



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 20, 2015
Jurisdiction: City of Cannon Beach
Local file no.: ZC 14-01
DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/20/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
001-15
File No.: {22633}
Received: 4/20/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: **City of Cannon Beach**

Local file no.: **ZC 14-01**

Date of adoption: **3/3/15** Date sent: **4/20/15**

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): **1/15/15**
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
 If yes, describe how the adoption differs from the proposal:

Local contact (name and title): **Mark Barnes, City Planner**

Phone: **(503) 436-8040** E-mail: **barnes@ci.cannon-beach.or.us**

Street address: **PO Box 368** City: **Cannon Beach** Zip: **97110**

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any: **N/A**

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from to acres. A goal exception was required for this change.
 Change from to . acres. A goal exception was required for this change.
 Change from to . acres. A goal exception was required for this change.
 Change from to . acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary. N/A

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary. N/A

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number: **17.37**

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: **Planned Development Overlay Zone** . Acres added: **.57** . Acres removed:

Location of affected property (T, R, Sec., TL and address): **5-10-19-AD-700**

List affected state or federal agencies, local governments and special districts: N/A

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CANNON BEACH**

IN THE MATTER OF A TENTATIVE SUBDIVISION APPROVAL
REQUEST FOR THE FOLLOWING PROPERTY:

Map 51019AD, Tax Lot 7000
532 N Laurel Street

FINDINGS OF FACT,
CONCLUSIONS, AND
ORDER NO. ZC 14-01

IN ZONE: R2

Applicant: KPFF Consulting Engineers
111 SW Fifth Avenue, Suite 2500
Portland, OR 97204

The above-named applicant applied to the City on behalf of Jeffrey Nicholson for a zoning map amendment in conjunction with the re-platting of an existing lot to accommodate four single-family residences. The property is located at 532 N Laurel Street (Tax Lot 7000, Map 51019AD) and is in a Residential Medium Density (R2) zone. The property is owned by Lucie's Cottages LLC. The zoning map amendment request was reviewed against Municipal Code, Section 17.86.070 Amendments, criteria.

The public hearing on the above-entitled matter was opened before the Planning Commission on 12/22/14; the Planning Commission closed the public hearing at recommended denial to the City Council at the 01/22/15 meeting. The public hearing on the above-entitled matter was opened before the City Council and a tentative decision of approval was made on 02/10/15 subject to preparation of final findings of fact and an order; a final decision was made at the 03/03/15 meeting.

THE CITY COUNCIL ORDERS that the zone map amendment be GRANTED and adopts the findings of fact, conclusions and conditions contained in Attachment "A".

This decision may be appealed to the Land Use Board of Appeals by an affected party within 21 days of this date.

DATED: 3/15/15

CANNON BEACH CITY COUNCIL



Sam Steidel, Mayor



FINDINGS OF FACT

ZC 14-01; APPROVAL OF A ZONE CHANGE REQUESTED BY KPFF CONSULTING ENGINEERS AND JEFF NICHOLSON TO ADD A PLANNED DEVELOPMENT (PD) OVERLAY TO THE PROPERTY AT 532 NORTH LAUREL STREET, TAX LOT 7000, TAX MAP 51019AD.

BACKGROUND

This zone map amendment request was one of three applications by KPFF Consulting Engineers and Jeff Nicholson that were consolidated by the City for processing at the request of the applicant. The three consolidated applications requested approvals to facilitate a four-home PD development on a unique .57-acre tract of land at 532 North Laurel Street in Cannon Beach. Staff issued a Staff Report on December 15, 2014, finding that the applicable criteria could be met for ZC 14-01. After appropriate public notice, the Planning Commission conducted hearings on the matter on December 22, 2014, and January 22, 2015. The Planning Commission recommended that the Council deny ZC 14-01. After appropriate public notice, the City Council conducted a hearing on the matter on February 10, 2015, and tentatively voted to approve ZC 14-01, pending their review of findings on March 3, 2015. At their March 3, 2015, meeting, the City Council voted to approve the zone change, and adopt these findings of fact.

In this application, KPFF Consulting Engineers and Jeff Nicholson requested an amendment to the zoning map to add a Planned Development (PD) Overlay to the subject site. The other two consolidated applications requested approval of a preliminary plan for a planned development on the site and a variance to the requirements in Cannon Beach Municipal Code (CBMC) 16.04.310. The preliminary plan and variance decisions are addressed in separate orders and supported by findings separate from the subject decision.

The property is in the Residential Medium Density (R2) zone. An existing dwelling is located near the northwest corner of the property. The site's location is shown on an aerial photograph in the staff report and the site's topography is shown in applicant's Exhibit C7.4 in the record.

This property was the subject of a prior request for acknowledgement that the site included four grandfathered lots for purposes of development. In that earlier application, the City Council upheld the Planning Commission's interpretation of the City's zoning code that the proposal was subject to the slope-density requirements in CBMC 16.04.310, as well as the lot aggregation requirement in CBMC 17.82.020.B—the grandfathered status of the existing lots on this site notwithstanding.

This zone map amendment is reviewed under the standards in CMBC Chapter 17.86. Those standards are addressed below in the ANALYSIS/INFORMATION section of the findings. Because all of the applicable approval criteria are met, the Council grants approval of ZC 14-01.

ZONE CHANGE ANALYSIS/INFORMATION

The requirements and procedures for a zoning map amendment are specified in CBMC Chapter 17.86. The substantive approval criteria for a zoning map amendment, which are found at CBMC 17.86.070.B, are quoted and addressed below:

CBMC 17.86.070.B.1 “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.”

Findings: The Comprehensive Plan Vision Statement declares that “Cannon Beach will continue to be a small town where the characteristics of a village are fostered and promoted.” The Statement goes on to say that the City will promote “[b]uildings that are generally small in scale and appropriate to their setting.” Without the subject PD, information in the record indicates that the subject site could be developed with a large house that is large and not in conformance with the village characteristics called for in the Comprehensive Plan.

Comprehensive Plan Northside Area Policy 1 states that *“The Northside area, the area north of Ecola Creek, shall remain primarily residential in character. Development should take place only in a manner that is compatible with sensitive lands, steep slopes, active foredunes, areas subject to flooding, wetlands and stream banks.”* The subject property is in the Northside area. The proposal is consistent with Northside Policy 1 because it is a residential development and it is designed to avoid development on the steepest slopes on the site, because it is not located in an active foredune area or in an area subject to flooding, and because there are no stream banks, wetlands, or areas designated as sensitive lands on the site. All development-proposed slopes were reviewed by Geotechnical Engineer Don Rondema, who found the site suitable for development from a geotechnical standpoint.

Comprehensive Plan Housing Policy 11 states that *“The city will provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.”* The subject zone change was processed concurrently with a Planned Development zone designation to enable development to adapt to conditions on the subject site. This process enabled the City and the Owner to collectively work through a development scheme satisfying various City development policies and minimize potential adverse impacts. The development team has investigated and designed the improvements to not adversely impact any of the surrounding properties. The application includes preliminary designs for drainage, utilities, erosion control measures and blends the structures with the overall aesthetic character of the neighborhood and city.

Comprehensive Plan Housing Policy 12 states that *“The city will consider the use of cluster development and planned development techniques as a means of preserving common open space, protecting significant natural features, and providing for a variety of affordable housing types.”* The subject application calls for preservation of approximately 33 trees on the site to the extent

practicable. It also calls for building four more reasonably-sized homes instead of one home as large as 15,000 square feet in size.

Comprehensive Plan Water System Policy 6 states that *“Subdivisions, planned developments, motels or other uses shall be approved only sufficient water capacity is available.”* Applicant’s submittal materials indicate that there is a waterline abutting the site and that the water systems are sufficient for the subject site. The City Public Works Department has reviewed the proposal and indicated that there is sufficient water capacity for the proposed development on the subject site.

Comprehensive Plan Sewer System Policy 6 states that *“Subdivisions, planned developments, motels or other uses shall be approved only if sufficient capacity is available.”* Applicant’s submittal materials indicate that there are sewer facilities abutting the site and that the sewer systems are sufficient for the subject site. The City Public Works Department has reviewed the proposal and indicated that there is sufficient sewer capacity for the proposed development on the subject site.

The staff addressed additional Comprehensive Plan policies in the staff report for this zone change and the applicant addressed additional Comprehensive Plan policies that are supported by granting the subject zone change in its submittal dated November 14, 2014, as revised on November 21, 2014. The staff and applicant’s materials and reasoning is adopted herein by reference as additional findings in support of this criterion. This criterion is met.

*CBMC 17.86.070.B.2 “Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: * * * 2. The amendment will either: a. Satisfy land and water use needs, or b. Meet transportation demands, or c. Provide community facilities and services.”*

Findings: The proposed map amendment satisfies land and water use needs by facilitating a four-unit, single-family residential development in an area developed at a similar density with single-family residences, and in an area where existing utilities are sufficient to serve the proposed development. The City has an obligation to provide land for, among other things, single-family residences. If this demand can’t be met within the existing Urban Growth Boundary (UGB), then the City must expand the UGB. The location and extent of the City’s Urban Growth Boundary is, to some extent, dictated by the surrounding land uses: Ecola State Park to the north, the Silver Point slide area to the south, industrial forest land to the east, and the Pacific Ocean to the west. If the subject property is restricted to one single-family residence, then land needed for single-family residential development will need to be found elsewhere. This criterion is met.

*CBMC 17.86.070.B.3 “Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: * * * The land is physically*

suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.”

Findings: The proposed development is not located in a geologic hazard area as mapped on the City's GIS Mapping resource. The site is situated in the Holocene Stabilized Dune Sand soils grouping. There are portions of the site which have slopes exceeding 20 percent. There are no flood hazards associated with the parcel. Additionally, the tentative plan in the record includes designs for tree protection, drainage, retaining walls, utilities, erosion control measures, reports of Geotechnical Engineering Services by Geotech Solution Inc., and conceptual building footprints demonstrating the technical viability and aesthetic character of the development. The report by Geotech Solutions dated December 2, 2014, demonstrates that the subject property is physically suitable for the proposed planned development in terms of slope and geologic stability. The subject property is above the regulatory flood plain. Based on the foregoing, this criterion is met.

*CBMC 17.86.070.B.4 “Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: * * * Resource lands, such as wetlands are protected.”*

Findings: There are no resource lands such as wetlands on the subject site. This criterion is met.

*CBMC 17.86.070.B.5 “Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: * * * The amendment is compatible with the land use development pattern in the vicinity of the request.”*

Findings: The neighborhood surrounding the subject property is dominated by single-family residences at a density similar to that proposed for the planned development. Most of the lots on this section of Laurel Street are 5,000 square feet in size. The proposal calls for an overall density of one dwelling per 6,250 square feet. The proposal does not change the street layout in this neighborhood and calls for retaining substantial trees on the subject site in Exhibit C7.3. The proposal does not authorize anything other than single-family residential use. Based on the foregoing, this criterion is met.

General Findings: The staff reports and applicant materials address all the approval criteria thoroughly. Those reports and materials are incorporated and adopted herein, except to the extent any portions of those reports or materials are contradicted by the express findings in this document.

ACTION

The City Council approves ZC14-01

planning/cc/nizc14-01fin