



# 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

October 3, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of North Bend Plan Amendment  
DLCD File Number 004-06



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: October 18, 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  
Steven Santos, DLCD Economic Development Planning Specialist  
Matthew Crall, DLCD Transportation Planner  
Christine Valentine, DLCD Natural Hazards & Floodplains Specialist  
Amanda Punton, DLCD Natural Resource Specialist  
David K. Voss, City of North Bend

<paa> yal



**PROF** **2** **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

DATE  
STAMP

**DEPT OF**  
**SEP 27 2006**  
**LAND CONSERVATION  
AND DEVELOPMENT**

For DLCD Use Only *email*

Jurisdiction: City of North Bend Local file number: N/A

Date of Adoption: 9/26/2006 Date Mailed: 9/27/2006

Date original Notice of Proposed Amendment was mailed to DLCD: 7/6/2006

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment                | <input checked="" type="checkbox"/> Zoning Map Amendment             |
| <input type="checkbox"/> New Land Use Regulation                      | <input type="checkbox"/> Other: _____                                |

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

**Change existing City and Estuary Management Plan designations and City zoning from industrial water-dependent land to allow commercial/mixed use water-dependent and non-water-dependent uses on site, excepting a 50-foot wide strip directly along the waterfront proposed to remain limited to water-dependent uses only.**

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: M & 44UW to: C & 44UNW

Zone Map Changed from: M-H to: C-G

Location: E of US 101 btwn Washington & Acres Involved: 28.72

Specify Density: Previous: Industrial New: Commercial

Applicable Statewide Planning Goals: 5, 7, 8, 9, 11, 12, 16 & 17

Was an Exception Adopted?  YES  NO

DLCD File No.: 004-06 (15363)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

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

**City of Coos Bay, Coos County, Port of Coos Bay**

Local Contact: **David K. Voss** Phone: **(541) 756-8535** Extension: **0**

Address: **850 California St.** City: **North Bend**

Zip Code + 4: **97459-14** Email Address: **planner@uci.net**

## 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 **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

## ORDINANCE NO. 1957

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION AND THE ZONING MAP FOR CERTAIN PROPERTY DESCRIBED HEREIN, TEXT AMENDMENTS TO THE CITY COMPREHENSIVE PLAN, AND MAP AMENDMENT TO THE COOS BAY ESTUARY MANAGEMENT PLAN WITHIN THE CITY LIMITS.

THE CITY OF NORTH BEND ORDAINS AS FOLLOWS:

Section 1. The City of North Bend finds as follows:

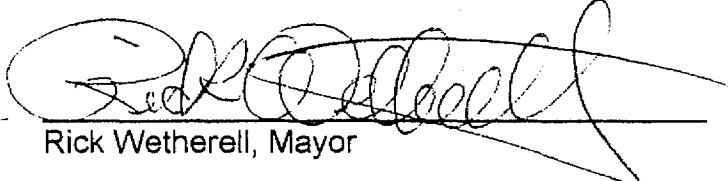
1. An application to amend the Comprehensive Plan Map, the Zoning Map, the Coos Bay Estuary Management Plan map pertaining to certain areas within the City has been submitted by the Coquille Economic Development Corporation (CEDCO), herein referred to as the CEDCO Amendment.
2. Notice of the Comprehensive Plan Amendments and Zone Change was mailed to the Oregon Department of Land Conservation and Development (DLCD) on July 6, 2006. A letter dated September 5, 2006 responding to the application was received from David Perry, DLCD South Coast Regional Representative.
3. Notice was mailed to affected property owners on July 28 and August 23, 2006. Said notices identified the subject property, applicable criteria, time, date and location of the public hearings and information concerning testimony and appeals.
4. Proper notice was published as required by law.
5. A public hearing was held by the City Planning Commission on September 18, 2006 and the Planning Commission made a unanimous recommendation to approve the request subject to conditions recommended by the Oregon Department of Transportation (ODOT) in a letter dated September 11, 2006, which is attached hereto as Exhibit C.
6. The City Council held a public hearing on September 26, 2006, at which time the City Council approved the requested Comprehensive Plan Map change, the Zoning Map change, and the Coos Bay Estuary Management Plan map amendment, based on the information contained in the submitted application, the staff report, the Planning Commission recommendation and evidence submitted by the applicant.
7. Based on the City's staff report and the Applicant's application materials, the City Council found that the CEDCO Plan Map Amendment changing approximately 29.7 acres from Manufacturing/Heavy Industrial (M/H) to Commercial/General commercial (C/CG) does not reduce the City's inventory of Industrial lands below the minimum acreage prescribed by the Bay Area Industrial Lands Cooperative Planning Agreement of 1999.
8. The Al Pierce Co. Plan Amendment (Ordinance # 1953) was adopted on August 8, 2006, removing approximately 71.2 acres from the city's Urban Water Dependent (UW) Inventory. The Al Pierce Co. Plan Amendment was acknowledged by the Department of Land Conservation and Development (DLCD) on September 8, 2006. The revised City of North Bend Water Dependent Lands Inventory, included here as Exhibit A, reflects the CEDCO and Al Pierce Co. amendments. As shown in Exhibit A and established by the City's staff report and the Applicant's application materials, the City Council found that the Al Pierce Co. amendment and the CEDCO amendment removing 71.2 and 21.08 acres from the City's Water Dependent Inventory, respectively, do not decrease the City's inventory below the minimum acreage prescribed in Statewide Land Use Planning Goal 17.

9. As of September 26, 2006, the Coos County "Option B" consolidated Coos Bay Estuary water dependent shoreland inventory amendment process has not been completed by Coos County. The CEDCO Plan Map Amendment does not require approval through the Coos County "Option B" consolidated Coos Bay Estuary water dependent shoreland inventory amendment process. Further, the CEDCO Map Amendment ordinance does not amend the consolidated Coos Bay Estuary water dependent inventory. The City recognizes that Coos County is scheduled to establish the consolidated inventory in September 2006. The table in Exhibit B is included for the purposes of identifying the City of North Bend water dependent acreage that will be included in the consolidated inventory.

**Section 2. The Council of the City of North Bend hereby declares that:**

1. The City's Comprehensive Plan Map shall be amended to re-designate approximately 28.72 acres of Tax Lot 25S13W15 100 from Manufacturing to Commercial, as identified on the map attached hereto as Exhibit D.
2. The City's Zoning Map shall be amended to re-designate approximately 28.72 acres of Tax Lot 25S13W15 100, from Heavy Industrial to General Commercial, as identified on the map attached hereto as Exhibit D.
3. The Coos Bay Estuary Plan Map within the City limits shall be amended re-designate approximately 21.08 acres of Tax Lot 25S13W15 100 from the 44UW Urban Water Dependent overlay designation to the 44UNW Urban Non-Water Dependent overlay designation, as identified on the map attached hereto as Exhibit D.
4. The Comprehensive Plan Table 12.6.100.2 shall be amended to include the revised Water Dependent Inventory (included in Exhibit A).
5. These changes shall become effective thirty (30) days from the date of passage.

Passed and enacted by the Council of the City of North Bend September 26, 2006.



Rick Wetherell, Mayor

ATTEST:



Angie Kellar, City Recorder

# EXHIBIT "A"

## CHAPTER XII – PLAN ELEMENT – COASTAL

**TABLE 12.6.100.2. CITY OF NORTH BEND SHORELANDS INVENTORY**

Tax Lot (T-R-S)	Acres	Ownership	Zone	Class
#200 (25-13-22AD)	1.56	Port of CB	44UW	WD (Currently Used)
#2700 (25-13-22AD)	6.23	Or. Chip Term.	44UW	WD (Currently Used)
#100 (25-13-15AA)	2.79	Ocean Terminals	44UW	WD (Currently Used)
#600 (25-13-10)	12.97	Ocean Terminals	44UW	WD (Currently Used)
#500 (25-13-10)	9.18	Simpson LLC	44UW	WD (Currently Used)
#200 (25-13-15AA)	0.7	NB UR Agency	44UW	WD (Currently Used)
<b>Total WD Inventory</b>	<b>33.43</b>		44UW	WD (Currently Used)
Tax Lot (T-R-S)	Acres	Ownership	Zone	Class
#200 (25-13-22AA)	8.93	Mill Casino	44UW	FWD (former use)
#201 (25-13-22AA)	0.58	Weyerhaeuser	44UW	FWD (former use)
#100 (25-13-15)	53.39	Weyerhaeuser	44UW	FWD (former use)
Note: 4.63 acres of the Weyerhaeuser parcel were rezoned to UNW				
<b>Total FWD Inventory</b>	<b>62.9</b>			
Tax Lot (T-R-S)	Acres	Ownership	Zone	Class
#9600 (25-13-22AA)	0.41	Dedicated Fuel Inc.	44UW	NWD (no use or facilities)
#100 (25-13-10)	30.72	LTM	47UW	NWD (no use or facilities)
#1000 (25-13-10)	65.2	AI Pierce Co.	48UW	NWD (no use or facilities)
#1100 (25-13-10)	6	AI Pierce Co.	48UW	NWD (no use or facilities)
<b>Total NWD Inventory</b>	<b>97.69</b>			
Note: 4.63 acres of the Weyerhaeuser parcel were rezoned to UNW and were not included in the total NWD inventory				

Water Dependent Inventory	Acres
Required Protected Inventory (WD + FWD)	96.33
Surplus Inventory (NWD)	97.7
<i>Total Inventory (WD + FWD + NWD)</i>	<i>194.02</i>
CEDCO Map Amendment	21.08
AI Pierce Co. Map Amendment	71.2
<b>Surplus Inventory after adoption of AI Pierce and CEDCO Plan Amendments</b>	<b>5.42</b>

Note: Tax lot acreage that contains shoreland and aquatic zoning has been adjusted to reflect just the shoreland acreage by subtracting the aquatic acreage to reflect just the shoreland acreage by subtracting the aquatic acreage.

WD = currently used for water-dependent uses.

FWD = former water-dependent use w/existing facilities.

NWD = either no water-dependent use or no facilities.

**EXHIBIT "B"**

**TABLE 12.6.100.3 CITY OF NORTH BEND-COOS COUNTY ESTUARY-WIDE  
INVENTORY OF WATER-DEPENDENT LAND**

<i>Acreage Available and Zoned for Water-Dependent Use and Acreage to be Protected for Water-Dependent Use on the Coos Bay Estuary</i>			
Jurisdiction	Acreage Available and Zoned for Water-Dependent Use	Acreage to be Protected for Water-Dependent Use	Date of Data
Unincorporated Coos County	1,440.50 acres	496.52 acres	January 1, 2000
City of North Bend	5.42 acres <i>(City's surplus inventory minus Al Pierce and CEDCO)</i>	96.33 acres	September 27, 2006
Combined Inventory for the Coos Bay Estuary on an Estuary-Wide Basis after removal of Al Peirce Co. and CEDCO acreage	1,445.92 acres		
Combined Inventory for the Coos Bay Estuary on an Estuary-Wide Basis as of September 27, 2006	1,445.92 acres	592.85 acres	Date of Approval of this Amendment:
<i>* Information shown in italics is for clarification of information, and is not Text Amendment language.</i>			



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation  
Region 3 - Planning  
3500 NW Stewart Parkway  
Roseburg, OR 97470  
Telephone (541) 957-3692  
FAX (541) 957-3547  
thomas.guevara@odot.state.or.us  
September 11, 2006

David K. Voss, City Planner  
City of North Bend Planning  
850 California Street  
P.O. Box "B" City Hall  
North Bend, OR 97459-0014

Re: CEDCO Comprehensive Plan Amendment and Zone Change

Mr. Voss:

We received public notice of a proposed Comprehensive Plan Amendment from Manufacturing to Commercial and Zone Change from Heavy Industrial (M-H) to General Commercial (C-G) on 28.72 acres of a 53.40 acre site located at 3050 Tremont Avenue (a.k.a. US 101). It is my understanding that the proposed Comprehensive Plan Amendment and Zone Change is to allow commercial retail development on the site. We reviewed the City's staff report, applicant's transportation findings and Traffic Impact Analysis, and provide the following comments for the Planning Commission.

The Oregon Department of Transportation (ODOT) recommends approval of the proposed project with the stipulation that the applicant's recommended traffic mitigation be identified in the Transportation Findings of Facts as specific conditions of approval to ensure compliance with Statewide Planning Goal 12-Transportation and OAR 660-012-060 (a.k.a. Transportation Planning Rule) provisions. The applicant's Traffic Impact Analysis (TIA) recommends specific transportation improvements to mitigate traffic impacts on US 101.

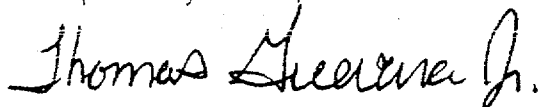
1. US 101/Newmark Avenue Intersection: The developer shall re-stripe the eastbound approach on Newmark Avenue from a committed left-turn lane and shared through/right-turn lane to a shared left/through-turn lane and committed right-turn lane; and modify the traffic signal to include an eastbound right-turn overlap prior to day of opening. These improvements are needed to avoid further degrading the intersection operations.
2. US 101/new public access: The developer shall construct a new public access to the site; including a northbound right-turn lane and southbound left-turn lane on US 101; dual westbound left-turn lanes and a through/right-turn lane on the local road approach; and a traffic signal including railroad protection at the access location prior to day of opening. These improvements are needed to ensure safe traffic control at the railroad crossing, and reduce traffic impacts at the US 101/Mill Casino intersection.



3. US 101/Stanton St. (Parker ATV access): Upon installation of a traffic signal at the US 101/new public access intersection, the developer shall be required to construct a right-in access to serve the Parker ATV site. This improvement is needed to continue to provide US 101 access to the Parker ATV site.
4. US 101/Virginia Ave: The developer shall install signalized railroad protection at the railroad crossing on Virginia Ave., including coordination with the traffic signals on Virginia Ave. at both the Sheridan Ave. (a.k.a. northbound US 101)/ and Sherman Avenue (a.k.a. southbound US 101) intersections prior to day of opening. This location shall be approved by the ODOT Traffic Division, ODOT Railroad Division and the Central Oregon Pacific Railroad. This improvement is needed to ensure safe traffic control at the railroad crossing, and reduce traffic impacts at the US 101/Virginia Ave. intersection.
5. Financial Responsibility: The developer shall be responsible for funding, designing, and constructing the above-mentioned traffic mitigation prior to Phase 1 day-of-opening. This provision is needed to comply with Statewide Planning Goal 12-Transportation and OAR 660-012-060 requirements.

Please enter this letter into the record and send me a copy of the Planning Commission's recommendation to the City Council. We appreciate the opportunity to provide comments on the proposed project, and look forward to working with the City of North Bend in the future. Please contact me at 541-957-3692 if you have any questions or need additional information.

Respectfully Yours,

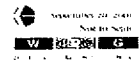
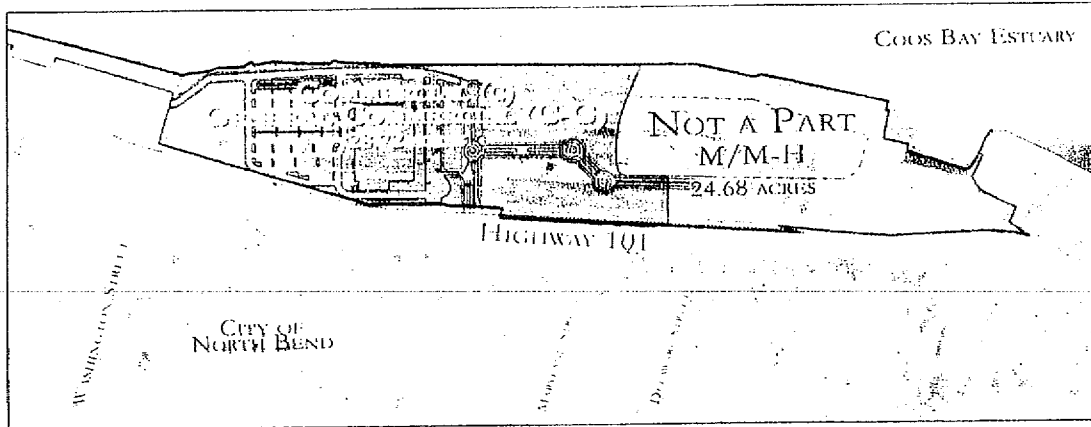


THOMAS GUEVARA JR., Development Review Planner  
ODOT Region 3

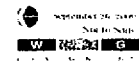
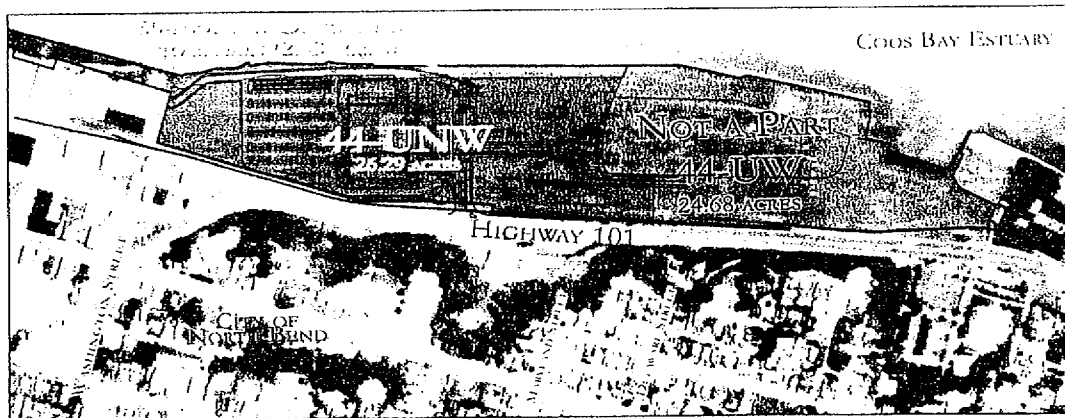
Attachment

Cc: ODOT Region 3  
Dave Perry, DLCD  
Susan Davis, WRG Consultants  
Jim Hanks, JRH Engineering

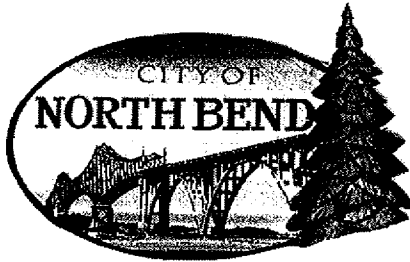
# EXHIBIT "D"



Comprehensive Plan Map & Zoning Map Amendment



Coos Bay Estuary Overlay Designation Amendment



# City of North Bend

Planning Department, P.O. Box B, North Bend, OR 97459, 541-756-8535, FAX 541-756-8544, [planner@uci.net](mailto:planner@uci.net)

**CITY COUNCIL  
NOTICE OF DECISION  
September 26, 2006  
COQUILLE ECONOMIC DEVELOPMENT CORPORATION (CEDCO)  
PLAN AMENDMENT/ZONE CHANGE**

This is to confirm that the City Council held a public hearing on this application at their regular meeting at 7:30 PM on Tuesday, September 26, 2006 in the City Hall Council Chamber. Three persons spoke in favor of the proposal, and no one spoke in opposition or otherwise.

**Action:** The Council closed their hearing and voted unanimously (5-0) to **ADOPT ORDINANCE NO. 1957, AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION AND THE ZONING MAP FOR CERTAIN PROPERTY DESCRIBED HEREIN, TEXT AMENDMENTS TO THE CITY COMPREHENSIVE PLAN, AND MAP AMENDMENT TO THE COOS BAY ESTUARY MANAGEMENT PLAN WITHIN THE CITY LIMITS.**

A copy of the adopted Ordinance No. 1957 is attached. The amendments and findings may be reviewed at City Hall, 850 California Street, Monday through Friday, 8:00 AM to 5:00 PM.

**Further Information:** Please contact David Voss, City Planner, at the addresses listed above or by telephone (541-756-8535) regarding any questions or concerns, or to obtain additional information.

**APPEAL PROCEDURES:** This action is the final decision by the City. Pursuant to Oregon Revised Statutes (ORS) 197.830 (2)(b), only persons who participated in the proceedings leading to adoption of this ordinance are eligible to appeal this decision to the Oregon State Land Use Board of Appeals (LUBA). If you wish to appeal, you must file a notice of intent to appeal with LUBA within twenty-one (21) days from the date that this notice was mailed. Such notice must be filed in a form and manner prescribed by LUBA, who may be reached via telephone at (503) 373-1265

\_\_\_\_\_  
David K. Voss, City Planner

September 27, 2006  
Mailing Date

Cc: Greg Aldridge c/o CEDCO, 3201 Tremont St, North Bend, OR 97459  
Glenn Amster, c/o Lane Powell PC, 1420 5<sup>th</sup> Ave, Suite 4100, Seattle, WA 98101-2338  
Brad Smith, c/o GRA & Assoc, 5350 DTC Parkway, Greenwood Village, Colorado 80111  
Tom Guevara, c/o ODOT Region 3-Planning, 3500 NW Stewart Pkwy, Roseburg, OR 97470  
Dave Perry, DLCD, PO Box 451, Waldport OR 97394  
ATTN: Plan Amendment Specialist, DLCD, 635 Capitol St. NE, Suite 150, Salem, OR 97301-2540  
Laura Barron, c/o Community Services, City of Coos Bay, 500 Central, Coos Bay, OR 97420  
Patty Evernden, c/o Coos County Planning, Courthouse Annex, Coquille, OR 97423  
Susan Davis, c/o WRG Design, 5415 Westgate Dr, Suite 100, Portland, OR 97221

P:\CEDCO Comp Plan Amendment-Zone Change\CEDCO CC decision notice 09-27-06.doc