



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

AMENDED NOTICE OF ADOPTED AMENDMENT

September 4, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 005-07

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 14, 2007

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.**

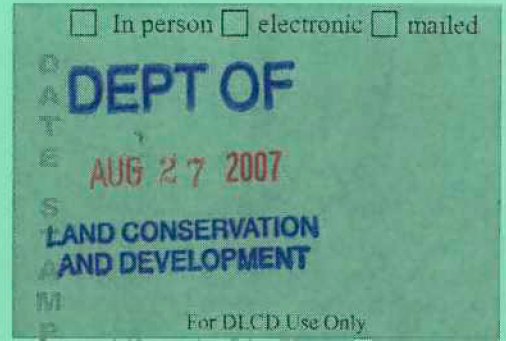
Cc: Doug White, DLCD Community Services Specialist
Dave Perry, DLCD Regional Representative
Patty Evernden, Coos County

<paa> ya/

FORM 2

DLCD

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **Coos County**

Local file number: **AM-07-04/RZ-07-03**

Date of Adoption: **8/21/2007**

Date Mailed: **8/24/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/11/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

An amendment/rezone request to rezone approximately 2.58 acres of the subject property from Industrial (IND) to Rural Residential-2 (RR-2), and to amend the Coos County Comprehensive Plan Designation

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Industrial**

to: **Residential**

Zone Map Changed from: **Industrial**

to: **Rural Residential-2**

Location: **T.29, R.11, S.36C, Tax lot 200**

Acres Involved: **2.58**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 005-07 (16171)

1 BOARD OF COMMISSIONERS
2 COUNTY OF COOS
3 STATE OF OREGON

4 IN THE MATTER OF AMENDING)
5 THE COOS COUNTY)
6 COMPREHENSIVE PLAN & COOS) ORDINANCE 07-05-006PL
7 COUNTY ZONING & LAND)
8 DEVELOPMENT ORDINANCE)
9 (Metzgus rezone))

10 The Board of Commissioners for the County of Coos ordains as follows:

11 SECTION 1. TITLE

12 This Ordinance shall be known as "Coos County Ordinance No. 07-05-006PL".

13 SECTION 2. AUTHORITY

14 This Ordinance is enacted pursuant to the provisions of ORS Chapter 215.

15 SECTION 3. PURPOSE

16 The purpose of this Ordinance is to amend Volume I of the acknowledged Coos
17 County Comprehensive Plan; this Ordinance therefore amends Coos County
18 Ordinance 82-12-022L, and amendments thereto, which adopts Volume I of
19 the Coos County Comprehensive Plan. The purpose of this Ordinance is also to
20 amend Coos County Ordinance 85-03-004L and amendments thereto, which is
21 the Coos County Zoning and Land Development Ordinance that implements
22 Volume I of the Coos County Comprehensive Plan; this Ordinance therefore
23 amends Ordinance 85-03-004L and amendments thereto.

24 This amendment is necessary to rezone a portion of the Industrial (IND)
25 property to Rural Residential-2 to allow rural level residential development of
26 property described as Township 29, Range 11, Section 36C, Tax Lot 200 in the
27 County of Coos.

28 SECTION 4. FINDINGS

The review criteria for the proposed action are set forth in Attachment A,
attached hereto and incorporated herein by this reference, together with the
findings of fact and conclusions that the criteria have been satisfied. The

1 Board of Commissioners hereby adopts the findings and conclusions set forth
2 in Attachment A.

3 SECTION 5. AMENDMENTS TO THE COOS COUNTY COMPREHENSIVE
4 PLAN AND TO THE COOS COUNTY ZONING AND
5 LAND DEVELOPMENT ORDINANCE

6 Ordinance 82-12-022L and amendments thereto adopting Volume I of the
7 Coos County Comprehensive Plan, and the Plan's map designation described
8 in Section 3, above, are amended as necessary to change the Plan designation
9 of the subject property to Rural Residential-2. Ordinance 85-03-004L and
10 amendments thereto implementing Volume I of the Coos County
11 Comprehensive Plan are amended as necessary to change the official zoning
12 map to reflect the rezone of the subject property to Rural Residential-2.


9 SECTION 6. SEVERANCE CLAUSE

10 If any section, subsection, provision, clause or paragraph of this Ordinance
11 shall be adjudged or declared by any court of competent jurisdiction to be
12 unconstitutional or invalid, such judgment shall not affect the validity of the
13 remaining portions of this Ordinance; and it is hereby expressly declared that
14 every other section, subsection, provision, clause or paragraph this Ordinance
15 enacted, irrespective of the enactment or validity of the portion thereof
16 declared to be unconstitutional or invalid, is valid.

17 ADOPTED this 21ST day of AUGUST, 2007.

18 BOARD OF COMMISSIONERS

19 
20 Commissioner

21 
22 Commissioner

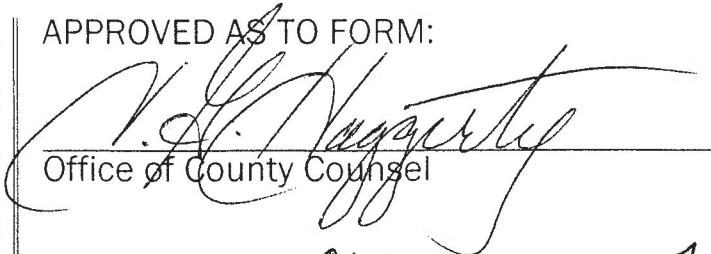
23 _____
24 Commissioner

25 ATTEST:

26 
27 Recording Secretary

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APPROVED AS TO FORM:



Office of County Counsel

SIGNED this 21ST day of AUGUST, 2007.

Effective Date: AUGUST 21, 2007

Attachment "A"

FINDINGS AND CONCLUSIONS

- I. CCZLDO Section 5.1.400(1) Decisions of the Hearings Body for a Rezone. The Hearings Body shall, after a public hearing on any rezone application, either;
 1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
 - a. the rezoning will conform with the Comprehensive Plan or Section 5.1.250; and

FINDING: Section 5.1.250 allows for the rezoning of lots in the interior of an EFU zone if physically developed. The subject property does not lie within the interior of the EFU zoned area. Therefore, this Section does not apply.

- b. the rezoning will not seriously interfere with permitted uses on other nearby parcels; and

FINDING: Adjacent parcels are zoned RR-2 and prior to 2003 this parcel was zoned RR-2 as well. The rezoning will not affect the rural character of the area and permitted uses on nearby parcels will not be affected. The area is a mix of rural residential development and resource practices (farm, forestry, aggregate).

The proposed zoning is RR-2 and is consistent with Comprehensive Plan provisions and future development will be subject to provisions set forth at Section 4.2.400 (uses in rural residential) and 4.4.400 (General Development Standards) of the CCZLDO.

- c. the rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.

FINDING: Because the Board of Commissioners has adopted no other policies or ordinances applicable to the rezoning of the area, (c) is inapplicable.



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

CERTIFIED MAIL 7000 1530 0006 2168 2113

August 24, 2007

Larry French
Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540

RE: Form 2, DLCD Notice of Adoption for AM-07-04/RZ-07-03, Metzgas

Dear Mr. French:

Enclosed please find the Form 2 Green sheet with two (2) copies of the adopted Ordinance 07-05-006PL.

If you have any questions, please do not hesitate to phone the Department at (541) 396-3121, extension 210.

Sincerely,

COOS COUNTY PLANNING DEPARTMENT

Jan Mollé, Planning Secretary

c: David Perry
file