



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

September 14, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Bandon Plan Amendment
DLCD File Number 003-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: September 27, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Amanda Punton, DLCD Natural Resource Specialist
Charlice Davis, City of Bandon

<paa> ya/



NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD no later than 5 working days after adoption
ORS 197.615 and OAR Chapter 660, Division 18

SFP 0 8 2006

LAND CONSERVATION
AND DEVELOPMENT

See reverse side for submittal requirements

Jurisdiction CITY OF BANDON Local File #06-015

Date of Adoption 08-07-2006 Date Mailed _____

Date the Proposed Notice was mailed to DLCD 03-31-2006

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Swaped 2.5 acres of Natural Resource zoned land for 2.5 acres of CD-1 land.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice of the proposed amendment, write "N/A".

Same

Plan Map Change From CD (NR) To NR (CD)

Zone Map Change From CD-1 (NR) To NR (CD-1)

Location Face Rock Golf Course Acres Involved 2.5

Specify Density: Previous Density 5 du/ac New Density 5 du/ac

Applicable Goals: None Was an Exception adopted? Yes No

DLCD File # 003-06 DLCD Appeal Deadline _____

(15123)

Did DLCD receive a Notice of Proposed Amendment 45 days prior to the final hearing?

Yes No The Statewide Planning Goals do not apply
 Emergency Circumstances Required Expedited Review

Affected State or Federal Agencies, Local Governments or Special Districts: _____
City of Bandon

Local Contact: CHARLICE DAVIS Phone: 541 347-2437
Address: PO Box 67, Bandon OR 97411

SUBMITTAL REQUIREMENTS

ORS 197.615 and OAR Chapter 660, Division 18

1. Send this Form and One (1) Copy of the adopted Amendment to:

**Department of Land and Conservation and Development
635 Capitol Street NE, Suite 200
Salem, Oregon 97301-2540**
2. Submit **three (3)** copies of bound documents and maps larger than 8 ½ by 11 inches.
3. Adopted materials must be sent to DLCD not later than **five (5)** working days following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption **must** include the text of the amendment plus adopted **findings** and supplementary information.
5. The deadline to appeal will be extended if you do not submit this Notice of Adoption within five working days of the final decision. Appeals to LUBA may be filed within 21 days of the date Notice of Adoption was sent to DLCD.
6. In addition to sending Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

If you need more copies of this form, please call the DLCD at 503-373-0050, Ext. 232, Dave Perry Ext 267, or this form may be duplicated on green paper.

~~After recording return to:
City of Bandon
PO Box 67
Bandon OR 97411~~

ORDINANCE NO. 1560

AN ORDINANCE AMENDING THE ZONING MAP
AND THE BANDON COMPREHENSIVE MAP FROM
NATURAL RESOURCES TO CONTROLLED DEVELOPMENT 1 (CD-1)

WHEREAS, the Planning Commission has reviewed the proposed amendment and recommended approval to the City Council after properly noticed public hearings, and


WHEREAS, the City Council reviewed the amendment and considered the recommendation of the Planning Commission, and

WHEREAS, the City Council has determined that the proposed amendment is in compliance with state and local requirements.


NOW, THEREFORE, the City of Bandon ordains as follows: that the Bandon Zoning Map and Comprehensive Plan Map are hereby amended as contained in Exhibits A and B. Furthermore, said amendments are supported by the Findings of Fact contained in Exhibit C.

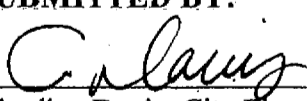
PASSED to a second reading this 7th day of August, 2006 on a roll call vote, 6:0.

ADOPTED by the City Council of the City of Bandon this 7th day of August, 2006 on a roll call vote, 6:0.

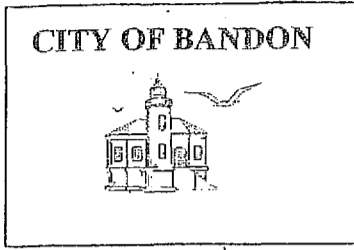

Mary Schamehorn, Mayor

Attest:


Marie Ducharme, CMC
City Recorder

CITY OF BANDON	
PLANNING COMMISSION	DATE: 7-14-06
SUBJECT: ZONE AND COMPREHENSIVE PLAN MAP CHANGE MILLER	ITEM NO. 5.1
<p>Procedure: Planning Commission Public Hearing upon the request for a Zone and Comprehensive Map as follows:</p> <ul style="list-style-type: none"> • Comprehensive Plan: change of 2.5 acres from Controlled Development to Natural Resources and 2.5 acres from Natural Resources to Controlled Development • Zoning Map: change of 2.5 acres from CD-1 to Natural Resources and 2.5 acres from Natural Resources to CD-1, in accordance with Chapter 14 of the Comprehensive Plan and Chapter 17.116 of the Bandon Municipal Code. <p>Summary and Recommendation:</p> <p>This is an even exchange of zoning designation which will create a Natural Resources area that follows the natural topography and a CD-1 buildable site¹. The change will not result in a net gain or loss in either zone.</p> <p>It is the recommendation of Staff to RECOMMEND that the City Council approve the Zone and Comprehensive Plan map change for Miller, Map 29-15-1, Tax Lot 300, as submitted.</p> <p>Property Owner: Margaret A. Miller Trust</p> <p>Location of Subject Property: Bandon Golf Course Beach Loop Drive in the Vicinity of Golf Links Road</p> <p>Zone: CD-1 and Natural Resources</p> <p>Hearing Date: June 22, 2006</p> <p>The subject property is the 38 acre Bandon Golf Course fronting on Beach Loop Drive. Johnson Creek runs through the property from the northeast corner to the west property line at Beach Loop Drive. The area of the requested Zone/Comprehensive Plan map change is at the south corner of the property.</p> <p>The Applicant states that an error occurred when the zone designations were established on the City zoning map. The Applicant states that the change will correct a mapping error and provide an upland bench area suitable for development.</p> <p>The Applicant's Findings are attached and submitted as part of the record.</p> <p>Fiscal Impact: None</p>	
<p>SUBMITTED BY:</p> <p style="text-align: center;"></p> <hr style="width: 30%; margin: 0 auto;"/> <p>Charlice Davis, City Planner</p>	

¹ The resulting "buildable parcel" would be subject to all the development requirements of the Bandon Municipal Code



**COMPREHENSIVE
PLAN AND/OR
ZONING AMENDMENT
APPLICATION**

Date Received 03-14-06
 Fee Paid \$2,200.00
 Receipt #: 12412075
 Application Complete: 4/3/06
 Initial: AM
 Application #: 061015

PAMPHLET 11

- COMPREHENSIVE PLAN MAP AMENDMENT**
 COMPREHENSIVE PLAN TEXT AMENDMENT

- ZONING MAP AMENDMENT**
 ZONING TEXT AMENDMENT

Property Owner Margaret A Miller Trust		Daytime Phone 347-3818
Mailing Address 3235 Beach Loop Road		Fax
City Bandon	State OR	Zip 97411
Lot Size: <u>38.11</u> Map: <u>29-15-01</u> Tax Lot(s): <u>300</u> Zone: <u>CD-1</u> Proposed Zoning (if applicable) <u>NR</u> AND NR CD-1		

NOTE: IF APPLICANT IS DIFFERENT FROM PROPERTY OWNER, THE ATTACHED AUTHORIZATION STATEMENTS, MUST BE INCLUDED WITH THIS APPLICATION.

Applicant if different from property owner(s): Margaret Miller		Daytime Phone 347-3818
Mailing Address 3235 Beach Loop Road		Fax
City Bandon	State OR	Zip 97411

TEXT AMENDMENT: Please explain, in detail, the proposed amendments. Any proposal to amend the text shall include the requested language changes. **Attach a separate sheet.**

INFORMATION TO BE SUBMITTED BY APPLICANT

- EVIDENCE THAT THE APPLICANT IS OWNER/PURCHASER OF THE PROPERTY OR HAS WRITTEN PERMISSION OF THE OF THE OWNER TO SUBMIT THE APPLICATION;
- A MAP, DRAWN TO SCALE, SHOWING THE LOCATION OF THE SUBJECT PROPERTY, LOCATION OF STREETS ALLEYS, ETC. (If applicable);
- A LEGAL DESCRIPTION OF THE PROPERTY.

I CERTIFY THAT THE INFORMATION PROVIDED IN THIS APPLICATION, INCLUDING ALL SUBMITTALS AND ATTACHMENTS, IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE.

Margaret A Miller DATE 3-14-06
 SIGNATURE OF APPLICANT OR PROPERTY OWNER

MILLER COMPREHENSIVE PLAN AND AMENDMENT (REZONE) FINDING OF FACTS AND CONCLUSIONS

LOCATED IN T.29, R.15, S.01 TL.300

INTRODUCTION

The applicant is the owner of a 38.11-acre parcel of land generally located in the Southwest corner of the incorporated limits for the City of Bandon. The property contains the Face Rock Golf Course and is entirely zoned Natural Resource and Open Space (NR) with the exception of a 2.76-acre segment that is zoned Controlled Development CD-1.

The CD-1 segment is an extension of the golf course fairway that is predominately composed of wetlands that act as watershed for Johnson Creek to North. Directly adjacent to the wetlands there is an upland bench area that contains a small portion of CD-1, however, the majority of those uplands are zoned NR.

The evidence contained throughout this document clearly indicates that an error occurred when the specified zone designations were established on the City zoning map. It is the assertion of the applicant that this plan amendment is correcting a mapping error by moving the CD-1 zone district Northeast to encompass an upland bench area that is more suitable for development and rezoning the adjacent low lying wetland area to the more appropriate NR zone district. Because this request will essentially exchange zone districts with similar acreage, there will be no substantial change to the City of Bandon's Comprehensive Plan residential lands inventory.

Therefore, the purpose of this application is to rezone 2.5 acres of the CD-1 zone segment to NR and to rezone a 2.5 acres of the NR zoned segment to CD-1 to better reflect the intent of each zone district and bring the land into compliance with the City of Bandon Comprehensive Plan Policies.

AMENDING THE COMPREHENSIVE PLAN

1. The amendment satisfies a demonstrated need for the change in order to accommodate population trends, housing needs, or adequate employment opportunities, or other factors which may better address changing circumstances.

FINDING: Because this plan amendment is intended to rezone two portions of land, one from Natural Resource and Open Space (NR) to Controlled Development (CD-1), and the other from Controlled Development (CD-1) to Natural Resource and Open Space (NR), the findings are addressed in two segments below.

CD-1 to NR

The City of Bandon, pursuant to Goal 10 has identified and inventoried its buildable lands, projected its future needs, and planned and zoned a sufficient amount of land to meet a variety of housing needs.

A portion of the land subject to this request is currently zoned CD-1 and was planned and zoned to meet those needs identified within the specified district. The purpose of the CD-1 zone district is to recognize Scenic and Unique Qualities of Bandon's ocean front and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development. The CD-1 district provides for a mix of uses including residential, tourist commercial and recreational uses.

The property currently zoned CD-1 is located within the low-lying lands South of Johnson Creek that are inundated with wetlands. Access to the property is limited by the direct proximity of the golf course fairways to the North and steep hillsides slopes to the South. Implementing residential uses on the property would require delineation and mitigation of existing wetlands and the placement of an engineered fill.

The purpose of the NR zone is to protect important natural resources, such as open space areas, significant fish and wildlife habitats, outstanding scenic views and sites, ecological and scientific natural areas, wetlands and watersheds, historical areas and structures, and areas necessary to maintain or protect the quality of air, land and water resources from inappropriate or incompatible development. In the NR zone, uses shall be limited to those uses that are consistent with protection of natural values.

It is clear from the purpose statements adopted in the City of Bandon Zoning Code and cited above, that the subject property is better suited to a Natural Resource and Open Space (NR) designation than the residential Controlled Development CD-1 designation.

NR to CD-1

The City of Bandon, pursuant to Goal 5 has identified, evaluated and inventoried natural resource areas that are suitable for preservation, or limited uses, that are consistent with protection of natural values.

The purpose of the NR zone is to protect important natural resources, such as open space areas, significant fish and wildlife habitats, outstanding scenic views and sites, ecological and scientific natural areas, wetlands and watersheds, historical areas and structures, and areas necessary to maintain or protect the quality of air, land and water resources from inappropriate or incompatible development. In the NR zone, uses shall be limited to those uses that are consistent with protection of natural values.

The property proposed for a rezone from NR to CD-1 consists of an upland (bench) area that does not contain significant fish and wildlife habitats, outstanding scenic views or sites, ecological or scientific natural areas, wetlands or watersheds, historical areas or structures. The land is not necessary to maintain or protect the quality of air, land and water resources.

The purpose of the CD-1 zone district is to recognize Scenic and Unique Qualities of Bandon's ocean front and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development. The CD-1 district provides for a mix of uses including residential, tourist commercial and recreational uses.

The property is located directly adjacent to other CD-1 land to the South that is destined for residential development. The property contains distant ocean views and is adjacent to an existing golf course or "recreational use".

It is clear from the purpose statements adopted in the City of Bandon Zoning Code and cited above, that the subject property is better suited to a Controlled Development (CD-1) designation than a Natural Resource and Open Space (NR) district.

CONCLUSION

Based upon the evidence cited above, the proposed amendment will assure the City of Bandon maintains a housing inventory that satisfies the housing needs identified by the Comprehensive Plan.

2. The amendment will provide for an economic and orderly provision of urban facilities and services.

FINDING: Because uses in the NR zone district do not customarily allow structural development, the property being rezoned NR does not rely on the provision of urban facilities.

The property being rezoned to CD-1 is directly proportionate to the land that is being removed from the CD-1 district. At the time the existing CD-1 zone was assigned, consideration was given to the extension of urban facilities. Because the acreage of the CD-1 area will remain the same, there will be no change to the economic or orderly provision of urban facilities other than that acknowledged during the adoption of the existing zone designation.

The contiguous land lying South of the subject property proposed for the NR to CD-1 rezone is also zoned CD-1 and is fronting urban facilities and services. Just as with any land zoned for development that is not directly adjacent to public improvements, the facilities and services will more than likely be extended to the subject property in conjunction with the development of the adjacent lands or by easement across those lands.

CONCLUSION

Because the acreage of the areas being rezone is the same, the economic and orderly extension of the public facilities will effectively remain the same as what is currently acknowledged by the Bandon Comprehensive Plan.

3. The amendment is consistent and compatible with other chapters of the City and or County Comprehensive Plan.

FINDING: The area proposed for a rezone from the NR to CD-1 consists of an upland (bench) area that does not contain significant fish and wildlife habitats, outstanding scenic views or sites, ecological or scientific natural areas, wetlands or watersheds, historical areas or structures. The land is not necessary to maintain or protect the quality of air, land and water resources.

The purpose of the CD-1 zone district is to recognize Scenic and Unique Qualities of Bandon's ocean front and nearby areas and to maintain these qualities as much as possible by carefully controlling the nature and scale of future development. The CD-1 district provides for a mix of uses including residential, tourist commercial and recreational uses.

It is clear from the purpose statements cited above for both districts, that the subject property is better suited to a Controlled Development (CD-1) designation than a Natural Resource and Open Space (NR) district.

The area for rezone from CD-1 to NR contains low-lying lands that are inundated with wetlands that act as watershed for Johnson Creek to the North. Access to the property is constricted by its direct proximity to the golf course fairways and Johnson Creek to the North and steep hillsides to the South. Implementing residential uses on the property would require delineation and mitigation of existing wetlands and the placement of an engineered fill.

The purpose of the NR zone is to protect important natural resources, such as open space areas, significant fish and wildlife habitats, outstanding scenic views and sites, ecological and scientific natural areas, wetlands and watersheds, historical areas and structures, and areas necessary to maintain or protect the quality of air, land and water resources from inappropriate or incompatible development. In the NR zone district uses shall be limited to those uses that are consistent with protection of natural values.

It is clear from the purpose statements cited above, that the subject property is better suited to a Natural Resource and Open Space (NR) designation than the existing Controlled Development CD-1 designation.

CONCLUSION

The location and acreages of both properties are virtually the same and the evidence above shows the proposed zone districts to more suitable designations, therefore, the proposal; is both consistent and compatible with other chapters of the City and or County Comprehensive Plan.

4. The amendment is in compliance with the State Wide Planning Goals, Oregon Revised Statutes and the Oregon Administrative Rules.

FINDING: The evidence contained within this findings document demonstrates that the proposed rezones will not result in a significant change to the City Bandon's acknowledged Comprehensive Plan Inventory. The evidence also demonstrates that the proposed rezones are in compliance with other provisions of the City of Bandon's acknowledged Comprehensive Plan and Zoning Code.

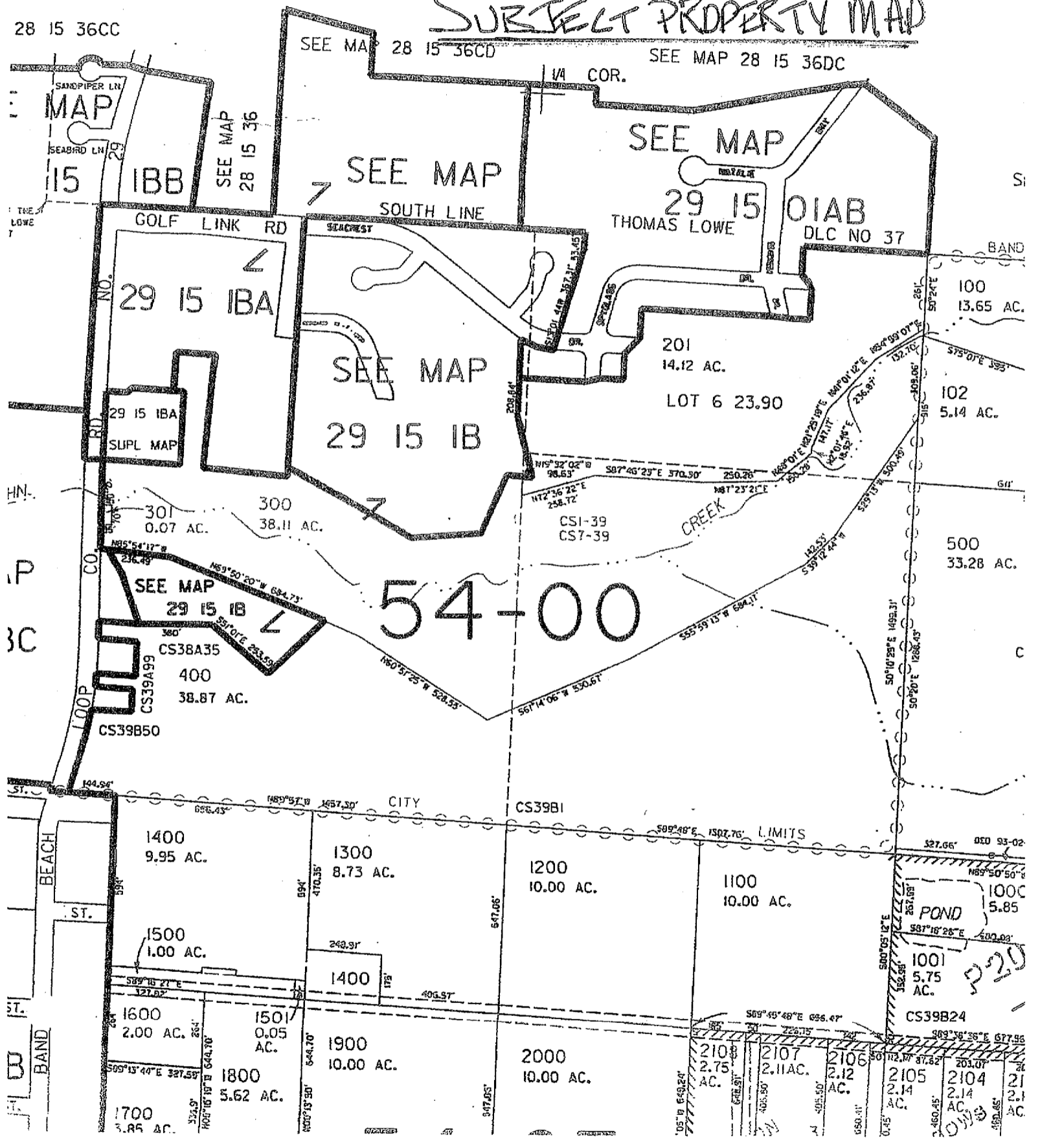
CONCLUSION

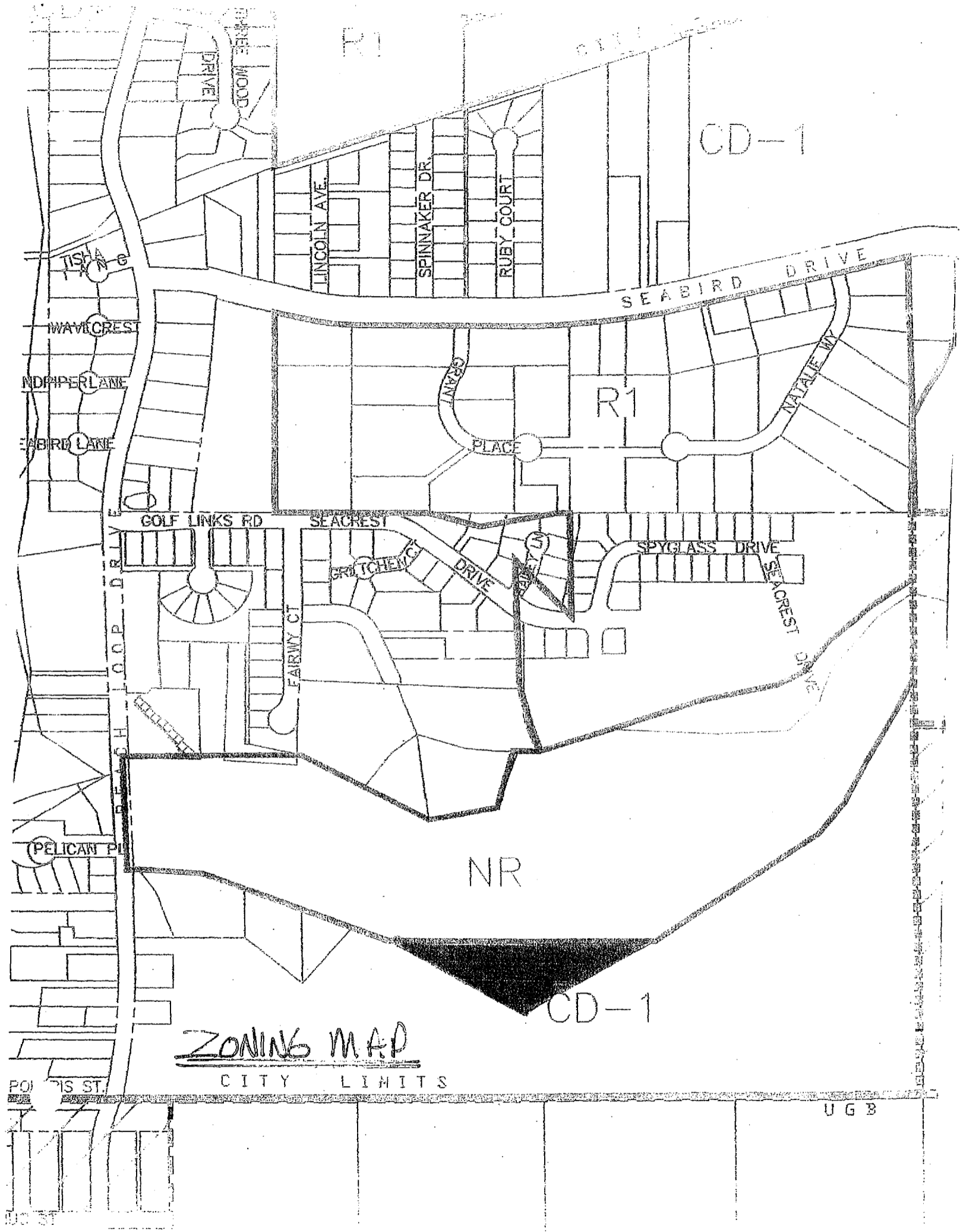
Because the proposal is in compliance with the City of Bandon's Comprehensive Plan and Zoning Code, and both the Plan and Code are acknowledged to be compliance with the State Wide Planning Goals, Statutes, and Administrative Rules, the proposal is deemed to be in full compliance.

SECTION 1 T.29S. R.15W. W.M.
COOS COUNTY

1" = 400'

SUBJECT PROPERTY MAP



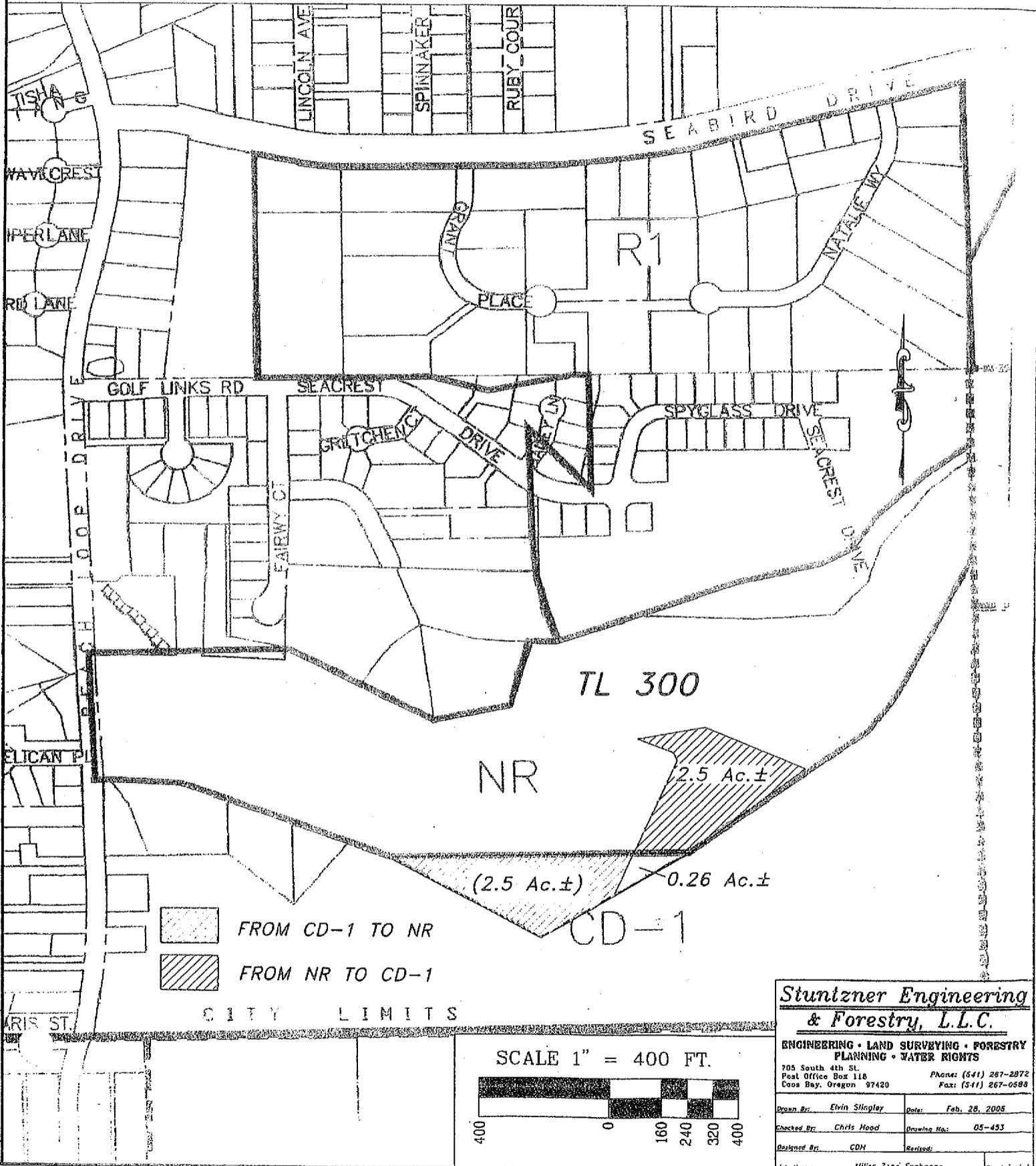


ZONING MAP

CITY LIMITS

UGB

MILLER COMPREHENSIVE PLAN AMMENDMENT
 ZONE EXCHANGE MAP
 LOCATED IN SEC. 1 OF T.29S., R.15W., W.M.,
 COOS COUNTY, OREGON

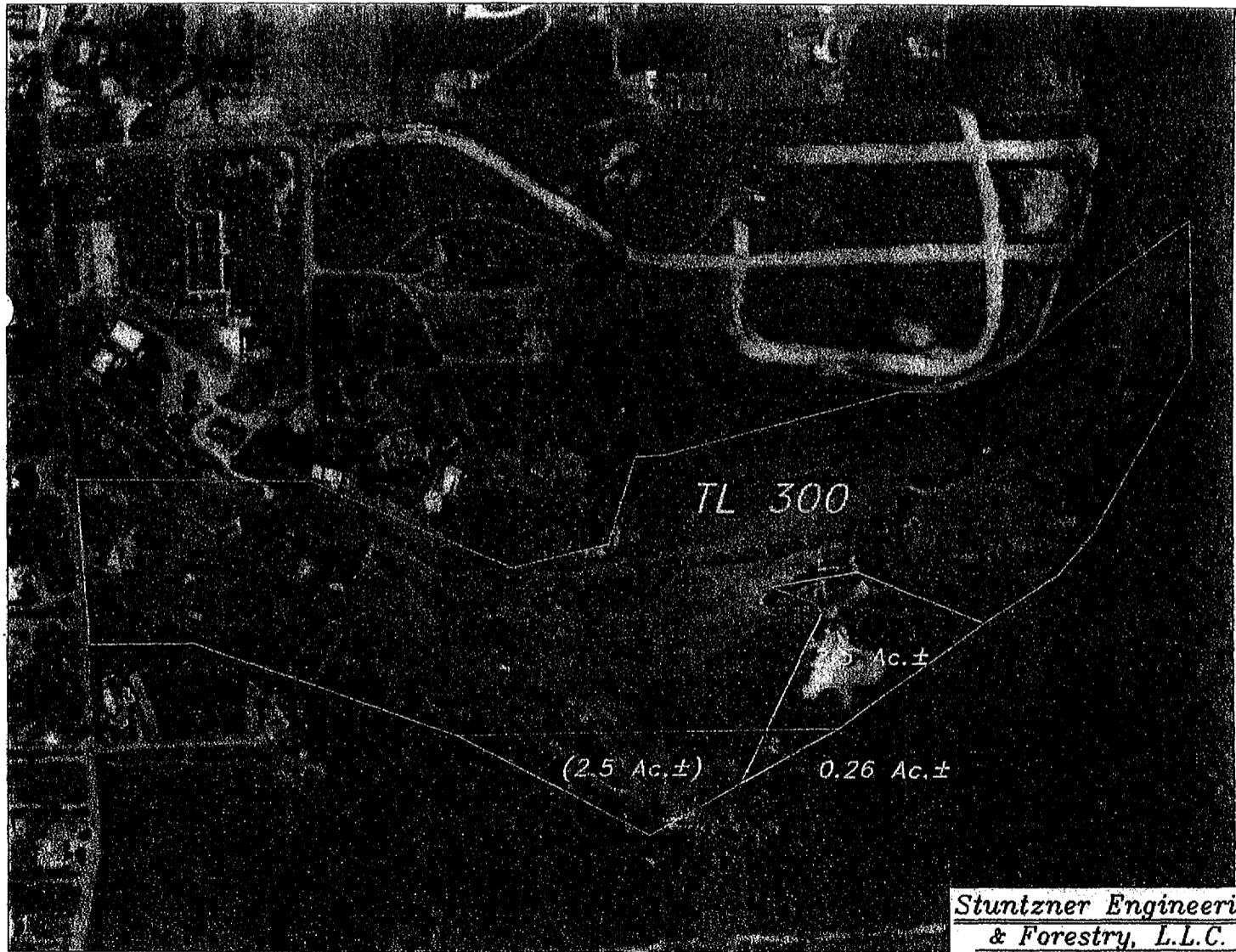
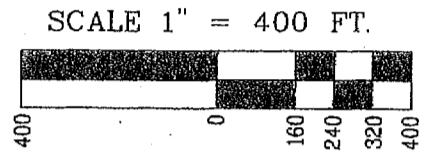


Stuntzner Engineering & Forestry, L.L.C.
 ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS
 705 South 4th St.
 Post Office Box 118
 Coos Bay, Oregon 97420
 Phone: (541) 267-2872
 Fax: (541) 267-0588

Drawn By: Elvin Shingley	Date: Feb. 28, 2005
Checked By: Chris Hood	Drawing No: 05-453
Designed By: CDH	Revised:

File Name: Miller Zone Exchange
 Sheet 1 of 1

MILLER COMPREHENSIVE PLAN AMMENDMENT
 ZONE EXCHANGE MAP
 LOCATED IN SEC. 1 OF T.29S., R.15W., W.M.,
 COOS COUNTY, OREGON.



**Stuntzner Engineering
 & Forestry, L.L.C.**

ENGINEERING • LAND SURVEYING • FORESTRY
 PLANNING • WATER RIGHTS
 705 South 4th St. Phone: (541) 267-2872
 Post Office Box 116
 Coos Bay, Oregon 97420 Fax: (541) 267-0588

Drawn By: Eivin Slingley	Date: Feb. 28, 2006
Checked By: Chris Hood	Drawing No: 05-453
Designed By: CDH	Revised:
Title: Miller Zone Exchange/Aerial	

Chapter 17.116 ZONE CHANGES AND AMENDMENTS

Sections:

- 17.116.010 Authorization to initiate amendments.
- 17.116.020 Application and fee.
- 17.116.030 Conditional zone amendment.
- 17.116.040 Records of amendments.

17.116.010 Authorization to initiate amendments.

An amendment to the text or the zoning map of this title or the comprehensive plan may be initiated by the city council, by the planning commission, or by a property owner or his or her authorized agent. The planning commission shall hold a hearing and recommend to the city council to approve, approve with conditions, or deny the proposed amendment. The city council may hold a public hearing (public hearings shall occur in accordance with Section 17.124.010). Amendments shall be adopted by ordinance. (Ord. 1336 § 12.000, 1994)

17.116.020 Application and fee.

An application for zoning ordinance or comprehensive plan amendment by a property owner or their authorized agent shall be filed with the city. A fee shall accompany the application. If a form is not provided, such as in the case of a plan amendment, the application shall be reviewed by the planning director, who shall respond in writing within ten (10) days on whether the application is complete or, if it is not, what additional information will be necessary to be supplied by the applicant to render the application complete. The planning director shall review proposed zone changes or amendments to the text of the zoning ordinance to determine consistency with the comprehensive plan and that the amendment will not adversely affect the city's or the developer's ability to satisfy land use, transportation and utility, service needs or capacities. The proposed amendment shall also be reviewed to determine the suitability of the uses proposed in terms of slope, geologic stability, flood hazard, wetlands and other relevant hazard or resource considerations. (Ord. 1336 § 12.010, 1994)

17.116.030 Conditional zone amendment.

The purpose of the conditional zone amendment provision is to enable the city council to attach specific conditions to a request for a zone boundary change where it finds that such conditions are necessary to achieve a stated public purpose.

A. The city council shall have the authority to attach conditions to the granting of amendments to a zone boundary. These conditions may relate to any of the following matters:

1. The uses permitted;
2. Public facility improvements such as street improvements, dedication of street right-of-way, sewer, storm drainage, and water;

3. That all or part of the development or use be deferred until certain events, such as the provision of certain public facilities to the property, occur;

4. The time frame in which the proposed use associated with the zone boundary change is to be initiated.

B. Conditions attached to a zone boundary change shall be completed within the time limitations set forth. If no time limitations are set forth, the conditions shall be completed within two years from the effective date of the ordinance enacting the one boundary change.

C. The city council may require a bond from the property owner or contract purchasers in a form acceptable to the city in such amount as to assure compliance with the conditions imposed on the zone boundary change. Such a bond shall be posted prior to the issuance of the appropriate development permit.

D. Conditions shall not be imposed which would have the effect of limiting use of the property to one particular owner, tenant or business. Conditions may limit the subject property as to use, but shall not be so restrictive that they may not reasonably be complied with by other occupants who might devote the property to the same or a substantially similar use.

E. Conditions that are imposed under the provisions of this section shall be construed and enforced as provisions of this zoning code relating to the use and development of the subject property. The conditions shall be enforceable against the applicant as well as their successors and assigns.

F. Requests for modification of conditions shall be considered by the zone amendment application and review procedure of this chapter.

G. Failure to fulfill any condition attached to a zone boundary change within the specified time limitations shall constitute a violation of this section and may be grounds for the city to initiate a change in the zone boundary pursuant to the procedures of this chapter. (Ord. 1336 § 12.020, 1994)

17.116.040 Records of amendments.

The city recorder shall maintain records of amendments to the text and map of the plan and this title in a form convenient for use of the public. (Ord. 1336 § 12.030, 1994)

CHAPTER 14: Amendments and Definitions

AMENDING THE COMPREHENSIVE PLAN

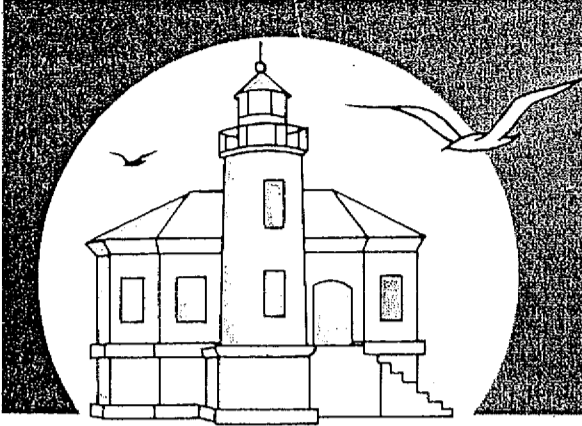
The Comprehensive Plan reflects the desires of the community at the time it is adopted and serves as the basis for the City's planning program. It must be recognized, however, that the Plan must be revised and amended to reflect changing circumstances, new information, and changes in community desires and visions. The Plan should be reviewed every five years in order to ensure compliance with state law and changing community circumstances.

Amendments to the Bandon Comprehensive Plan, including text and/or map amendments and boundary changes, may be initiated by an individual or group, affected agency, or government body. The party who seeks the revision shall be responsible for filing an application accompanied by adequate written documentation in a format prescribed by the City. Final legislative action on amendment requests shall be based on compliance with the following factors:

1. The amendment satisfies a demonstrated need for the change in order to accommodate population trends, housing needs, or adequate employment opportunities, or other factors which may better address changing circumstances.
2. The amendment will provide for an economic and orderly provision of urban facilities and services.
3. The amendment is consistent and compatible with the other chapters of the City and/or County Comprehensive Plans.
4. The amendment is in compliance with the Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules.

Procedure:

Upon filing of the completed application, the proposed amendment will be presented to the Planning Commission, at which point the Planning Commission shall hold a public hearing in order to hear from the applicant and interested parties. Upon completion of its hearing process, the Planning Commission shall forward a written recommendation to the City Council. The City Council will then hold a public hearing, and render a decision whether or not to enact the proposed amendment. All amendments of the Comprehensive Plan shall be adopted by Ordinance and accompanied by written findings of fact supporting the decision.



CITY OF BANDON

P.O. BOX 67
BANDON, OREGON 97411
PHONE (541) 347-2437
FAX (541) 347-1415
www.ci.bandon.or.us

March 30, 2006

Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Re: City of Bandon, Land Swap
Natural Resource/CD-1 Zone Amendment

To Whom It May Concern:

Enclosed is DLCD Notice of Proposed Amendment Form 1 and two copies of the proposed amendment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jason Locke", is written over the "Very truly yours," text.

Jason Locke
Community Development Director

JL:pp
Enclosures

FORM 1

DLCD NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the first evidentiary hearing
per ORS 197.610, OAR Chapter 660 - Division 18
and Senate Bill 543 and effective on June 30, 1999.
(See reverse side for submittal requirements)

Jurisdiction: City of Bandon Local File No.: 06-015
(If no number, use none)

Date of First Evidentiary Hearing: 05-25-06 Date of Final Hearing: 07-06-06
(Must be filled in) (Must be filled in)

Date this proposal was sent or mailed: 03-31-06
(Date mailed or sent to DLCD)

Has this proposal previously been submitted to DLCD? Yes: No: X Date:

 Comprehensive Plan Text Amendment X Comprehensive Plan Map Amendment
 Land Use Regulation Amendment X Zoning Map Amendment
 New Land Use Regulation Other:
(Please Specify Type of Action)

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."
Swap 2.5 acres of Natural Resource zoned land for 2.5 acres of CD-1 land.
No net gain or loss in either zoning district.

Plan Map Changed from: CD (NR) to NR (CD)

Zone Map Changed from: CD-1 (NR) to NR (CD-1)

Location: Face Rock Golf Course Acres Involved:

Specified Change in Density: Current: 5 du/ac Proposed: 5 du/ac

Applicable Statewide Planning Goals: None

Is an Exception Proposed? Yes: No: X

Affected State or Federal Agencies, Local Governments or Special Districts: City of Bandon

Local Contact: Charlice Davis Area Code + Phone Number: 541-347-2437 ext 226

Address: 555 Hwy 101/PO Box 67

City: Bandon Zip Code + 4: 97411-0067

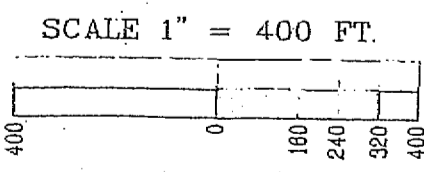
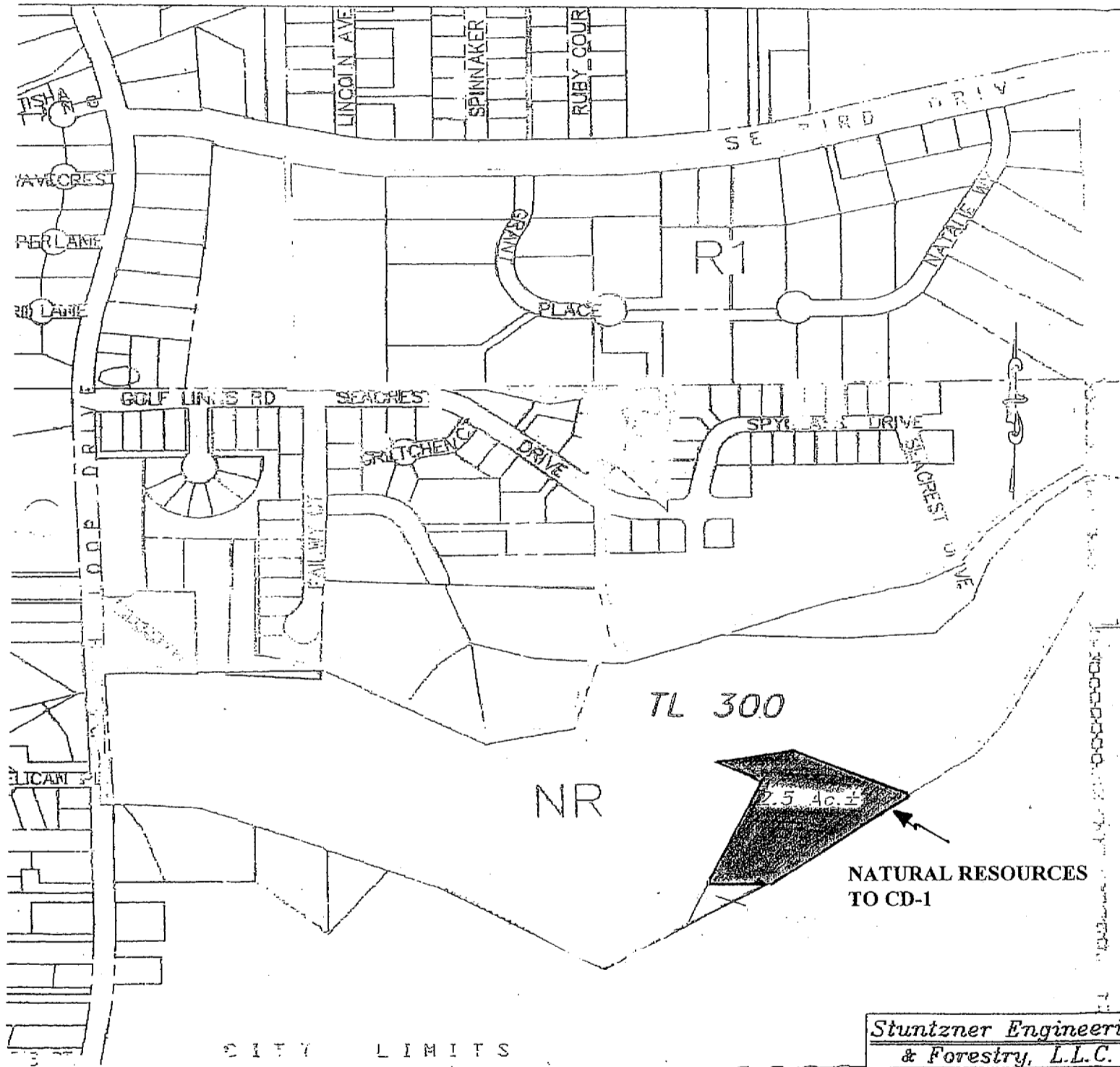
DLCD No.:

EXHIBIT A

MILLER

MILLER COMPREHENSIVE PLAN AMMENDMENT
ZONE EXCHANGE MAP

LOCATED IN SEC. 1 OF T.29S., R.15W., W.M.,
COOS COUNTY, OREGON



**Stuntzner Engineers
& Forestry, L.L.C.**

ENGINEERING • LAND SURVEYING • FOREST
PLANNING • ZONING RIGHTS

705 South 4th St.
Post Office Box 110
Coos Bay, Oregon 97420 Phone: (541) 267-
Fax: (541) 267-

Drawn by	Erin Silgley	Date	Feb. 28, 2005
Checked by	Chris Hood	Drawn by	05-433
Designed by	CDH	Revised	

Miller Zone Exchange

FINAL ORDER OF THE CITY COUNCIL

**ON THE REQUEST FOR A ZONE CHANGE AND COMPREHENSIVE PLAN
AMENDMENT FOR PROPERTY LOCATED IN THE CITY LIMITS OF BANDON**

Procedure: City Council action upon the request for a Zone and Comprehensive Map.

Property Owner: Margaret A. Miller Trust
Location of Subject Property: Bandon Golf Course
Beach Loop Drive in the Vicinity of Golf Links Road
Zone: Natural Resources

Evidentiary Hearing Date: June 22, 2006

REQUEST: The Applicant requested that the property be rezoned from Natural Resources to Controlled Development and the Comprehensive Plan Map be amended from Natural Resources to Controlled Development.

FINDINGS

The subject property is located in the 38 acre Bandon Golf Course fronting on Beach Loop Drive. Johnson Creek runs through the property from the northeast corner to the west property line at Beach Loop Drive. The area of the requested Zone/Comprehensive Plan map change is in the south portion of the property. The Applicant requested a zone change from Natural Resources to CD-1 (Controlled Development 1). The change will correct a mapping error and provide additional Natural Resource land within the Bandon Golf Course. The Planning Commission recommended approval.

Characteristics of the Property

1. **Size:** The subject property is approximately 2.5 acres in size.
2. **Access:** The subject property has access by an easement through the Inn at Face Rock Motel.
3. **Public Utilities:** The subject property is served by City water, sewer, and electric.
4. **Natural Hazards:** Floodplain, Tsunami Inundation zone. The City of Bandon is located in a seismic 4 earthquake zone.
5. **Existing Land Use:** Golf Course
6. **Land Use Designation:**
 - a. **Comprehensive Plan:** Natural Resources
 - b. **Zone District:** Natural Resources
 - c. **Overlay:** Shoreland Overlay
7. **Notification:** Notice has been provided in accordance with Section 17.120.090 of the Bandon Municipal Code.

Conclusion

The proposed Comprehensive Plan Map Amendment and Rezone from Natural Resources to CD-1 is consistent with the requirements Chapter 14 of the Comprehensive Plan and the applicable criteria contained in Chapter 17-116 of the Bandon Municipal Code.

Charlice Davis
Charlice Davis,
City Planner

August 2, 2006
Date

CITY OF BANDON

CITY COUNCIL

DATE: August 7, 2006

**SUBJECT: ADOPTION OF BOR-206 AMENDING THE ZONING MAP
AND THE COMPREHENSIVE PLAN**

ITEM NO. 4.2.2

BACKGROUND

At the July 17, 2006 meeting of the City Council, Staff was directed to write the attached Ordinance BOR-206 to rezone a portion of Bandon Golf Course from Natural Resources to CD-1.

Findings of the Council are attached.

PLEASE NOTE: The City has not yet received the metes and bounds description for the subject property. Rather than to delay the Applicant, it is the recommendation of Staff to approve the Ordinance at this time. The submission of the description, as Exhibit B, will be required prior to recording.

FISCAL IMPACT:

None

RECOMMENDATION:

MOTION 1: MOVE ORDINANCE BOR-206 TO A SECOND READING.

IF FULL COUNCIL IS PRESENT AND THE VOTE IS UNANIMOUS:

MOTION 2: ADOPT ORDINANCE BOR-206

SUBMITTED BY:



Charlice Davis, City Planner

After recording return to:
City of Bandon
PO Box 67
Bandon OR 97411

ORDINANCE BOR 206

AN ORDINANCE AMENDING THE ZONING MAP AND THE BANDON COMPREHENSIVE MAP
FROM NATURAL RESOURCES TO CONTROLLED DEVELOPMENT 1

WHEREAS, the Planning Commission has reviewed the proposed amendment and recommended approval to the City Council after properly noticed public hearings, and

WHEREAS, the City Council reviewed the amendment and considered the recommendation of the Planning Commission, and

WHEREAS, the City Council has determined that the proposed amendment is in compliance with state and local requirements.

NOW, THEREFORE, the City of Bandon ordains as follows: that the Bandon Zoning Map and Comprehensive Plan Map are hereby amended as contained in Exhibits A and B. Furthermore, said amendments are supported by the Findings of Fact contained in Exhibit C.

PASSED to a second reading this Seventh Day of August, 2006.

ADOPTED by the City Council of the City of Bandon this Seventh Day of August, 2006.

Mary Schamehorn, Mayor

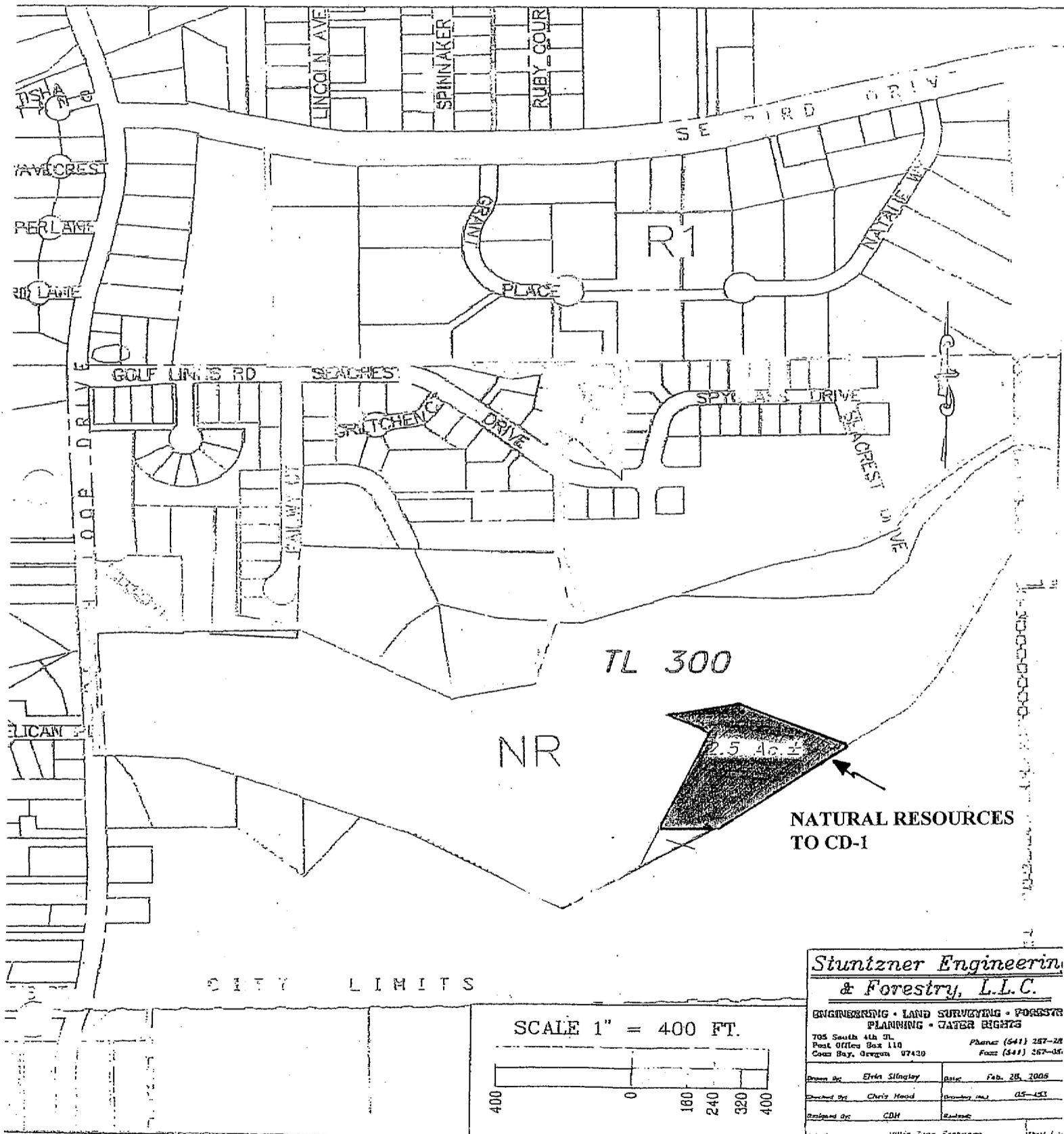
Attest:

Marie Ducharme, CMC
City Recorder

EXHIBIT A

BOR - 206
MILLER

MILLER COMPREHENSIVE PLAN AMMENDMENT
ZONE EXCHANGE MAP
LOCATED IN SEC. 1 OF T.29S., R.15W., W.M.,
COOS COUNTY, OREGON



**Stuntzner Engineering
& Forestry, L.L.C.**

ENGINEERING • LAND SURVEYING • FORESTRY
PLANNING • WATER RIGHTS

705 South 4th St. Phone: (541) 257-28
Post Office Box 110 Coos Bay, Oregon 97430 Fax: (541) 257-05

Drawn by: Erika Silinsky	Date: Feb. 25, 2005
Checked by: Chris Hood	Drawn by: [illegible]
Designed by: CDH	Revised: [illegible]
Title: Miller Zone Exchange	

FINAL ORDER OF THE CITY COUNCIL

**ON THE REQUEST FOR A ZONE CHANGE AND COMPREHENSIVE PLAN
AMENDMENT FOR PROPERTY LOCATED IN THE CITY LIMITS OF BANDON**

Procedure: City Council action upon the request for a Zone and Comprehensive Map.

Property Owner: Margaret A. Miller Trust
Location of Subject Property: Bandon Golf Course
Beach Loop Drive in the Vicinity of Golf Links Road
Zone: Natural Resources

Evidentiary Hearing Date: June 22, 2006

REQUEST: The Applicant requested that the property be rezoned from Natural Resources to Controlled Development and the Comprehensive Plan Map be amended from Natural Resources to Controlled Development.

FINDINGS

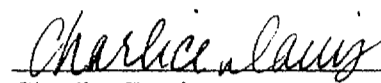
The subject property is located in the 38 acre Bandon Golf Course fronting on Beach Loop Drive. Johnson Creek runs through the property from the northeast corner to the west property line at Beach Loop Drive. The area of the requested Zone/Comprehensive Plan map change is in the south portion of the property. The Applicant requested a zone change from Natural Resources to CD-1 (Controlled Development 1). The change will correct a mapping error and provide additional Natural Resource land within the Bandon Golf Course. The Planning Commission recommended approval.

Characteristics of the Property

1. **Size:** The subject property is approximately 2.5 acres in size.
2. **Access:** The subject property has access by an easement through the Inn at Face Rock Motel.
3. **Public Utilities:** The subject property is served by City water, sewer, and electric.
4. **Natural Hazards:** Floodplain, Tsunami Inundation zone. The City of Bandon is located in a seismic 4 earthquake zone.
5. **Existing Land Use:** Golf Course
6. **Land Use Designation:**
 - a. **Comprehensive Plan:** Natural Resources
 - b. **Zone District:** Natural Resources
 - c. **Overlay:** Shoreland Overlay
7. **Notification:** Notice has been provided in accordance with Section 17.120.090 of the Bandon Municipal Code.

Conclusion

The proposed Comprehensive Plan Map Amendment and Rezone from Natural Resources to CD-1 is consistent with the requirements Chapter 14 of the Comprehensive Plan and the applicable criteria contained in Chapter 17-116 of the Bandon Municipal Code.



Charlice Davis,
City Planner

August 2, 2006
Date

suggested getting input from Old Town merchants at their next meeting. The Planning Commission agreed.

Soltys, Planning Commission liaison for the Old Town Merchants meetings, said the Merchants want to have the Oregon Downtown Association deliver a presentation on July 25 but they need \$250 for their fee. **Davis** advised asking City Manager Winkel for City funding.

5.0 HEARINGS

5.1 MILLER, BEACH LOOP DRIVE/MAP 29-15-01, TAX LOT 300 COMPREHENSIVE PLAN AND ZONING AMENDMENTS: CHANGE 2.5 ACRES NATURAL RESOURCE TO CD-1 AND 2.5 ACRES CD-1 TO NATURAL RESOURCE

Acting Chair Kendall Ridgway opened the Hearing at 7:15 p.m. and read procedures. *Ex-Parte Contact: Koch* visited the golf course recently but not because of the application. **Staff, Davis**, showing the areas to be changed, said the higher elevation of 2 ½ acres zoned Natural Resource was the only buildable area on the lot. 1991 Periodic Review records seem to show evidence that it was overlooked. The golf course was not listed in the notice. She recommended approval.

TESTIMONY: Acting Chair Ridgway read procedures.

Chris Hood, Stuntzner Engineering, PO Box 118, Coos Bay, 97420 was not aware of the 1991 Periodic Review and thought it was a mapping error. Miller's CD-1 zoned area was a swamp. The neighboring block of undeveloped property to the south is zoned CD-1. The aerial photo, taken in 2002, shows the cleared Natural Resource zoned acres that they wish to develop. Development would be contingent upon receiving approval for access from the property owner to the south.

Margaret Miller, Owner of Face Rock Golf Course, 3235 Beach Loop Drive, Bandon 97411, said the hillside is a little over three acres. A wetland delineation has been done that includes setbacks. When she bought the place in 1991, the Planning Director told her that it was a buildable site. She too felt that it was a map error.

DELIBERATION: Straus moved, Koch seconded, to close the Hearing to public comment and deliberate and it was unanimously approved. Straus, although desiring historical evidence and keeping as many trees as possible, was for approval. The land to the south is CD-1, Applicant's current CD-1 acreage is a swamp, and the Natural Resource zone is a cleared hill. **Soltys** would approve. Access is the Applicant's problem and they are not giving up Natural Resource land. **Koch** said the zoning makes sense and meets the criteria for the characteristics and appropriateness of the area. Regardless of whether it was a mistake in the past, it meets the criteria for a rezone and plan amendment. The Natural Resource zone is being shifted to a more appropriate area. Access issues are present now, not created through the rezone. **Tree** said the swap serves the intent of both the owner and the City. **Ridgway** said the wetlands were being preserved by zoning them Natural Resource rather than trying to build on it. **Koch moved, Tree seconded, to recommend that the City Council approve the Zone and Comprehensive Plan map change for Miller, Map 29-15-1, Tax Lot 300, as submitted. The motion was unanimously approved on a roll call vote: 5 - 0.**

5.2 BROUSSARD/TREE/HALLIBURTON, CARTER STREET, MAP 28-15-36 TAX LOTS 100, 1200, OCEAN TRAILS TENTATIVE SUBDIVISION PHASES 4 & 5 - REMOVED

allocation of those credits is competitive, a letter of support for their low income housing project is being requested. No financial commitment from the City is requested.

It was moved by Vick and seconded by Powell to direct staff to draft a letter of support for the rehabilitation and preservation of Seacrest Apartments as affordable housing, and authorize the Mayor to sign in on behalf of the City of Bandon. The motion carried 6:0.

6.2.4 Comp Plan Change and Re-zone of 2.5 Acres from Natural Resources to CD-1

The staff report was presented by the City Planner, Charlice Davis. The Planning Commission Public Hearing was held June 22 on the request for a Zone and Comprehensive Map change. The Planning Commission recommends approval. It is not necessary that the Council conduct another hearing, according to Davis. This is an even exchange of zoning designation which will create a Natural Resources area that follows the natural topography and a CD-1 buildable site. The change will not result in a net gain or loss in either zone.

- Comprehensive Plan: change of 2.5 acres from Controlled Development to Natural Resources and 2.5 acres from Natural Resources to Controlled Development
- Zoning Map: change of 2.5 acres from CD-1 to Natural Resources and 2.5 acres from Natural Resources to CD-1, in accordance with Chapter 14 of the Comprehensive Plan and Chapter 17.116 of the Bandon Municipal Code.

The subject property is on the 38 acre Bandon Golf Course fronting on Beach Loop Drive. Johnson Creek runs through the property from the northeast corner to the west property line at Beach Loop Drive. The area of the requested Zone/Comprehensive Plan map change is at the south corner of the property. The Applicant (Miller) states that an error occurred when the zone designations were established on the City zoning map. The Applicant states that the change will correct a mapping error and provide an upland bench area suitable for development. Schamehorn and Briscoe were familiar with the area and agreed that it was overdue for this zone change.

Procetto moved to direct staff to prepare an ordinance which changes the Comprehensive Plan and Zoning maps as requested. The motion was seconded by Briscoe and carried 6:0.

7.0 OTHER

Councilors/Mayor/Staff Remarks

Powell said there was a problem developing in Old Town with the panhandler/guitar player. He was not sure if there was an ordinance that covered this. Powell knew it was a safety issue because he can see people moving out into the street to avoid him. Schamehorn noted that he accosts cars as well as people. Powell thought the amphitheater at the Port was the perfect place for him. Carleton said they would look at the Code and get back with a solution. Schamehorn said the man is very aggressive and obnoxious; she walks across the street to avoid him. Carleton suggested some community policing by casual contact with the person.

Powell noted that the sink hole on Edison looks like the blacktop has been cut. Vick agreed it is getting worse. Winkel said that is one of the places Richard Anderson checked. They thought it might be water or sewer lines, but it is not, and they can't find a reason for the sink hole. He'll have Public Works check it again. Vick said while they are checking, Public Works should look at the sink hole in front of Dairy Queen which is getting pretty bad.