

BEFORE THE COMMON COUNCIL OF CANNON BEACH

ZO 23-03, City of Cannon Beach Request for a )      ORDINANCE NO. 24-01  
Comprehensive Plan Map Amendment and Zone Change )  
for Tax Lot 41006B000200, a Partially Developed Property )  
Adjacent to the Intersection of U.S. Highway 101 and )  
Tolovana Mainline Road from Institutional Reserve (IR) to )  
Institutional (IN)

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 the proposed police station has no inconsistencies with the primarily residential nature of the Tolovana Park neighborhood on the opposite side of U.S. Highway 101; and

WHEREAS, the Cannon Beach Comprehensive Plan states that due to current and anticipated future levels of tourism, there is a significant pressure placed on the City's police department and a new station will increase the ability of the department to provide more efficient and effective services to residents and visitors; and

WHEREAS, the Cannon Beach South Winds Master Plan states that the City has long considered this property for development of new essential facilities above the tsunami inundation line and the requested comprehensive plan map amendment and zone change will allow the development of the Police Station and Emergency Operation Center to be constructed out of the tsunami inundation zone; and

WHEREAS, 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 public hearing on the above-entitled matter was opened and closed before the Planning Commission on 01/17/24 meeting and recommended to the City Council that the comprehensive map amendment and zone change be approved; and

WHEREAS, the public hearing on the above-entitled matter was opened and closed before the City Council at the 02/13/24 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 41006B000200, a partially developed property adjacent to the intersection of U.S. Highway 101 and Tolovana Mainline Road, from zoning classification Institutional Reserve (IR) classification to zoning classification Institutional (IN).

**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 13 day of February 2024,  
by the following roll call vote:


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

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

Attest:

Approved as to Form

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

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



## Cannon Beach Planning Commission

### Findings of Fact and Conclusions of Law

PUBLIC HEARING AND CONSIDERATION OF ZO 23-03, CIDA INC, APPLICANT, ON BEHALF OF THE CITY OF CANNON BEACH, REQUEST FOR A COMPREHENSIVE PLAN AMENDMENT & ZONE CHANGE FOR TAXLOT 41006B000200, A PARTIALLY DEVELOPED PROPERTY ADJACENT TO THE INTERSECTION OF U.S. HIGHWAY 101 AND TOLOVANA MAINLINE RD. THE PROPERTY IS CURRENTLY ZONED INSTITUTIONAL RESERVE (IR) AND THE REQUEST IS TO CHANGE THE ZONING CLASSIFICATION TO INSTITUTIONAL (IN).

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**Agenda Date:** December 19, 2023  
Rescheduled to January 17, 2024

#### Exhibits

The following Exhibits are attached hereto as referenced. All application documents were received at the Cannon Beach Community Development office on October 25, 2023 unless otherwise noted.

#### "A" Exhibits – Application Materials

**A-1** Comprehensive Plan Amendment and Zone Change Application;

#### "C" Exhibits – Cannon Beach Supplements

- C-1** ZO#23-03 Completeness determination, October 27, 2023;
- C-2** Oregon DLCD Post Adoption Plan Amendment (PAPA) memo, October 27, 2023
- C-3** South Wind Master Plan, December 17, 2014
- C-4** Preliminary Police Department Schematics, November 6, 2023

### Summary & Background

CIDA, on behalf of the City of Cannon Beach, is requesting a comprehensive plan amendment and zone change for Taxlot 41006B000200 (subject property) adjacent to the intersection of U.S. Highway 101 and Tolovana Mainline Rd. The parcel was acquired by the City as part of the purchase of the larger South Wind site in 2013 and its zoning classification is Institutional Reserve (IR). Adjacent properties on the east side of Highway 101 include the two other City owned taxlots that comprise the Southwind site and one approximately 0.5 acre taxlot owned by L&C Tree Farms LLC. The City owned properties are within city limits and are undeveloped with the exception of an emergency services cache site located on the subject property.

After acquiring the property the South Wind Master Plan was finalized in December 2014. This plan detailed current conditions and outlined potential development as well as roads and utility access. This plan states that the City intends to use the site for critical and essential facilities and services because the property is largely above the reach of the largest predicted tsunami. Potential uses detailed in the plan include a police station, fire station,

## **Exhibit A**

emergency operations center, day care facilities, a medical clinic, food bank, and any replacement for the former Cannon Beach Elementary School.

The purpose of this application is to change the zoning classification of the subject property from Institutional Reserve (IR) to Institutional (IN) for the purpose of constructing a new police station and emergency operations center on that site. The current zoning classification allows for a range of forestry operations and miscellaneous activities as permitted or conditional uses, but it does not allow for any significant level of development. The proposed zoning classification allows for community buildings as a use permitted outright.

### **Findings**

The Planning Commission finds that the subject property's land use planning framework is detailed in the South Wind Master Plan which was developed in response to the unique nature of the site and its intended purposes at the time of acquisition and annexation into the City. This plan mandates that the property be used by the City for municipal or other community buildings that serve a public purpose.

The portion of the subject property intended to be used for the police station is located outside of Oregon DOGAMI modeled tsunami inundation areas which is required by Oregon House Bill 2605. The applicant has worked with ODOT to ensure that the existing access to the subject property can be maintained and safely used for its intended purpose.

The Commission finds that the proposed Institutional (IN) zoning classification allows for "community buildings and areas which provide for educational and cultural activities" (CBMC 17.36.020.B). The General Commercial (C2) zone permits "government buildings and maintenance shops" as a use permitted outright (CBMC 17.24.020.C). While the C2 zoning classification explicitly provides for government buildings, the proposed use is found to be consistent with a "community building" and the proposed IN zoning classification is more consistent with the South Wind Master Plan as it will permit development that is beneficial to the community at large without providing an opportunity for commercial development inconsistent with the Master Plan.

### **Motion**

Based on a motion by Commissioner Moritz, seconded by Commissioner Bates, the Cannon Beach Planning Commission moves to recommend the proposed Comprehensive Plan map amendment and zone change, ZO 23-03, to the City Council.