

BEFORE THE COMMON COUNCIL OF CANNON BEACH

A Comprehensive Plan Map Amendment and Zone Change )  
for Tax lot 51032BC00400, an Undeveloped Property )  
North of the Intersection of E. Surfcrest Ave and U.S. )  
Highway 101. )  
)

ORDINANCE NO. 23-08

WHEREAS, the purpose of the Cannon Beach Comprehensive Plan is to control and promote development which is most desirable to the majority of the residents and property owners of the City; and

WHEREAS, the Cannon Beach Comprehensive Plan is intended to be a statement of the people of the community concerning their desires for future development. As such, it has been developed in an open, well-publicized process; and

Whereas, the Cannon Beach Comprehensive Plan states the Tolovana Park area of Cannon Beach shall remain primarily residential; and

WHEREAS, the Cannon Beach Comprehensive Plan states the city will encourage the development of housing which meets the needs of a variety of age and income groups; and

WHEREAS, the Cannon Beach Comprehensive Plan states the city recognizes the importance of its existing residential neighborhoods in defining the character of the community and will strive to accommodate new residential development in a manner that is sensitive to the scale, character and density of the existing residential development pattern; and

WHEREAS, the density of residential development throughout the City shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics; and

WHEREAS, the Cannon Beach Comprehensive Plan directs the City to the City shall control excavation, grading, and filling in order to: avoid landslides and other geologic hazards; protect adjacent property and structures; provide for appropriate drainage improvements; minimize the extent of vegetation removal; minimize erosion and sedimentation; and protect the aesthetic character of the City and the City to ensure that development is designed to preserve significant site features such as trees, streams and wetlands; and

WHEREAS, the public hearing on the above-entitled matter was opened and closed before the Planning Commission on 04/27/23 meeting and recommended to the City Council that the comprehensive map amendment and zone change be denied; and

WHEREAS, the public hearing on the above-entitled matter was opened and closed before the City Council at the 07/11/23 meeting and the City Council rendered a final decision to approve the comprehensive map amendment and zone change;

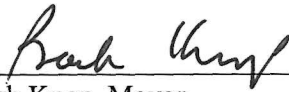
**NOW, THEREFORE, THE CITY OF CANNON BEACH ORDAINS AS FOLLOWS:**

**Section 1.** The Comprehensive Plan Map and Zoning Map for the City of Cannon Beach is amended by rezoning tax lot 51032bc00400, an undeveloped property north of the intersection of E. Surfcrest Avenue and U.S. Highway 101, from zoning classification Residential Very Low Density (RVL) classification to zoning classification Residential Medium Density (R2).

**Section 2.** The Findings of Fact and Conclusions of Law attached to this Ordinance as Exhibit A are adopted in support of this decision.

ADOPTED by the Common Council of the City of Cannon Beach this 8th day of August 2023, by the following roll call vote:


YEAS: Councilors McCarthy, Ogilvie, Hayes and Mayor Knop  
NAYS: Councilor Kerr  
EXCUSED: None

  
\_\_\_\_\_  
Barb Knop, Mayor

Attest:

Approved as to Form

  
\_\_\_\_\_  
Bruce St. Denis, City Manager

  
\_\_\_\_\_  
Ashley Driscoll, City Attorney



# CANNON BEACH CITY COUNCIL

## FINDINGS OF FACT AND CONCLUSIONS OF LAW – ZO 23-01

JEFFREY MOON REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE FOR TAXLOT 51032BC00400, AN UNDEVELOPED PROPERTY NORTH OF THE INTERSECTION OF E. SURFCREST AVE AND U.S. HIGHWAY 101.

---

**Agenda Date:** July 11, 2023

### SUMMARY & BACKGROUND

The Cannon Beach City Council has before it ZO 23-01, a rezone and comprehensive plan map amendment from Jeffrey Moon.

Jeffrey Moon, property owner, is requesting a comprehensive plan amendment and zone change for Taxlot 51032BC00400 near the intersection of East Surfcres Ave. and U.S. Highway 101. The property was annexed into the city in December 2007 and its zoning classification is (RVL) Residential Very Low Density. Adjacent properties to the south on East Surfcres Ave. are currently zoned (R2) Residential Medium Density. The undeveloped property to the east is outside of both the City Limits and the Urban Growth Boundary. As this application is for a single property that will not affect a broad area or number of property owners it is considered a quasi-judicial amendment action as defined by CMBC 17.86.050.

The purpose of the proposed plan amendment and zone change is to allow the subject property to be partitioned into three (3) lots that could then be used for residential development. This level of density is not currently possible under the RVL zoning which has a density of one dwelling unit per acre as per CBMC 17.08.040(A).

### RECOMMENDATION FROM THE PLANNING COMMISSION

The City of Cannon Beach Planning Commission, having considered the evidence in the record during their regularly scheduled hearing on April 27, 2023, recommended to City Council that the Jeffrey Moon application for a Comprehensive Plan Amendment and Zone Change be denied.

### APPLICABLE CRITERIA

#### 17.86.070 Criteria.

*B. 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 City Council finds that the amendment is consistent with the Comprehensive Plan which recommends:

- That the Tolovana Park neighborhood remains primarily residential in nature.
- The city will encourage the development of housing which meets the needs of a variety of age and income groups.
- The city shall endeavor to accommodate affordable housing in a manner that disperses it throughout the community rather than concentrating it at specific locations.
- The city recognizes the importance of its existing residential neighborhoods in defining the character of the community and will strive to accommodate new residential development in a manner that is sensitive to the scale, character and density of the existing residential development pattern.
- The City shall preserve and enhance the qualities that contribute to the character and liveability of its residential areas.
- The city shall provide water and sanitary sewer service only to property located within the city limits.
- The density of residential development throughout the City shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics.
- To control development in areas with slopes exceeding 20% and areas subject to potential geologic hazards so that potential adverse impacts can be minimized.

The applicant indicates they are looking to provide year-round primary housing. In the long term the applicant's proposal will serve to expand the size of the city's housing pool.

The City Council finds that the proposed Residential Medium Density (R-2) zoning classification provides an opportunity for a density of development consistent with the character of the similarly R-2 zoned E. Surfcrest neighborhood properties in this vicinity.

2. *The amendment will either:*

- Satisfy land and water use needs, or*
- Meet transportation demands, or*
- Provide community facilities and services;*

**Findings:** The City Council finds that the application is consistent with the comprehensive plan that states the Tolovana Park neighborhood remains primarily residential in nature.

The City Council finds that the application satisfies land use needs as the proposed R-2 zoning classification is in character with the area and will provide an opportunity to provide higher density housing at the subject property than it can support under current zoning which meets the needs of a variety of age and income groups.

The city has a scarcity of permanent housing at all levels and the amendment will satisfy land and water use needs in that it will provide housing at a relatively low density on the east side of Tolovana, out of the tsunami inundation zone.

The property is located within the City and water and sewer are available to service the proposed development.

There are minimal anticipated transportation demand impacts as the number of average daily trips from the property is expected to be low.

3. *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 City Council finds that based on the applicant's geotechnical analysis the land is physically suitable for the residential uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations. The land has little inherent geologic hazard for the level of use described by the applicant. This study recommends the use of engineered retaining walls to support cuts and fills and drainage strategies to effectively control storm water.

Additionally, the City Council finds the property is outside of the regulated floodplain and is located outside the tsunami hazard zone.

4. *Resource lands, such as wetlands are protected;*

**Findings:** The City Council finds that based on the applicant's wetland delineation study, no wetlands are present on the subject property. An inventoried wetland is present in the right-of-way of U.S. Highway 101 immediately to the west of the subject property.

5. *The amendment is compatible with the land use development pattern in the vicinity of the request.*

**Findings:** The City Council finds that the amendment is consistent with the Tolovana Park Policies of the Comprehensive Plan which recommends that the Tolovana Park neighborhood remain primarily residential in nature. In addition, the City Council finds that the proposed rezone is consistent with the designation of adjacent lands immediately south of the subject property that are accessible from E. Surfcrest Ave. These properties are zoned R2 and have been developed for residential purposes. The applicant's intent to partition the subject property into three (3) separate parcels is consistent with the level of development on the adjacent R2 zoned properties.

The City Council finds the proposal satisfies land use housing needs, does not create potential traffic hazards on Highway 101, and can be geologically suitable for the level of density allowed by the R2 zoning classification.

The City Council finds that the proposed comprehensive plan map and rezone meets the comprehensive plan vision statement that growth should occur in small incremental steps that allow the community to evolve in its desired direction without disrupting the fabric of the life of the community.

## **DECISION AND CONDITIONS**

**Motion:** Having considered the evidence and based on a motion from Councilor Hayes, seconded by Councilor Ogilvie, the Cannon Beach City Council voted four to one to approve Jeffrey Moon application for a Comprehensive Plan Amendment and Zone Change, **ZO#23-01** and directed staff to prepare findings for adoption by the Council.