



# 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

August 14, 2006

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 001-06



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: August 28, 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  
Laura Barron, City of Coos Bay

<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 (See reverse side for submittal requirements)

DEPT OF

AUG 08 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Coos Bay Local File No.: ZON 2006-00039 (If no number, use none)

Date of Adoption: August 1, 2006 (Must be filled in) Date Mailed: August 7, 2006 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 24, 2006

- 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." 1.7 acres rezoned is bordered by trust land on the north + east. County UK-2 development on the west and a 1.3 acre parcel zoned Industrial on the zone. The landowner of the 1.3 acre parcel did not choose to be rezoned. No geographic expansion to the original proposal occurred.

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." Only one parcel was rezoned. The geographic expansion to the second parcel (TL 200) was strongly opposed by the landowner.

Plan Map Changed from: Industrial (I) to Residential Low-density (R-L)
Zone Map Changed from: General Industrial (G-I) to Single-family + Duplex Residential (R-2)
Location: T. 25, R. 13, S. 29 BB, TL 300 Acres Involved: 1.7 acres
Specify Density: Previous: New:

Applicable Statewide Planning Goals: 10, 12
Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 001-06 (15251)

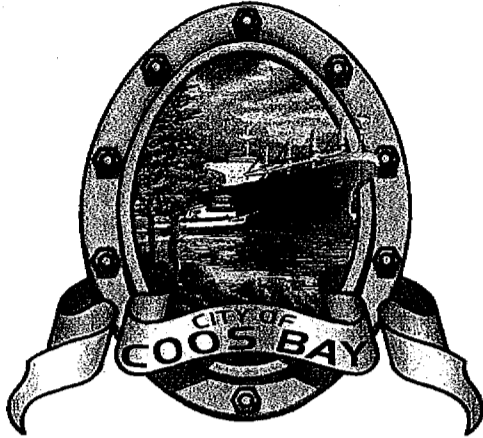
Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:   
If no, do the Statewide Planning Goals apply. Yes:  No:   
If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:   
Affected State or Federal Agencies, Local Governments or Special Districts: ODOT

Local Contact: LAURA BARRON Area Code + Phone Number: (541) 269-8918  
Address: 500 CENTRAL Avenue  
City: Coos Bay Zip Code+4: OR 97420

## 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 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 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 [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.



# City of Coos Bay

*Department of Community Services*

500 Central Avenue, Coos Bay, Oregon 97420 • Phone 541-269-8918  
Fax 541-269-8916 • <http://www.coosbay.org>

August 7, 2006

## FINAL ORDER

### AMENDMENT TO THE COOS BAY COMPREHENSIVE PLAN AND LAND DEVELOPMENT ORDINANCE

**APPLICATION:** ZON2006-00039  
**APPLICANTS/OWNERS:** Mr. and Mrs. Larry Wingert  
91707 Wingert Lane, Coos Bay, OR 97420

**SUBJECT PROPERTY:** T. 25, R. 13, S. 29BB, Tax Lot 300

**REQUEST:** Redesignate the subject property from "General Industrial (G-I)" to "Single-family and Duplex Residential (R-2)" zoning and from "Industrial (I)" to "Residential Low-density (R-L)" plan map designation.

**ORDER:** Tuesday, August 1, 2006, City Council approved the zone change and plan map amendment and enacted Ordinance Nos. 386 and 387, respectively.  
City Council Final Vote:  
**Yea:** Mayor Joe Benetti, Councilors Jeff McKeown, Roger Gould, John Eck, John Muenchrath  
**Abstain:** None                      **Nay:** None

**APPEAL PROVISIONS:** See page 2  
**DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT AND CONCLUSIONS:**  
See Exhibit A

---

### FINAL ACTION

Based on the findings and conclusions, as set forth at Exhibit A, and the applicants' submitted evidence at Attachment A, the City Council enacted Ordinance Nos. 386 and 387, approving the zone change and plan map amendment (ZON2006-00039) redesignating the subject property from "General Industrial (G-I)" and "Industrial (I)" to "Single-family and Duplex Residential (R-2)" zone and "Residential Low-density (R-L)" plan designation.

The decision to approve will become final at **5:00 PM on August 28, 2006** unless an appeal is filed.

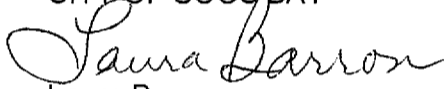
**APPEAL PROVISION**

Any person with standing has the right to request review of this land use decision by filing a Notice of Intent to Appeal with:

Oregon Land Use Board of Appeals  
Public Utility Commission Bldg.  
550 Capitol St.  
Salem, OR 97310

Notice of Intent to Appeal must be filed no later than 21 days from the date of mailing of this decision. Therefore, **appeals must be filed no later than August 28, 2006**. Notice of Intent to Appeal must be filed and served in accordance with the Oregon Land Use Board of Appeals Rules of Procedure.

Sincerely,  
CITY OF COOS BAY

  
Laura Barron  
Planning Administrator

Attachments: Exhibit A, Ordinances 386 and 387, Attachment A

c: Mr and Mrs Wain Warrick  
Dave Perry, OR Dept. of Land Conservation & Development

finalord\2004\FO05-035amrz

**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 Council's 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:

Industrial land is intended to provide an area where more intense uses are allowed to locate. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).

**2b.** Chapter 9.1 also states the city needs to protect lands suitable for industrial development and adequately regulate more intense industrial activities within permitted area, especially since it has been revealed that the existing industrial zones are predominated by commercial uses.

**2c.** Plan Strategy (policy) ED.5 states that Coos Bay shall plan and zone industrially designated areas on the basis of their realistic and practical utilization, recognizing that some of Coos Bay's traditionally designated industrial areas are not suited solely to industrial uses.

**2d.** The subject property contains approximately 1.7 acres and is located at the

eastern terminus of Cameron Road which is off of Wisconsin Avenue. The western boundary of the subject property lies along the western city limits boundary.

- 2e. Cameron Road has a 40-foot-wide right of way which terminates at the northwest corner of the subject property. A 20-foot-wide easement is located on the subject property along the northern boundary and a 16-foot-wide easement is located along the eastern boundary and terminates at the southern boundary of the subject property. It appears from the map the easements serve Tax Lot 200 which is located south of the subject property. Tax Lot 200, contains approximately 1.29 acres and is also zoned "General Industrial (G-I)."

**CONCLUSION:** The size of the property does not offer back-up property that is likely to be adequate to attract an industrial use to the site. Likewise, the access to the site is limited by a narrow gravel road through a residential area. 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 area to the west of the subject property lies in the County and is zoned UR-2 for urban-density residential development. Parcel/lot sizes vary from .2 acre to .6 acre in the immediate vicinity. The majority of the area is developed with single-family dwellings. Access to this residential area is from Cape Arago Highway to Wisconsin Avenue and Cameron Road.
- 3b. The 32-acre property to the north and east of the subject property is owned by the US Bureau of Indian Affairs; that is, the land is in trust for the Coquille Indian Tribe and is undeveloped. Plans for the undeveloped land are unknown. City zoning and regulations are not applicable to the property.

The property to the south of the subject property is zoned "G-I" also, and has a large metal building that, at this time appears to have/had a small, low-intensity industrial use. The owner of Tax Lot 200, Siegfried Munding, appeared at the meeting on June 13, 2006 and requested that his property not be included in the rezone area because he intends to pursue an industrial use on the site in the future.

- 3c. The proposed zone change is expected to result in development less intensive than the current development potential the G-I zoning will allow.
- 3d. The current zoning designation allows such uses as animal waste processing, heavy scrap operation, and heavy wholesale, storage and distribution. In the G-I zoning district a Site Plan and Architectural Review is

required for the establishment or change in any use in the zone. In addition, Land Development Ordinance Chapter 2.10(5)(6) requires the external perimeter of the zone shall be screened by a perpetual visual and acoustical barrier which shall be maintained by the property owner. This barrier shall be forty (40) feet wide and shall consist of vegetation to a height of fifteen (15) feet.

**CONCLUSION:** The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. Current standards in the Ordinance will buffer the impact of an industrial use on the adjacent residential uses. The proposed use is 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 1.29-acre parcel to the south of the subject property is zoned for industrial uses. Currently there is a metal building on the property that appears to be/have been used for an industrial use in the past. The landowner has informed us that he intends to have an industrial use on the site in the future.
- 4b. The area to the west and northwest of the subject property is developed with residential uses.
- 4c. Conversion of the existing industrially-zoned parcel to a residential use will likely result in lesser impacts to the area than its current zoning. The addition of residential dwellings will be the same as the current uses in the area.
- 4d. The 40-foot-wide platted Cameron Road is currently developed as a narrow, gravel road. It appears that any industrial use that were to develop in the area would be low-intensity use because of the limited access to Cape Arago Highway and the size of the property available for the use.
- 4e. As discussed in Finding 3d, above, a 40-foot-wide vegetative buffer is required for the establishment or change of an industrial use.

**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.

**PROPOSED PLAN MAP AMENDMENT**

Below is the decision criteria specified in Land Development Ordinance Chapter 5.19. 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.

**DECISION CRITERIA A: Identification of new planning problems and issues.**

**STATEMENTS OF FACT AND FINDINGS:**

A1. The City of Coos Bay Comprehensive Plan identifies a number of problems and issues that sometimes require changes when a Plan amendment is proposed. These items are addressed in Chapter 7 and Chapter 8 of the Plan and are generally very broad in scope. The proposed amendment to the Plan map is minor. No change in the problems and issues in the plan are required in order to enact the proposed amendment.

**CONCLUSION:** The decision criterion has been adequately addressed and approval of the proposal can be supported.

**DECISION CRITERIA B: Collection and analysis of inventories and other pertinent factual information.**

**STATEMENTS OF FACT AND FINDINGS:**

B1. The 1.7-acre subject property and the 1.3 acre property to the south, Tax Lot 200, are the only parcels with "General Industrial (G-I)" zoning in the city. As stated in Part I, Finding 2a, the G-I zoning district is intended to provide an area where more intense uses are allowed to locate. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).

- B2.** The undeveloped property to the east and south of the subject property is owned by the Bureau of Indian Affairs, in trust for the Coquille Indian Tribe. At the time this property was purchased, it was zoned G-1. Since it was put into trust, it no longer falls under the jurisdiction of the City.
- B3.** Cameron Road, off of Wisconsin Avenue, ends at the northwest corner of the subject property. A 20-foot-wide access easement along the northern boundary and a 16-foot-wide access easement along the eastern boundary of the subject property serves as access to Tax Lot 200 to the south.
- B4.** The western boundary of the subject property is the western city limits. County property to the west is zoned "Urban Residential 2 (UR-2)" and is developed with single-family dwellings.

**CONCLUSION:** Supporting facilities, such as transportation, is not available to the subject property for uses appropriate under the Industrial plan designation. The size of the property is also a limiting factor in the suitability of the property for an industrial use. The decision criterion has been adequately addressed and approval of the proposal can be supported.

**DECISION CRITERIA C: Evaluation of alternative courses of action and ultimate policy choices.**

**STATEMENTS OF FACT AND FINDINGS:**

- C1.** The current plan designation of the subject property, General Industrial, could be left "as is" and the request could be denied.
- C2.** The applicant's proposal will change the Plan designation of the subject property from "Industrial" to "Residential Low-density." This option, the preferred alternative, could be supported by Plan Strategy ED.5.

ED.5. Coos Bay shall plan and zone industrially designated areas on the basis of their realistic and practical utilization, recognizing that some of Coos Bay's traditionally designated industrial areas are not suited solely to industrial uses.

**CONCLUSION:** The decision criterion has been adequately addressed and approval of the preferred alternative can be supported.

**DECISION CRITERIA D: Selection of appropriate policy directives based upon consideration of social, economic, energy, and environmental needs.**


**STATEMENTS OF FACT AND FINDINGS:**

**D1.** The following policy directives in the Comprehensive Plan applies to the requested change. The strategies most applicable to the request follow:

LU.5 Coos Bay may make minor changes to this Comprehensive Plan on an infrequent basis as need and justification arises. "Minor changes" are those which do not have significant impact beyond the immediate area of the property under consideration. The city recognizes that wholesale approval of frequent minor changes could ruin the integrity of this Plan; and

ED.5. Coos Bay shall plan and zone industrially designated areas on the basis of their realistic and practical utilization, recognizing that some of Coos Bay's traditionally designated industrial areas are not suited solely to industrial uses.

**CONCLUSION:** The decision criterion has been adequately addressed and approval of the proposal can be supported.

  
Laura Barron  
Planning Administrator

August 7, 2006

Attachments:           A - Zone Change Application  
                              B - Comprehensive Plan Amendment Application  
                              C - Tax Lot/Aerial Overlay Map  
                              D - Zone Designation Map  
                              E - Plan Designation Map

c:     Mr. and Mrs. Larry Wingert  
       Tom Guevara, ODOT, Region 3  
       Siegfried Munding  
       Coos County Planning Department  
       City of North Bend  
       Dave Perry, DLCD

F:\COMMON\PLANNING\FOIREZONE\2006\06-039\amrz

**ORDINANCE NO. 386**

**AN ORDINANCE CHANGING THE ZONING DESIGNATION FOR CERTAIN REAL PROPERTY FROM "GENERAL INDUSTRIAL" TO "SINGLE-FAMILY AND DUPLEX RESIDENTIAL"**

The City of Coos Bay ordains as follows:

**Section 1: Findings.**

1. Applicants, Mr. and Mrs. Larry Wingert, have filed an application, hereinafter referred to as the Application, to amend the Coos Bay Land Development Ordinance to redesignate certain real property from "General Industrial (G-I)" to "Single-family and Duplex Residential (R-2)," described as follows:

Beginning at an iron pipe of the west boundary of Section 29, Township 25 South, Range 13 West of the Willamette Meridian, a distance of 303.63 feet south of the northwest corner of said Section 29; the said point being on the southwesterly boundary of the Roy Routledge Tract and running thence south 66°26' east along the said southwesterly boundary for a distance of 33.67 feet to an iron pipe at the southeast corner of the said Routledge Tract; thence continuing south 66°26' east for a distance of 276.43 feet to an iron pipe; thence south 1°53-1/2' east parallel to the west boundary of said Section 29 for a distance of 200.0 feet; thence south 88°06-1/2' west for a distance of 280.0 feet on the said west boundary of Section 29; thence north 1°53-1/2' west along the said west boundary for a distance of 333.40 feet to the point of beginning, and being a portion of the Perry B. Marple donation Land Claim No. 39, in Section 29, Township 25 South, Range 13 West of Willamette Meridian, Coos County, Oregon.

2. Notice that public hearing upon the Application would be held before the city of Coos Bay Planning Commission (the Commission) on July 12, 2005 and public hearing would be held before the Coos Bay City Council on August 2, 2005, was published in "The World," a newspaper of general circulation within Coos County, Oregon, on June 28, 2006.
3. Notice of the public hearings was mailed June 20, 2006 to all landowners within 250 feet of the area being rezoned.
4. Provisions in the Coos Bay Land Development Ordinance relating to notice have been complied with.
5. Public hearing was held on the Application on July 12, 2005, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.
6. The Commission's Findings and Justifications supporting its recommended approval of the Application are attached hereto as "Exhibit A" and incorporated herein by reference.

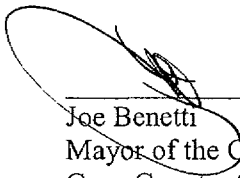
7. The City Council of the city of Coos Bay, after considering the Commission's Findings and Justifications hereby adopts the Findings and Justifications, and finds the Application should be granted.

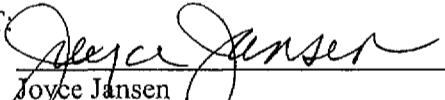
**Section 2: Redesignation.** The designation in the City of Coos Bay Land Development Ordinance of certain real property located within the corporate limits of the City of Coos Bay as described above in Section 1(1) are hereby changed from "General Industrial (G-1)" to "Single-family and Duplex Residential (R-2)."

**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 1<sup>st</sup> day of August 2005, by the following vote:

Yes:	Mayor Benetti and Councilors Jon Eck, Roger Gould, Jeff McKeown, and John Muenchrath
No:	None
Absent:	Councilors Cindi Miller and Kevin Stufflebean

  
\_\_\_\_\_  
Joe Benetti  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST   
\_\_\_\_\_  
Joyce Jansen  
Deputy 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:

Industrial land is intended to provide an area where more intense uses are allowed to locate. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).

- 2b. Chapter 9.1 also states the city needs to protect lands suitable for industrial development and adequately regulate more intense industrial activities within permitted area, especially since it has been revealed that the existing industrial zones are predominated by commercial uses.

- 2c. Plan Strategy (policy) ED.5 states that Coos Bay shall plan and zone industrially designated areas on the basis of their realistic and practical utilization, recognizing that some of Coos Bay's traditionally designated industrial areas are not suited solely to industrial uses.
- 2d. The subject property contains approximately 1.7 acres and is located at the eastern terminus of Cameron Road which is off of Wisconsin Avenue. The western boundary of the subject property lies along the western city limits boundary.
- 2e. Cameron Road has a 40-foot-wide right of way which terminates at the northwest corner of the subject property. A 20-foot-wide easement is located on the subject property along the northern boundary and a 16-foot-wide easement is located along the eastern boundary and terminates at the southern boundary of the subject property. It appears from the map the easements serve Tax Lot 200 which is located south of the subject property. Tax Lot 200, contains approximately 1.29 acres and is also zoned "General Industrial (G-I)."

**CONCLUSION:** The size of the property does not offer back-up property that is likely to be adequate to attract an industrial use to the site. Likewise, the access to the site is limited by a narrow gravel road through a residential area. 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 area to the west of the subject property lies in the County and is zoned UR-2 for urban-density residential development. Parcel/lot sizes vary from .2 acre to .6 acre in the immediate vicinity. The majority of the area is developed with single-family dwellings. Access to this residential area is from Cape Arago Highway to Wisconsin Avenue and Cameron Road.
- 3b. The 32-acre property to the north and east of the subject property is owned by the US Bureau of Indian Affairs; that is, the land is in trust for the Coquille Indian Tribe and is undeveloped. Plans for the undeveloped land are unknown. City zoning and regulations are not applicable to the property.

The property to the south of the subject property is zoned "G-I" also, and has a large metal building that, at this time appears to have/had a small, low-intensity industrial use. The owner of Tax Lot 200, Siegfried Munding, appeared at the meeting on June 13, 2006 and requested that his property not be included in the rezone area because he intends to pursue an industrial use on the site in the future.

- 3c. The proposed zone change is expected to result in development less intensive than the current development potential the G-I zoning will allow.
- 3d. The current zoning designation allows such uses as animal waste processing, heavy scrap operation, and heavy wholesale, storage and distribution. In the G-I zoning district a Site Plan and Architectural Review is required for the establishment or change in any use in the zone. In addition, Land Development Ordinance Chapter 2.10(5)(6) requires the external perimeter of the zone shall be screened by a perpetual visual and acoustical barrier which shall be maintained by the property owner. This barrier shall be forty (40) feet wide and shall consist of vegetation to a height of fifteen (15) feet.

**CONCLUSION:** The overall change in the zone district will result in development which is compatible with development authorized in the surrounding districts. Current standards in the Ordinance will buffer the impact of an industrial use on the adjacent residential uses. The proposed use is 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 1.29-acre parcel to the south of the subject property is zoned for industrial uses. Currently there is a metal building on the property that appears to be/has been used for an industrial use in the past. The landowner has informed us that he intends to have an industrial use on the site in the future.

4b. The area to the west and northwest of the subject property is developed with residential uses.

4c. Conversion of the existing industrially-zoned parcel to a residential use will likely result in lesser impacts to the area than its current zoning. The addition of residential dwellings will be the same as the current uses in the area.

4d. The 40-foot-wide platted Cameron Road is currently developed as a narrow, gravel road. It appears that any industrial use that were to develop in the area would be low-intensity use because of the limited access to Cape Arago Highway and the size of the property available for the use.

4e. As discussed in Finding 3d, above, a 40-foot-wide vegetative buffer is required for the establishment or change of an industrial use.

**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.

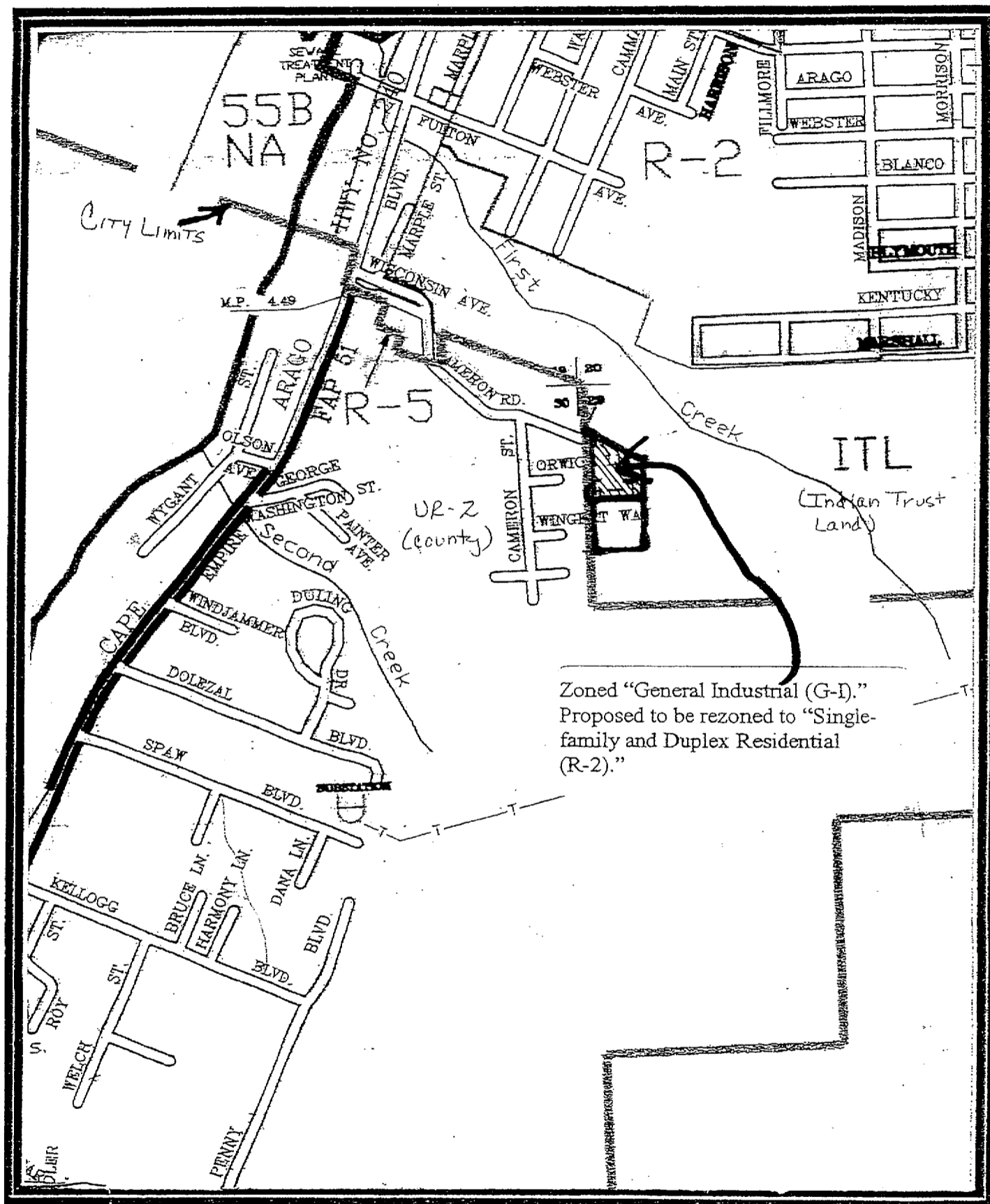
**CONCLUSION:** The Comprehensive Plan is silent as to the appropriate time to permit the specific type of development or change in zone of the subject property. The decision criterion has been adequately addressed and approval of the proposal can be supported.

///





# ZONE DESIGNATION MAP



**ORDINANCE NO. 387**

**AN ORDINANCE CHANGING THE COMPREHENSIVE PLAN MAP DESIGNATION FOR CERTAIN REAL PROPERTY FROM "INDUSTRIAL" TO "RESIDENTIAL LOW-DENSITY"**

The City of Coos Bay ordains as follows:

**Section 1: Findings.**

1. The applicants, Mr. and Mrs. Larry Wingert, have filed an application, hereinafter referred to as the Application, to amend the Coos Bay Comprehensive Plan, Comprehensive Plan Map, Volume I, Plan Policy Document, Chapter 9, Map 9.11, Land Use Plan Map 2000 to redesignate certain real property from "Industrial" to "Residential Low-density" described as follows:

Beginning at an iron pipe of the west boundary of Section 29, Township 25 South, Range 13 West of the Willamette Meridian, a distance of 303.63 feet south of the northwest corner of said Section 29; the said point being on the southwesterly boundary of the Roy Routledge Tract and running thence south 66°26' east along the said southwesterly boundary for a distance of 33.67 feet to an iron pipe at the southeast corner of the said Routledge Tract; thence continuing south 66°26' east for a distance of 276.43 feet to an iron pipe; thence south 1°53-1/2' east parallel to the west boundary of said Section 29 for a distance of 200.0 feet; thence south 88°06-1/2' west for a distance of 280.0 feet on the said west boundary of Section 29; thence north 1°53-1/2' west along the said west boundary for a distance of 333.40 feet to the point of beginning, and being a portion of the Perry B. Marple donation Land Claim No. 39, in Section 29, Township 25 South, Range 13 West of Willamette Meridian, Coos County, Oregon.

2. Notice that public hearing upon the Application would be held before the City of Coos Bay Planning Commission (the Commission) on July 11, 2006 and public hearing would be held before the Coos Bay City Council on August 1, 2006, was published in "The World," a newspaper of general circulation within Coos County, Oregon, on June 28, 2006.
3. Notice of public hearings was mailed on June 20, 2006 to all landowners within 250 feet of the area being rezoned.

4. Provisions in the Coos Bay Land Development Ordinance and Coos Bay Comprehensive Plan relating to notice have been complied with.

5. Public hearing was held on the Application on July 11, 2006, and after receiving evidence and hearing testimony, the Commission recommended approval of the Application.

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

7. 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 Comprehensive Plan, Volume I, Plan Policy Document, Chapter 9, Map 9.11, Land Use Plan Map 2000 of certain real property located within the corporate limits of the City of Coos Bay as described above in Section 1(1) are hereby changed from "Industrial (I)" to "Residential Low-density (R-L)."

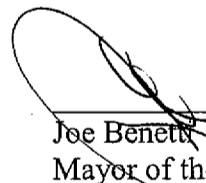
**Section 3: Severability.** The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections or subsections.

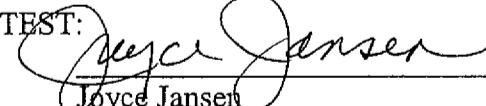
The foregoing ordinance was enacted by the City Council of the City of Coos Bay, Coos County, Oregon, this 1<sup>st</sup> day of August, 2006, by the following vote.

Yes: Mayor Benetti and Councilors Jon Eck, Roger Gould, Jeff McKeown, and John Muenchrath

No: None

Absent: Councilors Cindi Miller and Kevin Stufflebean

  
\_\_\_\_\_  
Joe Benetti  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:   
\_\_\_\_\_  
Joyce Jansen  
Deputy Recorder of the City of Coos Bay  
Coos County, Oregon

## **EXHIBIT A**

### **PLAN MAP AMENDMENT**

Below is the decision criteria specified in Land Development Ordinance Chapter 5.19. 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.

#### **DECISION CRITERIA A: Identification of new planning problems and issues.**

##### **STATEMENTS OF FACT AND FINDINGS:**

- A1.** The City of Coos Bay Comprehensive Plan identifies a number of problems and issues that sometimes require changes when a Plan amendment is proposed. These items are addressed in Chapter 7 and Chapter 8 of the Plan and are generally very broad in scope. The proposed amendment to the Plan map is minor. No change in the problems and issues in the plan are required in order to enact the proposed amendment.

**CONCLUSION:** The decision criterion has been adequately addressed and approval of the proposal can be supported.

#### **DECISION CRITERIA B: Collection and analysis of inventories and other pertinent factual information.**

##### **STATEMENTS OF FACT AND FINDINGS:**

- B1.** The 1.7-acre subject property and the 1.3 acre property to the south, Tax Lot 200, are the only parcels with "General Industrial (G-I)" zoning in the city. As stated in Part I, Finding 2a, the G-I zoning district is intended to provide an area where more intense uses are allowed to locate. Such land use activities are those which are not generally compatible with less intense commercial and other industrial uses. Land should be set aside that is suitable for this purpose, that is, lands of sufficient size with supporting facilities readily available (streets, transportation services, and so forth).
- B2.** The undeveloped property to the east and south of the subject property is owned by the Bureau of Indian Affairs, in trust for the Coquille Indian Tribe. At the time this property was purchased, it was zoned G-I. Since it was put into trust, it no longer falls under the jurisdiction of the City.
- B3.** Cameron Road, off of Wisconsin Avenue, ends at the northwest corner of the subject property. A 20-foot-wide access easement along the northern boundary and a 16-foot-wide access easement along the eastern boundary of the subject property serves as access to Tax Lot 200 to the south.

- B4.** The western boundary of the subject property is the western city limits. County property to the west is zoned "Urban Residential 2 (UR-2)" and is developed with single-family dwellings.

**CONCLUSION:** Supporting facilities, such as transportation, is not available to the subject property for uses appropriate under the Industrial plan designation. The size of the property is also a limiting factor in the suitability of the property for an industrial use. The decision criterion has been adequately addressed and approval of the proposal can be supported.

**DECISION CRITERIA C: Evaluation of alternative courses of action and ultimate policy choices.**

**STATEMENTS OF FACT AND FINDINGS:**

- C1.** The current plan designation of the subject property, General Industrial, could be left "as is" and the request could be denied.
- C2.** The applicant's proposal will change the Plan designation of the subject property from "Industrial" to "Residential Low-density." This option, the preferred alternative, could be supported by Plan Strategy ED.5.

ED.5. Coos Bay shall plan and zone industrially designated areas on the basis of their realistic and practical utilization, recognizing that some of Coos Bay's traditionally designated industrial areas are not suited solely to industrial uses.

**CONCLUSION:** The decision criterion has been adequately addressed and approval of the preferred alternative can be supported.

**DECISION CRITERIA D: Selection of appropriate policy directives based upon consideration of social, economic, energy, and environmental needs.**

**STATEMENTS OF FACT AND FINDINGS:**

- D1.** The following policy directives in the Comprehensive Plan applies to the requested change. The strategies most applicable to the request follow:

LU.5 Coos Bay may make minor changes to this Comprehensive Plan on an infrequent basis as need and justification arises. "Minor changes" are those which do not have significant impact beyond the immediate area of the property under consideration. The city recognizes that wholesale approval of frequent minor changes could ruin the integrity of this Plan; and

ED.5. Coos Bay shall plan and zone industrially designated areas on the basis of their realistic and practical utilization, recognizing that some of



Coos Bay's traditionally designated industrial areas are not suited solely to industrial uses.

**CONCLUSION:** The decision criterion has been adequately addressed and approval of the proposal can be supported.

///