDINGS OF FACT
CP11-01, CITY OF CANNON BEACH, COMPREHENSIVE PLAN AMEDMENT,
DOWNTOWN POLICY 12

BACKGROUND

The City of Cannon Beach is proposing to construct a multi-use trail north of Second Street on the surface of a dike that separates Ecola Creek from the adjacent portion of the downtown area. The proposed western portion of the trail terminates at Elk Creek Park, in the vicinity of Fir Street, south of the Ecola Creek Bridge. At its southern end, the proposed trail will be linked to the existing pedestrian trail that loops the wastewater treatment ponds and provides a connection, through the Sitka Spruce Reserve, to Monroe Street.

In order to implement the plan for the construction of the multi-use trail, the City is proposing to amend Comprehensive Plan, Downtown Policy 12 so that the policy recognizes a multi-purpose trail as an appropriate use for Ecola Creek Park.

The proposed Downtown Policy 12 reads as follows:

Ecola Creek Park shall be maintained as a passive use site. Consideration may be given to limited site improvements for uses such the launching of non-motorized boats and a multi-use trail.

The Planning Commission held a public hearing on the proposed amendment on January 26, 2012.

The Council held a public hearing on March 6, 2012.

ANALYSIS/INFORMATION

I. CRITERIA – COMPREHENSIVE PLAN

Recreation, Open Space, Natural, Visual, and Historic Resources Policy 1 states "the City shall promote a recreation system for all age and interest groups."

Recreation, Open Space, Natural, Visual, and Historic Resources Policy 19 states "the City will consider the development of a sidewalk and path system which links key environmental resources and features of the community. Where appropriate, signs interpreting the environmental resource will be provided."

Finding: The purpose of the amendment to Downtown Policy 12 is to have the policy provide for the construction of a multi-use trail on portions of Ecola Creek Park. A multi-use trail on portions of Ecola Creek Park is part of the second phase of the City's development of a trail system. The proposed trail will follow the dike adjacent to Ecola Creek from City Park to Fir Street, in the vicinity of the bridge across Ecola Creek. The proposed trail will link, at its south end, to the current trail that loops the waste-water treatment system and extends to E. Monroe Street. Developing this second phase of the City trail will implement the policies described above by providing a multi-use trail for the recreational use and enjoyment of the community and its visitors.

Conclusion: The proposed amendment is consistent with other applicable policies of the Comprehensive Plan



CONCLUSION

The application meets the criteria for an amendment to the text of the comprehensive plan.

CITY OF CANNON BEACH

P.O. Box 368, OR 97110 • Fax: 503-436-2050 • TTY 503.436.8097 • Telephone: 503-436-1581
Website: <http://www.ci.cannon-beach.or.us> • Email: cityhall@ci.cannon-beach.or.us



DEPT OF

APR 10 2012

LAND CONSERVATION
AND DEVELOPMENT

April 9, 2012

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

Dear Plan Amendment Specialist:

Please find enclosed (2) two copies of the adopted amendments. CP 11-01 to amend the Comprehensive Plan, Downtown Policy 12, to allow for consideration to be given to site improvements for uses such a multi-use trail; and ZC 11-01 to amend the Comprehensive Plan Map and the Zoning Map designation of Tax Lot 4001, Map 51020CB.

If you have questions or need anything further, please contact me at bbrien@ci.cannon-beach.or.us or (503) 436-8052.

Thank you,

Brandy Brien
Administrative Assistant
Executive and Planning Departments

CITY OF CANNON BEACH
P. O. Box 368
Cannon Beach, OR 97110



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\$1.50
04/09/2012
Mailed From 97110

US POSTAGE

DEPT OF

APR 10 2012

LAND CONSERVATION
AND DEVELOPMENT

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

