

BEFORE THE COMMON COUNCIL OF CANNON BEACH

FOR THE PURPOSE OF AMENDING CHAPTER 42,) ORDINANCE NO. 21-05
OCEANFRONT MANAGEMENT OVERLAY (OM))
ZONE AND 43, WETLANDS OVERLAY (WO) ZONE)
AND 71, STREAM CORRIDOR PROTECTIONS OF)
TITLE 17 ZONING OF THE CANNON BEACH)
MUNICIPAL CODE)

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 Cannon Beach Comprehensive Plan directs the City to protect, enhance and restore the functions and values of riparian corridors, which include water quality protection, storm and flood water conveyance, fish and wildlife habitat, and open space, while vegetation and tree cover along the ocean front shall be managed in a manner which retains its erosion control capabilities and maintains its contribution to the scenic character of the beach; and

WHEREAS, the Comprehensive Plan also states the city shall prepare and adopt minimum street improvement standards and accept streets into the City system only after they have been improved to City standards; and

WHEREAS, the City of Cannon Beach currently administers events, farmer’s markets and non-profit sales through site specific city manager approvals through limited standards in various parts of the municipal code and wishes to consolidate these permitting requirements; and

WHEREAS, the City of Cannon Beach Comprehensive Plan considers that alternative transportation uses of City rights-of-way should be considered where they are not needed for streets and these uses may include bike paths and walking trails; and

WHEREAS, the City of Cannon Beach Comprehensive Plan states that citizens, including residents and property owners, shall have the opportunity to be involved in all phases of the planning efforts of the City, including collection of data and the development of policies.

WHEREAS, the City of Cannon Beach is currently administering access, driveway and roadway extensions into Wetlands and Stream Corridors through development permitting procedures; and

WHEREAS, the Cannon Beach Planning Commission held a Work Session with the Planning Commission in May to review the draft language and incorporate changes to the ordinance and a duly noticed public hearing was held June 24, 2021, rendering a final recommendation to approve, by a six to one vote, on June 24, 2021;

WHEREAS, the Cannon Beach Common Council held public work sessions in July, and a duly notice Public Hearing on August 3 to consider the ZO 21-01 Haystack Rock LLC Access Extension into Sensitive Lands Ordinance;

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF CANNON BEACH AMENDS THE CANNON BEACH MUNICIPAL CODE OF THE STATE OF OREGON REQUIRING AMENDMENTS OF THE CANNON BEACH MUNICIPAL CODE TITLE 17 ZONING REGARDING NOTICE AND PROCEDURAL REQUIREMENTS FOR DEVELOPMENT AND CONDITIONAL USE PERMITTING WHEN EXTENDING ACCESS AND UTILIZATION OF PUBLIC RIGHTS-OF-WAY LOCATED IN OCEANFRONT MANAGEMENT, STREAM CORRIDOR AND WETLAND OVERLAY AREAS. THE REQUEST WILL BE REVIEWED AGAINST THE CRITERIA OF THE MUNICIPAL CODE, SUB-SECTION 17.86.070.A, AMENDMENT CRITERIA.

**SECTION 1
AMENDMENTS OF:**

Chapter 17.42 OCEANFRONT MANAGEMENT OVERLAY (OM) ZONE

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).
5. A new road, driveway approach, or other access that has fifty feet or more of linear length in OM Zone right-of-way, or in right-of-way within one hundred feet of a stream, watercourse or wetland. Access is new if vehicular access did not previously exist at the location, it was blocked for a period of one year, or an unimproved right-of-way would be improved to provide vehicular access. Alteration of an existing access is not new access.

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: 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). (Ord. 20-03 § 2)
3. A new road, driveway approach, or other access that has fifty feet or more of linear length in OM Zone right-of-way, or in right-of-way within one hundred feet of a stream, watercourse or wetland. Access is new if vehicular access did not previously exist at the location, it was blocked for a period of one year, or an unimproved right-of-way would be improved to provide vehicular access. Alteration of an existing access is not new access.

**SECTION 2
AMENDMENTS OF:**

Chapter 17.43 WETLANDS OVERLAY (WO) ZONE

17.43.030 Uses and activities permitted outright in wetlands.

The following uses and activities may be permitted in the wetlands portion of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;
- B. Accessory structure or building, as provided for by Section 17.54.030;
- C. Underground or above-ground utilities;
- D. Vegetation management. (Ord. 94-29 § 2)

17.43.035 Uses and activities permitted outright in wetland buffer areas.

The following uses and activities may be permitted in wetland buffer areas of the WO zone, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to applicable standards, and, if permitted outright in the base zone:

- A. Single-family dwelling, modular housing, or manufactured home meeting the standards of Section 17.68.020, limited to one dwelling unit on a wetland lot-of-record;
- B. Accessory structure or building, as provided for by Section 17.54.030;
- C. Underground or aboveground utilities;
- D. Vegetation management. (Ord. 94-29 § 2)

17.43.040 Conditional uses and activities permitted in wetlands.

The following uses and activities may be permitted subject to the provision of Chapter 17.80 in the wetland portion of the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:

- A. Commercial structures;
- B. Excavation;
- C. Wetland enhancement;
- D. Compensatory mitigation;
- E. Roads or driveways, including an expansion of an existing right-of-way;
- F. Footpaths;
- G. Point-source stormwater discharge;
- H. Alternative stormwater management practices;
- I. Subdivisions, replats, partitions and property line adjustments. (Ord. 94-29 § 2)

17.43.045 Conditional uses and activities permitted in wetland buffer areas.

The following uses and activities may be permitted subject to the provision of Chapter 17.80 in wetland buffer areas in the WO zone, subject to applicable standards, if permitted outright or conditionally in the base zone:

- A. Commercial structures;
- B. Excavation;
- C. Wetland enhancement;
- D. Compensatory mitigation;
- E. Roads or driveways, including an expansion of an existing right-of-way;
- F. Bicycle paths;
- G. Footpaths;
- H. Point-source stormwater discharge;
- I. Subdivisions, partitions, lot line adjustments. (Ord. 94-29 § 2)

**SECTION 3
AMENDMENTS OF:**

Chapter 17.71 STREAM CORRIDOR PROTECTION

17.71.040 Uses and activities permitted.

The following uses and activities may be permitted in the stream buffers established by Section 17.71.030, subject to the issuance of a development permit in accordance with Section 17.92.010, and subject to the applicable standards of Section 17.71.060.

- A. Transportation structures including bridges, bridge crossing support structures, and culverts;
- B. Underground or aboveground utilities;
- C. Vegetation management;
- D. Bank stabilization;
- E. Maintenance and improvement of the stream corridor for storm drainage purposes;
- F. Stormwater discharge. (Ord. 94-30 § 2)

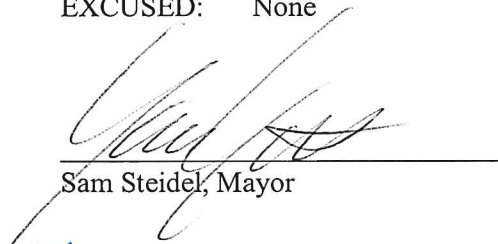
17.71.045 Conditional uses and activities permitted.

The following uses and activities may be permitted in the stream buffers established by Section 17.71.030, subject to the issuance of a conditional use permit in accordance with Section 17.80.070, and subject to the applicable standards of Section 17.71.060.

- A. Roads or driveways, including an expansion of an existing right-of-way;

ADOPTED by the Common Council of the City of Cannon Beach this 3rd day of August 2021, by the following roll call vote:

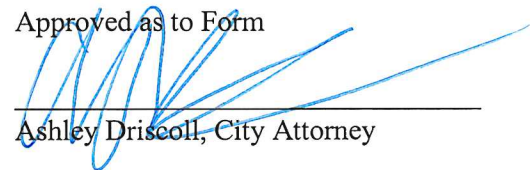
YEAS: Councilors Benefield, McCarthy, Ogilvie, Risley and Mayor Steidel
NAYS: None
EXCUSED: None



Sam Steidel, Mayor

Attest:


Bruce St. Denis, City Manager

Approved as to Form


Ashley Driscoll, City Attorney