

BEFORE THE COMMON COUNCIL OF THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING CHAPTER 42) ORDINANCE NO. 20-03
OCEANFRONT MANAGEMENT OVERLAY ZONE)
AND CHAPTER 80 CONDITIONAL USES OF)
TITLE 17 ZONING OF THE CANNON BEACH)
MUNICIPAL CODE)

WHEREAS, the Cannon Beach Comprehensive Plan directs the City to regulate the grading of foredunes in the littoral cell; and

WHEREAS, the Cannon Beach Comprehensive Plan is based on four objectives: first, to ensure the dunes sustain an adequate sand volume in order to withstand the erosional effects of (an) extreme storm(s) and to minimize any potential for wave overtopping and inundation (flooding) of backshore; second, to strengthen weak points in the dune system (e.g. adjacent to trails), by repairing areas subject to localized blowouts from wind or waves in order to maintain the dune buffer from erosion and potentially being breached during a storm; third, to maintain valuable habitat for a wide range of plants and animals, such as shellfish, including razor clams, and in some cases rare species; fourth, to maintain the integrity and natural beauty of the dunes; and

WHEREAS, the City of Cannon Beach contracted with the State of Oregon's Oregon Department of Geology and Mineral Industries and Dr. Jonathan C. Allan to produce a report on the Beach and Shoreline Dynamics in the Cannon Beach Littoral Cell: Implications for Dune Management, Special Paper 49, 2018; and

WHEREAS, the City of Cannon Beach, under direction of the Planning Commission developed an updated Foredune Management Plan based on the new science report from Dr. Allan; and

WHEREAS, the Planning Commission conducted work sessions on 5/22/17, 10/26/17, 7/26/18, 8/23/18, and 9/27/18. The Commission opened a public hearing on 1/25/18, and continued it to 2/22, 3/22, 4/ 26, and 5/24/18. The Commission closed the public testimony part of the hearing on 5/24 and recommended changes, with the caveat:

The Cannon Beach Planning Commission submits to the City Council the accompanying Foredune Management Plan amendments to the City's Comprehensive Plan and Municipal Code, but does so with reservations. As the Council is aware, the City's current Comprehensive Plan allows for foredune management in order to maintain views but does not require the City to allow such dune grading. During an extensive public process focused on these matters, it became clear to the Planning Commission that there is no consensus, either among Cannon Beach residents or on the Commission, to allow such dune grading. Many Cannon Beach residents opposed dune grading for views. In fact, some residents favored placing the issue on a ballot. Accordingly, the Planning Commission recommends that the City Council carefully consider whether to allow dune grading for

views at all, and that you adopt the accompanying Foredune Management Plan only to the extent that the Council decides to allow such grading activities; and

WHEREAS, the Cannon Beach City Council, held duly noticed public hearings on September 12, 14, 17 & October 7, 2019, as well as, February 4, 2020;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH AMENDS CHAPTER 4, CHAPTER 42 AND CHAPTER 80 OF TITLE 17 OF THE CANNON BEACH MUNICIPAL CODE BY DELETING THE CURRENT TEXT AND REPLACING IT WITH THE FOLLOWING:

SECTION 1.

17.04.257 Foredune grading.

“Foredune grading” means the alteration of active dunes in a manner that changes their shape or height. Foredune grading is intended to be preventive and is undertaken primarily for preservation of the dune system.

SECTION 2.

Chapter 17.42 OCEANFRONT MANAGEMENT OVERLAY (OM) ZONE

17.42.010 Purpose

The intent of the oceanfront management overlay (OM) zone is to regulate uses and activities in the affected areas in order to: ensure that development is consistent with the natural limitations of the oceanshore; to ensure that identified recreational, aesthetic, wildlife habitat and other resources are protected; to conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of beach and dune areas; and to reduce the hazards to property and human life resulting from both natural events and development activities.

17.42.020. General Provisions

A. Zone Boundaries.

1. The OM zone includes the following areas: beaches; active dunes; foredunes, including active foredunes and conditionally stable foredunes which are subject to ocean undercutting and wave overtopping; conditionally stable dunes; interdune areas that are subject to ocean flooding; deflation plains; younger and older stabilized dunes; conditionally stable open sand areas; and lots abutting the oceanshore. The boundaries of the overlay zone shall be those shown on the map titled “Oceanfront Management Overlay Zone, City of Cannon Beach.” If the city has

reason to believe that a site, presently not covered by the OM zone, exhibits characteristics that warrant its inclusion in the OM zone, the city shall hire an appropriate expert to undertake a site investigation to determine whether the area contains one or more of the land forms which are contained in the OM zone. If, as the result of the site investigation, it is determined that the site includes land forms covered by the OM zone, the site shall be subject to the requirements of the OM zone.

2. The map titled “Active dune and conditionally stabilized dunes, Cannon Beach, May 1993” is adopted by reference and incorporated into this zone. This map shall form the basis for identifying what constitute active dunes and conditionally stable dunes.

B. Relationship to the Underlying Zone. Uses and activities within the OM zone are subject to the provisions and standards of the underlying zone and this chapter. Where the provisions of this zone and the underlying zone conflict, the provisions of this zone shall apply.

C. Warning and Disclaimer of Liability. The degree of protection from the effects of erosion or accretion required by this section is considered reasonable for regulatory purposes. This does not imply that development permitted in the OM zone will be free from the effects of erosion or accretion. These provisions shall not create a liability on the part of the city or any officer, employee, or official thereof, for any damages due to erosion or accretion that results from reliance on the provisions of this section or any administrative decision made thereunder.

17.42.030 Uses and Activities Permitted

A. For lots or right-of-way that consist of the beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding the following uses and activities are permitted subject to provisions of Section 17.92.010, Development permits:

1. Foredune breaching, subject to the provisions of Section 17.42.060(A)(2);
2. Maintenance and repair of an existing shoreline stabilization structure, subject to the provisions of Section 17.80.230(K);
3. Maintenance and repair of existing streets, sewer or water lines, and drainage improvements other than storm water outfalls or facilities;
4. Private beach access improvements, including stairs, subject to the provisions of Section 17.42.060(A)(7);

B. For lots or right-of-way that consist of the beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding the following uses and activities are subject to the provision of Chapter 17.44, Design Review:

1. Public beach access improvements, including stairs, subject to the provisions of Section 17.42.060(A)(7);

2. Maintenance, repair or installation of stormwater outfalls or facilities, which may include infiltration or water quality systems.

C. For lots or right-of-way that consist of the beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding the following uses and activities are subject to the provision of Chapter 17.80, Conditional Uses:

1. Shoreline stabilization, subject to the provisions of Section 17.80.230;
2. Nonstructural shoreline stabilization program, subject to the provisions of Section 17.42.060(A)(5);
3. Preservation grading, subject to the provisions of Section 17.42.060(A)(3).
4. Remedial dune grading, subject to the provisions of Section 17.42.060(A)(4).

D. For lots or right-of-way that do not consist of a beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding: in addition to the uses permitted in the underlying zone, the following uses and activities are permitted subject to provisions of Section 17.92.010, Development permits:

1. Private beach access improvements, subject to the provisions of Section 17.42.060(A)(7);
2. Maintenance and repair to existing shoreline stabilization structure, subject to the provisions of Section 17.80.230(K);
3. Remedial dune grading.

E. For lots or right-of-way that do not consist of a beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding: in addition to the uses permitted in the underlying zone, the following uses and activities are permitted subject to provision of Chapter 17.44, Design Review:

1. Public beach access improvements, subject to the provisions of Section 17.42.060(A)(7);
2. Stormwater outfalls or facilities, which may include infiltration or water quality systems.

F. For lots or right-of-way that do not consist of a beach, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding: in addition to the uses permitted in the underlying zone, the following uses and activities are permitted subject to provision of Chapter 17.80, Conditional Uses:

1. Shoreline stabilization, subject to the provisions of Section 17.80.230;
2. Non-structural shoreline stabilization program, subject to the provisions of Section 17.42.060(A)(5).

17.42.040. Uses and Activities Prohibited

A. Residential development and commercial and industrial buildings shall be prohibited on beaches, active dunes, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding. The location of these areas on a parcel of land shall be determined in accordance with Section 17.42.050(B)(3).

B. Removal of sand from the beach, active dunes, or conditionally stable dunes subject to wave overtopping or ocean undercutting.

C. Removal of stabilizing vegetation, except as part of a foredune grading plan provided for by Section 17.42.060(A)(3), or a nonstructural shoreline stabilization program provided for by Section 17.42.060(A)(5), or as provided for by Section 17.52.030.

17.42.050 General Standards

A. The uses and activities permitted in all areas contained in the OM zone are subject to the following:

1. Flood Hazard Overlay Zone, Chapter 17.38;
2. Geologic hazard areas requirements, Chapter 17.50;
3. Maintenance of beach access in conformance with Section 17.90.030;
4. All construction proposed west of the Oregon Coordinate Line shall obtain permits as required by the Oregon Parks and Recreation Department;
5. All construction proposed west of the line of vegetation shall obtain permits as required under the Oregon Removal-Fill Law;
6. Oceanfront Setback. For all lots abutting the oceanshore, the ocean yard shall be determined by the oceanfront setback line.
 - a. The location of the oceanfront setback line for a given lot depends on the location of buildings on lots abutting the oceanshore in the vicinity of the proposed building site and upon the location and orientation of the Oregon Coordinate Line.
 - b. For the purpose of determining the oceanfront setback line, the term “building” refers to the residential or commercial structures on a lot. The term “building” does not include accessory structures.
 - c. The oceanfront setback line for a parcel is determined as follows:
 - i. Determine the affected buildings; the affected buildings are those located one hundred feet north and one hundred feet south of the parcel’s side lot lines.

- ii. Determine the setback from the Oregon Coordinate Line for each building identified in subsection (A)(6)(c)(i) of this section.
 - iii. Calculate the average of the setbacks of each of the buildings identified in subsection (A)(6)(c)(ii) of this section.
 - d. If there are no buildings identified by subsection (A)(6)(c)(i) of this section, then the oceanfront setback line shall be determined by buildings that are located two hundred feet north and two hundred feet south of the parcel's side lot lines.
 - e. Where a building identified by either subsection (A)(6)(c)(i) of this section or subsection (A)(6)(d) of this section extends beyond one hundred feet of the lot in question, only that portion of the building within one hundred feet of the lot in question is used to calculate the oceanfront setback.
 - f. The setback from the Oregon Coordinate Line is measured from the most oceanward point of a building which is thirty inches or higher above the grade at the point being measured. Projections into yards, which conform to Section 17.90.070, shall not be incorporated into the required measurements.
 - g. The oceanfront setback line shall be parallel with the Oregon Coordinate Line and measurements from buildings shall be perpendicular to the Oregon Coordinate Line.
 - h. The minimum ocean yard setback shall be fifteen feet.
 - i. Notwithstanding the above provisions, the building official may require a greater oceanfront setback where information in a geologic site investigation report indicates a greater setback is required to protect the building from erosion hazard.
 - j. As part of the approval of a subdivision, the city may approve the oceanfront setback for the lots contained in the subdivision. At the time of building construction, the oceanfront setback for such a lot shall be the setback established by the approved subdivision and not the oceanfront setback as it would be determined by subsections (A)(6)(a) through (i) of this section. Before granting a building permit, the building official shall receive assurance satisfactory to such official that the location of the oceanfront setback for said lot has been specified at the required location on the plat or has been incorporated into the deed restriction against the lot.
- B. The uses and activities permitted in beach and dune areas contained in the OM zone are subject to the following additional standards:
- 1. For uses and activities located in beach and dune areas, other than older stabilized dunes, findings shall address the following:
 - a. The adverse effects the proposed development might have on the site and adjacent areas;
 - b. Temporary and permanent stabilization proposed and the planned maintenance of new and existing vegetation;
 - c. Methods for protecting the surrounding area from any adverse effects of the development; and

d. Hazards to life, public and private property, and the natural environment which may be caused by the proposed use.

2. For uses and activities located on beaches, active dunes, on other foredunes which are conditionally stable and that are subject to ocean undercutting or wave overtopping, and on interdune areas that are subject to ocean flooding, findings shall address the following:

a. The standards of subsection (B)(1) of this section;

b. The development is adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and

c. The development is designed to minimize adverse environmental effects.

3. Determination of Building Line. For residential or commercial buildings proposed for lots that may consist of the beach, an active dune, or other foredunes which are conditionally stable and that are subject to wave overtopping or ocean undercutting, or interdune areas that are subject to ocean flooding the geologic site investigation required by Chapter 17.50 shall include a determination of where these features are located on the lot. The map titled "Active and conditionally stable dunes, Cannon Beach, May 1993" shall be used as the basis for locating the active dune area. The "The Flood Insurance Study for Clatsop County, Oregon and Incorporated Areas", dated June 20, 2018" and the "Active and conditionally stable dunes, Cannon Beach, May 1993" shall be used as the basis for locating the conditionally stable foredunes that are subject to wave overtopping and interdune areas subject to ocean flooding. Conditionally stable foredunes subject to ocean undercutting shall be determined as part of the site investigation report.

4. Conformance with the dune construction standards of Chapter 17.52.

17.42.060. Specific Standards

A. The uses and activities permitted in all areas contained in the OM zone are subject to the following specific standards:

1. Shoreline stabilization subject to the standards of Chapter 17.80.230.

2. Foredune Breaching.

a. The breaching is required to replenish sand supply in interdune areas, or is undertaken on a temporary basis for emergency purposes such as fire control or the alleviation of flood hazard.

b. There are no other reasonable alternatives to alleviate the emergency.

c. The breaching does not endanger existing development.

d. The area affected by the breaching is restored according to an approved restoration plan prepared by a registered geologist, or other qualified individual approved by the city. At a minimum, foredunes shall be restored to a dune profile which provides flood protection

equivalent to that prior to breaching. The restoration plan shall also include appropriate revegetation.

3. Preservation Grading. Grading or sand movement necessary to repair blow-outs, erosion or maintain public access or facilities, which may be allowed in active dune areas only if the area is committed to development and meeting the requirements of Comprehensive Plan Foredune Management Policy. Preservation Grading does not include grading necessary for the repair, maintenance or installation of stormwater outfalls or facilities, including infiltration and water quality systems. Preservation Grading Conditional Use Permit requests for preservation grading shall include the following information:

- a. Specify minimum dune height and width requirements to be maintained for protection from flooding and erosion. The minimum height for flood protection is four feet above the one-hundred year flood elevation established in the "The Flood Insurance Study for Clatsop County, Oregon and Incorporated Areas", dated June 20, 2018; plus an additional one vertical foot safety buffer for predicted sea level rise. The minimal cross-section area that must be maintained is 1,100 square feet of dune above the stillwater flood elevation.
- b. Identify and set priorities for low and narrow dune areas which need to be built up.
- c. Prescribe standards for redistribution of sand and temporary and permanent stabilization measures including the timing of these activities. Placement of sand on the beach may be permitted as part of a foredune grading permit if sand deposition does not exceed a depth of 12 cm. Placement of sand along the seaward face of the dune may be permitted as part of a foredune grading plan if the resulting slope is no steeper than 25-33 percent.
- d. The cumulative volume of proposed grading.
- e. Preservation grading plans shall be submitted to the soil and water district for their comments and any necessary permits shall be obtained from the Oregon State Parks and Recreation.
- f. A monitoring plan. Monitoring is mandatory, and the responsibility of the permit holder. Annual monitoring reports are required for the first and second years following grading activities, and may be requested by the Planning Commission for subsequent years. Monitoring reports shall include:
 - (1) the area, volume, and location of grading;
 - (2) the area(s) where graded sand was deposited;
 - (3) erosion control measures;
 - (4) revegetation measures;
 - (5) impacts on wildlife habitat, including razor clam habitat;
 - (6) any other requirements of the approved grading plan; and
 - (7) any conditions of approval imposed by the Planning Commission.

The City shall retain the services of independent outside experts, at the expense of the permit holder, to review monitoring report and to make recommendations to the City for corrective actions or for future grading, disposition, and revegetation activities. The monitoring report may

be included in the review, if conducted by an agreed upon outside expert, at the expense of the permit holder and contracted by the City. Failure to submit the required monitoring reports will result in a penalty and will prevent future grading permits to be issued for the area for a period of five years beginning after the monitoring reports are brought up to date.

g. Permits for preservation grading shall not be approved unless they comply with applicable policies of the Comprehensive Plan, including Sand Dune Construction and Fore-dune Management Policies.

h. Permits for preservation grading may be approved if the Planning Commission finds all of the following criteria have been met:

(1) the proposal achieves a balance of these four objectives:

A) to ensure the dunes sustain an adequate sand volume in order to withstand the erosional effects of (an) extreme storm(s) and to minimize any potential for wave overtopping and inundation (flooding) of backshore.

(B) to strengthen weak points in the dune system (e.g. adjacent to trails), by repairing areas subject to localized blowouts from wind or waves in order to prevent the dune buffer from erosion and potentially being breached during a storm.

(C) to maintain valuable habitat for a wide range of plants and animals, such as shellfish, including razor clams, and in some cases rare species.

(D) to maintain the integrity and natural beauty of the dunes, while providing for the necessary functions of public access, facilities and utilities.

(2) The annual cumulative volume of preservation grading does not exceed 2,500 cubic yards.

(3) The preservation does not remove sand from the beach-fore-dune system.

(4) The preservation grading sand deposition area will not impact adjoining property.

i. Revegetation of graded areas is mandatory. This can be accomplished with a combination of European Beach grass (*A. arenaria*); non-native American dune grass (*A. breviligulata*); the PNW native dune grass (*E. mollis*); or another revegetation plan approved by the Planning Commission. Graded areas shall be stabilized immediately after grading. Where immediate revegetation is not possible, or where revegetation fails, temporary erosion control measures shall be implemented until revegetation can be completed. Fire-resistant species are the preferred stabilizing vegetation within twenty-five feet of existing dwellings or structures, but fire-resistant vegetation shall only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.

j. Maintenance activities not requiring a separate administrative permit under the approved conditional use permit may include:

(1) additional plantings or certified organic fertilizer applications in areas where plantings performed poorly.

4. Remedial Dune Grading.

“Remedial grading” is the clearing of sand necessary to maintain the function of a structure and includes the removal of sand that has built up against exterior walls, doors, or windows of a structure and that blocks access to a residential or commercial structure, or any public facility, utility or infrastructure. Permits for remedial grading may be approved subject to the following requirements:

- a. Rear yard sand may be removed to the level of the top sill of the foundation, as measured from within 35 feet of the habitable structure. From the 10-foot line, the graded area shall slope upward to the elevation of the fronting foredune. This slope shall not exceed 50%.
- b. Side yard sand that is landward of the structure may be removed to the top of the sill of the foundations, provided grading in this area does not create a slope in excess of 50% with adjacent properties.
- c. Where the front yard is seaward of the structure, sand may be removed to the level of the top sill of the foundation, as measured from within 35 feet of the habitable structure. From the 10-foot line, the graded area shall slope upward of the elevation of the fronting foredune. This slope shall not exceed 50%.
- d. Grading shall not lower the front yard below the level of adjacent streets or roads, except to clear sidewalks or driveways.

Areas graded more than three feet in height shall be immediately replanted and fertilized. All graded sand must remain within the littoral cell. Graded sand should be used to fill adjacent low dune areas. Graded sand may also be used to nourish identified areas as needed. The height of the foredune shall not be lowered. Fire-resistant species are the preferred stabilizing vegetation within twenty-five feet of existing dwellings or structures. Fire-resistant vegetation shall only be planted when the foreslope and crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.

5. Nonstructural Shoreline Stabilization Program.

- a. The program is prepared by a qualified individual approved by the city. The program shall be based on an analysis of the area subject to accretion and/or erosion. The area selected for management shall be found, based on the analysis, to be of sufficient size to successfully achieve the program objectives.
- b. The program shall include specifications on how identified activities are to be undertaken. The specifications should address such elements as: the proposed type of vegetation to be planted or removed; the distribution, required fertilization and maintenance of vegetation to be planted; the location of any sand fences; and the timing of the elements of the proposed program.
- c. Fire-resistant species are the preferred stabilizing vegetation within twenty-five feet of existing dwellings or structures. Fire-resistant vegetation should only be planted when the foreslope and

crest of the dune are adequately stabilized to prevent significant accumulation of windblown sand.

d. Where the placement of sand fences is proposed, evidence shall be provided that the planting of vegetation alone will not achieve the stated purpose. Fencing may be permitted on a temporary basis to protect vegetation that is being planted as part of the program, or to control the effects of pedestrian beach access on adjacent areas.

e. The affected property owners shall establish a mechanism that provides for the on-going management of the proposed program.

f. The impact of the program shall be monitored. For multiyear programs, an annual report detailing the effects of the program during the previous year shall be presented to the planning commission. The report shall include recommendations for program modification. For a one-year program, a final report detailing the effects of the program shall be presented to the planning commission.

g. Areas that accrete as the result of a stabilization program will not form the basis for reestablishing the location of the building line specified by Section 17.42.050(B) (3).

6. Beach Access.

a. The city may require the planting of stabilizing vegetation, fencing or signage in order to minimize the potential for wind erosion that may be caused by the use of the beach access on adjacent areas.

7. Groundwater Protection. The proposed development will not result in the drawdown of the groundwater supply in a manner that would lead to: (a) the loss of stabilizing vegetation; (b) the loss of water quality; (c) salt water intrusion into the water supply; or (d) significant lowering of interdune water level. Building permits for single-family dwellings are exempt from this requirement if appropriate findings are provided at the time of subdivision approval.

8. Public Access Provision. A development (e.g., subdivision or planned development) that includes ten or more dwelling units, shall provide common beach access trails or walkways open to the general public. At a minimum, there shall be one beach access for each four hundred feet of beach frontage. This requirement is in addition to access provided by existing street-ends.

9. Structures in the Ocean Yard. The following structures are permitted in an ocean yard:

- a. Fences subject to the provisions of Section 17.54.020(C);
- b. Decks subject to the provisions of Section 17.90.070(E);
- c. Beach access stairs subject to Section 17.42.030(A)(5) and 17.42.030(D)(1).

SECTION 3.

17.80 Conditional Uses

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17.80.110 Overall Use Standards

Before a conditional use is approved, findings will be made that the use will comply with the following standards:

A. A demand exists for the use at the proposed location. Several factors which should be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees), availability of similar existing uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitably zoned sites for the use.

B. The use will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.

C. The site has an adequate amount of space for any yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities or other facilities which are required by city ordinances or desired by the applicant.

D. The topography, soils and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils will be eliminated or reduced to the extent necessary for avoiding hazardous situations.

E. An adequate site layout will be used for transportation activities. Consideration should be given to the suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths or other transportation facilities required by city ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control and emergency vehicle movements.

F. The site and building design ensure that the use will be compatible with the surrounding area.

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17.80.120. Specific Use Standards

In addition to the overall conditional use standards, the specific use standards of Sections 17.80.130 through 17.80.360 shall also be applied.

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17.80.360. Preservation Grading

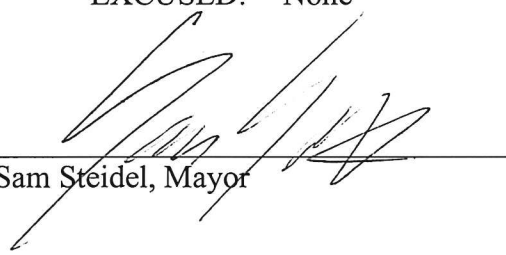
A. Conditional use permits for preservation grading may be approved only if the Planning Commission adopts specific findings addressing the following:

1. All applicable Comprehensive Plan policies.

2. Measures to be taken to ensure the dunes sustain an adequate sand volume in order to withstand the erosional effects of (an) extreme storm(s) and to minimize any potential for wave overtopping and inundation (flooding) of backshore.
3. Measures to be taken to mitigate weak points in the dune system (e.g. adjacent to trails), by repairing areas subject to localized blowouts from wind or waves in order to maintain the dune buffer from erosion and potentially being breached during a storm.
4. Measures to be taken to maintain valuable habitat for a wide range of plants and animals, including in some cases rare species.
5. Measures to be taken to maintain the integrity and natural beauty of the dunes.
6. Measures to be taken to provide necessary public access, facilities or utilities, to maintain city services.

ADOPTED by the Common Council of the City of Cannon Beach this 6th day of April, 2020, by the following vote:

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




Sam Steidel, Mayor

Attest:



Bruce St. Denis, City Manager

Approved as to Form:



Ashley Driscoll, City Attorney