



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

September 10, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coos Bay Plan Amendment
DLCD File Number 001-08



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 26, 2008

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
Laura Barron, City of Coos Bay

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FORM 2

D L C D NOTICE OF ADOPTION DEPT OF

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

SEP 08 2008

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: CITY of Coos Bay Local File No.: ZON 2008-00064
(If no number, use none)

Date of Adoption: SEPTEMBER 2, 2008 Date Mailed: SEPTEMBER 5, 2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: JUNE 26, 2008

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

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

Redesignating property along collector/arterial to
allow more professional uses in the zone. Plan
designation w/remain the same Residential
High-density

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

Same

Plan Map Changed from: NA to _____

Zone Map Changed from: Multiple Residential (R-3) to Residential Professional (R-4P)

Location: T. 25, R. 13, S. 27DD, TL 6600, 6700 + Acres Involved: .6 acre
6300 (portion)

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 9, 10

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-08 (16970)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT

Local Contact: LAURA BARRON Area Code + Phone Number: (541) 269-8929

Address: 500 CENTRAL City: COOS BAY

Zip Code+4: 97420 Email Address: lbarron@coosbay.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: 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 not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 408

AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "MULTIPLE RESIDENTIAL" TO "RESIDENTIAL PROFESSIONAL"

The City of Coos Bay ordains as follows:

Section 1: Findings.

1. The applicants, Mr. and Mrs. Phil Marler, also representing Mr. Ward Stolle and Mr. and Mrs. Daniel Loudenbeck, have filed an application, hereinafter referred to as the Application, to amend the Coos Bay Land Development Ordinance to redesignate certain real property from "Multiple Residential (R-3)" to "Residential Professional (R-4P)" described as follows:

Block F, Lots 10-12, the north 60 feet of Lot 1, the west 20 feet of the north 60 feet of Lot 2, the east 20 feet of the north 40 feet of Lot 2, and the north 40 feet of Lot 3, Western Addition to Marshfield.

2. Notice of the public hearings was mailed on July 14, 2008 to all landowners within 250 feet of the area being rezoned.

3. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.

4. Public hearing was held on the Application on August 12, 2008, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

5. The Commission's Findings and Justifications supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference.

6. The City Council of the city of Coos Bay, after considering the Commission's Findings and Justifications hereby adopts the Findings and Justifications, and finds the Application should be granted.

Section 2: Redesignation. The designation in the City of Coos Bay Land Development Ordinance of certain real property located within the corporate limits of the City of Coos Bay as described above in Section 1(1) is hereby changed from "Multiple Residential (R-3)" to "Residential Professional (R-4P)."


Section 3: Severability. The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay, Coos County, Oregon, this 2nd day of September, 2008, by the following vote:


Yes: Mayor Jeff McKeown and Councilors Michele Burnette, Mark Daily, Jon Eck, Stephanie Kramer, Gene Melton, and John Muenchrath.

No: None

Absent: None



Jeff McKeown
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST: 

Rae Lea Cousens,
Deputy Finance Director/Recorder of the City of Coos Bay
Coos County, Oregon

EXHIBIT A

ZONE CHANGE

DECISION CRITERIA, JUSTIFICATION, FINDINGS & CONCLUSIONS

The following is a list of the decision criteria applicable to the request as set forth in Land Development Ordinance Chapter 5.14(5). Findings and conclusions accompanying each of the criteria may apply to more than one criterion and may be used to support the Commission's recommendation to the City Council. The Commission may recommend approval or approval with conditions to the City Council, or, the Commission may deny the request.

Staff has prepared the following information based on the applicant's submittal and information that is available in City Hall. This information may be used by the Commission to justify their final decision.

Rezone requests must be supported by criteria #1-- **OR**-- by criteria #2-5.

DECISION CRITERIA #1: The existing zone designation is the product of a mistake.

STATEMENTS OF FACT AND FINDINGS:

- 1a. It does not appear that the existing zone designation is the product of a mistake.

CONCLUSION: The decision criterion has not been addressed; therefore, Criteria #2 through #5 must be supported in order for the request to be approved.

DECISION CRITERIA #2: The change in zone will conform to the policies and objectives of the comprehensive plan.

STATEMENTS OF FACT AND FINDINGS:

- 2a. Comprehensive Plan Chapter 9.1 states the following for the R-4P zone:

The residential/professional office mix is planned for the immediate fringe of the central commercial core area where certain transitions can realistically be expected over the next 20 years. New high-density apartments are permitted in the residential/professional office mix areas up to 25 dwelling units per acre, and also when multiple story construction is deemed especially suited to exceed the 35-foot maximum height standard traditionally limiting apartment densities in Coos Bay.

- 2b. The eastern boundary of the subject properties is adjacent to the existing R-4P zoning district. The R-4P and R-3 zoning districts have a plan designation of "Residential High-density." Therefore, there is no change

proposed to the plan designation of the subject property.

- 2c. Plan Strategy (policy) ED.5 states that Coos Bay shall designate sufficient amounts of land appropriately located to provide for the full range of commercial trade and service activities needed by the community, while at the same time insuring that the central business district will remain the dominant commercial district within the city, recognizing that adequate land is essential to the success of Coos Bay's commercial economy and will prevent a "trade drain," whereby dollars earned locally are spent outside the area.

CONCLUSION: The change in zone designation will allow additional uses on the property while preserving the characteristics of the residential environment. The subject property will extend the buffer between commercial and residential zoning districts. The change in zone will conform to the policies and objectives of the comprehensive plan. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #3: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts.

STATEMENTS OF FACT AND FINDINGS:

- 3a. The intent of the R-4P zoning district is to establish and reserve appropriately located areas for desirable mixtures of professional and administrative business offices and higher density multi-family residential uses. The subject property lies adjacent to the R-4P zoning district.
- 3b. Current development on the subject properties is as follows:
- Tax lot #6000 – 865 Central Avenue - developed with single-family dwelling. The property is 5,600 square feet in size;
- Tax lot #6300 - 164 S. 9th Street - developed with single-family dwelling. The property is 8,200 square feet in size. The east 40 X 40 portion of the property (the north 40-feet of Lot 4 in Block F) is in the R-4P zoning district (See attached zone map at Attachment C).
- Tax lot #6700 - 893 Central Avenue - developed with single-family dwelling. The property is 12,600 square feet in size.
- 3c. Uses within 250 feet include a medical/dental building with multiple suites, single-family dwellings, multi-family dwellings, skateboard shop, bed and breakfast and a community garden.
- 3d. The property to the east of the subject properties is zoned R-4P. The property on the north side of Central Avenue is zoned R-4P and Central-Commercial (C-1). The property to the south and west is zoned R-3 (See *attached zone map at Attachment C*). It is not expected that the zone change would place any limitations on the surrounding property.

- 3e. The proposed R-4P zoning would allow uses like those currently located in the surrounding area. The size of the property and available off-street parking will limit potential uses on each site.
- 3f. Changing the zone designation will expand the types of uses allowed to include additional professional and administrative uses. Multiple-residential uses (Tri-plex or larger) are permitted uses in the R-4P zone. Existing single-family dwelling and duplex residential will remain as non-conforming uses. Single-family and duplex units proposed in the future will require approval of a Conditional Use permit.
- 3g. The Land Developed Ordinance No. 93, Chapter 1.5 defines a "Non-Conforming Use" as follows:

If, at the time of enactment of this ordinance or any amendment, any lot or structure was being used in an otherwise lawful manner but does not conform to the use provisions of this ordinance, the use shall be deemed to be nonconforming. However, it may continue in the manner and to the extent that it existed upon enactment of this ordinance or its amendments, subject to the provisions of this chapter.

CONCLUSION: The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. The proposed zone will allow uses similar to the existing uses in the immediate vicinity. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #4: The change will not prevent the use of other land in the vicinity.

STATEMENTS OF FACT AND FINDINGS:

- 4a. The surrounding area is fully developed with a variety of uses, including medical/dental building, single-family dwellings, multi-family dwellings, commercial retail and lodging. Any redevelopment of property in the area would not be adversely effected by the proposed zone change.
- 4b. The subject property lies outside of the parking assessment district. Therefore, any use proposed must comply with the off-street parking requirements, as outlined in Land Development Ordinance No. 93, Chapter 3.15.

CONCLUSION: The proposed change will not prevent the use of other land in the vicinity. The decision criterion has been adequately addressed and approval of the proposal can be supported.

DECISION CRITERIA #5: It is appropriate at this time to permit the specific type of development or change in zone of the area which had not previously existed.

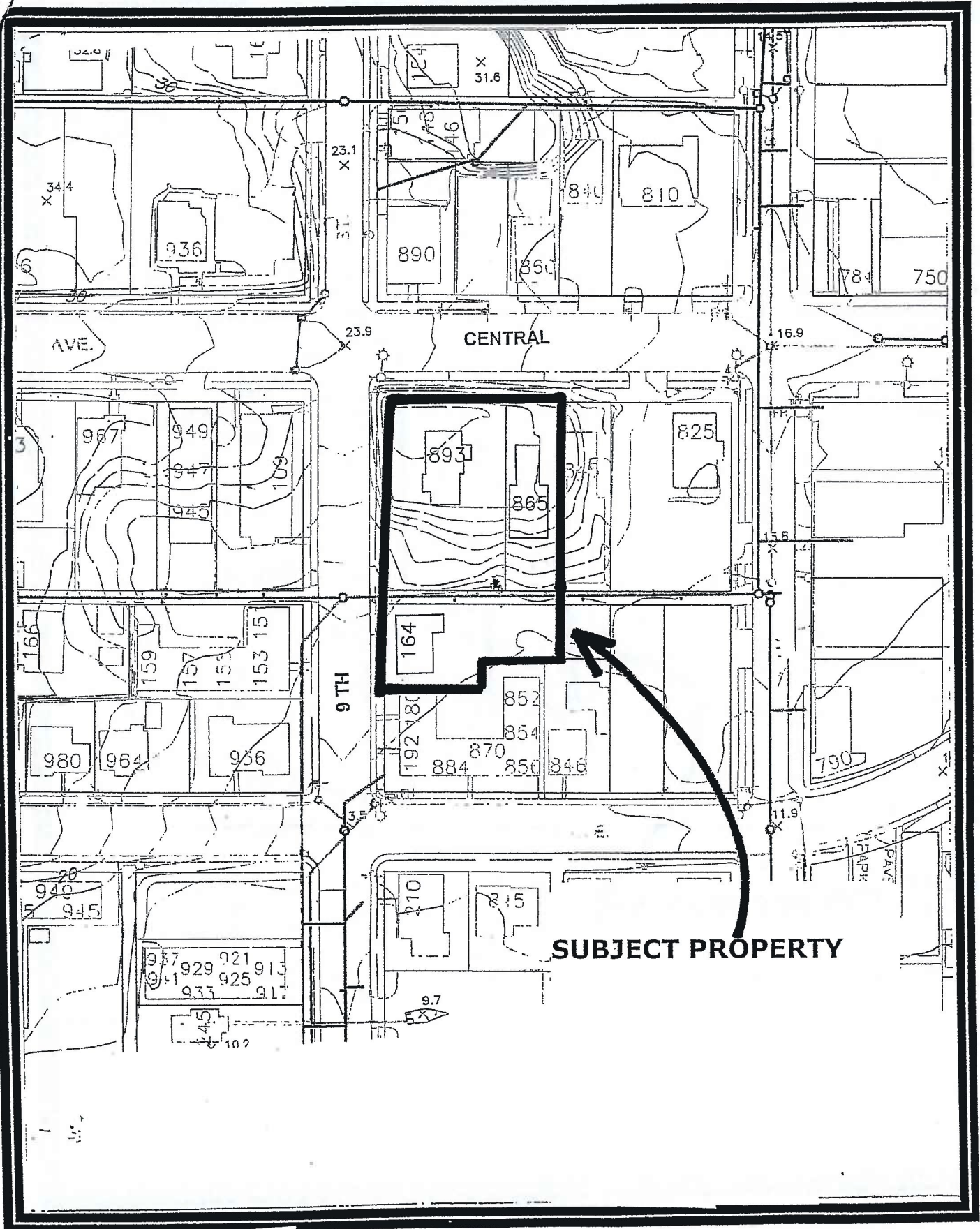
STATEMENTS OF FACT AND FINDINGS:

5a. The Comprehensive Plan does not indicate an appropriate time for a change in zone.

CONCLUSION: The Comprehensive Plan is silent as to the appropriate time to permit the specific type of development or change in zone of the subject property. The decision criterion has been adequately addressed and approval of the proposal can be supported.

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TAX LOT / AERIAL OVERLAY MAP



SUBJECT PROPERTY

FOR
ILY

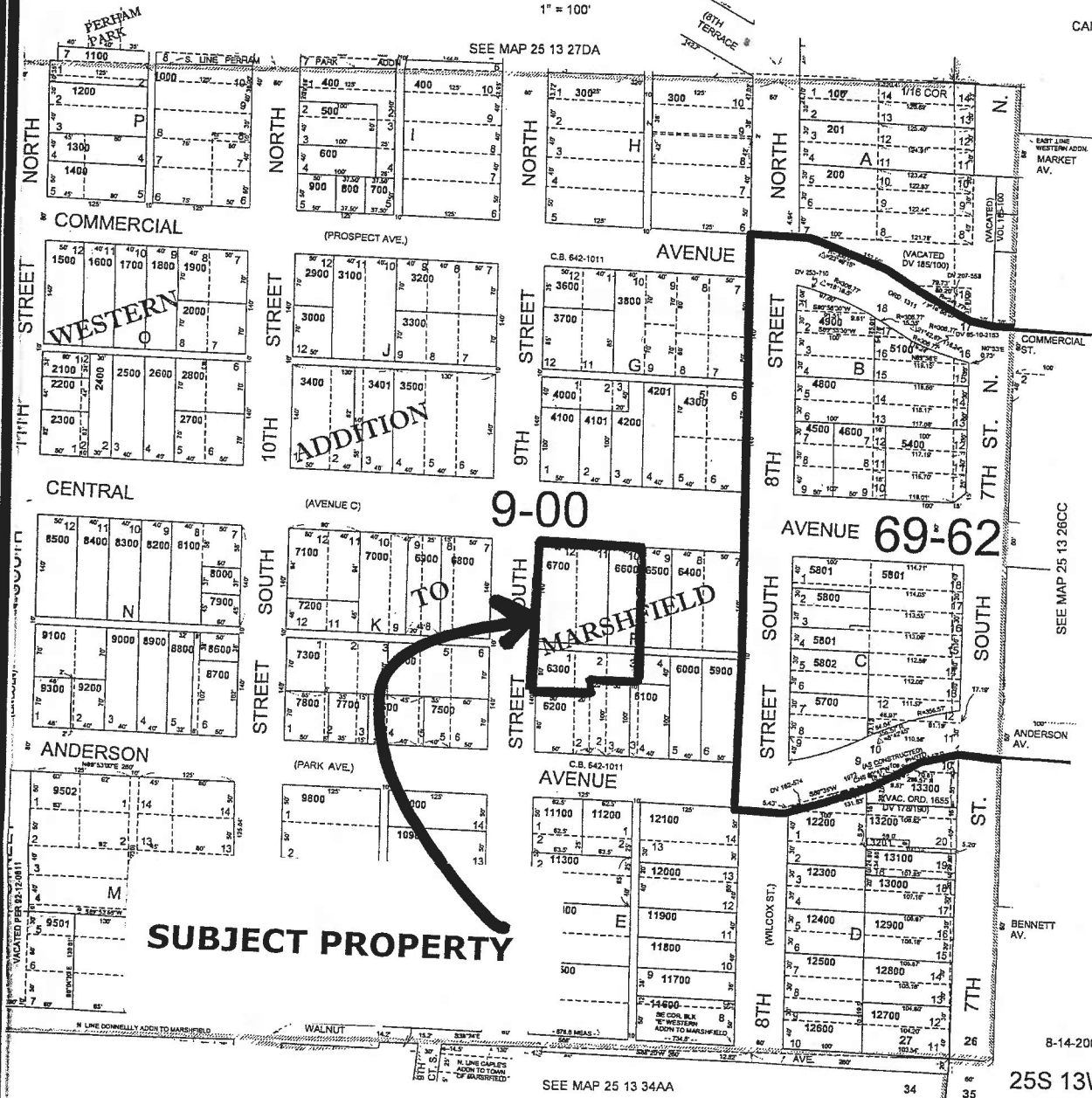
SE1/4 SE1/4 SEC. 27 T25S R13W W.M.
COOS COUNTY

25S13W27DD
COOS BAY

1" = 100'

CANCELLED NO.

- 4400
- 4700
- 5200
- 5000
- 5500
- 9400
- 9600
- 9700
- 5600
- 5101
- 9503
- 5300
- 3900



SUBJECT PROPERTY

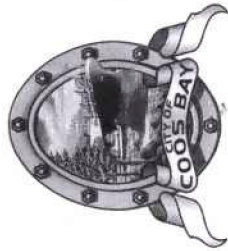
9-00
TO
MARSHFIELD

SEE MAP 25 13 26CC

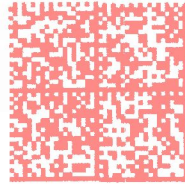
SEE MAP 25 13 34AA

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8-14-2007
25S 13W 27DD
COOS BAY



City of Coos Bay
500 Central Avenue
Coos Bay, Oregon 97420



ATTN: PLAN AMENDMENT SPECIALIST
Dept of Land Conservation & Development
635 capitol Street NE, Suite 150
Salem, OR 97301-2540