

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF THE AMENDING THE)
MUNICIPAL CODE, CHAPTER 17.70, TREE)
TREE REMOVAL AND OTHER AFFECTED SECTIONS OF)
TITLE 17, ZONING.)
ORDINANCE NO. 19-03

WHEREAS, the City of Cannon Beach periodically amends the Zoning Ordinance to maintain the land use planning system in Cannon Beach, as prescribed by Chapter 17.86 of Cannon Beach Municipal Code; and

WHEREAS, the Cannon Beach Comprehensive Plan directs the City to regulate the removal of tress in order to preserve the City's aesthetic character, as well as to control problems associated with soil erosion and landslide hazards; and

WHEREAS, the Cannon Beach Zoning Ordinance has established protective regulations for trees in Chapter 17.70, Tree Removal, to stop the wanton and oftentimes thoughtless destruction of that vegetation which has a beneficial effect on the value of property, and on the city in general; and

WHEREAS, the Cannon Beach Planning Commission has conducted public hearings and meetings on August 23, September 27, October 25, November 20, December 27 and on January 24, 2019 recommended adoption of the proposed changes; and

WHEREAS, the Cannon Beach City Council, held a duly noticed public hearing on March 12, 2019;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH AMENDS CHAPTER 17.70 OF THE MUNICIPAL CODE BY DELETING THE CURRENT TEXT AND REPLACING IT WITH THE FOLLOWING:

Chapter 17.04 DEFINITIONS

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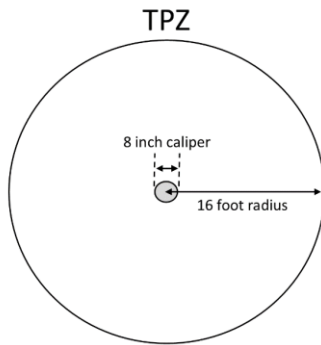
17.04.137. Diameter at Breast Height (DBH)

"Diameter at Breast Height", abbreviated "DBH," is the measure of the diameter of a tree measured 4.5 feet above the ground level.

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17.04.557. Tree Protection Zone (TPZ)

The TPZ is defined as a circle whose center is the center of the subject tree, and whose radius is two feet for each inch of trunk diameter measured at 4.5 feet above grade (example: the TPZ for an eight-inch caliper tree DBH would be 16 feet).



Chapter 17.08 RESIDENTIAL VERY LOW DENSITY (RVL) ZONE

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17.08.040 Standards.

In an RVL zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

A. Lot Size. Lot area shall be one acre per dwelling unit, except that lots of less than one acre in single, noncontiguous ownership prior to the date of enactment of the ordinance codified in this title are considered buildable subject to the other provisions of this title and the comprehensive plan. Lower density may be required on the basis of geologic hazards, percent of slope, availability of city services and vehicular access and circulation. The planning commission shall review partitions, subdivisions, planned developments and other development proposals under these criteria. The planning commission may authorize the placement of a government or municipal structure necessary for public service on a lot of less than one acre if it finds a larger lot is not required and that the smaller lot size will not have a detrimental effect on adjacent areas or uses. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).

B. Lot Dimensions and Yard Requirements. 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.

C. Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.

D. Floor Area Ratio. The floor area ratio for a permitted or conditional use shall not exceed 0.5.

E. Positioning of Structures for Future Subdivision. In areas where the future intention of the property or lot is further partitioning or subdivision, the planning commission shall, where practicable, require that structures be located so as to facilitate the future division of the land in a manner that accommodates smaller lot sizes and the extension of streets and utilities.

F. Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.

G. Signs. As allowed by Chapter 17.56.

H. Parking. As required by Section 17.78.020.

I. Design Review. All uses except single-family dwellings and their accessory structures are subject to the provisions of Chapter 17.44.

J. Geologic or Soils Engineering Study. As required by Chapter 17.50.

K. Zone Changes. 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;
2. City services are available, or will be provided, including adequate water pressure, sewer and water system capacity and street width;
3. Traffic circulation patterns will not place a burden on neighborhood streets;
4. The county planning commission has been given adequate opportunity to review the proposal and provide comment to the city.

L. Claims for Compensation Under ORS 197.352. The standards of subsections A through K of this section, Standards, shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.

M. Site plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of 17.90.190 has been submitted and approved.

Chapter 17.10 RESIDENTIAL LOWER DENSITY (RL) ZONE

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17.10.040 Standards.

In an RL zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

A. Lot Size. Lot area shall be at least ten thousand square feet. Lots of less than ten thousand square feet may be buildable pursuant to Section 17.82.020; provided, that such lots were not part of an aggregate of contiguous lots with an area or dimension of ten thousand square feet or greater held in a single ownership at the time of enactment of Ordinance 79-4A. Where there are lots held in a single contiguous ownership and one of the lots or combination of lots meets the minimum lot size but the other lot or combination of lots does not meet the minimum lot size, there shall be only one buildable lot. Example: three contiguous lots in a single ownership, each lot with an area of five thousand square feet, constitute one buildable lot. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).

The planning commission may authorize the placement of a governmental or municipal structure necessary for public service on a lot of less than ten thousand square feet if it is found that a larger lot is not required and that the smaller lot size will not have a detrimental effect on adjacent areas or uses.

B. Lot Dimensions.

1. Lot Width. Lot width shall be at least seventy-five feet.
2. Lot Depth. Lot depth shall be at least ninety feet.
3. Front Yard. A front yard shall be at least fifteen feet.
4. Side Yard. 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.
5. Rear Yard. 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.
6. Yard Abutting the Ocean Shore. For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A) (6), Oceanfront setback.

C. Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.

D. Floor Area Ratio. 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 five thousand square feet, but less than six thousand 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.

E. Building Height. Maximum height of a vertical structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge

for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.

- F. Signs. As allowed by Chapter 17.56.
- G. Parking. As required by Section 17.78.020.
- H. Design Review. All uses except single-family dwellings and their accessory structures are subject to the provisions of Chapter 17.44.
- I. Geologic or Soils Engineering Study. As required by Chapter 17.50.
- J. Claims for Compensation Under ORS 197.352. The standards of Sections 17.08.040 (A) through (K), Standards, shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.
- K. Site plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of 17.90.190 has been submitted and approved.

Chapter 17.12 RESIDENTIAL MODERATE DENSITY (R1) ZONE

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17.12.040 Standards.

In an RI zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

- A. Lot Size. 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 all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).
- B. Lot Dimensions.
 - 1. Lot Width. Lot width shall be at least forty feet.
 - 2. Lot Depth. Lot depth shall be at least eighty feet.
 - 3. Front Yard. A front yard shall be at least fifteen feet.
 - 4. Side Yard. 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.
 - 5. Rear Yard. 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.
 - 6. Yard Abutting the Ocean Shore. For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A)(6), Oceanfront setback.

- C. Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.
- D. Floor Area Ratio. The floor area ratio for a permitted or conditional use shall not exceed 0.6.
- E. Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.
- F. Signs. As allowed by Chapter 17.56.
- G. Parking. As required by Section 17.78.020.
- H. Design Review. All uses except single-family dwellings and their accessory structures are subject to the provisions of Chapter 17.44.
- I. Geologic or Soils Engineering Study. As required by Chapter 17.50.
- J. Claims for Compensation Under ORS 197.352. The standards of Sections 17.08.040 (A) through (K), Standards, shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.
- K. Site plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of 17.90.190 has been submitted and approved.

Chapter 17.14 RESIDENTIAL MEDIUM DENSITY (R2) ZONE

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17.14.040 Standards.

In an R2 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

- A. Lot Size. 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 Section 17.82.020. The minimum lot size for a single-family dwelling shall be five thousand square feet. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).
- B. Lot Dimensions.
 - 1. Lot Width. Lot width shall be at least forty feet.
 - 2. Lot Depth. Lot depth shall be at least eighty feet.
 - 3. Front Yard. A front yard shall be at least fifteen feet.

4. Side Yard. 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.
5. Rear Yard. 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.
6. Yard Abutting the Ocean Shore. For all lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050 (A)(6), Oceanfront setback.
- C. Lot Coverage. The lot coverage for a permitted or conditional use shall not exceed fifty percent.
- D. Floor Area Ratio. The floor area ratio for a permitted or conditional use shall not exceed 0.6.
- E. Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.
- F. Signs. As allowed by Chapter 17.56.
- G. Parking. As required by Section 17.78.020.
- H. Design Review. All uses except single-family dwellings and their accessory structures are subject to design review of Chapter 17.44.
- I. Geologic or Soils Engineering Study. As required by Chapter 17.50.
- J. Claims for Compensation Under ORS 197.352. The standards of Sections 17.08.040 (A) through (K), Standards, shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.
- K. Site plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of 17.90.190 has been submitted and approved.

Chapter 17.16 RESIDENTIAL HIGH DENSITY (R3) ZONE

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17.16.040 Standards.

In an R3 zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

- A. Lot Size. 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 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 minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).

B. Lot Dimensions.

1. Lot Width. Lot width shall be at least forty feet.
2. Lot Depth. Lot depth shall be at least eighty feet.
3. Front Yard. A front yard shall be at least fifteen feet.
4. Side Yard. 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.
5. Rear Yard. 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.
6. Yard Abutting the Ocean Shore. For lots abutting the ocean shore, any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A) (6), Oceanfront setback.

C. Lot Coverage. The lot coverage for a permitted or conditional use, other than a multifamily dwelling, shall not exceed fifty percent.

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

E. Building Height. Maximum height of a structure is twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.

F. Signs. As allowed by Chapter 17.56.

G. Parking. As required by Section 17.78.020.

H. Design Review. All uses except single-family dwellings and their accessory structures are subject to the provisions of Chapter 17.44.

I. Geologic or Soils Engineering Study. As required by Chapter 17.50.

J. Claims for Compensation Under ORS 197.352. The standards of Sections 17.08.040 (A) through (K), Standards, shall apply except as specifically modified pursuant to a development agreement

created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.

K. Site plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of 17.90.190 has been submitted and approved.

Chapter 17.18 RESIDENTIAL ALTERNATIVE/MANUFACTURED DWELLING (RAM) ZONE

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17.18.040 Standards.

In an RAM zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

A. Lot Size. 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 Chapter 17.77. The maximum density of assisted living facilities shall be one residential unit per one thousand square feet of site area. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).

B. Lot Dimensions.

1. Lot Width. Lot width shall be at least forty feet.
2. Lot Depth. Lot depth shall be at least eighty feet.
3. Front Yard. A front yard shall be at least fifteen feet.
4. Side Yard. 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.
5. Rear Yard. 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.

C. Lot Coverage. The lot coverage for a permitted or conditional use, other than a multifamily dwelling, shall not exceed fifty percent.

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

E. Building Height. Maximum height of a structure shall be twenty-four feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge

for a pitched roof. The ridge height of a pitched roof shall not exceed twenty-eight feet. Pitched roofs are considered those with a 5-12 pitch or greater.

F. Manufactured Dwellings. Manufactured dwellings shall be located in accordance with the requirements of Chapter 17.68.

G. Parking. As required by Section 17.78.020.

H. Signs. As allowed by Chapter 17.56.

I. Design Review. All uses except single-family dwellings, manufactured dwellings and modular housing and their accessory structures are subject to the provisions of Chapter 17.44.

J. Geologic or Soils Engineering Study. As required by Chapter 17.50.

K. Claims for Compensation Under ORS 197.352. The standards of Sections 17.08.040 (A) through (K), Standards, shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.

L. Site plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of 17.90.190 has been submitted and approved.

Chapter 17.20 RESIDENTIAL MOTEL (RM) ZONE

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17.20.040 Standards.

In an RM zone, the following standards shall apply except as they may be modified through the design review process pursuant to Chapter 17.44:

A. Lot Size. 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 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. The minimum lot size for all uses, including single-family dwellings, shall be adjusted for average slope using the standards in Section 16.04.310(A).

- B. Lot Dimensions.
1. Lot Width. Lot width shall be at least forty feet.
 2. Lot Depth. Lot depth shall be at least eighty feet.
 3. Front Yard. A front yard shall be at least fifteen feet.
 4. Side Yard. 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.
 5. Rear Yard. 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.
 6. Motel Yard Requirements. Yard requirements shall not apply to motels or hotels, except as to yards abutting the ocean shore and clear vision area requirements.
 7. Yard Abutting the Ocean Shore. For lots abutting the ocean shore any yard abutting the ocean shore shall conform to the requirements of Section 17.42.050(A)(6), Oceanfront setback.
- C. Lot Coverage. The lot coverage for a single-family dwelling, modular home or duplex shall not exceed fifty percent.
- D. Floor Area Ratio. The floor area ratio for a single-family dwelling, modular home or duplex shall not exceed 0.6.
- E. Building Height. Maximum height of a structure is twenty-eight feet, measured as the vertical distance from the average elevation of existing grade to the highest point of a roof surface of a flat roof, to the top of a mansard roof or to the mean height level between the eaves and the ridge for a pitched roof. The ridge height of a pitched roof shall not exceed thirty-two feet. Pitched roofs are considered those with a 5-12 pitch or greater.
- F. Signs. As allowed by Chapter 17.56.
- G. Parking. As required by Section 17.78.020.
- H. Design Review. All uses except single-family dwellings and their accessory structures are subject to the provisions of Chapter 17.44.
- I. Geologic or Soils Engineering Study. As required by Chapter 17.50.
- J. Outdoor Merchandising. As allowed by Section 17.90.150.
- K. Claims for Compensation Under ORS 197.352. The standards of Sections 17.08.040(A) through (K), Standards, shall apply except as specifically modified pursuant to a development agreement created as part of the city's final action modifying, removing or not applying the city's land use regulation(s) on a demand for compensation under ORS 197.352.
- L. Site plan. Except for interior renovation of existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan meeting the requirements of 17.90.190 has been submitted and approved.

Chapter 17.44 DESIGN REVIEW PROCEDURES AND CRITERIA

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17.44.050 Design review plan—Submittal requirements.

A. Information Requirements. Information provided on the design review plan shall conform to the following:

1. Drawings depicting the proposal shall be presented on sheets not larger than twenty-four inches by thirty-six inches in the number of copies directed by the city;
2. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned.

B. Site Analysis Diagram. This element of the design review plan, which may be in a freehand form to scale, shall indicate the following site characteristics:

1. Location and species of trees greater than six inches in diameter when measured four and one-half feet above the natural grade, and an indication of which trees are to be removed;
2. On sites that contain steep slopes, potential geologic hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals;
3. Natural drainageways and other significant natural features;
4. All buildings, roads, retaining walls, curbcuts and other manmade features;
5. Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.
6. Location and species of trees greater than six inches DBH on adjoining property that, in the judgement of the applicant's certified arborist, might be damaged by construction activity on the subject property. Alternatively, in the absence of a report by a certified arborist, all trees on adjoining property within one tree protection zone of the common boundary line, and all trees on adjoining street right-of-way if within one tree protection zone of the subject property.

C. Site Photographs. Photographs depicting the site and its relationship to adjoining sites shall also be provided.

D. Site Development Plan. This element of the design review plan shall indicate the following:

1. Legal description of the lot;
2. Boundary dimensions and area of the site;

3. Location of all new structures and existing structures proposed to be retained, including their distances from the property line;

4. Area of the site covered by the structures described in subdivision 3 of this subsection and their percentage of the site;

5. All external dimensions of proposed buildings and structures;

6. The location of a building's windows, doors, entrances and exits;

7. Parking and circulation areas, including their dimensions;

8. Service areas for such uses as the loading and delivery of goods;

9. Locations, descriptions and dimensions of easements;

10. Grading and drainage plans, including spot elevations and contours at close enough intervals to easily convey their meaning;

11. Location of areas to be landscaped;

12. Private and shared outdoor recreation areas;

13. Pedestrian circulation;

14. The location of mechanical equipment, garbage disposal areas, utility appurtenances and similar structures;

15. Exterior lighting including the type, intensity, height above grade and area to be illuminated;

16. Location, size and method of illumination of signs;

17. Provisions for handicapped persons;

18. Other site elements which will assist in the evaluation of site development;

19. The location and names of all existing streets within or on the boundary of the proposed development;

20. A written summary showing the following:

a. For commercial and nonresidential development:

i. The square footage contained in the area proposed to be developed,

ii. The percentage of the lot covered by structures,

- iii. The percentage of the lot covered by parking areas and the total number of parking spaces,
- iv. The total square footage of all landscaped areas including the percentage consisting of natural materials and the percentage consisting of hard-surfaced areas such as courtyards,
- b. For residential development:
 - i. The total square footage in the development,
 - ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, twenty-five two-bedroom, etc.),
 - iii. Percentage of the lot covered by:
 - (A) Structures,
 - (B) Parking areas,
 - (C) Recreation areas,
 - (D) Landscaping.
- E. Landscape Plan. Development proposals with a total project cost exceeding two hundred fifty thousand dollars shall have the landscape plan prepared by a licensed landscape architect or licensed landscape contractor. This element of the design review plan should indicate the following:
 - 1. The size, species and locations of plant materials to be retained or placed on the site;
 - 2. The layout of proposed irrigation facilities;
 - 3. The location and design details of walkways, plazas, courtyards and similar seating areas, including related street furniture and permanent outdoor equipment including sculpture;
 - 4. The location, type and intensity of lighting proposed to illuminate outdoor areas;
 - 5. The location and design details of proposed fencing, retaining walls and trash collection areas; and
 - 6. For commercial projects with a total project cost exceeding two hundred fifty thousand dollars, a rendering showing the proposed landscape plan in perspective. Such renderings shall be prepared for each of the project's main elevations.
- F. Architectural Drawings. This element of the design review plan shall indicate the following:
 - 1. A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of

such spaces to decks, porches, balconies and stairs or other features shown on the building elevations. Such floor plans shall be provided for all building floors and shall include appropriate dimensions;

2. Exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations;

3. The color and texture of finish materials shall be described on the drawings and samples shall be submitted of the materials and color ranges of siding, roofing and trim;

4. Location and type of exterior light fixtures including the lamp types and the levels of illumination that they provide;

5. A comprehensive graphic plan showing the location, size, material and method of illumination of all exterior signs. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

G. Architectural Model.

1. Architectural models shall be submitted for:

a. All new construction, other than duplexes or triplexes,

b. Alterations to existing structures other than duplexes or triplexes where the proposed alteration involves the addition of one thousand square feet of gross floor area or more;

2. The model shall be to scale and represent the proposed development and adjoining buildings within fifty feet of applicant's property lines;

3. The model need only be a massing model sufficient to illustrate the relationship of the proposed structure(s) to the site and surrounding properties.

H. Energy Conservation Measures.

1. A description of the method and type of energy to be used for heating and cooling of the building;

2. An explanation of the energy use and strategy being used to minimize the amount of energy needed to heat, cool and light the structure.

I. Property Survey.

1. A survey of the property by a licensed land surveyor clearly delineating property boundaries. The city may waive this requirement where there is a recent survey which can be used to establish the applicant's property boundaries;

2. Prior to the design review board meeting, the applicant will have clearly marked the corners of proposed buildings and other significant features proposed for the site.

Chapter 17.70 TREE REMOVAL AND PROTECTION

17.70.010 Purpose.

A. The purpose of this chapter is to establish protective regulations for trees within the city in order to better control problems of soil erosion, landslide, air pollution, noise, wind and destruction of scenic values and wildlife habitat, and to protect trees as a natural resource which establishes the wooded character of the city.

B. The intent is not to prohibit the removal of trees completely, or to require extraordinary measures to build structures; rather the intent is to stop the wanton and oftentimes thoughtless destruction of that vegetation which has a beneficial effect on the value of property, and on the city in general. (Ord. 17-3 § 1; Ord. 96-18 § 1; Ord. 79-4 § 1 (4.600) (1))

17.70.012 Definitions.

“Dead tree” means that the tree is lifeless.

“Immediate danger of collapse” means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fail and cause damage before a tree removal permit can be obtained. “Immediate danger of collapse” does not include hazardous conditions that can be alleviated by pruning or treatment.

“Solar energy system” means either: (1) a device employed in the collection of solar radiation for the purpose of heating or cooling a building, the heating of water, or the generation of electricity; or (2) the south facing windows of a dwelling where such windows constitute fifty percent or more of the building’s total window area; or (3) the roof of a dwelling which has been designed for the collection of solar energy for space heating purposes.

“Tree” is defined as any woody plant having at least one well-defined stem at least six inches in diameter measured at a height of four and one-half feet above the natural grade. All tree measures specified in this chapter shall be measured at a height of four and one-half feet above the natural grade.

“Tree topping” is defined as the severe cutting back of limbs to stubs within the tree’s crown to such a degree so as to remove the normal canopy and disfigure the tree. (Ord. 17-3 § 1; Ord. 14-4 § 1)

17.70.015 Tree removal without a permit prohibited.

No person shall remove a tree (tree removal) without first obtaining a permit from the city pursuant to this chapter, unless the tree removal is exempted by provisions of this chapter. Application for a tree removal permit shall be made on forms prescribed by the city. (Ord. 17-3 § 1; Ord. 14-4 § 2; Ord. 96-18 § 1)

17.70.017 Permit administration.

A. A property owner or designated representative may initiate a request for approval for removal of a tree on the owner's property by filing an application with the city using forms prescribed by the city. The property owner's signature is required. A tree removal request signed by the property owner shall clearly and explicitly grant permission to city staff or to the city's arborist to enter the subject property for purposes of examining the tree(s) proposed for removal.

B. Anyone may initiate a request for approval of tree removal in a city right-of-way or on city-owned property by filing an application with the city using forms prescribed by the city.

C. An applicant for a tree removal permit, or their arborist, shall mark each tree proposed for removal with plastic flagging tape or other suitable means approved by the city.

D. A copy of the approved tree removal permit shall be kept on-site when the removal is carried out. (Ord. 17-3 § 1; Ord. 14-4 § 3)

17.70.020 Permit issuance—Criteria.

The city shall issue a tree removal permit if the applicant demonstrates that one of the following criteria is met:

A. Removal of a tree which poses a safety hazard. The applicant must demonstrate that:

1. The condition or location of the tree presents either a foreseeable danger to public safety, or a foreseeable danger of property damage to an existing structure; and

2. Such hazard or danger cannot reasonably be alleviated by pruning or treatment of the tree.

B. Removal of a tree damaged by storm, fire, or other injury and which cannot be saved by pruning.

C. Removal of a dead tree.

D. Removal of a tree(s) in order to construct a structure or development approved or allowed pursuant to the Cannon Beach Municipal Code, including required vehicular and utility access, subject to the requirements in 17.70.030.B and 17.70.030.Q.

E. Removal of a tree where required to provide solar access to a solar energy system where pruning will not provide adequate solar access to permit effective operations of the solar energy system.

1. The city may require documentation that a device qualifies for an Oregon Department of Energy solar tax credit, or other incentive for the installation of solar devices offered by a utility.

2. No tree measuring more than twenty-four inches in diameter shall be removed for the purpose of obtaining solar access.

- F. Removal of a tree for the health and vigor of the surrounding trees.
- G. Removal of a tree for landscape purposes subject to the following conditions:
 - 1. The tree(s) to be removed under this criterion cannot exceed ten inches in diameter;
 - 2. A landscape plan for the area affected by the tree removal is approved by the city;
 - 3. The landscape plan incorporates a replacement tree(s) for trees to be removed. The replacement tree shall be at least six feet in height or have a two-inch caliper; and
 - 4. The city shall review the property one year after the approval of the tree removal permit. The purpose of the review is to ensure that the approved landscape plan has been implemented.

17.70.030 Additional requirements.

- A. Where an applicant identifies the necessity to remove a tree pursuant to Section 17.70.020(A) or (B) the application shall include a complete ISA Tree Hazard Evaluation Form prepared by a certified arborist with the tree removal application. An ISA Tree Hazard Evaluation Form prepared by a certified arborist is not required where a tree removal permit proposes the removal of a dead tree pursuant to subsection C of this section, or where a tree removal permit proposes the removal of a tree pursuant to subsection F. Where an applicant identifies the necessity to remove a tree pursuant to Section 17.70.020(F), a certified arborist shall provide a report certifying the need to remove the tree for the health and vigor of surrounding trees.
- B. For actions which require the issuance of a building permit, tree removal shall occur only after a building permit has been issued for the structure requiring the removal of the tree(s).
- C. An application for the removal of a dead tree does not require an ISA Tree Hazard Evaluation Form prepared by a certified arborist.
- D. The retention of trees shall be considered in the design of partitions, subdivisions or planned developments; placement of roads and utilities shall preserve trees wherever possible. The need to remove trees shall be considered in the review process for partitions, subdivisions or planned developments.
- E. The preservation of trees shall provide a basis for consideration of a setback reduction or variance.
- F. If the condition of a tree presents an immediate danger of collapse and if such potential collapse represents a clear and present hazard to persons or property, a tree removal permit is not required prior to tree removal. However, within seven days after the tree removal, the tree owner shall make application for an after-the-fact permit. Where a tree presents an immediate danger of collapse, a complete ISA Tree Hazard Evaluation Form prepared by a certified arborist is not required. Where a safety hazard exists, as defined by this subsection, the city may require the tree's removal. If the tree

has not been removed after forty-eight hours, the city may remove the tree and charge the costs to the owner.

G. The city may require the replanting of trees to replace those being removed. Tree replanting shall be in conformance with the city's tree replacement policy, Section 17.70.040.

H. Decisions on the issuance of a tree removal permit may be appealed to the planning commission in accordance with Section 17.88.140(A).

I. For tree removal requests of trees located in a street right-of-way, or on property owned by the city, property owners within one hundred feet of the tree(s) requested for removal shall be notified of the proposed action. The notification shall also be posted on the city's website, and on the bulletin board at City Hall, and at the Post Office. In making its decision on such a tree removal request, the city shall consider comments received within ten days of the date of the mailing of the property owner notification. To be considered, comments must address the tree removal criteria of Section 17.70.020. Any person who has commented on the tree removal request shall be notified of the city's decision and may appeal that decision in accordance with subsection H.

J. Tree pruning does not require a permit. However, the following trees shall be pruned in conformance with International Society of Arboriculture (ISA) ANSI A300 Pruning Standards (2008):

1. Trees more than thirty feet in height;
2. Trees more than thirty inches in diameter;
3. South of Ecola Creek, trees located west of Hemlock Street; and
4. North of Ecola Creek, trees located west of Laurel Street.

K. Tree topping is prohibited except for where: (1) trees have been severely damaged in a storm; and (2) required for utility line maintenance when other pruning practices are impractical.

L. A monthly report on tree removal permit actions shall be made to the planning commission.

M. If a tree is removed without a tree removal permit, a violation may be determined by measuring the stump at the surface of the cut. A stump that is twenty-two inches or more in circumference or seven inches or more in diameter shall be considered prima facie evidence of a violation of this chapter. Proof of violation of this chapter shall be deemed prima facie evidence that such violation is that of the owner of the property upon which the violation is committed.

N. Penalties.

1. Notwithstanding any other provisions of the code, any party found to be in violation of this chapter shall be subject to a civil penalty of five hundred dollars and the payment of an additional civil penalty representing the value of any unlawfully removed or damaged tree, as determined by an

appraisal using the International Society of Arboriculture (ISA) Guide for Plant Appraisal, Ninth Edition, 2000. The unlawful removal of each individual tree shall be a separate offense.

2. A builder, developer, tree service, or any other person holding a city business license who is convicted of violating any provision of this chapter is also subject to a proceeding to consider revocation of their business license, pursuant to Section 5.04.170.

O. The city may seek independent expert opinion when reviewing an ISA Tree Hazard Evaluation, or when reviewing any request to remove a diseased, damaged, dying, or hazardous tree. An arborist retained or hired by the city under this section is expected to render independent expert opinion, consistent with the ISA Certified Arborist Code of Ethics.

P. A tree removal permit approved by the city is valid for twelve months from the date of issuance. The permit may be extended for an additional twelve months at the owner's request if there has been not material change in circumstances.

Q. An application for a tree removal permit under 17.70.020.D, submitted under the direction of a certified tree arborist for removal of a tree(s) to construct a structure or development, must include the following:

1. A site plan showing the location of the tree(s) proposed for removal, the location of the proposed structure or development, and the location of any other trees 6" DBH or larger on the subject property or off-site (in the adjoining right-of-way or on adjacent property) whose root structure might be impacted by excavation associated with the proposed structure, or by soil compaction caused by vehicular traffic or storage of materials.

2. Measures to be taken to avoid damaging trees not proposed for removal, both on the subject property and off-site (in the adjoining right-of-way or on adjacent property).

3. The area where a tree's root structure might be impacted by excavation, or where soil compaction caused by vehicular traffic or storage of materials might affect a tree's health, shall be known as a Tree Protection Zone (TPZ).

4. Prior to construction the TPZ shall be delineated by hi-visibility fencing a minimum of 3.5 feet tall, which shall be retained in place until completion of construction. Vehicular traffic, excavation and storage of materials shall be prohibited within the TPZ.

17.70.040 Tree replacement policy.

A. The overall objective of the city's tree replacement policy is, where practical, to maintain a minimum density of trees on a given parcel of land.

B. The basic standard is that four trees should be maintained on a five thousand square foot lot. For larger lots this standard will be applied on a proportional basis, e.g., a seven thousand five hundred square foot lot would require the maintenance of six trees. This standard is to be implemented as follows:

1. Tree removal in conjunction with construction:
 - a. If four or more trees existed on the lot prior to construction and approval is granted to remove trees, the replanting of up to four trees may be required.
 - b. If fewer than four trees existed on the lot prior to construction, the replanting of trees on a one-for-one basis may be required.
 - c. A minimum density of less than four trees may be permitted where it is found that the remaining trees provide sufficient cover, immature trees (those less than six inches in diameter) will mature to provide adequate cover, or there are no reasonable locations for new trees.
2. Tree removal not in conjunction with construction:
 - a. If after tree removal the site maintains the standard of at least four trees per five thousand square feet, no replacement is required.
 - b. If after tree removal the site contains less than four trees per five thousand square feet, the replanting of trees on a one-for-one basis may be required.
 - c. A minimum density of less than four trees per five thousand square feet may be permitted where it is found that the remaining trees provide sufficient cover, immature trees (those less than six inches diameter) will mature to provide adequate cover, or there are no reasonable locations for new trees.
- C. The objective of the tree replacement policy is to require the replanting of native trees. When a replacement tree is required, at least one tree from the native tree list will have to be replanted. The following trees are considered native:
 1. Sitka spruce;
 2. Western hemlock;
 3. Douglas fir;
 4. Western red cedar;
 5. Red alder;
 6. Mountain ash;
 7. Big leaf maple;
 8. Vine maple.
- D. The replacement trees shall be planted so that they do not create future problems in terms of solar access, view protection, building maintenance, or the survivability of other trees. Trees should generally not be planted within five feet of the property line.
- E. The replacement trees shall be at least six feet in height at the time of planting.

17.90 GENERAL REQUIREMENTS AND REGULATIONS

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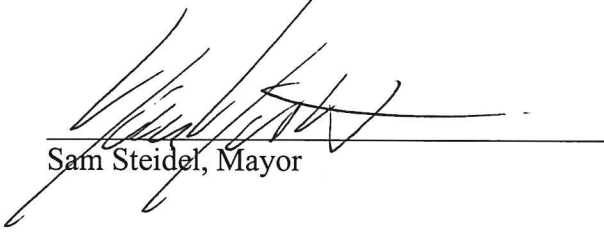
17.90.190. Site Plan. Except for interior renovation of an existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan containing the following information is submitted and approved showing the location of:

1. Property boundaries and dimensions.
2. Easements, if any.
3. Existing and proposed structures.
4. Existing structures on adjoining property if within one tree-protection zone of the common property boundary. A tree protection zone is defined as a circle with two feet of radius for each inch of trunk diameter measured at 4.5 feet above grade.
5. Existing trees 6" Diameter at Breast Height (DBH) or larger.
6. Existing trees 6" DBH or larger on adjoining property that, in the judgement of the applicant's certified arborist, might be damaged by construction activity on the subject property. Alternatively, in the absence of a report by a certified arborist, all trees on adjoining property within one tree protection zone of the common property boundary. A tree protection zone is defined as a circle with two feet of radius for each inch of DBH.
7. Existing trees 6" DBH or larger in the adjoining street right-of-way that, in the judgement of the applicant's certified arborist, might be damaged by construction activity on the subject property. Alternatively, in the absence of a report by a certified arborist, all trees in the adjoining street right-of-way within one tree protection zone of the subject property.
8. Existing and proposed features needed to calculate lot coverage as defined in 17.04.335.
9. Topographic information needed to determine average grade as defined in 17.04.275.
10. For property in the Oceanfront Management Overlay (OM) zone, data needed to calculate oceanfront setback pursuant to 17.42.050.6.
11. For property in the Wetland Overlay (WO) zone, the location of wetlands and riparian corridors.
12. For property in the Flood Hazard Overlay (FHO) zone, the location and type of flood hazard.

The Planning Director may waive any of these requirements if not applicable for particular developments or sites.

ADOPTED by the Common Council of the City of Cannon Beach this 2nd of April 2019, by the following roll call vote:

YEAS: Councilors Benefield, McCarthy, Ogilvie, Risley and Mayor Steidel
NAYS: None
EXCUSED: None



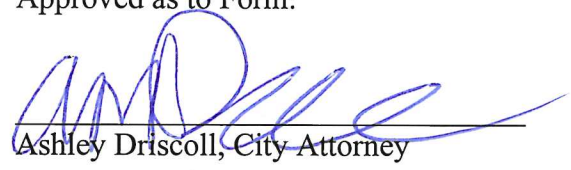
Sam Steidel, Mayor

Attest:



Bruce St Denis, City Manager

Approved as to Form:



Ashley Driscoll, City Attorney